

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JAN 24 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

BREMERTON METAL TRADES  
COUNCIL,

Petitioner,

v.

FEDERAL LABOR RELATIONS  
AUTHORITY,

Respondent.

No. 18-72675

FLRA No. 70 FLRA No. 152  
Fed Labor Relations Authority

ORDER

Before: THOMAS, Chief Judge, GOULD and PAEZ, Circuit Judges.

Respondent's motion to dismiss this appeal for lack of jurisdiction (Docket Entry No. 9) is denied without prejudice to renewing the arguments in the answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

The certified list of the record is due February 8, 2019. The opening brief is due March 18, 2019. The answering brief is due April 17, 2019. The optional reply brief is due within 21 days after service of the answering brief.