

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2025

Lyle W. Cayce
Clerk

No. 24-40315

SPACE EXPLORATION TECHNOLOGIES, CORPORATION,

Plaintiff—Appellant,

versus

NATIONAL LABOR RELATIONS BOARD, A FEDERAL
ADMINISTRATIVE AGENCY; JENNIFER ABRUZZO, *in her official
capacity as the General Counsel of the National Labor Relations Board*;
MARVIN E. KAPLAN, *in his official capacity as the Chairman of the
National Labor Relations Board*; GWYNNE A. WILCOX, *in her official
capacity as a Board Member of the National Labor Relations Board*; DAVID
M. PROUTY, *in his official capacity as a Board Member of the National Labor
Relations Board*; JOHN DOE, *in his official capacity as an Administrative
Law Judge of the National Labor Relations Board*,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:24-CV-1

UNPUBLISHED ORDER

Before RICHMAN, GRAVES, and RAMIREZ, *Circuit Judges*.

PER CURIAM:

No. 24-40315

IT IS ORDERED that the joint motion of the parties to modify or clarify the court order of May 2, 2024, granting an injunction pending appeal, is GRANTED. The injunction is modified to permit the National Labor Relations Board (“NLRB”) to refer the question of Railway Labor Act jurisdiction to the National Mediation Board (“NMB”) and, upon issuance of its opinion, seek agreement with Space Exploration Technologies, Corporation (“SpaceX”) regarding appropriate action. The injunction is also modified to permit the implementation of any subsequent agreement reached between the NLRB and SpaceX;

IT IS FURTHER ORDERED that the joint motion of the parties to further stay proceedings in this court is GRANTED.