



United States Government

NATIONAL LABOR RELATIONS BOARD
1099 14th STREET NW
WASHINGTON DC 20570

December 15, 2010

Re: Atlantis Health Care
Group (P.R.) Inc.
Case 24-CA-11300

Manuel A. Nunez, Esq.
Manuel A. Nunez Law Offices
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San Juan, PR 00918

Dear Mr. Nunez:

This will acknowledge the December 14, 2010 receipt of Respondent's December 13, 2010 Urgent Motion to Order Stay of Proceedings in the subject case. You seek a stay of the Board's Order pending review by the United States Court of Appeals for the First Circuit.

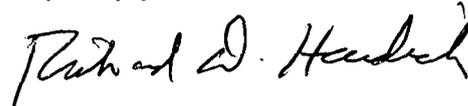
As Board orders are not self enforcing, no stay is necessary for Respondent to avoid taking the affirmative actions required by the Board's order unless and until the order is enforced by the court.

If the stay is sought to avoid accruing additional liability pending review of the Board's order – either for engaging in additional affirmative conduct in violation of the Board's order or for failing to provide backpay and benefits currently accruing under that order – the application affords no basis for granting such extraordinary relief. Rather, a party that seeks court review ordinarily acts at its peril that obligations arising under the Board's order will continue to accrue if the Board's order is enforced. A contrary result would prejudice innocent employees while benefitting the violator of the Act. See *Maywood Donut Co., Inc.*, 256 NLRB 507 (1981).

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In sum, a stay is unnecessary to relieve Respondent of the immediate necessity of complying with the order, for it is under no judicial compulsion to do so. Granting a stay that would, in effect, relieve the Respondent of all consequences of unlawful conduct pending review is clearly inappropriate.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard D. Hardick". The signature is written in a cursive style with a prominent initial "R".

Richard D. Hardick
Associate Executive Secretary

cc: Parties