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CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE I. YEN

**WEINBERG, ROGER & ROSENFELD**  
A PROFESSIONAL CORPORATION

1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091  
TELEPHONE 510.337.1001  
FAX 510.337.1023

LORI K. AGUNO \*\*  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES \*\*\*\*  
KERRIANNE R. STEELE \*\*\*  
GARY P. PROVENCHER  
LISL R. DUNCAN  
JORDAN D. MAZUR  
JACOB J. WHITE  
SHARON A. SEIDENSTEIN  
LESLIE V. FREEMAN \*\*\*\*\*  
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YURI Y. GOTTESMAN  
ADAM J. LUETTO  
MONICA T. GUJAR  
SARAH R. WRIGHT-SCHREIBERG  
RUSSELL NAYMARK

PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel  
RICHARD T. DRURY, Of Counsel  
NINA FENDEL, Of Counsel  
ANA M. GALLEGOS, Of Counsel

• Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois  
\*\*\*\*\* Also admitted in Missouri  
\*\*\*\*\* Also admitted in New York

August 9, 2011

VIA E-FILE

Lester A. Heltzer, Executive Secretary  
National Labor Relations Board  
1099 14th Street, N.W.  
Washington, D.C. 20570-0001

Re: Kaiser Foundation Health Plan  
NLRB Case No. 32-RC-5775

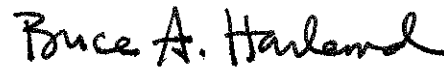
Dear Secretary Heltzer:

This firm represents SEIU, UHW – West in the above matter. This letter is in response to the National Union of Healthcare Workers (“NUHW”) letter, dated August 8, 2011, in which they request that the Board delay the scheduling of a new election, even though a new election is exactly what they sought by filing objections to the conduct of the original election.

As NUHW’s letter makes clear, NUHW is unabashedly urging the Board to refrain from scheduling an election quickly so that the Board can consider NUHW’s exceptions to the ALJ’s Report and Recommendations. Yet, regardless of whether or not the Board were to overrule the ALJ’s recommendations with respect to the employer, the remedy remains the same – the election will be set aside, and a new election scheduled. Moreover, any claim by NUHW of an entitlement to a *Lufkin* notice with regard to the employer’s conduct is specious, especially given that NUHW did not even request the notice at the objections hearing.

Thus, there is no reason – other than for strategic and tactical purposes – to delay the only remedy possible, a remedy which the non-objecting parties have already accepted.

Sincerely,

  
Bruce A. Harland

BAH/not

cc: William Baudler, Regional Director, Region 32  
Shelley Coppock, Asst. Regional Director, Region 32  
Jonathan Siegel

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Michael Hunter  
Glenn Rothner  
Michael Lindsey  
Ronald Goldman

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