



UNITED STATES GOVERNMENT

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

May 14, 2012

Re: Jewish Hospital & St. Mary's Healthcare, Inc. d/b/a Our Lady of Peace
Case 09-CA-066542

ORDER

The Respondent's Motion to Accept Late Filing of Exceptions and Brief in Support of Exceptions to the Administrative Law Judge's Decision is denied without prejudice, for the reasons that follow

In *Unitec Elevator Services Co.*, 337 NLRB 426, 428 (2002), the Board announced that in cases under the excusable-neglect provision of Section 102.111(c) of the Board's Rules and Regulations, the Board would "strictly adhere to our rule that the specific facts relied on to support the motion to accept a late filing shall be set forth in affidavit form and sworn to by individuals with personal knowledge of the facts."

The Respondent's motion contends that the Respondent was not served with the March 5, 2012 Order Transferring Proceeding to the National Labor Relations Board before April 6, 2012. The affidavit of service appended to the Order Transferring recites that it was served by certified and regular mail to Stephanie Dodge Gournis and Mark D. Nelson of Drinker, Biddle & Reath, L.P. (counsel to the Respondent); by regular mail to K. Bruce Stickler, also of Drinker, Biddle & Reath; and by regular mail to Jennifer Nolan, CEO of Respondent.

The Respondent's motion is supported solely by the affidavit of Stephanie Dodge Gournis, which recites "[i]n good faith and belief" that "neither I [Ms.Gournis], nor Mr. Stickler or any of my other colleagues, received the" Order prior to April 6. Strictly adhering to the rule of *Unitec*, we believe that the affidavit of Ms. Gournis is insufficient by itself to support granting the Respondent's motion, because it does not negate the possibility that the Respondent was promptly and properly served with the Order Transferring, as the other parties to the case apparently were.

Accordingly, the Respondent may within 14 days of the date of this Order supplement its motion with affidavits from each of the persons affiliated with the Respondent who would appear to have been served with the Order Transferring (Mr. Nelson, Mr. Stickler, and Ms. Nolan) addressing the facts relevant to the motion based on their personal knowledge.

By direction of the Board:

Gary Shinnors
Deputy Executive Secretary