



**OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.**

*Attorneys at Law*

One PPG Place  
Suite 1900  
Pittsburgh, PA 15222  
Telephone: 412.394.3333  
Facsimile: 412.232.1799  
www.ogletreedeakins.com

Thomas A. Smock  
412.394.3335  
thomas.smock@ogletreedeakins.com

January 3, 2013

**Via FedEx**

Executive Secretary  
National Labor Relations Board  
1099 14th Street, N.W.  
Washington, D.C. 20570

RE: UPMC and its subsidiaries UPMC Presbyterian Shadyside, et al. and  
SEIU Healthcare Pennsylvania CTW, CLC  
Case 06-CA-081896

UPMC and its subsidiary UPMC Presbyterian Shadyside, et al. and  
SEIU Healthcare Pennsylvania CTW, CLC  
Case 06-CA-086542

Dear Executive Secretary:

I have enclosed eight (8) true and correct copies of UPMC's motion for summary judgment with reference to the above matters.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

Thomas A. Smock

TAS/vln

Enclosures

cc: Robert W. Chester (with enclosure) (Hand Delivery on January 4, 2013)  
Claudia Davidson (with enclosure) (Hand Delivery on January 4, 2013)

14046661.1 (OGLETREE)

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ORDER SECTION

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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SIX**

UPMC and its subsidiaries  
UPMC Presbyterian Shadyside and  
Magee-Womens Hospital of UPMC,  
Single Employer, d/b/a Shadyside Hospital  
and/or Presbyterian Hospital and/or  
Montefiore Hospital and/or  
Magee-Womens Hospital

and

Case 06-CA-081896

SEIU Healthcare Pennsylvania,  
CTW, CLC

UPMC and its subsidiary  
UPMC Presbyterian Shadyside,  
Single Employer, d/b/a Shadyside Hospital  
and/or Presbyterian Hospital and/or  
Montefiore Hospital

and

Case 06-CA-086542

SEIU Healthcare Pennsylvania,  
CTW, CLC

**MOTION FOR SUMMARY JUDGMENT**

UPMC, d/b/a University of Pittsburgh Medical Center, hereby moves that the allegations of the Consolidated Complaint that UPMC is a single employer with either of UPMC Presbyterian-Shadyside or Magee-Women's Hospital of UPMC be summarily dismissed and that it be summarily dismissed as a respondent in the above-captioned matters, and in support thereof, states as follows:

1. UPMC is a holding company, which holds certain ownership interests in other entities.

2. UPMC has such directors and officers as are legally required to maintain its corporate existence, but has no employees.

3. UPMC conducts no operations.

4. UPMC engages in no business other than as described in paragraph 1 above.

5. UPMC engages in no employee or industrial relations activities.

6. UPMC does not employ any person mentioned in the Consolidated Complaint.

7. UPMC's Board of Directors has delegated practically all policy-making functions to certain officials of UPMC Presbyterian-Shadyside. UPMC did not promulgate and does not maintain any of the policies mentioned in the Consolidated Complaint, except the Ethics and Compliance Committee of the UPMC Board does review and approve of the Code of Conduct.

8. Except as mentioned in paragraph 7 above:

a. UPMC holds 100% of the ownership interests in UPMC Presbyterian-Shadyside, but does not involve itself in the day-to-day operations, employee and industrial relations, personnel policy promulgation and/or maintenance or employee disciplinary activities of UPMC Presbyterian-Shadyside.

b. UPMC Presbyterian-Shadyside has its own board of directors and officers, which guide its day-to-day operations, and its own human resources department and other departments, which guide its employee and industrial relations and which promulgate and maintain its own personnel policies and conduct its own employee discipline activities, all without input from UPMC.

c. UPMC holds 100% of the ownership interests in Magee-Women's Hospital of UPMC, but does not involve itself in the day-to-day operations, employee and industrial relations, personnel policy promulgation and/or maintenance or employee disciplinary activities of Magee-Women's Hospital of UPMC.

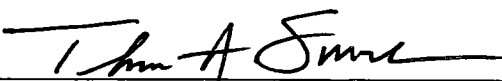
d. Magee-Women's Hospital of UPMC has its own board of directors and officers, which guide its day-to-day operations, and its own human resources department and other departments, which guide its employee and industrial relations and which promulgate and maintain its own personnel policies and conduct its own employee discipline activities, all without input from UPMC.

9. In support of this motion and the facts set forth in paragraphs 1 through 9, UPMC incorporates by reference the Declaration of Michele Jegasothy, its Corporate Secretary, attached hereto as Exhibit A.

WHEREFORE, the allegations contained in the Consolidated Complaint that UPMC is a single employer with either of UPMC Presbyterian-Shadyside or Magee-Women's Hospital of UPMC should be dismissed and UPMC should be dismissed as a respondent for purposes of the Consolidated Complaint, as well as for purposes of the underlying unfair labor practice charges.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

By:   
Thomas A. Smock, Esquire  
Jennifer G. Betts, Esquire  
One PPG Place, Suite 1900  
Pittsburgh, PA 15222  
412.394.3335 (phone)  
412.394.3348 (fax)

Mark M. Stublely, Esquire  
P. O. Box 2757  
Greenville, SC 29602  
864.240.8318 (phone)  
864.235.8806 (fax)

Counsel for UPMC

Dated: January 3, 2013

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SIX**

UPMC and its subsidiaries  
UPMC Presbyterian Shadyside and  
Magee-Womens Hospital of UPMC,  
Single Employer, d/b/a Shadyside Hospital  
and/or Presbyterian Hospital and/or  
Montefiore Hospital and/or  
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and

Case 06-CA-086542

SEIU Healthcare Pennsylvania,  
CTW, CLC

**DECLARATION OF MICHELE JEGASOTHY**

1. I am Michele Jegasothy, the Corporate Secretary of UPMC, d/b/a University of Pittsburgh Medical Center, and I am duly authorized to make this declaration on its behalf.
2. UPMC is a holding company, which holds certain ownership interests in other entities.
3. UPMC has such directors and officers as are legally required to maintain its corporate existence, but has no employees.

4. UPMC conducts no operations.
5. UPMC engages in no business other than as described in paragraph 1 above.
6. UPMC engages in no employee or industrial relations activities.
7. UPMC does not employ any person mentioned in the Consolidated Complaint.
8. UPMC's Board of Directors has delegated practically all policy-making functions

to certain officials of UPMC Presbyterian-Shadyside. UPMC did not promulgate and does not maintain any of the policies mentioned in the Consolidated Complaint, except the Ethics and Compliance Committee of the UPMC Board does review and approve the Code of Conduct.

9. Except as mentioned in paragraph 8 above:

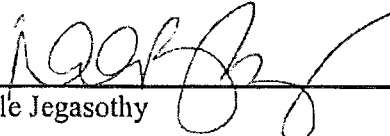
- a. UPMC holds 100% of the ownership interests in UPMC Presbyterian-Shadyside, but does not involve itself in the day-to-day operations, employee and industrial relations, personnel policy promulgation and/or maintenance or employee disciplinary activities of UPMC Presbyterian-Shadyside.

- b. UPMC Presbyterian-Shadyside has its own board of directors and officers, which guide its day-to-day operations, and its own human resources department and other departments, which guide its employee and industrial relations and which promulgate and maintain its own personnel policies and conduct its own employee discipline activities, all without input from UPMC.

- c. UPMC holds 100% of the ownership interests in Magee-Women's Hospital of UPMC, but does not involve itself in the day-to-day operations, employee and industrial relations, personnel policy promulgation and/or maintenance or employee disciplinary activities of Magee-Women's Hospital of UPMC.

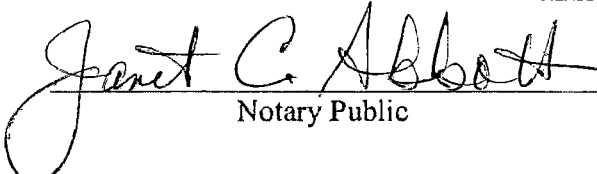


d. Magee-Women's Hospital of UPMC has its own board of directors and officers, which guide its day-to-day operations, and its own human resources department and other departments, which guide its employee and industrial relations and which promulgate and maintain its own personnel policies and conduct its own employee discipline activities, all without input from UPMC.

  
\_\_\_\_\_  
Michèle Jegasothy

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 3<sup>rd</sup> DAY  
OF JANUARY, 2013.

**COMMONWEALTH OF PENNSYLVANIA**  
Notarial Seal  
Janet C. Abbott, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Dec. 6, 2016  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

  
\_\_\_\_\_  
Notary Public  
14016989.1 (OGLETREE)

**CERTIFICATE OF SERVICE**

I do hereby certify that eight (8) true and correct copies of the within Motion for Summary Judgment has been served on the Executive Secretary, National Labor Relations Board, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570 by Federal Express Priority Overnight this 3rd day of January, 2013.

Also, I do hereby certify that a true and correct copy of the within Motion for Summary Judgment has been served on all parties listed below by hand delivery this 4th day of January, 2013:

Robert W. Chester, Regional Director  
National Labor Relations Board Region Six  
William S. Moorhead Federal Building  
1000 Liberty Avenue, Room 904  
Pittsburgh, PA 15222

Claudia Davidson, Esquire  
Offices of Claudia Davidson  
500 Law and Finance Building, 5<sup>th</sup> Floor  
429 Fourth Avenue  
Pittsburgh, PA 15219

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

By: Tom A. Smay  
Counsel for UPMC

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