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

Jennifer G. Betts
412.246.0153
jennifer.betts@ogletreedeakins.com

February 19, 2013

Via FedEx

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

RE: UPMC - Case No. 06-CA-081896

Dear Sir/Madam:

I have enclosed herewith, for filing in the above referenced matter, UPMC's Motion for Judgment on the Pleadings.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

Jennifer G. Betts

JGB/vln
Enclosures

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NLRB
ORDER SECTION

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'S MOTION FOR JUDGMENT ON THE PLEADINGS

UPMC, d/b/a University of Pittsburgh Medical Center, hereby moves that it be dismissed as a respondent in this case. In support therefore, UPMC states as follows:

1. Region Six filed a Second Amended Complaint on February 11, 2013.

2. UPMC, along with UPMC Presbyterian Shadyside and Magee – Womens Hospital of UPMC, was named as a respondent in the Second Amended Complaint.

3. UPMC filed an answer to the Second Amended Complaint on February 19, 2013.

4. In UPMC's answer, it pled as an affirmative defense that the Second Amended Complaint failed to state a cause of action against UPMC.

5. Indeed, the only allegations contained within the Second Amended Complaint that relate to UPMC involve the dates that UPMC was served with various charges of alleged unfair labor practices.

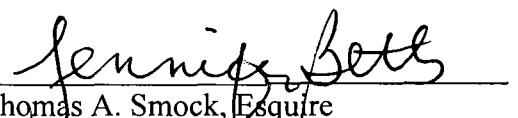
6. The Second Amended Complaint does not allege that UPMC — as opposed to the separate respondents UPMC Presbyterian Shadyside and Magee – Women's Hospital of UPMC — engaged in any unfair labor practices.

7. Because the Second Amended Complaint does not allege that UPMC engaged in any unfair labor practices, Region Six has failed to state a claim upon which relief can be granted against UPMC.

WHEREFORE, UPMC respectfully requests that it be dismissed as a respondent.

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
412.394.3350 (phone)
412.232.1799 (fax)

Mark M. Stubley, Esquire
The Ogletree Building
300 North Main Street
Greenville, SC 29601
864.271.1300 (phone)
864.235.8806 (fax)

Counsel for UPMC Presbyterian Shadyside

Dated: February 19, 2013

CERTIFICATE OF SERVICE

I do hereby certify that eight (8) true and correct copies of the foregoing Motion for Judgment on the Pleadings has been served on the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570 by Federal Express Priority Overnight this 19th day of February, 2013.

Also, I do hereby certify that a true and correct copy of the foregoing has been served on the following individuals by e-mail this 19th day of February, 2013:

Claudia Davidson, Esquire
Offices of Claudia Davidson
500 Law and Finance Building
5th Floor, 429 Fourth Avenue
Pittsburgh, PA 15219
cdavidson@choiceonemail.com

Jesse Wilderman
1500 N. Second Street
Harrisburg, PA 17102
jesse.wilderman@seiuhcpa.org

Kathy L. Krieger
James & Hoffman, P.C.
1130 Connecticut Avenue, N.W.
Suite 950
Washington, D.C. 20036
klkrieger@jamhoff.com

Betty Grdina
Mooney Green Saindon Murphy & Welch
1920 L Street, N.W.
Suite 400
Washington, D.C. 20036
bgrdina@mooneygreen.com

LaRell D. Purdie
Assistant General Counsel
Service Employees International Union
1800 Massachusetts Avenue, NW
Washington, D.C. 20036
larell.purdie@seiu.org

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

By: Jennifer Betts
Counsel for UPMC

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