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March 1, 2013

Executive Secretary  
National Labor Relations Board  
*By Electronic Mail Only*

Re: Stamford Hospitality 34-CA-092068

May It Please the Board:

Please be advised that the undersigned represents the Respondent in the above referenced matter. This letter supplements an earlier response to a notice to show cause why summary judgement should not be granted in this proceeding.

In order to avoid claims that the Board was not presented with any arguments that are later raised in any court review of this case, Respondent argues that there is an invalid appointment of three Board members for *all* of the reasons articulated by the D.C. Circuit in *Noel Canning*, as well as the arguments made by the Respondent against those appointments heretofore. Moreover, after the *Noel Canning* decision, there is no longer a “presumption of regularity” that can be attached to these appointments as asserted by the Board in *Center for Social Change* 358 NLRB No. 24.

In addition, since the Board’s decision in *Specialty Healthcare* is no longer valid, since there was no valid quorum in that case for several reasons under *Noel Canning*, the Board’s unit finding is undermined in this case since there was no election in an appropriate “wall to wall” unit. To the extent that Respondent did not argue this in the representation case, Respondent asserts that there was a change in the law after that case was argued in that *Specialty Healthcare* is no longer good law.

Wherefore, it is respectfully submitted that the motion should be denied.

Very Truly Yours

Morris Tuchman

cc: Regional Director, Region 34 (by electronic mail)  
Thomas Miekkeljohn, Esq. (by electronic mail)