

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SAN FRANCISCO DIVISION OF JUDGES**

KAISER FOUNDATION HOSPITALS

and

Case 31-CA-89178

Case 31-CA-91298

**NATIONAL UNION OF HEALTHCARE
WORKERS**

ORDER DENYING RESPONDENT’S MOTION FOR BILL OF PARTICULARS

On March 19, 2013, Respondent filed a Motion for a Bill of Particulars alleging the complaint allegation regarding alleged unlawful activity in June 2012, as detailed in the Consolidated Complaint, filed December 27, 2012, was insufficiently pled under the National Labor Relations Board’s (NLRB) Casehandling Manual requirements regarding the Particularity of Complaint, ¶ 10264.2. Specifically, Respondent contends that, while the Consolidated Complaint provides some details regarding conduct that allegedly occurred during the first or second week of June 2012, the complaint allegation, as pled, is insufficiently detailed to allow the Respondent to fully defend against the allegation.

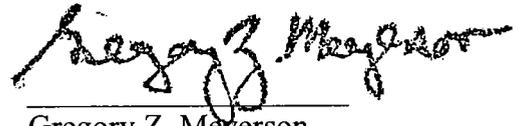
Paragraph 10264.2 of the NLRB’s Casehandling Manual states, in part, that “[t]he allegations of the complaint should be sufficiently detailed to enable the parties to understand the offense charged and the issues to be met.” “The complaint should be sufficiently specific to defend against a Motion for a Bill of Particulars.” Ibid.

Having considered Respondent’s motion and the particularity requirements under paragraph 10264.2, Respondent’s Motion for a Bill of Particulars is **Denied**, as the Consolidated Complaint contains sufficient specificity to defend against a Motion for a Bill of Particulars as required under paragraph 10264.2. The complaint allegation, regarding the alleged June 2012 unlawful conduct, is sufficient to put the Respondent on notice of the unfair labor practice allegation and therefore complies with due process requirements. The complaint names the supervisor who allegedly engaged in unlawful conduct, the approximate dates the alleged unlawful conduct took place, the location of the alleged unlawful conduct, and the nature of the alleged unlawful conduct. Thus, the Respondent has sufficient information to fully defend against the June 2012 allegation.

At the conclusion of the General Counsel’s case-in-chief, I will consider a request by the Respondent, if made, for a short recess to give the Respondent the opportunity to further prepare a defense avoiding any prejudice. A recess, no longer than four hours, should be adequate for any necessary preparations.

SO ORDERED

Dated: March 21, 2013, San Francisco, CA.



Gregory Z. Meyerson
Administrative Law Judge

Served by fax:

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NLRB-SAN FRANCISCO

JOB #421

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001	3/21	08:08	913104783831	EC--S	00' 25"	002	OK
002		08:09	912138942778	EC--S	00' 19"	002	OK
003		08:10	917142827918	EC--S	00' 37"	002	OK

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