

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

**PRIME HEALTHCARE SERVICES–ENCINO, LLC  
D/B/A ENCINO HOSPITAL MEDICAL CENTER**

**Respondent**

**and**

Cases 31–CA–066061  
31–CA–070323

**SEIU LOCAL 121RN**

**Charging Party Union**

**and**

Case 31–CA–080554

**SEIU UNITED HEALTHCARE  
WORKERS–WEST**

**Charging Party Union**

**PRIME HEALTHCARE SERVICES–GARDEN GROVE, LLC  
D/B/A GARDEN GROVE HOSPITAL & MEDICAL CENTER**

**Respondent**

**and**

Case 21–CA–080722

**SEIU UNITED HEALTHCARE  
WORKERS–WEST**

**Charging Party Union**

**ORDER**

By previous order dated April 26, I addressed the Respondent Hospitals' petitions to revoke subpoenas duces tecum served on them by the General Counsel for the hearing currently scheduled to commence on April 30. This order addresses the SEIU's and Charging Party Local Unions' petitions to revoke subpoenas duces tecum served on them and their officers, employees, or members by the Respondents. The order is based on the consolidated complaint and answer, the petitions to revoke and the Respondents' written responses thereto, and the parties' oral arguments during a subsequent conference call.

## A. The Consolidated Complaint and Answer

As indicated in my previous order, the consolidated complaint alleges that the Respondents, Encino Hospital Medical Center (Encino) and Garden Grove Hospital & Medical Center (Garden Grove), have unlawfully failed and refused to bargain in good faith in certain respects since their collective-bargaining agreements with the Charging Party Unions, SEIU Local 121RN and SEIU United Health Care Workers–West (UHW), expired in March 2011. Specifically, the complaint alleges that Encino failed and refused to provide relevant and necessary information requested by SEIU-121RN in April 2011 for the RN unit at that facility, and that both Encino and Garden Grove also failed and refused to provide relevant and necessary information requested by SEIU-UHW in January 2012 for the service and technical units at the two facilities. In addition, the complaint alleges that both Encino and Garden Grove unilaterally failed to grant anniversary wage step increases to the employees in the service and technical units at Garden Grove and Encino and the RN unit at Encino since March, October, and December 2011, respectively.

The Respondents' answer denies that the hospitals committed any of the foregoing alleged unfair labor practices. Further, it asserts numerous affirmative defenses, including that the allegations are time barred (7); that the Unions have unclean hands and bargained in bad faith (3 & 4); that the Unions requested the information in bad faith and to harass (5); that the Unions' conduct disqualifies them from representing the employees (6); that the Unions waived the right to bargain over the wage increases (8); and that the wage increases are a matter of contract interpretation (9), over which the NLRB lacks jurisdiction (10).

## B. The Petitions to Revoke

### I. SEIU's Petition to Revoke Respondent subpoena duces tecum B-705838

The Respondents' subpoena seeks 18 types of documents from SEIU. SEIU, which is not a party to the proceeding, petitions to revoke the subpoena in its entirety. SEIU objects to the subpoena on the ground that it is vague, overbroad and burdensome as to both scope and time period, and seeks information protected from disclosure under the Act. SEIU further argues that all or almost all of the requests appear on their face to relate, not to the instant proceeding, but to an antitrust lawsuit the Respondents' parent corporation, Prime Healthcare Services, brought against SEIU and various entities affiliated with Kaiser Permanente. Prime's lawsuit alleges that SEIU and Kaiser conspired to achieve market

domination and harm Kaiser's competitors in Southern California. The district court "tentatively" dismissed the lawsuit, shortly before the subpoena issued, in part because Prime failed to plead sufficient evidentiary facts (rather than ultimate facts). The SEIU argues that the subpoena is obviously an improper attempt to obtain the necessary evidentiary facts for that lawsuit, citing *Premier Election Solutions, Inc. v. Systest Labs, Inc.*, 2009 WL 3075597, at \*10 (D. Colo. 2009), citing, e.g., *Echostar Communications Corp. v. The News Corp.*, 180 F.R.D. 391, 396 (D. Colo. 1998).

In response, the Respondents acknowledge the pendency of its antitrust suit against SEIU, SEIU-UHW, and Kaiser. However, they assert that the subpoena seeks information that also "goes directly to the issues raised" in their defenses to the complaint allegations—specifically that the Unions requested the subject information from Respondents during negotiations for an improper purpose, and that the hospitals have no duty to bargain with the Unions because they have a disqualifying conflict of interest. The Respondents contend that SEIU and its affiliates, including the Charging Party Unions, have engaged in "extensive conduct over the past several years that is openly hostile" to Respondents and all other hospitals owned by Prime Healthcare, and "transcends any legitimate bargaining objective or economic pressure privileged by labor law." Respondents assert that the SEIU and its Locals, including the Charging Parties, together with their "ally" Kaiser Permanente, Prime's direct competitor, have engaged in a false and misleading "corporate campaign," directed at consumers, physicians, government officials, public interest organizations, and others, to attack the quality of patient care at Prime's hospitals, prevent Prime from acquiring and operating additional hospitals, and eliminate Prime from the health care market and provide Kaiser with a competitive advantage.

In support, Respondents cite the "strategic partnership" – publicly known as the Labor Management Partnership (LMP) – between Kaiser and SEIU and its local unions, through their control of membership in the Coalition of Kaiser Permanente Unions (Coalition). Respondents assert that the "focus" of the LMP is market control not collective bargaining, citing 1) the explicit exclusion of collective bargaining from the initial written agreement; and 2) the stated purposes of the partnership in the initial written agreement, which include, inter alia, to "assist Kaiser Permanente in achieving and maintaining market leading competitive performance" and to "expand Kaiser Permanente's membership in current and new markets."

In addition, Respondents cite the following specific examples of overt actions taken against Prime and its hospitals:

1) in May 2010, an SEIU-UHW representative (Amanda Cooper) gave a presentation at a “Strategic Campaigns” workshop outlining the unions’ planned attacks against Prime and declaring that blocking Prime from acquiring hospitals was one the campaign’s primary goals;

2) several months later, in October 2010, SEIU-UHW prepared and published a false and misleading “study” alleging that Prime’s hospitals experienced unusually high rates of septicemia;

3) in January 2011, SEIU-UHW published a second study alleging malnutrition at Prime’s hospitals (as well as repeating the septicemia allegations), but “expressly omitted” Kaiser, even though one of its hospitals had the highest rates for malnutrition according to a 2009 California study;

4) SEIU and its allies obtained the assistance of a media organization, California Watch, to publish numerous articles attacking Prime on baseless grounds, while avoiding criticism of Kaiser, and “inundated” consumers, physicians, government officials, public interest organizations, and others with the SEIU reports and used them to initiate federal and state investigations of Prime;

5) following the initial septicemia attacks, SEIU-UHW requested California officials to stop issuing hospital licenses to Prime until the investigations were complete;

6) in November 2010, after Prime acquired Alvarado Hospital in San Diego, SEIU contacted California public health officials, falsely alleged that Prime was violating licensing laws, demanded that the state agency initiate legal action against Prime, and advocated for passage of state legislation designed to retaliate against Prime for acquiring Alvarado and restrict Prime from acquiring additional hospitals;

7) in September 2011, SEIU worked to prevent Prime from purchasing Victor Valley Community Hospital;

8) in early 2013, SEIU solicited the assistance of an SEIU-UHW bargaining unit employee at Garden Grove (Kim Davis) to testify at a public hearing in opposition to Prime’s acquisition of two hospitals in Kansas.

9) SEIU-UHW and Kaiser designed legislation to impose sanctions on Prime, which SEIU-UHW threatened to push through the legislature if Prime did not capitulate to the union’s anti-competitive demands; and

10) SEIU-UHW also prepared and obtained the necessary signatures for two ballot initiatives that targeted Kaiser’s competitors while specifically excluding Kaiser and another SEIU organized hospital.

Having duly considered the matter, contrary to SEIU, I find that revocation of the Respondents entire subpoena is not warranted on the ground that it seeks information relevant to Prime's antitrust suit against it and Kaiser. In agreement with Respondents, I find that at least some of the requests are also relevant to Respondents' "conflict of interest" defense in this proceeding, for which Respondents have articulated a factual basis,<sup>1</sup> and which is at least arguable under extant Board law. Cf. *Catalytic Industrial Maintenance Co.*, 209 NLRB 641, 645-46 (1974) (respondent subcontractor lawfully refused to bargain; union demonstrated a disqualifying conflict of interest with respect to the subcontractor unit by seeking to have the employees of the contracting employer, which the union also represented, perform the work of the subcontractor's employees, thereby effectively eliminating the subcontractor unit, even though the union hoped to have the unit employees transferred to the contracting employer); *Visiting Nurses Assn., Inc.*, 254 NLRB 49, 51 (1981) (union was disqualified from representing employer's nurses because of the strong ties between its regional local and a nurses registry that directly competed with the employer in providing home nursing services; the regional local established the registry and its president still served on its board of trustees); *Pony Express Courier Corp.*, 297 NLRB 171, 172 (1989) (respondent security company lawfully refused to bargain; union was disqualified from representing employees of the company because the union's founder and business agent was the owner and president of a firm that advised banks and other financial institutions, who were customers or potential customers of the respondent company, and consulted on labor relations matters for one of the respondent company's competitors, and therefore "good faith bargaining . . . could have been jeopardized"); and *Sahara Datsun, Inc.*, 278 NLRB 1044, 1046 (1986) (union agent was disqualified due to a conflict of interest because he made unsubstantiated statements to a bank and loan manager disparaging the employer's reputation). See also *Garrison Nursing Home*, 293 NLRB 122 (1989) (discussing employer's burden).<sup>2</sup>

However, as discussed below, I find that the individual subpoena requests should be revoked, in whole or in part, on one or more of the other grounds asserted by SEIU.<sup>3</sup>

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<sup>1</sup> See generally *Flaum Appetizing Corp.*, 357 NLRB No. 162 (2011).

<sup>2</sup> I therefore deny the requests by SEIU and SEIU-UHW that Respondents and/or their counsel be sanctioned for misusing or abusing the subpoena process.

<sup>3</sup> In evaluating each of the requests in this and the other subpoenas, I have considered the guidelines set forth in FRCP 26. See *Brinks*, 281 NLRB 468 (1986).

Requests 1–2. These requests seek documents concerning any guidance or advice the SEIU has given to the Charging Party Local Unions with respect to drafting information requests or bargaining proposals to any Prime hospital, or that SEIU has requested or proposed that the Charging Party Unions submit to any Prime hospital. These requests are revoked for several reasons. First, they are clearly overbroad on their face as no time period is stated. Second, the GC, not the Respondent, has the burden of proving that the Unions’ requests sought information relevant and necessary to collective bargaining, and if the GC satisfies that burden, the Board has held that it does not matter whether the Unions also had another motive. See, e.g., *Land Rover Redwood City*, 330 NLRB 331, 331–332 fn.3 (1999); *Beverly Health & Rehab. Services*, 328 NLRB 885, 889 (1999); *Island Creek Coal Co.*, 292 NLRB 480, 489 (1989), *enfd.* 899 F.2d 1222 (6th Cir. 1990); and *WLVI-TV*, 333 NLRB 1079, 1083 (2001). See also, with respect to an employer’s confidentiality concerns, *Pennsylvania Power Co.*, 301 NLRB 1104, 1105 (1991). Third, even assuming that the subpoena requests have some relevance to the Respondents’ “conflict of interest” defense, it is marginal and outweighed by the risk of infringement on the collective-bargaining process. The Board has made clear that internal communications regarding bargaining strategy are entitled to broad protection to protect the collective-bargaining process and preserve attorney-client confidentiality (if the communications are to or from a party’s attorney). See *Patrick Cudahy*, 288 NLRB 968, 970–971 & fn. 13 (1988), citing, e.g., *Berbiglia, Inc.*, 233 NLRB 1476, 1495 (1977). See also *Boise Cascade*, 279 NLRB 422, 432 (1986); *Champ Corp.*, 291 NLRB 803, 817 (1988), *enfd.* 933 F.2d 688 (9th Cir. 1990), *cert. denied*, 502 U.S. 957 (1991); and *Taylor Lumber & Treating, Inc.*, 326 NLRB 1298 (1998).<sup>4</sup>

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<sup>4</sup> See also *Jung Sun Laundry Group*, 29–CA–29946, unpub. order issued September 3, 2010, where the Board revoked an employer’s subpoena that sought “all documents regarding the union’s collective-bargaining agreements and most favored nations clauses,” and minutes of meetings between the union and other employers regarding collective-bargaining negotiations. Citing both *Berbiglia* and *Detroit Edison v. NLRB*, 440 U.S. 301, 314-315 (1979), the Board found that the union had a “considerable” interest in maintaining the confidentiality of such documents, and that the employer had failed to establish that its interest outweighed the union’s interest. Accordingly, the Board granted the union’s special appeal and reversed the judge’s order, which had required the union to produce the documents subject to recording them on a privilege log, redaction, and in camera inspection.

Requests 3–4. These requests seek any documents concerning the relationship between SEIU and the Charging Party Unions with California Watch, and any correspondence between them concerning any Prime hospital. The term “relationship” is not defined and, again, no time period is specified. These requests are revoked as vague and overbroad.

Request 5: This request seeks all correspondence between the Unions concerning Kaiser since January 2009. This request is also clearly overbroad as one or more of the Unions have represented employees at Kaiser facilities during the relevant period, and thus the request would likely encompass numerous irrelevant documents. Further, it would also likely encompass protected communications regarding ongoing collective-bargaining negotiations. Accordingly, this request is revoked as well.

Request 6: This request seeks all documents concerning agreements between SEIU and Kaiser that are currently in effect or expired in the past 5 years, excluding collective-bargaining agreements with local unions. The petition to revoke this request is denied to the extent it seeks the actual agreements since January 2010. The request is otherwise revoked as overbroad.

Request 7: The petition to revoke this request is denied to the extent it seeks documents showing the ownership by SEIU and the Charging Party Unions of any shares in Kaiser, Kaiser Federal Bank, or Kaiser Federal Financial Group, Inc. since January 2010. The request is otherwise revoked as overbroad.

Requests 8–11: The petition to revoke these requests is granted to the extent they seek documents before January 2010.

Request 12: This request seeks all documents that “discuss, describe, refer to, relate to or reflect any federal, state or local legislative issues or agenda” that SEIU has “supported, lobbied for, promoted, or presented” concerning healthcare services in California, healthcare workers, Prime and/or its competitors, and treatment fees and coding practices. This request is clearly overbroad and is revoked as it would likely encompass numerous irrelevant documents and no time period is specified.

Request 13: This request seeks documents concerning SEIU’s involvement in the purchase, sale, ownership, reorganization, or renaming of hospitals by Prime or its named market competitors. The petition to revoke this request is granted to

the extent it seeks documents before January 2010 or involving competitors of Prime other than Kaiser.

Request 14: This request seeks all documents or correspondence between SEIU and Kaiser since January 2009 concerning matters similar to those in request 12. The petition to revoke this request is granted for the same reasons stated for revoking request 5.

Requests 15–18: These requests seek documents and correspondence since January 2009 concerning Healthcare Market Information and Kaiser’s competitors in California. The requests are revoked as vague and overbroad.

## II. SEIU-121RN’s Petition to Revoke Respondent subpoena duces tecum B-705834

The Respondents’ subpoena requests 63 types of documents from SEIU-121RN. SEIU-121RN petitions to revoke the subpoena on essentially the same or similar grounds that SEIU asserted in its petition to revoke.

Applying the same principles and analysis above, I deny SEIU-121RN’s petition to revoke the subpoena in its entirety on the ground that it seeks information to support Prime’s antitrust suit, but revoke many of the subpoena requests in whole or in part on the other grounds asserted by the Union.

Requests 1–21, 23–24, 26–30, 33–36, 41–42, 44, 46, 48, 49–63. These requests are revoked in their entirety on the grounds that they are vague and overbroad as to both scope and time and/or seek documents that are not likely to lead to the discovery of relevant or admissible evidence or that relate to collective-bargaining strategy and/or internal communications between the Unions and their members. See, in addition to the cases cited above, *National Telephone Directory Corp.*, 319 NLRB 420, 422 (1995); and *Veritas Health Services, Inc. v. NLRB*, 671 F.3d 1267, 1274 (D.C. Cir. 2012).

Requests 22 and 25: These requests are overbroad and are revoked to the extent they seek documents other than the constitution and bylaws of the SEIU and SEIU-121RN effective January 2010 to date.

Request 31. This request is revoked to the extent it seeks documents other than the notes taken by SEIU-121RN representatives of the parties’ bargaining sessions.

Request 32. The petition to revoke this request is denied.

Request 37–38. The petition to revoke these requests is denied to the extent they seek documents reflecting payments to or from SEIU-121RN from or to Kaiser since January 2010. The requests are otherwise revoked as overbroad.

Request 39. The petition to revoke this request is denied to the extent it seeks documents concerning the ownership by the Union or its affiliates of any shares in Kaiser since January 2010. The request is otherwise revoked as overbroad.

Request 40. This request is revoked as vague and overbroad to the extent it seeks documents other than the actual agreements between the SEIU-121RN and Kaiser.

Request 43 and 47. The petition to revoke these paragraphs is granted to the extent they seek documents before January 2010.

Request 45. The petition to revoke this paragraph is granted to the extent it seeks documents before January 2010 or involving competitors of Prime other than Kaiser.

### III. SEIU-121RN's Petition to Revoke Respondent's subpoena duces tecum B-705833 to Judith Serlin

The Respondents' subpoena seeks 40 types of documents from Judith Serlin, the program director and lead negotiator for SEIU-121RN. The Union petitions to revoke the subpoena in its entirety on essentially the same or similar grounds discussed above.

Applying the same principles and analysis above, I deny SEIU-121RN's petition to revoke the subpoena in its entirety on the ground that it seeks information to support Prime's antitrust suit, but revoke many of the subpoena requests in whole or in part on the other grounds asserted by the Union.

Requests 1–4, 7–14, 15–37, 39–40. These requests are revoked in their entirety on the grounds that they are vague and overbroad as to both scope and time and/or seek documents that are not likely to lead to the discovery of relevant

or admissible evidence or that relate to collective-bargaining strategy and/or internal communications between the Unions and their members.

Requests 5 and 6. These requests are revoked to the extent they seek documents other than those describing Serlin's job duties since January 2010.

Request 38. The petition to revoke this request is denied.

#### IV. SEIU-121RN's Petition to Revoke Respondent's subpoena duces tecum B-705830 to Maryanne Salm

The Respondent's subpoena seeks 34 types of documents from Maryanne Salm, the research director for SEIU-121RN. The Union petitions to revoke the subpoena in its entirety on essentially the same or similar grounds discussed above.

The 34 requests are similar to requests 1 – 32 in the subpoena to Serlin and request 54 in the subpoena to SEIU-121RN, and the Union asserts the same or similar objections. The requests are therefore revoked to the same extent for the same reasons.

#### V. SEIU-UHW's Amended Petition to Revoke Respondent subpoena duces tecum B-705837.

The Respondents' subpoena seeks 86 types of documents from SEIU-UHW. SEIU-UHW petitions to revoke the subpoena in its entirety. SEIU-UHW asserts essentially the same objections as SEIU and SEIU-121RN, as well as several additional objections, including that several of the requests seek documents protected by the attorney-client and/or work-product privileges.

Applying the same principles and analysis above, I deny SEIU-UHW's petition to revoke the subpoena in its entirety on the ground that it seeks information to support Prime's antitrust suit, but revoke many of the subpoena requests in whole or in part on the other grounds asserted by the Union.

Requests 1–16, 18, 20–23, 26–27, 30–33, 36–41, 53, 55–63, 67–68, 71– 5, 81–86. These requests are revoked in their entirety on the grounds that they are vague and overbroad as to both scope and time and/or seek documents that are not likely to lead to the discovery of relevant or admissible evidence or that relate to collective-bargaining strategy.

Requests 17 and 19. These requests are overbroad and are revoked to the extent they seek documents other than the constitution and bylaws of the SEIU and SEIU-UHW effective January 2010 to date.

Requests 24 and 25. The petition to revoke this request is denied to the extent it seeks documents reflecting payments to or from SEIU-121RN from or to SEIUUHW since January 2010. The request is otherwise revoked as overbroad.

Requests 28 and 34. These requests are revoked to the extent they seek documents other than the notes taken by SEIU-UHW representatives of the parties' bargaining sessions.

Requests 29, 35, 42–52, 54. The petition to revoke these requests is denied to the extent they seek documents since January 2010.

Requests 64 and 65. These requests are revoked as vague and overbroad to the extent they seek documents other than the actual agreements between Kaiser and SEIU-UHW or the Coalition.

Requests 66 and 76–78. The petition to revoke these requests is denied to the extent they seek documents reflecting payments from Kaiser to SEIU-UHW, the Coalition, or the LMP Trust since January 2010. The request is otherwise revoked as overbroad.

Request 69. The petition to revoke this request is denied to the extent it seeks documents concerning the ownership by the Union or its affiliates in any shares in Kaiser since January 2010. The request is otherwise revoked as overbroad.

Request 70. The petition to revoke this paragraph is granted to the extent it seeks documents before January 2010 or involving competitors of Prime other than Kaiser.

Requests 79–80. The petition to revoke these paragraphs is denied to the extent they seek documents since January 2010.

VI. SEIU-UHW's Amended Petition to Revoke Respondent's subpoena duces tecum B-705832 to Richard Ruppert

The Respondent's subpoena requests 41 types of documents from Richard Ruppert, the lead negotiator for SEIU-UHW. The Union petitions to revoke the subpoena in its entirety on essentially the same grounds.

Applying the same principles and analysis above, I deny SEIU-UHW's petition to revoke the subpoena in its entirety on the ground that it seeks information to support Prime's antitrust suit, but revoke many of the subpoena requests in whole or in part on the other grounds asserted by the Union.

All but 2 of the 41 requests are the same or similar to requests in the Respondents' subpoena to Union: Requests 1 – 10 (same as requests 1– 10 to Union); Request 11 (same as 12); Request 12 (same as 13); Request 13 (similar to 11); Request 14 (same as 15); Request 15 (same as 14); Requests 16 – 19 (same as 16 – 19 to Union); Request 22 (same as 20); Request 23 (same as 21); Request 24 (same as 22 – 23); Request 25 (same as 26); Requests 26 – 35 (same as 28 – 37); Requests 36 – 41 (same as 81 – 86). With the exception of requests 27 and 33, the requests are revoked to the same extent for the same reasons.

Requests 20 – 21: These requests are revoked to the extent they seek documents other than those describing Ruppert's job duties since January 2010.

VII. SEIU-UHW's Amended Petition to Revoke Respondent's subpoena duces tecum B-705836 to David Regan

The Respondents' subpoena seeks 16 types of documents from SEIU-UHW President David Regan. The Union petitions to revoke the subpoena in its entirety on essentially the same grounds above.

Applying the same principles and analysis above, I deny SEIU-UHW's petition to revoke the subpoena in its entirety on the ground that it seeks information to support Prime's antitrust suit, but revoke many of the subpoena requests in whole or in part on the other grounds asserted by the Union.

Requests 1– 6, 8, 13–16. These requests are similar to requests 42–52, 54, 79, and 80 in the subpoena to the Union. The petition to revoke these requests are denied to the extent they seek documents since January 2010.

Requests 7, 9, 10–12. These requests are revoked in their entirety on the grounds that they are vague and overbroad as to both scope and time and/or seek documents that are not likely to lead to the discovery of relevant or admissible evidence.

VIII. SEIU-UHW's Amended Petition to Revoke Respondent's subpoena duces tecum B-705839 to Kim Davis

The Respondents' subpoena requests 3 types of documents from Kim Davis, a hospital employee and executive board member of SEIU-UHW. The Union petitions to revoke the subpoena in its entirety on essentially the same grounds.

Applying the same principles and analysis above, I deny SEIU-UHW's petition to revoke the subpoena in its entirety on the ground that it seeks information to support Prime's antitrust suit. I also deny the petition to revoke the individual requests on any of the other grounds asserted by the Union, except that Request 3 is revoked to the extent it seeks documents reflecting payments from third parties other than Kaiser.

Finally, to the extent any of the unrevoked requests above may encompass documents the Unions believe are protected by the attorney-client or work-product privilege, as indicated in the subpoenas the Unions retain the right to withhold such documents. However, in that event, the Unions must provide sufficient information to evaluate the asserted privilege, including a privilege log and supporting affidavits, if necessary. See, e.g., *In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001); *Holifield v. U.S.*, 901 F.2d 201, 204 (7th Cir. 1990); and *Friends of Hope Valley v. Frederick Co.*, 268 F.R.D. 643, 651-652 (E.D. Cal. 2010). If the Unions fail to demonstrate sufficient grounds for protection, the privilege may be found to have been waived. *In re Grand Jury Subpoena*, above.

Dated, San Francisco, California, April 29, 2013



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Jeffrey D. Wedekind  
Administrative Law Judge

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NLRB-SAN FRANCISCO

JOB #528

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001	4/29	12:53	913102357420	EC--S	02' 55"	014	OK
002		12:56	912027995000	EC--S	05' 08"	014	OK
003		13:02	918189733201	EC--S	03' 04"	014	OK
004		13:06	916265770124	EC--S	03' 41"	014	OK
005		13:10	912134435098	EC--S	05' 35"	014	OK

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**ORDER**

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## Goetz, Kathryn

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**From:** Coleman, Joyce A.  
**Sent:** Monday, April 29, 2013 1:00 PM  
**To:** Ochoa Diaz, Juan C.; Hanrahan, Colleen; Joseph A. Turzi; Jamie M. Konn; David Adelstein; Jonathan Cohen; Monica Guizar; Julie Gutman Dickinson  
**Cc:** Goetz, Kathryn  
**Subject:** RE: Prime Healthcare Services - Encino, LLC - 31-CA-066061 - Please see attached Judge Wedekind's Order regarding Unions' Petitions to Revoke Encino and Garden Grove Subpoenas  
**Attachments:** JDO.31-CA-066061.ALJWedekind.Order re Union Petitions to Revoke Encino and Garden Grove Subpoenas.04.29.13.pdf  
**Importance:** High