

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

KITSAP TENANT SUPPORT SERVICES, INC.

and

**Cases 19-CA-074715
19-CA-079006
19-CA-082869
19-CA-086006
19-CA-088935
19-CA-088938
19-CA-090108
19-CA-096118
19-CA-099659**

**WASHINGTON FEDERATION OF STATE
EMPLOYEES, AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL
EMPLOYEES, COUNCIL 28, AFL-CIO**

ORDER DENYING MOTION

The Respondent's motion to dismiss the second amended consolidated complaint is denied. The Respondent has failed to establish that it is entitled to judgment as a matter of law.¹

Dated, Washington, D.C., May 14, 2013.

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

¹ The Respondent contends that the Acting General Counsel does not validly hold that position, that the Board does not have a valid quorum under *Noel Canning v. NLRB*, 705 F.3d 490 (D.C. Cir. 2013), and that therefore the Board's appointment of the Regional Director for Region 19 was not valid. For the reasons stated in *Sub-Acute Rehabilitation Center at Kearney d/b/a Belgove Post Acute Care Center*, 359 NLRB No. 77 (2013), and *Bloomington's, Inc.*, 359 NLRB No. 113 (2013), these arguments are rejected.