



November 25, 2013

National Labor Relations Board
Office of Executive Secretary
Attn: Gary Shinnars, Executive Secretary
1099 14th St. N.W.
Washington, D.C. 20570-0001

Re: **Prime Healthcare Services – Encino, LLC d/b/a Encino Hospital Medical Center and Prime Healthcare Services – Garden Grove, LLC d/b/a Garden Grove Hospital & Medical Center**
Case Nos. 31-CA 066061, 31-CA-070323, 31-CA-080554, and 21-CA-080722

Dear Mr. Shinnars:

On November 14, 2013, Service Employees International Union and charging parties SEIU Local 121 RN and SEIU United Healthcare Workers – West (“Unions”) filed a Request for Special Permission to Appeal (“Appeal”) in the above-captioned matter. For the reasons described below, the Unions respectfully request that the Appeal be held in abeyance pending resolution of a motion to strike that the Unions will file today before Administrative Law Judge Jeffrey Wedekind in the above-captioned cases.

The issue in the Unions’ Appeal concerns the propriety of witness and document subpoenas issued to the Unions by respondents Prime Healthcare Services – Encino, LLC d/b/a Encino Hospital Medical Center and Prime Healthcare Services – Garden Grove, LLC d/b/a Garden Grove Hospital & Medical Center (“Respondents”).¹ In their briefing to the ALJ regarding the Unions’ petitions to revoke the subpoenas, Respondents asserted that their subpoena requests were justified by one of their affirmative defenses to the underlying unfair labor practice allegations. Specifically, Respondents contended that their subpoena requests were relevant to their defense that SEIU Local 121 and SEIU United Healthcare Workers – West have a conflict of interest that disqualifies them from representing Respondents’ employees.

¹ On April 29, 2013, the ALJ issued an order partially denying the Unions’ petitions to revoke the subpoenas. On June 28, 2013, the National Labor Relations Board denied the Unions’ Request for Special Permission to Appeal the ALJ’s April 29, 2013 order. On September 9, 2013, the Union’s filed a Motion to Reopen the Record and For Reconsideration of the Board’s June 28, 2013 order. On October 29, 2013, the ALJ denied that motion. The pending Request for Special Permission to Appeal seeks review of the ALJ’s October 29, 2013 order.

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International Secretary-Treasurer

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Today, the Unions will file a Motion to Strike Respondents' conflict of interest defense. The Unions' Motion to Strike asserts that the Respondents failed to allege a sufficient basis for their conflict of interest defense and, accordingly, the defense should be struck from Respondents' answer to the underlying consolidated unfair labor practice complaint. Thus, the instant Appeal, which concerns the propriety of subpoenas based on the conflict of interest defense, will be mooted should the Unions prevail in their Motion to Strike. The Board may also wish to consider a potential appeal from the ALJ's ruling on the Motion to Strike together with the instant Appeal. In light of these considerations, we believe that holding the instant Appeal in abeyance will be an efficient use of the resources of the Board and the parties.

Thank you in advance for your attention to this matter.

Sincerely,



Judith A. Scott
General Counsel

cc: Regional Director Mori Rubin, Region 31
Richard Griffin, NLRB General Counsel
Jeffrey M. Shoet
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