

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

**800 River Road Operating Company LLC  
D/B/A Woodcrest Health Care Center**

Employer,

**Case No. 22-RC-073078**

And

**199 SEIU, UNITED HEALTHCARE  
WORKERS EAST,**

Petitioner

**CERTIFICATION OF JAMES M. MONICA  
IN SUPPORT OF MOTION TO REOPEN  
THE RECORD**

James M. Monica, Esq., certifies as follows:

1. I am an attorney with Littler Mendelson, P.C., attorneys for Woodcrest Health Care Center (“Employer” or “Woodcrest”) herein. I make this Certification in support of the Employer’s motion to reopen the record.

2. On January 29, 2013, I went to the Employer’s site at 800 River Road in New Milford, New Jersey for the purpose of interviewing several employees, including environmental department employees, about the conduct of the former Director of Environmental Services, Israel Vergel de Dios, during the representation election campaign in this case. I was part of a team of 3 lawyers charged with the responsibility of conducting these employee interviews at Woodcrest.

3. Before entering Woodcrest that morning, I met the other two lawyers who comprised our team at the Dunkin Donuts on River Road that is adjacent to the Employer’s site.

At that time, I believe Vergel de Dios was in the Dunkin Donuts. When attorney Jason Stanevich and I entered the Dunkin Donuts, Vergel de Dios was sitting alone at a table. I noticed him and believe that he noticed and recognized us. After 15 minutes or so, he left the Dunkin Donuts and walked in the direction of the Employer's site. I do not know whether he went into Woodcrest or contacted any employees with whom he formerly worked to inform them that he had spotted lawyers who had previously interviewed employees near the facility. However, our team had a concern that because Vergel de Dios had noticed us, he would infer that we were going to the site to conduct interviews and would contact those employees with whom he was still in contact to urge them not to share information with us.

4. Three of the seven employees I attempted to interview that day refused to proceed with an interview.

5. Four other employees did interview with me that day. Three of them did not provide me with any useful information. One employee did. Dawn Marie Sormani provided a statement, appended as Exhibit A, in which she disclosed that she heard Israel Vergel de Dios encourage employees, including environmental department personnel he managed, to vote for the Union.

6. On or about March 12, 2012, I had previously interviewed Sormani regarding the March 9, 2012 election. Between March 12 and 15, the same team of three attorneys conducted between 100 and 150 employee interviews, commencing with a thorough explanation to each employee of his or her rights under the Board's *Johnnie's Poultry* decision. Both then and now Sormani held the position of nursing unit clerk; her principal responsibilities involved ordering supplies, scheduling nurses and certified nursing assistants on her unit, and otherwise assisting the nursing supervisors who ran her unit. As such, during my March 2012 interview with

Sormani, the focus was on the allegations of pro-Union supervisory conduct relating to three supervisors who were nurses: Bonita Thornton, Jane Cordero, and Janet Lewis. Moreover, Sormani was one of the first employees I interviewed at that time. At that juncture, the allegations against Vergel de Dios were not well-developed and there was good reason for Sormani, who worked with nurses, to focus her attention on the conduct of the three supervisory nurses rather than Vergel de Dios, the Director of Environmental Services with whom she had little contact.

7. On January 29, an employee interviewed by another lawyer (I was present for this interview though I did not lead it) indicated that another employee, who was then on vacation, would have knowledge that our team would find useful. Accordingly, on Monday, February 4, 2013, I returned to the site to interview that employee, who was scheduled to return to work from her vacation. When I interviewed her, she denied knowing anything about Vergel de Dios' election campaign activities. I did not believe that she was being forthright when I interviewed her. My sense was that she was withholding pertinent information.

I certify that the statements made above are true and correct and understand that there are consequences for certifying to the truthfulness of statements that are in fact false.

Dated: March 1, 2013

/s/James M. Monica  
James M. Monica

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TO: EMPLOYEES AT WOODCREST HEALTH CARE CENTER

I am James Monica, the Center's attorney.

The only purpose I have in interviewing you is to explore what took place in connection with the election held here at Woodcrest Health Care Center on March 9, 2012 and during the weeks and months leading up to that election.

Your participation in this interview is strictly voluntary.

Your participation or lack of participation in this interview will not in any way affect your job or your rights as an employee.

We are not interested in determining whether you are for or against any labor organization or union.

We positively assure you that you have the right to join or not to join any labor organization without fear of reprisals.

We are interested only in the truth!

If you agree to participate in this interview, we ask that you sign your name below to show that you have read this page.

Name: Dawn-Marie Sorpani

Date: 1/29/13

DMS



ground floor kitchen. At that time, I remember Israel telling the employees who were assembled there that they should vote in favour of the union so that they could receive better wages and health benefits. I believe that the following employees in the housekeeping department were present when Israel made these comments: Paulette, Felix, Jean and Myrna. This was at some point prior to the union election in January or February. I was in the room on a break at that time (15 minute break). I did not comment about what he was saying.

I also recall at least one other time prior to the election when I heard Israel in the hallway outside of the dining room (basement), randomly telling people that they should vote in favor of the union.

Dated: January 29, 2013

Dorothy-Marie Sorapani

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I have read the above Statement consisting of this and 3 other pages and it is true and correct. Before talking to me, Mr. Monica reviewed with me a list of assurances. I then read the list of assurances and signed it. I talked to Mr. Monica of my own free will and with no pressure. He followed the list of assurances to the letter. I have been given the opportunity to review my Statement to check for any mistakes or errors, and I have done so. This Statement correctly sets forth what I told Mr. Monica.

I declare under penalty of perjury under the laws of the United States of America that the foregoing Statement is true and correct.

Dated on: 1/29/13

Signed: Dawn-Marie Sorpani

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