

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

**ADVANCED LIFE SYSTEMS, INC.**

and

**Cases 19-CA-096464  
19-CA-096899**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION**

**ORDER DENYING MOTION**

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

Dated, Washington, D.C., June 24, 2013.

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

---

<sup>1</sup> 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), pet. for cert. pending, No. 12-1281 (filed Apr. 25, 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 *Bloomingtondale's, Inc.*, 359 NLRB No. 113 (2013), these arguments are rejected.