

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

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QUALITY HEALTH SERVICE OF P.R., INC.,	)	
d/b/a/ Hospital San Cristóbal,	)	
	)	
Petitioner – Cross-Respondent	)	No. 12-1929
	)	
v.	)	Board Case No.
	)	24-CA-011630
NATIONAL LABOR RELATIONS BOARD,	)	
	)	
Respondent – Cross-Petitioner	)	

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**JOINT MOTION  
TO DISMISS WITH PREJUDICE QUALITY HEALTH SERVICE’S  
PETITION FOR REVIEW OF THE BOARD’S ORDER AGAINST IT  
AND TO DISMISS WITHOUT PREJUDICE THE BOARD’S APPLICATION FOR  
ENFORCEMENT OF ITS ORDER AGAINST QUALITY HEALTH SERVICE**

To the Honorable, the Judges of the United States  
Court of Appeals for the First Circuit:

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the National Labor Relations Board (“the Board”) and Quality Health Service of P.R., Inc., (“the Hospital”) respectfully move to dismiss the Hospital’s petition for review with prejudice and the Board’s application for enforcement without prejudice. In support of their joint motion, the parties show as follows:

1. On July 27, 2012, the Hospital filed a petition for review of the Board’s Order in the above-captioned case, which the Court docketed as Case No. 12-1929. On August 13, 2012, the Board filed a cross-application for enforcement of its Order.

2. The Board and the Hospital have sought to resolve this case by way of a mediated settlement agreement. The parties have reached such an agreement, thus dispensing with the necessity for further litigation at this time.

3. In their settlement agreement, the parties agreed to dismiss the Hospital's petition for review with prejudice. The parties agreed further that the Board's application for enforcement would be dismissed without prejudice to the Board's right to file a future application to enforce, in the event the Hospital fails to continue its compliance with the prospective relief in the Board's Order. *See NLRB v. Mexia Textile Mills*, 339 U.S. 563, 567 (1950) (because "[a] Board order imposes a continuing obligation" and because "the Board is entitled to have [any] resumption of the unfair practice barred by an enforcement decree," an employer's compliance does not deprive the Board of the right to secure enforcement of the order from an appropriate court); *NLRB v. Raytheon Co.*, 398 U.S. 25, 27-28 (1970) (same). Accordingly, the parties jointly request that the Court dismiss the Hospital's petition for review with prejudice and the Board's application for enforcement without prejudice.

4. Each party is to bear its own costs.

5. The Hospital, by its counsel, has authorized the Board to execute this motion on its behalf.

WHEREFORE, the parties respectfully request that their joint motion be granted and that the Court dismiss with prejudice the Hospital's petition for review of the Board's Order against it, and dismiss without prejudice the Board's application for enforcement of its Order against the Hospital.

Respectfully submitted,

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1099 14th Street, N.W.  
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/s/ José A. Oliveras-González  
José A. Oliveras-González, Counsel for  
Quality Health Service of P.R., Inc.  
P.O. Box 22792  
U.P.R. Station  
Río Piedras, P.R. 00931

Dated at Washington, D.C.  
this 12th day of November 2014

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	)	

**CERTIFICATE OF SERVICE**

I certify that on November 12, 2014, I electronically filed the forgoing Joint Motion with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on everyone who has filed an appearance.

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1099 14th Street, N.W.  
Washington, D.C. 20570

Dated at Washington, D.C.  
this 12th day of November 2014