



United States Government

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

September 2, 2015

Molly Dwyer, Clerk
United States Court of Appeals
for the Ninth Circuit
Post Office Box 193939
San Francisco, CA 94119-3939

Re: 9th Cir. No. 15-72287-- *NLRB v. Professional Medical Transport, Inc.*
Board Case Nos. 28-CA-089300 and 28-CA-099144

Dear Ms. Dwyer:

I am enclosing an original and three copies of the certified list of the contents of the agency record in this case. I am serving a copy of the list on the counsel named below.

Very truly yours,

A handwritten signature in black ink that reads "Linda Dreeben" with a stylized flourish at the end.

Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street SE
Washington, DC 20570
(202) 273-2960

Encls.

cc: Robert Coyle, Esquire

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS)
BOARD)
) Petitioner)
))
) v.) No. 15-72287)
))
PROFESSIONAL MEDICAL)
TRANSPORT, INC.)
) Respondent)

CERTIFIED LIST OF THE NATIONAL LABOR RELATIONS BOARD

Pursuant to authority delegated in Section 102.115 of the National Labor Relations Board’s Rules and Regulations, 29 C.F.R. § 102.115, I certify that the list set forth in the attached Index, consisting of four volumes, fully describes all documents, transcripts of testimony, exhibits, and other material constituting the record before the Board in Professional Medical Transport, Inc., Case Nos. 28-CA-089300 and 28-CA-099144.



Gary W. Shinnors
Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570
(202) 273-2960

September 2, 2015

INDEX TO CERTIFIED LIST

| | |
|--|---------------------------|
| <u>VOLUME I</u> - Transcript of Hearing 8.5.13 and 8.6.13 | <u>Pages</u> 1 - 501 |
| <u>VOLUME II</u> - Transcript of Hearing 8.7.13 and 8.8.13 | <u>Pages</u> 502 - 842 |
| <u>VOLUME III</u> - General Counsel's Exhibits ¹ 1(a-z) 2-9 10 (withdrawn) 12-27 29-44 46-52 54-60 61 (identified only) 63-69 Respondent's ² Exhibits 1-40 41(a-f) | |

VOLUME IV - Pleadings

| <u>Date</u> | <u>Document</u> | <u>Pages</u> |
|-------------|---|--------------|
| 01.09.14 | Administrative Law Judge's Decision | 1 - 31 |
| 01.09.14 | Order Transferring Proceeding to the National Labor Relations Board | 1 |
| 02.05.14 | Charging Party's (Local 1) Exceptions | 1 - 16 |
| 02.06.14 | General Counsel's Exceptions | 1 - 2 |
| 02.06.14 | Respondent's (Professional Medical) Exceptions | 1 - 6 |

¹During the hearing it was discovered that General Counsel Exhibit 11 was the same as General Counsel Exhibit 10 which was withdrawn from the record. There are no General Counsel Exhibits 28, 45, 53 and 62 in the record, nor are such exhibits mentioned in the transcript.

²Respondent before the Board is Petitioner herein.

VOLUME IV - Pleadings (cont'd)

| <u>Date</u> | <u>Document</u> | <u>Pages</u> |
|-------------|---|--------------|
| 02.20.14 | General Counsel's Answering Brief | 1 - 22 |
| 02.20.14 | Respondent's (Professional Medical) Answering Brief | 1 - 28 |
| 03.06.14 | General Counsel's Reply Brief | 1 - 12 |
| 02.26.15 | Decision and Order | 1 - 17 |

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

| | | |
|--------------------------------------|---|--------------|
| NATIONAL LABOR RELATIONS BOARD |) | |
| |) | |
| Petitioner |) | |
| |) | |
| v. |) | No. 15-72287 |
| |) | |
| PROFESSIONAL MEDICAL TRANSPORT, INC. |) | |
| |) | |
| Respondent |) | |

INDEX TO THE TRANSCRIPT
Board Case Nos. 28-CA-089300 and 28-CA-099144

| <u>Witnesses</u> | <u>Called</u> <u>by</u> | <u>Vol.</u> | <u>Direct</u> | <u>Cross</u> | <u>Redirect</u> | <u>Recross</u> | <u>Voir</u> <u>Dire</u> | <u>Crt</u> <u>Exam</u> |
|------------------|----------------------------|-------------|---------------|--------------|-----------------|----------------|----------------------------|---------------------------|
| John Wilson | GC | I | 55 | | | | | |
| | Resp | III | 623 | | | | 663 | |
| | | | 671 | | | | 678 | |
| | | | 680 | | | | 683 | |
| | | | 685 | 702 | | | | |
| | | | 711 | | 732 | | | |
| Joy Carpenter | GC | I | 154 | 171 | 206 | | 190 | |
| | | | | | 210 | | | |
| Glenn Trainor | GC | I | 214 | 229 | | | | |
| Beverly LeMoine | GC | I | 328 | | | | | |
| Ted Beam | GC | II | 265 | 297 | | | 303 | |
| | | | | 304 | | | 312 | |
| | | | | 313 | 314 | | | |
| | | | | 318 | | 325 | | |
| Barbie Marr | GC | II | 328 | 345 | 366 | 379 | | |
| Tony Lopez | GC | II | 382 | 417 | | | | |
| | CP | II | 414 | | | | | |

| <u>Witnesses</u> | <u>Called by</u> | <u>Vol.</u> | <u>Direct</u> | <u>Cross</u> | <u>Redirect</u> | <u>Recross</u> | <u>Voir Dire</u> | <u>Crt Exam</u> |
|---------------------|----------------------|-------------|---------------|--------------|-----------------|----------------|----------------------|---------------------|
| Brad Taylor | GC | II | 419 | 438 | | | | |
| Joshua Barkley | GC | II | 442 | | | | 468 | |
| | GC | II | 472 | | | | | |
| | Resp | III | 522 | 613 | 622 | | | |
| Thomas Seger | Resp | III | 738 | 770 772 | 787 | | | |
| Maureen Thompson | Resp | IV | 797 | 838 839 | 840 | | | |

| <u>Exhibits</u> | <u>For Identification</u> | <u>In Evidence</u> |
|---------------------------------------|---------------------------|--------------------|
| General Counsel's 1(a) through (z) | 8 | 8 |
| 2 | 92 | 93 |
| 3 | 96 | 97 |
| 4 | 67 | 68 |
| 5 | 68 | 74 |
| 6 | 402 | 403 |
| 7 | 74 | 74 |
| 8 | 77 | 78 |
| 9 | 78 | 79 |
| 10 | 81 | withdrawn 82 |
| 12 | 83 | 83 |
| 13 | 103 | 104 |

| <u>Exhibits</u> | <u>For Identification</u> | <u>In Evidence</u> |
|-------------------|---------------------------|--------------------|
| General Counsel's | | |
| 14 | 86 | 89 |
| 15 | 87 | 89 |
| 16 | 100 | 100 |
| 17 | 101 | 102 |
| 18 | 102 | 103 |
| 19 | 104 | 105 |
| 20 | 105 | 106 |
| 21 | 107 | 108 |
| 22 | 108 | 109 |
| 23 | 110 | 110 |
| 24 | 110 | 111 |
| 25 | 111 | 112 |
| 26 | 112 | 112 |
| 27 | 112 | 113 |
| 29 | 113 | 113 |
| 30 | 113 | 115 |
| 31 | 114 | 115 |
| 32 | 115 | 115 |
| 33 | 118 | 122 |
| 34 | 127 | 342 |

| <u>Exhibits</u> | <u>For Identification</u> | <u>In Evidence</u> |
|-------------------|---------------------------|--------------------|
| General Counsel's | | |
| 35 | 129 | 130 |
| 36 | 130 | 132 |
| 37 | 137 | 140 |
| 38 | 143 | 144 |
| 39 | 147 | 148 |
| 40 | 148 | 151 |
| 41 | 156 | 157 |
| 42 | 157 | 158 |
| 43 | 158 | 158 |
| 44 | 159 | 159 |
| 46 | 160 | 162 |
| 47 | 162 | 164 |
| 48 | 164 | 165 |
| 49 | 222 | 224 |
| 50 | 224 | 227 |
| 51 | 166 | 168 |
| 52 | 169 | 170 |
| 54 | 293 | 295 |
| 55 | 276 | 277 |
| 56 | 283 | 284 |

| <u>Exhibits</u> | <u>For Identification</u> | <u>In Evidence</u> |
|-------------------|---------------------------|--------------------|
| General Counsel's | | |
| 57 | 284 | 285 |
| 58 | 255 | 256 |
| 59 | 270 | 271 |
| 60 | 458 | 460 |
| 61 | 465 | -- |
| 63 | 468 | -- |
| 64-67 | 520 | 520 |
| 68-69 | 520 | 520 |
| Respondent's | | |
| 1 | 178 | 179 |
| 2 | 180 | 187 |
| 3 | 187 | 193 |
| 4 | 193 | 194 |
| 5 | 194 | 198 |
| 6 | 198/308 | 310 |
| 7 | 201 | 203 |
| 8 | 203 | 205 |
| 9 | 230 | 235/301 |
| 10 | 301 | 305 |
| 11 | 306 | 308 |
| 12 | 312 | 313 |

| <u>Exhibits</u> | <u>For Identification</u> | <u>In Evidence</u> |
|-----------------|---------------------------|--------------------|
| Respondent's | | |
| 13 | 346 | 352 |
| 14 | 353 | 356 |
| 15 | 531 | 532 |
| 16 | 558 | 561 |
| 17 | 568 | 572 |
| 18 | 594 | 595 |
| 19 | 596 | 598 |
| 20 | 604 | 606 |
| 21 | 607 | 608 |
| 22 | 608 | 611 |
| 23 | 611 | 612 |
| 24 | 653 | 671 |
| 25 | 675 | 680 |
| 26 | 680 | 796 |
| 27 | 683 | 685 |
| 28 | 689 | 691 |
| 29 | 693 | 693 |
| 30 | 787 | 790 |
| 31 | 807 | 808 |
| 32 | 808 | 811 |

| <u>Exhibits</u> | <u>For Identification</u> | <u>In Evidence</u> |
|-------------------|---------------------------|--------------------|
| Respondent's | | |
| 33 | 811 | 813 |
| 34 | 813 | 815 |
| 35 | 815 | 816 |
| 36 | 816 | 818 |
| 37 | 818 | 818 |
| 38 | 819 | 820 |
| 39 | 820 | 821 |
| 40 | 821 | 827 |
| 41(a) through (f) | 830 | 837 |

INDEX TO AGENCY RECORD

| | <u>ITEM NOS.</u> |
|--|------------------|
| Charge (28-CA-089300), G.C. ex. 1(a) | 1 |
| Amended Charge (28-CA-089300), G.C. ex. 1(c) | 2 |
| Complaint and Notice of Hearing (28-CA-089300), G.C. ex. 1(e) | 3 |
| Answer and Affirmative Defenses of Respondent Professional Medical Transport, Inc. (28-CA-089300), G.C. ex. 1(g) | 4 |
| Charge (28-CA-099144), G.C. ex. 1(h) | 5 |
| Order Rescheduling Hearing, G.C. ex. 1(j) | 6 |
| Order Consolidating Cases, Consolidated Complaint and Notice of Hearing (28-CA-089300 and 28-CA-099144), G.C. ex. 1(l) | 7 |
| Professional Medical Transport, Inc.'s Motion for Postponement of Hearing, G.C. ex. 1(n) | 8 |
| Acting General Counsel's Opposition to Respondent's Motion to Postpone Hearing, G.C. ex. 1(o) | 9 |
| Union's Response in Favor of Professional Medical Transport's Motion to Postpone Hearing, G.C. ex. 1(p) | 10 |
| Order to Show Cause, G.C. ex. 1(q) | 11 |
| Acting General Counsel's Opposition to Respondent's Motion to Postpone Hearing, G.C. ex. 1(r) | 12 |
| Order Granting Respondent's Motion to Postpone Trial, G.C. ex. 1(s) | 13 |
| Answer and Affirmative Defenses of Respondent Professional Medical Transport, Inc., G.C. ex. 1(t) | 14 |
| Order Rescheduling Hearing, G.C. ex. 1(u) | 15 |

ITEM NOS.

| | |
|---|----|
| Amended Answer and Affirmative Defenses of Respondent Professional Medical Transport, Inc., G.C. ex. 1(w) | 16 |
| Order Rescheduling Time of Hearing, G.C. ex. 1(x) | 17 |
| Administrative Law Judge's Decision | 18 |
| Order Transferring Proceeding to the National Labor Relations Board | 19 |
| Charging Party's (Local 1) Exceptions | 20 |
| General Counsel's Exceptions | 21 |
| Respondent's (Professional Medical) Exceptions | 22 |
| General Counsel's Answering Brief | 23 |
| Respondent's (Professional Medical) Answering Brief | 24 |
| General Counsel's Reply Brief | 25 |
| Decision and Order | 26 |

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS)
BOARD)
) Petitioner)
))
) v.) No. 15-72287)
))
PROFESSIONAL MEDICAL)
TRANSPORT, INC.)
) Respondent)

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2015, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on the following counsel, who are registered CM/ECF users:

Robert Coyle, Esquire
Rural Metro Corporation
8465 North Pima Road
Scottsdale, AZ 85258

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street SE
Washington, DC 20570

Dated at Washington, DC
this 2nd day of September 2015