

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
SAN FRANCISCO BRANCH OFFICE**

DHSC, LLC, d/b/a AFFINITY MEDICAL CENTER,
COMMUNITY HEALTH SYSTEMS, INC., and/or
COMMUNITY HEALTH SYSTEMS PROFESSIONAL
SERVICES CORPORATION, LLC,
a single employer and/or joint employers, et. al.

and

Cases 08-CA-117890 et al.

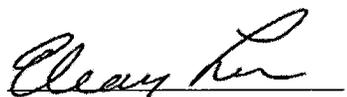
CALIFORNIA NURSES ASSOCIATION/NATIONAL
NURSES ORGANIZING COMMITTEE (CNA/NNOC)

**ORDER RE: RESPONDENT HOSPITAL'S MOTION TO DISMISS/MOTION FOR
SUMMARY JUDGMENT**

On October 31, 2016, Respondent Barstow filed a motion to dismiss and/or a motion for summary judgment regarding complaint paragraph 54. The General Counsel opposed the motion on November 1, 2016, arguing that any such motion must be filed with the Board within a prescribed time period. The Board's rules, at Sec. 102.35(a)(8), state that an administrative law judge has the authority to "dispose of procedural requests, motions, or similar matters, including motions for summary judgment also to dismiss complaints or portions thereof." See also *Calyer Architectural Woodworking Corp.*, 338 NLRB 315 fn.1 (2002).

Accordingly, the General Counsel and the Charging Party may respond to Respondent Barstow's motion substantively, as the General Counsel requested in his November 1 opposition. The parties may make arguments on the record at the hearing scheduled to resume on November 14, 2016, or may respond in writing no later than November 14, 2016.

Dated: November 7, 2016, San Francisco, California.


Eleanor Laws
Administrative Law Judge

Served by email and U.S. Mail upon the following:

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DiCrocco, Brian

From: DiCrocco, Brian
Sent: Monday, November 07, 2016 4:04 PM
To: Sukert, Aaron; Laufer, Amanda W.; Andrew Lammers, Esq. R ; Antonia Domingo, Esq. CP; Banks, Ashley L.; Brendan White Esq. CP; Bruce A. Harland, Esq. CP ; Bryan Carmody, Esq. R; Gonzalez, Carlos; Carmen DiRienzo, Esq. R ; Goode, Daniel; Donald Carmody, Esq. R ; HAL MCCARD; Howard & Howard PLLC; Jacob White, Esq. CP; Jane Lawhon, Esq. CP; Mervin, Joelle; Katherine R. Cloud, Esq. R ; Leonard Sachs, Esq. R; Micah Berul, Esq. ; Michael D. Gifford, Esq. R; Michelle Wezner, Esq. ; Nicole Naro, Esq. CP; Garber, Noah; Patrick McCarthy, Esq. R; Robert Hudson, Esq. R; MacKay, Robert; Meares, Shannon R.; Pincus, Stephen M.; Steven Chesler, Esq. R; Mearns, Timothy; Tracy Litzinger, Esq. R
Subject: 08-CA-117890 - AFFINITY: ORDER RE: RESPONDENT HOSPITAL'S MOTION TO DISMISS/MOTION FOR SUMMARY JUDGMENT
Attachments: Order on MTD MSJ.pdf

Dear Council,

Please see the attached document.

Brian C. DiCrocco, Legal Tech.
NLRB Division of Judges San Francisco
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