

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

<b>NATIONAL LABOR RELATIONS BOARD,</b>  <b>Petitioner</b>  <b>v.</b>  <b>BROOKDALE SENIOR LIVING COMMUNITIES, INC. D/B/A, STERLING HOUSE OF NIAGARA</b>  <b>Respondent</b>	<b>No. 16-3856</b>  <b>Board Case Nos.: 03-CA-173607, 03-CA-173613, 03-CA-175187, 03-CA-175675, 03-CA-176994</b>
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**ANSWER TO APPLICATION FOR ENFORCEMENT OF AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD UPON STIPULATION OF THE PARTIES FOR CONSENT JUDGMENT**

Pursuant to Fed. R. App. P. 15(b)(2), Respondent Brookdale Senior Living Communities, Inc. d/b/a Sterling House of Niagara (“Respondent”) files this Answer To Application For Enforcement Of An Order Of The National Labor Relations Board Upon Stipulation Of The Parties For Consent Judgment. For its Answer, Respondent states as follows:

**AS TO “A. JURISDICTION OF THIS COURT”**

Respondent admits this Court has jurisdiction over this application under Section 10(e) of the National Labor Relations Act (“Act”) (29 U.S.C. § 160(e)). Respondent further admits that venue is proper in this Circuit because activities giving rise to this proceeding occurred in New York. Respondent admits the National Labor Relations Board’s (“Board”) final order issued on October 17, 2016.

**AS TO “B. THE RESPONDENT ENTERED INTO A STIPULATION PROVIDING FOR ENTRY OF AN ORDER BY THE BOARD AND A CONSENT JUDGMENT BY THE COURT”**

1. Respondent admits the allegations set forth in Paragraph 1 of the Application.
2. Respondent admits the allegations set forth in Paragraph 2 of the Application, and avers that Paragraph IV(7) of the same stipulation states that the signing of the stipulation “does not constitute an admission that [Respondent] has violated the Act” and further avers that Respondent has complied and will continue to comply with the terms of the stipulation.
3. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Application.

WHEREFORE, Respondent does not admit that it violated the Act, but consents to the entry of a judgement enforcing the Board’s order in full.

Respectfully submitted,

JACKSON LEWIS P.C.  
44 South Broadway, 14<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 872-8060

By: /s/ Michael J. Passarella  
Michael J. Passarella

Dated: December 6, 2016  
White Plains, New York

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2016 I caused a true copy of the Respondent's Answer To Application For Enforcement Of An Order Of The National Labor Relations Board Upon Stipulation Of The Parties For Consent Judgement and this Certificate of Service to be served electronically via the ECF filing system upon the Court and all counsel of record.

/s/ Michael J. Passarella  
Michael J. Passarella