

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS	)	
BOARD	)	
Petitioner	)	
	)	
v.	)	No. 18-1207
	)	
HAMILTON PARK HEALTH CARE	)	
CENTER; CONFIDENCE MANAGEMENT)	)	
SYSTEMS AT HAMILTON PARK	)	
HEALTH CARE CENTER	)	
Respondents	)	

**MOTION OF THE NATIONAL LABOR RELATIONS BOARD  
FOR ENTRY OF A DEFAULT JUDGMENT**

The National Labor Relations Board, by its Deputy Associate General Counsel, respectfully moves this Court for entry of a judgment by default enforcing the Board’s Order in the above-captioned case. In support of this motion, the Board shows as follows:

1. On February 5, 2018, the Board filed an application for enforcement of its Decision and Order dated August 17, 2017 (365 NLRB No. 117).
2. Pursuant to Rule 15(b)(2) of the Federal Rules of Appellate Procedure, as reiterated in the Court’s February 5 case-opening order, Respondents were required to serve on the Board, and file with this Court, an answer to the Board’s application within 21 days. Respondents failed to serve and file an answer within the 21-day timeframe—that is, by February 26, 2018. In fact, as of the filing of

this motion, Respondents have still not served and filed an answer, more than two weeks after the deadline for doing so has passed.

3. Under Rule 15(b)(2), and as explained in the Court's February 5 order, the consequence of non-compliance with the answer requirement is clear: "If the respondent fails to answer in time, the court will enter judgment for the relief requested." Accordingly, the Board is entitled to a judgment by default enforcing its Order in full.

4. For the Court's convenience, a proposed judgment enforcing the Board's Order is attached to this motion.

WHEREFORE, the Board respectfully requests that this Court grant its Motion for Entry of a Default Judgment and enter a judgment enforcing the Board's Order against Respondents in full.

/s/Linda Dreeben  
Linda Dreeben  
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Dated at Washington, DC  
this 15th day of March, 2018



