UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

RADNET MANAGEMENT, INC. D/B/A SAN FERNANDO VALLEY ADVANCED IMAGING CENTER	:	31-RM-209424
and	:	
NATIONAL UNION OF HEALTHCARE WORKERS	:	

ATTACHMENTS TO EMPLOYER'S REQUEST FOR REVIEW OF THE REGIONAL DIRECTOR FOR REGION 31's JANUARY 12, 2018 PARTIAL DECISION ON OBJECTIONS AND MARCH 14, 2018 DECISION AND CERTIFICATION OF REPRESENTATIVE

Kaitlin A. Kaseta, Esq.
Counsel for the Employer
415 King Street
Mount Pleasant, SC 29464
(860) 307-3223
(843) 284-9684
kkaseta@carmodyandcarmody.com

March 28, 2018

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OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 31

In the Matter of:

Radnet Management, Inc., Case No. 31-RC-208646

Employer,

and

National Union of Healthcare
Workers,

Petitioner.

_____

_____

Place: Los Angeles, California

Dates: November 7, 2017

Pages: 1 through 56

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 31

In the Matter of: RADNET MANAGEMENT, INC., EMPLOYER, and NATIONAL UNION OF HEALTHCARE WORKERS, PETITIONER.	Case No. 31-RC-208646

The above-entitled matter came on for hearing, pursuant to notice, before **YEERIK MOY**, Hearing Officer, at the National Labor Relations Board, Region 31, 11500 West Olympic Boulevard, Suite 600, Los Angeles, California 90064, on **Tuesday, November 7, 2017, 3:08 p.m.**

1 **A P P E A R A N C E S**

2 **On behalf of the Employer:**

3 **BRYAN T. CARMODY, ESQ.**
CARMODY & CARMODY
4 134 Evergreen Lane
Glastonbury, CT 06033
5 Tel. 201-249-9287

6 **KAITLIN A. KASETA, ESQ.**
CARMODY & CARMODY
7 415 King Street
Mount Pleasant, SC 29464
8 Tel. 860-307-3223

9 **On behalf of the Petitioner:**

10 **FLORICE OREA HOFFMAN, ESQ.**
LAW OFFICE OF FLORICE HOFFMAN
11 8502 East Chapman Avenue, Suite 353
Orange, CA 92869
12 Tel. 714-282-1179
Fax. 626-524-5965
13

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1 **E X H I B I T S**

2

3 EXHIBIT	IDENTIFIED	IN EVIDENCE
4 **Board:**		
5 B-1(a) through (m)	6	6
6 B-2	16	16
7 B-3	22	22
8 **Employer:**		
9 E-1	46	46

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1 **P R O C E E D I N G S**

2 HEARING OFFICER MOY: This hearing will be in order. This
3 is a formal hearing in the matter of Radnet Management Inc.,
4 case number 31-RC-208646 for the National Labor Relations
5 Board. The Hearing Officer appearing for the National Labor
6 Relations Board is Yeerik Moy.
7 All parties have been informed of the procedures at formal
8 hearings before the Board by the service of description of
9 procedures in certification and decertification cases with the
10 notice of hearing. I have additional copies of this document
11 for distribution, if any party wants more.
12 Will the Counsels please state their name and their
13 appearance for the record? On behalf of the Petitioner?
14 MS. HOFFMAN: Florice Hoffman for the Petitioner.
15 HEARING OFFICER MOY: And for the Employer?
16 MR. CARMODY: Good afternoon, Mr. Hearing Officer. Bryan
17 Carmody of Carmody and Carmody for the Employer, Radnet
18 Management Inc.
19 HEARING OFFICER MOY: Correct.
20 MS. KASETA: And Kaitlin Kaseta, Carmody and Carmody, for
21 the Employer, Radnet Management Inc.
22 HEARING OFFICER MOY: Thank you.
23 Now, are there any other appearances for this hearing?
24 Let the record show that no further response.
25 Are there any other persons, parties or labor

1 organizations in the hearing room who might claim interest in
2 this proceeding? Let the record show there's no further
3 responses.
4 Now we go introduction on the formal papers. I now
5 propose to receive the formal papers. They've been marked for
6 identification as Board Exhibits 1(a) through 1(m), being an
7 index and description of entire exhibits. The exhibit has
8 already been shown to all parties.
9 Are there -- at this time, are there any objections to the
10 receipt of General Counsel Exhibit 1 into the record?
11 MS. HOFFMAN: No.
12 HEARING OFFICER MOY: Petitioner?
13 MR. CARMODY: I have no objection, Mr. Hearing Officer,
14 but as I noted off the record, I had the suggestion that the
15 index to the formal papers be revised to reflect the amended
16 petition as the amended petition.
17 HEARING OFFICER MOY: I understand. And that, I believe,
18 is Exhibit -- let's see -- 1(i), which is the amended RC
19 petition. I will show the parties 1(i), to make sure that all
20 parties agree on this. There's 1(i). I think the proposal is
21 to move this --
22 MR. CARMODY: Sorry, I didn't hear you -- so I can hear
23 you.
24 HEARING OFFICER MOY: Okay. I believe the proposal is to
25 move this, to revise this to read, "Amended RC Petition, filed

1 November 3rd, 2017."

2 MR. CARMODY: That's correct.

3 HEARING OFFICER MOY: Are there any objections from the

4 Petitioner?

5 MS. HOFFMAN: No.

6 HEARING OFFICER MOY: That change has been made to

7 Exhibit 1(h) which now reads "Amended" -- sorry, 1(i), "RC

8 Petition filed November 3rd, 2017."

9 Any other objections to exhibits -- General Exhibit 1?

10 MR. CARMODY: No.

11 HEARING OFFICER MOY: Parties?

12 MS. HOFFMAN: No.

13 HEARING OFFICER MOY: Hearing no objection, the formal

14 papers are received into evidence.

15 **(Board Exhibit Number 1(a) through (m) Received into Evidence)**

16 HEARING OFFICER MOY: Now are there any motions to

17 intervene in this proceeding to be submitted to the Hearing

18 Officer for ruling by the Regional Director at this time?

19 Are the parties aware of any other employers or labor

20 organizations that have no interests -- that have interests in

21 this proceeding?

22 Hearing Officer hears no further response.

23 Now we'll move to pre-hearing motions. Now, are there any

24 pre-hearing motions made by any parties that need to be

25 addressed at this time?

1 MR. CARMODY: Yes. Well, I -- there's a few things to
2 talk about here, Mr. Hearing Officer, beginning with the
3 showing of interest. We put a request to the Regional Director
4 off the record that I'd like to have the record now reflect, to
5 check the showing of interest in light of the fact that the
6 statement of position that my client filed yesterday, indicates
7 a number of employees in the petition for a unit, which is
8 higher as compared to what was reflected in the petition that
9 was filed by the Union and the amended petition.
10 It's my understanding, Mr. Hearing Officer, and you can
11 correct me if I'm wrong, that the review that was requested by
12 my client was conducted by the Regional Director, and she had
13 satisfied at least herself that the showing of interest remains
14 quantitatively sufficient, when considered next that the number
15 of employees in the statement of position.
16 HEARING OFFICER MOY: That is correct. The Employer did
17 submit this motion or this request to the Region, the Regional
18 Director. Just to repeat, just to make sure we're clear on the
19 record on this. The Regional Director did take consideration
20 to your request. She did re-look, re-analyze the showings of
21 interest that was already submitted by the Union and to ensure
22 that there was adequate showing of interest to support the
23 petition with the number of employees that you had alleged on
24 the record.
25 So at this time, the Regional Director does not see an

1 issue with the showing of interest insufficient to support the
2 petition. And this is not a -- and just to be clear, this is
3 not an issue that can be litigated at this time because it is
4 an administrative matter.
5 MR. CARMODY: Thank you. I have another issue.
6 HEARING OFFICER MOY: Sure.
7 MR. CARMODY: Which, showing an interest, which was also
8 discussed to a degree off the record, and I'd like to put it on
9 the record at this point.
10 Mr. Hearing Officer, it is my client's view that with
11 regard to the petition that has been filed here, where the
12 Union is seeking a unit in, I think, 16 different facilities,
13 it is required that the Union present a showing of interest
14 that covers each of the centers individually. In the absence
15 of showing of interest in the nature as I've just described it,
16 the Board cannot and should not proceed any further in this
17 matter.
18 HEARING OFFICER MOY: Thank you for that. The -- as you
19 had discussed, you did present this to the Board earlier today.
20 We did discuss this with the Regional Director. It is the
21 Regional Director's position that the hearing will continue,
22 the petition will continue, because the petition for a unit is
23 for all combined, one single unit of the entire 16 different
24 locations. And because of that, at this time, the showing of
25 interest is only analyzed for the entire unit that's actually

1 being petitioned for.

2 As we had discussed with Employer's Counsel, if the

3 decision is offered that the 16 different locations, the Region

4 will re-look at the showings of interest for each individual

5 location at that time. But at this time, it's premature to

6 make that kind of ruling or do that kind of analysis right now.

7 MR. CARMODY: And I recognize that position that the

8 Regional Director has taken. I would, however, like to note

9 for the record, we disagree with that analysis. We think far

10 from the issue being premature, it could not be more right then

11 at this very moment, and applying analysis in the way that you

12 have described it violates Section 90 of the Act.

13 It does not assure to employees their fullest freedom in

14 exercising their rights under Section 7 of the Act. So I want

15 that to be clear in the record. But we understand that the

16 Regional Director has made a decision to proceed in these

17 circumstances in the face of those objections.

18 HEARING OFFICER MOY: Thank you. We'll take judicial

19 notice of that on the record.

20 Does the -- are there any other pre-hearing motions that

21 either party would like to make? There are a couple of things

22 that we would have that we'll address, but I don't know if the

23 other parties --

24 MS. HOFFMAN: We do. We have a petition to revoke the

25 subpoenas duces tecum served on Sophia Mendoza and the

1 custodian of records.

2 MR. CARMODY: And Mr. Hearing Officer, I'm not sure how

3 you'd like to proceed, but there is another motion, a formal

4 motion that I wanted to address, but I'm happy to talk about

5 the petition. Well, I haven't been served with anything yet,

6 but it's up to you in terms of what we do next.

7 HEARING OFFICER MOY: Let's go through the motion for --

8 the motion on the floor right now. I also have -- we might

9 have the same motion that we need to discuss. I have that on

10 my record as well. So we can discuss that after we go through

11 this first step.

12 MR. CARMODY: Understood. Thank you.

13 HEARING OFFICER MOY: So Ms. Hoffman, regarding the

14 petition to revoke, do you have that petition?

15 MS. HOFFMAN: Yes, I do.

16 HEARING OFFICER MOY: And have you served a copy of this

17 yet to the Employer Counsel, or are you --

18 MS. HOFFMAN: I'm doing that --

19 HEARING OFFICER MOY: -- doing so?

20 MS. HOFFMAN: -- right now.

21 HEARING OFFICER MOY: Okay.

22 MR. CARMODY: Thank you.

23 MS. HOFFMAN: Here's your copy.

24 HEARING OFFICER MOY: Thank you. And just so we have this

25 information on the record, the -- let's see.

1 MS. HOFFMAN: I have a stapler if you want to staple them.
2 HEARING OFFICER MOY: Oh, no. I'm just making sure I'm
3 reading this correctly. So the subpoena duces tecum, the first
4 one is to Sophia Mendoza, as requested by Radnet Management
5 Inc. to -- let's see. And it was dated on November 1st, 2017.
6 The second subpoena that was issued by Radnet Management
7 Inc. was to the National Union of Healthcare Workers, the
8 custodian of records. This was also for November 1st, 2017.
9 And the petition of motion to revoke subpoena duces tecum
10 has been served today.
11 MS. HOFFMAN: They were actually served on November 3rd,
12 so -- I think it's in my papers, but --
13 HEARING OFFICER MOY: Oh, the original subpoenas were
14 served on November 3rd?
15 MS. HOFFMAN: Uh-huh.
16 HEARING OFFICER MOY: Okay. And then the Petitioner's
17 petition to revoke was served today on the 7th.
18 Can we go off the record for one second?
19 (Off the record at 3:20 p.m.)
20 HEARING OFFICER MOY: So I have reviewed both of the
21 subpoenas. One clarification for the record, after speaking
22 with the Employer Counsel, there is one item that will be
23 withdrawn from the subpoena. That would be the subpoena to the
24 custodian of records to the Union NUHW. That is item number
25 eight, and it reads: "Any and all documents that evidence a

1 joint employer relationship between Radnet Inc and Radnet
2 Management." That request was withdrawn, because that was
3 related to a joint employer issue that is no longer an issue in
4 this proceeding. All other requests within the two subpoenas
5 are still requested by the Employer at this time.
6 At this time my ruling is that I will defer the ruling of
7 the petition to revoke until after the first -- or into the
8 latter part of this proceeding, given that there may be some
9 evidence that comes out during the actual proceeding that will
10 make the subpoena or the information sought in it moot. So we
11 will defer at this time the actual ruling on the petition to
12 revoke.
13 MR. CARMODY: Mr. Hearing Officer, just briefly. I don't
14 have a problem, Employer doesn't have an objection with the
15 approach that you have articulated --
16 HEARING OFFICER MOY: Uh-huh.
17 MR. CARMODY: -- all other things being equal. However,
18 depending upon when that ruling does come down, that precise
19 moment in time, it could prejudice our ability to cross-examine
20 witnesses or to question witnesses. There's no petition to
21 revoke that has been filed in connection with the subpoena ad
22 testificandum that was served on Ms. Mendoza. And so I'm just
23 flagging that for your consideration.
24 HEARING OFFICER MOY: Okay. And my understanding is that
25 Ms. Mendoza is here in compliance with the subpoena, so she

1 will be available. It's entirely possible that she is also a
2 witness that the Petitioner will also be calling, for the
3 record, but your note -- your objection is noted. Or your -- I
4 want to call it objection, your comments or your position is
5 noted on that.
6 MR. CARMODY: Thank you.
7 MS. HOFFMAN: I would like to state for the record that
8 the Union disagrees with your decision to defer on this
9 particular subpoena, because the subpoena itself seeks matters
10 that are privileged under Board law that are protected from
11 disclosure, and it seeks evidence of the showing of interest,
12 which is administrative that has already been reviewed
13 administratively by the Region.
14 HEARING OFFICER MOY: Your objection is noted. To give a
15 further explanation of this, while on its face that some of the
16 request can be construed as that, if the subpoena were to be
17 actually considered, I would allow the parties to give an offer
18 of proof of why this information is necessary in order for them
19 to prove whatever arguments they'd like to make, once we have
20 an idea of what the actual issues that are going to be
21 litigated in this case.
22 Similarly, I'll also give an opportunity for the
23 Petitioner to give an offer of proof of why this information
24 should not be allowed or the order should be revoked. So at
25 this time, though, it's premature, because we still have to

1 determine what issues are going to be litigated in this case.
2 If the parties would like to renew their positions or
3 their objections at a later time to reconsider, you can do so
4 at the time.
5 MR. CARMODY: Would -- you left something out, which is,
6 I'm assuming at some point in time, I'm going to have an
7 opportunity to depose --
8 HEARING OFFICER MOY: Oh, yes, of course.
9 MR. CARMODY: -- the Petitioner about this.
10 HEARING OFFICER MOY: Yes. I'm sorry.
11 Any other questions on this subject?
12 MR. CARMODY: No, sir.
13 MS. HOFFMAN: No.
14 HEARING OFFICER MOY: Okay. Now, we have a couple of
15 other motions that we currently already have that have been
16 submitted to the Region prior to the start of this hearing.
17 One is the Radnet Inc. motion to dismiss.
18 This motion was submitted by Radnet Inc., which was part
19 of their original petition as one of the joint employers. At
20 this time this entity is no longer a party to the proceedings,
21 so this issue is now moot and that motion will be denied or it
22 will not be considered.
23 Regarding the -- there is an Employer motion to
24 consolidate as well. And I believe this is the motion to
25 consolidate this hearing with the R.M. petition that it filed

1 in the last couple of days, which I believe are being docketed
2 today.
3 The Region has considered, the RD has considered this
4 motion, but has decided to -- the Regional Director has denied
5 the motion. The reason the Regional Director has denied this
6 motion is because the issue -- even though it's being docketed
7 today, the issues discussed in the R.M. petitions will be
8 litigated today in today's hearing, in regards to the 16
9 different locations and whether or not an appropriate unit
10 should be for an entire unit, other various locations or the
11 individual units within each specific location.
12 Are there any other pre-hearing motions, then, that we
13 need to address at this time?
14 MR. CARMODY: One moment please, sir.
15 HEARING OFFICER MOY: Sure.
16 (Counsel confer)
17 MR. CARMODY: No, sir. Thank you.
18 HEARING OFFICER MOY: Great. So we are now going to move
19 to Board Exhibit 2.
20 I have shared with both parties, Board Exhibit 2. It
21 stipulates several facts without objection from both parties,
22 but I'll confirm that on the record. That the parties to this
23 proceeding have executed a document which is marked as Board
24 Exhibit 2. That exhibit contains a series of stipulations
25 including, among other items, that the Petitioner is a labor

1 organization within the meaning of the Act. There is no
2 contract bar. And Employer meets the jurisdictional standards
3 of the Board.
4 Are there any objections to the receipt of Board
5 Exhibit 2, that I've shared with both parties?
6 MS. HOFFMAN: No. I have the signed copy.
7 HEARING OFFICER MOY: Thank you.
8 MR. CARMODY: No objection from the Employer.
9 HEARING OFFICER MOY: Okay. Hearing no objection, Board
10 Exhibit 2 is received into evidence.
11 **(Board Exhibit Number 2 Received into Evidence)**
12 HEARING OFFICER MOY: Now we're going to address -- and
13 we'll go into detail a little bit about the unit description
14 and the parties' positions on what is an appropriate unit, but
15 I do want to get everyone's position on the record first.
16 Now, the actual -- now, the amended petition that was
17 filed on November 3rd of 2017, its proposed unit description is
18 as follows, and I'll read this into the record:
19 "Included is all full-time and regular part-time per diem
20 RNs and technical employees employed by the Employer at its
21 facilities in the San Fernando Valley Region listed in 2B."
22 And then in 2B, it has attached 16 different locations
23 across San Fernando Valley.
24 Now, just in short answer, Ms. Hoffman, is this correct
25 that this is the unit that the Union is proposing?

1 MS. HOFFMAN: That's correct. It's called, "valley
2 locations," yes.
3 HEARING OFFICER MOY: I'm sorry?
4 MS. HOFFMAN: It's -- the Employer defines it as "valley
5 locations." It's the San Fernando Valley plus Pasadena.
6 HEARING OFFICER MOY: Okay.
7 And, Mr. Carmody, what is the Employer's position in
8 regards to this unit description?
9 MR. CARMODY: How she described it.
10 HEARING OFFICER MOY: Just the unit description, is this
11 -- would you stipulate to this or no?
12 MR. CARMODY: I'm not clear what you're asking me to
13 stipulate.
14 HEARING OFFICER MOY: Would you stipulate that this is an
15 appropriate unit as proposed by the unit?
16 MR. CARMODY: No.
17 HEARING OFFICER MOY: Okay. And I know you articulated
18 this a little bit earlier, you touched on it, and you can touch
19 on it a little bit more. And when we describe the statements
20 of positions, but can you just give us, once again for the
21 record, a general overview of the Employer's position regarding
22 this proposed unit?
23 MR. CARMODY: It's what stated in the statement of
24 position. I mean, simply put, our view is that the Petition
25 for a Unit is not appropriate.

1 HEARING OFFICER MOY: Uh-huh.

2 MR. CARMODY: That the appropriate units would be the
3 technical folks that are employed at each of the different
4 centers, 16 in total. It's our position that the MRI techs and
5 the nuclear med techs are guards within the meaning of Section
6 9(b)(3) of the Act.

7 HEARING OFFICER MOY: Uh-huh.

8 MR. CARMODY: And therefore this Union, I don't think
9 there'd be any dispute about this. They admit to membership
10 non-guards, and so as a matter of law, they wouldn't be
11 entitled to represent the folks in the unit they're seeking to
12 represent.

13 It's our position that the nurses who work at one of these
14 centers do not share a community of interest with the technical
15 employees. That's about as concise a summary, I think --

16 HEARING OFFICER MOY: Sure.

17 MR. CARMODY: -- I could muster of our position on unit
18 scope.

19 HEARING OFFICER MOY: Okay. Now --

20 MS. KASETA: Seventeen.

21 MR. CARMODY: Seventeen centers. Excuse me.

22 HEARING OFFICER MOY: And just for clarification as well.
23 I know you mention the RN, the registered nurses. Would the
24 Employer be willing to stipulate at this time that the RNs are
25 professionals and the tech individuals that have been named are

1 non-professionals?

2 MS. KASETA: Can we change the language of that

3 stipulation to some extent?

4 HEARING OFFICER MOY: We can. I mean --

5 MS. KASETA: There's --

6 HEARING OFFICER MOY: -- you can propose something and we

7 can --

8 MS. KASETA: Yeah. I can make a proposal on the

9 stipulation. Our proposal for that would be within the

10 petition for a unit, the registered nurses must vote subject to

11 a Sonotone ballot in order --

12 HEARING OFFICER MOY: One second. Why don't we take this

13 off the record for the --

14 MS. KASETA: Sure.

15 HEARING OFFICER MOY: -- entire stipulation? Off the

16 record, please.

17 (Off the record at 3:37 p.m.)

18 HEARING OFFICER MOY: The Hearing Officer has spoken to

19 both parties in this proceeding and they have reached a

20 stipulation in regard to the status of RNs, or registered

21 nurses. The stipulation will be read, I will read that into

22 the record.

23 "The parties stipulate that within the petition for a

24 unit, the registered nurses are professional employees who must

25 vote subject to Sonotone ballots in order to determine if they

1 wish to be included in the technical employees units."
2 MS. KASETA: And for the purpose of the record, I want to
3 state on behalf of the Employer that we enter into that
4 stipulation without prejudice to our position that the
5 registered nurses do not share a community of interest with the
6 technical employees.
7 HEARING OFFICER MOY: It will be noted.
8 Any objections?
9 MS. HOFFMAN: No objection.
10 HEARING OFFICER MOY: Okay. We have several reminders
11 that we have to get through. Let me read this to you guys, to
12 all parties.
13 "The parties are reminded that prior to the close of the
14 hearing, the Hearing Officer will solicit the parties' position
15 on the type, dates, times and locations of the election and the
16 eligibility period, including the most recent payroll ending
17 dates and any applicable eligibility formulas, but will not
18 permit litigation of these issues. The Hearing Officer will
19 also inquire as to the need for foreign language ballots and
20 notices of election. Please have the relevant information with
21 respect to these available at that time.
22 The parties have been advised that the hearing will
23 continue from day to day as necessary until completed, unless
24 the Regional Director concludes that the extraordinary
25 circumstances warrant otherwise.

1 The parties are also advised that upon request, they shall
2 be entitled to a reasonable period at the close of the hearing
3 for oral argument. Post-hearing briefs shall be filed only
4 upon special permission of the Regional Director. In addition,
5 a party may offer into evidence a brief, memo of points and
6 authorities, case citations, or other legal arguments, during
7 the course of the hearing and before the hearing closes."
8 So at this time, we're going to move on to the statement
9 of position. I have in front of me Exhibit -- I want it marked
10 as Board Exhibit 3. I have checked with both parties to review
11 these documents. This is the Board Exhibit 3, which is a
12 statement of position that was submitted by the Employer on
13 November 6th. It also includes two attachments, one including
14 the petition for a unit, including the names of employees and
15 their shifts and locations as well as a second attachment that
16 includes the excluded employees.
17 Are there any objections to Board Exhibit 3 being entered
18 into the record?
19 MR. CARMODY: No objection.
20 MS. HOFFMAN: I don't have any objection to them being
21 entered into the record, but I was not understanding the
22 excluded employees and the position on the excluded employees.
23 HEARING OFFICER MOY: Well, we'll be fleshing that out
24 right -- actually, right now, regarding the statement of
25 position. Because we're going to go issue by issue at this

1 time. This is just for the record keeping for -- you know,
2 that being submitted.
3 **(Board Exhibit Number 3 Received into Evidence)**
4 HEARING OFFICER MOY: So at this time, we're going to go
5 through the statement of position and identify the issues that
6 the Employer has raised regarding the proposed units. Now, the
7 first issue that I've identified is a community of interest-
8 related issue regarding the registered nurses and the other
9 employees included in the proposed unit, which I understand to
10 be the technical employees.
11 My understanding of the Employer's position is that they
12 do not believe that the RNs have a community of interest that's
13 shared with the technical employees, and the proposed unit has
14 combined this -- these two categories.
15 Is that a good description, or is there anything else
16 you'd like to add to that position, Employer Counsel?
17 MR. CARMODY: I think that you have accurately described
18 the issue.
19 HEARING OFFICER MOY: Thank you. And what is -- and just
20 for clarification, my understanding, there are four RNs that
21 are in dispute of this RN category, and that they derive from a
22 single location, of the 16 that are being discussed. Is that
23 accurate?
24 MS. KASETA: It's a total of 17 locations.
25 HEARING OFFICER MOY: Okay.

1 MS. KASETA: And I'm just quickly checking the list, but I
2 do believe that it's, I think four. It was either four or
3 five. I see five on the list.
4 HEARING OFFICER MOY: Okay. Five. Okay.
5 MS. KASETA: And they are all located at one facility.
6 HEARING OFFICER MOY: Okay. And what is the Petitioner's
7 position in regards to and in response to this position
8 regarding a lack of community of interest?
9 MS. HOFFMAN: It's the Petitioner's position that there is
10 a community of interest with the other employees in the
11 petition for a unit.
12 HEARING OFFICER MOY: Okay. And what we're going to do
13 right now is just go through issue by issue just to make sure
14 that the parties are clear that, and the record is clear that,
15 what issues are open right now.
16 Now, the next issue, potential issue, is regarding the
17 multi-facility unit and whether or not that's appropriate.
18 Because the Employer's position is that each individual
19 facility does not share a community of interest with the
20 employees of any of the other individual facilities included in
21 the Union's petition. And for these reasons, because of the
22 community of interest issue among this group of 17 facilities,
23 a single unit is not appropriate.
24 Is that a somewhat accurate description of the Employer's
25 position?

1 MR. CARMODY: Yes. That's an accurate summary. Not --
2 the only thing that I would add is that under black letter of
3 Board law, when a union is seeking a multi-location unit, there
4 is no presumption that the unit is appropriate. The burden is
5 on the union to prove the appropriateness of that unit. And,
6 by the same token, in circumstances like these where we have
7 taken the position that each center is an appropriate unit,
8 there's a single site presumption of appropriateness.
9 HEARING OFFICER MOY: Uh-huh.
10 MR. CARMODY: Which is also the issue, I think, that's
11 joined by the RN petitions that you have represented are in the
12 process of being docketed.
13 HEARING OFFICER MOY: That's correct. Yes. And we'll
14 cover -- of course, we'll go through. Once we've identified
15 the actual issue that will be litigated, we'll go through the
16 burdens, on what's presumptive and what's not at that time.
17 Correct.
18 Just for the record, too, the locations in question,
19 they've already been identified in the statement of position,
20 but I did want to get on the record as much information as I
21 can about each of these. Do we have -- I don't know if the
22 Employer has, or either party, has a breakdown of the number of
23 petitioned for employees at each location?
24 MS. KASETA: The RN petitions include that.
25 HEARING OFFICER MOY: Oh, the RN petition has that. Okay.

1 We'll pull those and put that on the record when we have the
2 next recess.
3 Now, does the -- what is the Union's position and the
4 Petitioner's position on this response?
5 MS. HOFFMAN: It's the Union's position that the petition
6 for a unit is appropriate. That the Valley locations are run
7 as a one-operation, with employees used interchangeably, with
8 patients also using locations interchangeably. That the
9 facilities are commonly supervised in the Valley. That there
10 is employee transfers, including a floater that works at the
11 various facilities. And that they have common labor relations
12 and other benefits. And that they're viewed by the employees
13 and the employer as a single Valley region.
14 HEARING OFFICER MOY: Okay. Now the third issue raised in
15 the statement of position by the Employer are that there are
16 several categories of employees that it argues should not be
17 included in the unit. They are as follows: Chief
18 technologist, lead MRI technologist, MRI technologist, nuclear
19 medicine technologist, PSR/MRI technologist and the registered
20 nurses. Obviously, we've already discussed the registered
21 nurses with a community of interest.
22 What's the basis for the Employer's argument then on -- in
23 summary of why these categories should not be included in the
24 unit?
25 MS. KASETA: With the exception of the registered nurses

1 the --

2 HEARING OFFICER MOY: Uh-huh.

3 MS. KASETA: -- remaining categories fall under the

4 statutory definition of a guard as set forth by Section 9(b)(3)

5 of the National Labor Relations Act and therefore a labor

6 organization such as NUHW, which does represent non-guard

7 employees, is precluded by the Act from representing the

8 employees listed in our statement of position. And for that

9 reason, the petition should be dismissed.

10 HEARING OFFICER MOY: Okay. Now, just for clarification,

11 how many -- do you know how many chief technologists there are?

12 MS. KASETA: I believe there are two to three, but I can

13 check the list for you pretty quickly here.

14 HEARING OFFICER MOY: Okay. Because the -- if you have it

15 handy, the breakout of how many individuals are in question

16 with these categories.

17 MS. KASETA: Yes. I don't have a breakout, but I can tell

18 you that, for the most part, those excluded on the second list

19 are --

20 HEARING OFFICER MOY: Uh-huh.

21 MS. KASETA: -- in the category of MRI technologist. So

22 there -- I'm seeing two chief technologists.

23 HEARING OFFICER MOY: Okay.

24 MS. KASETA: Do you want employee names? Would that be

25 helpful?

1 HEARING OFFICER MOY: No, it's okay. I mean, we can --
2 just so we have an idea of numbers is helpful right now to see
3 how --
4 MS. KASETA: Sure.
5 HEARING OFFICER MOY: -- much of an impact it has on the
6 unit size.
7 MS. KASETA: Sure. Okay. For lead, I believe there's one
8 lead, double checking now.
9 HEARING OFFICER MOY: Okay.
10 MS. KASETA: Yes. I'm showing one lead.
11 HEARING OFFICER MOY: Okay.
12 MS. KASETA: Nuclear medicine -- I'm going to skip MRI,
13 because at the end I'm going to say to you, everybody else.
14 HEARING OFFICER MOY: That's 12. Everyone else. Okay.
15 MS. KASETA: I believe nuclear medicine is five, but I'd
16 like to confirm.
17 (Counsel confer)
18 MS. KASETA: I think it's six.
19 HEARING OFFICER MOY: For the PS, the --
20 MS. KASETA: I'm sorry. For nuclear medicine
21 technologists.
22 HEARING OFFICER MOY: Oh, nuclear medicine. Got it.
23 MS. KASETA: Actually, make that seven. My apologies.
24 And patient PSR/MRI technologist is one.
25 HEARING OFFICER MOY: "One."

1 MS. KASETA: And I believe there were a total of 47
2 individuals on the excluded employees list. So I believe that
3 the remainder are MRI technologists, which makes that number
4 36.
5 HEARING OFFICER MOY: Uh-huh.
6 MS. KASETA: And I'll confirm all these numbers on our
7 next break just to make sure they're --
8 HEARING OFFICER MOY: Okay.
9 MS. KASETA: -- completely accurate. But that's pretty
10 close.
11 HEARING OFFICER MOY: That's helpful. Just so I'm very
12 clear on the record, it's the Employer's position then that
13 there -- that the entire classification should be considered a
14 guard under 9(b)(3) of the Act?
15 MS. KASETA: Yes.
16 HEARING OFFICER MOY: Okay.
17 MS. KASETA: The entire classification of MR --
18 HEARING OFFICER MOY: Of each of these named employee --
19 the named --
20 MS. KASETA: Yes.
21 HEARING OFFICER MOY: -- groups.
22 MS. KASETA: That's correct.
23 HEARING OFFICER MOY: Okay. Now, what is the Petitioner's
24 position then on this assertion?
25 MS. HOFFMAN: That they're health care technologists and

1 not guards.

2 HEARING OFFICER MOY: Okay. All right. A fourth

3 potential issue that we'll be discussing is in regards to seven

4 named individuals. I will read them into record. They are --

5 the individuals in question are: Walbert Altrucka, Jr.

6 (phonetic), Veronica Atwater (phonetic), Manuel Castillo

7 (phonetic), Varden Macarean (phonetic), Andrew Mendoza

8 (phonetic), Wendy Morris (phonetic), and Brandon Ragland

9 (phonetic). They are listed in the statement of position as

10 guards, but I also understand that they have a classification

11 of something called "multi-moduling techs," but --

12 MS. KASETA: Mordality.

13 HEARING OFFICER MOY: I'm sorry?

14 MS. KASETA: Mordality.

15 HEARING OFFICER MOY: Mordality techs.

16 MS. KASETA: Mordality.

17 HEARING OFFICER MOY: My understanding in discussing with

18 the Petitioner is that they have duties that relate to being a

19 guard and therefore --

20 MS. HOFFMAN: Not with the Petitioner.

21 MR. CARMODY: You said Petitioner, you mean the --

22 HEARING OFFICER MOY: Oh, I'm sorry.

23 MR. CARMODY: -- Employer.

24 HEARING OFFICER MOY: I meant Employer. But perhaps I

25 should let the Employer describe it more aptly than the Hearing

1 Officer. And it's -- just the general position on why they
2 should be excluded from --
3 MS. KASETA: Sure. Multi-modality technologists are
4 technologists who, within their assigned facility, work on more
5 than one modality, which in this case means perform more than
6 one kind of imaging. Those individuals who are listed in
7 response to question four on the statement of position --
8 HEARING OFFICER MOY: Uh-huh.
9 MS. KASETA: -- are individuals who, one of the modalities
10 that they work in is MRI technologist. So it's to some extent
11 a dual role. And because of their guard duties, as defined by
12 Section 9(b)(3) of the Act, as MRI technologists, the Union is
13 precluded from representing those individuals.
14 HEARING OFFICER MOY: I see. So because in the earlier
15 issue that we identified, it is the Employer's position that
16 MRI technologist is a classification that should be guards
17 under the meaning of the Act, and that these individuals then
18 have -- is it a rotating multiple assignments, and one of them
19 is with MRI technologist --
20 MS. KASETA: That's correct.
21 HEARING OFFICER MOY: -- role? Okay.
22 MS. KASETA: But we didn't list the multi-modality
23 technologist position as excluded, because there are other
24 individuals who do not have, as one of the modalities they work
25 in, MRI technologist.

1 HEARING OFFICER MOY: Okay. And what is the Petitioner's
2 position on these seven named individuals that are allegedly
3 guards?
4 MS. HOFFMAN: The performing MRIs do -- there are no cases
5 or any facts that performing MRIs makes you a guard under the
6 Act.
7 HEARING OFFICER MOY: So to summarize, it's your position
8 that they are not guards?
9 MS. HOFFMAN: They are not guards.
10 HEARING OFFICER MOY: And they should be part of the unit?
11 MS. HOFFMAN: That's correct.
12 HEARING OFFICER MOY: Okay. There are three other
13 remaining issues. I'll address them together quickly. The
14 Employer has put forth one issue being an -- or not produced --
15 that the Union has not produced the proper or sufficient
16 showing of interest.
17 As we had discussed earlier today, the inadequacy of the
18 showing of interest then should deem the -- the actual petition
19 itself should therefore be withdrawn or dismissed. I believe
20 that's the Employer's position.
21 In addition, they object to the mail ballot election that
22 has been proposed by the Union. And that the -- a manual
23 election is something that is more appropriate given the facts
24 of this case.
25 And lastly, it also objects to the NRLB's revised election

1 rules, and that its new rules are in violation of public
2 policy, Section 7(8)(c) and 9(b) of the Act.
3 Is that a sufficient description of the remaining
4 objections in your statement of position?
5 MR. CARMODY: Yes
6 HEARING OFFICER MOY: And for the -- let's get the
7 position of the Petitioner on this.
8 Do you have a position regarding the objection of the
9 showing of interest?
10 MS. HOFFMAN: It's our position that we have a sufficient
11 showing of interest.
12 HEARING OFFICER MOY: Okay. Do you have a position
13 regarding the fact that the Employer believes that mail ballot
14 election is not appropriate given this case?
15 MS. HOFFMAN: Due to the facilities and not all the
16 facilities have appropriate places for an election, and due to
17 the fact that the hours of work and the various locations, it's
18 still the Union's position that there should be a mail ballot.
19 HEARING OFFICER MOY: Okay. And do you have any position
20 regarding the Employer's objections to the revised election
21 rules?
22 MS. HOFFMAN: We're for them. We love the revised rules.
23 MR. CARMODY: That's some refreshing candor.
24 HEARING OFFICER MOY: Okay. Now, are there any other
25 issues that we need to -- that need to be addressed in this

1 hearing? Have I identified all the open issues that are at
2 least up for discussion at this time?
3 MR. CARMODY: One moment, please?
4 HEARING OFFICER MOY: Sure.
5 (Counsel confer)
6 MR. CARMODY: Nothing further. Thank you, sir.
7 HEARING OFFICER MOY: Okay. So at this time, I will
8 present this information to the Regional Director, and we will
9 discuss what issues can or cannot be litigated. When we come
10 back, I may ask for an offer of proof, depending on what the
11 issue is, and what is necessary for an offer of proof on some
12 of the issues. But I will discuss with the Regional Director
13 first on these, I believe it's seven issues that were raised in
14 the statement of position.
15 So we're going to take a recess. It should be about 10 to
16 15 minutes. But if you need to take a file break, feel free to
17 do so. And we'll recess in 15 minutes and we'll go off the
18 record.
19 MR. CARMODY: Thank you.
20 (Off the record at 4:03 p.m.)
21 HEARING OFFICER MOY: Okay. We're back on the record.
22 I've been informed by Employer counsel that they have an update
23 to the number of employees in the category that they are
24 alleging as guards under the interpretation of the Act. Can
25 you provide those numbers for us, counsel?

1 MS. KASETA: Sure. So RNs, there are a total of four.
2 HEARING OFFICER MOY: Okay.
3 MS. KASETA: Nuclear medicine technologists, there are a
4 total of seven. Lead MRI technologists, there is one. PSR
5 slash MRI technologists, there is one. Chief technologist,
6 there is two. And the list as whole has 44 so that's -- let me
7 do some quick math to give you the MRI -- 30 MRI. Someone
8 wants to check my math. I'm a lawyer.
9 MS. HOFFMAN: We counted 32.
10 UNIDENTIFIED SPEAKER: Twenty-two.
11 MS. HOFFMAN: Or --
12 MS. KASETA: Twenty-two MRI techs?
13 UNIDENTIFIED SPEAKER: From your guys list.
14 MS. KASETA: Okay. Well, I'll have to double-check that
15 which I won't be able to do very quickly.
16 HEARING OFFICER MOY: Okay. Okay. All right. So let's
17 address this issue by issue. Some of these issues --
18 MS. KASETA: I'm sorry.
19 HEARING OFFICER MOY: Yeah.
20 MS. KASETA: Actually, I think I can explain probably --
21 there's multimodality techs, a few who would be on the excluded
22 Employer list is a total of 44.
23 HEARING OFFICER MOY: Okay.
24 MS. KASETA: There were seven employees excluded by me.
25 That gets us down to 37. Of those 37, you've got 14 other job

1 classes which should leave you with 23 MRI techs and we're
2 actually on the -- I understand that you think there's 22 but
3 I'm saying the number to the extent we're off, we're off by
4 one.
5 HEARING OFFICER MOY: Okay.
6 MS. KASETA: We can resolve that, I'm sure, later.
7 HEARING OFFICER MOY: Okay. So as we discussed earlier,
8 we've identified seven potential issues for litigation. I'm
9 going to go through them piece by piece. For some of them, I
10 will be asking for an offer of proof to make a further
11 deliberation on whether or not they can be litigated in the
12 matter but I can articulate some of the decisions the RD, the
13 Regional Director has already made.
14 On the first issue regarding the community of interest
15 between the registered nurses and the technicians -- this issue
16 will be litigated today, at this hearing. To be clear, I
17 understand that we've already stipulated that the RNs are
18 professional employees so we don't need testimony in that piece
19 of it but, obviously, community of interest among the two
20 groups, that will be the most important piece that we'll be
21 discussing and just. I'll go through later summarizing just
22 the burdens of proof. But on that particular piece because the
23 proposed unit was not presumptively appropriate, because it's
24 combined professional and nonprofessional, the burden of proof
25 will be on the union for that particular issue.

1 The second issue regarding the multi-location, the scope
2 of the unit -- again because it's not an Employer-wide unit, it
3 is not presumptively an appropriate unit and the burden will be
4 on the Union to prove this matter that it has a community of
5 interest among each of the 17 locations. This issue will be
6 litigated.
7 On the third issue regarding the -- let's see, how many
8 classifications -- I think we have like six different
9 classifications that the Employer is contending will -- that
10 are guards. We will need an offer of proof. I'll get to the
11 offer of proof piece of this. I'll do that all at one time
12 just so we can kind of get all the issues out there. But
13 before the Regional Director makes a final decision on whether
14 that can be litigated or not, we will request an offer of proof
15 on that.
16 In regards the fourth issue, it is the seven individuals
17 that have roles -- I'm sorry -- duties that are guard related
18 that Employer is seeking to exclude. That issue, the Region
19 will also be looking for an offer of proof of what type of
20 evidence will be presented regarding these seven individuals.
21 For these two -- I'm sorry to make this clear -- for these
22 last two categories, issue 3 and 4, because the Employer is
23 seeking to exclude them from the unit, the burden will be on
24 the Employer to provide that evidence to establish that they
25 should be excluded.

1 Moving on to the fifth issue which is the showing of
2 interest, insufficient showing of interest. As we had noted
3 earlier, there's already been a motion to dismiss this
4 particular petition for insufficient showing of interest. The
5 RD has already made its ruling on this citing the case handling
6 manual and that this is purely administrative matter. In
7 addition, by request of the Employer, the Region has already
8 re-checked the showing of interest earlier today and determined
9 that there is adequate interest to support a petition. So that
10 issue will not be litigated today.
11 On the sixth issue, the mail ballot -- whether or not a
12 mail ballot, the proposed mail ballot election is appropriate.
13 This issue will not be litigated today but, however, we do want
14 to get the parties' positions, a very detailed position
15 actually, on whether or not it's appropriate or not, you know,
16 specific evidence. It may not necessarily be needed but a
17 detailed explanation of why on the different parties' positions
18 on why a mail ballot is appropriate, whether the manual ballot
19 is appropriate and if it's going to be manual ballot, why
20 certain days, schedules or locations are appropriate or not. I
21 understand that some of the parties have raised concerns about
22 certain locations. I don't know if there's going to be
23 multiple locations or not for a manual ballot if that's going
24 to be something discussed, but. Both parties can, you know,
25 put their position, detailed positions, on the record for that.

1 And lastly, we have the seventh issue that was raised.
2 That's the regarding the new rules being a violation of the
3 Act. We will cover that -- we will need an offer of proof on
4 that and I'll discuss that as I breach the three issues that
5 we're going to discuss regarding offer of proof. So that issue
6 is still pending right now.
7 Are there any questions before I move on to the three
8 issues that we'll be asking for an offer of proof?
9 MR. CARMODY: No.
10 MS. KASETA: No.
11 HEARING OFFICER MOY: Petitioner?
12 MS. HOFFMAN: No.
13 HEARING OFFICER MOY: Okay. So the three issues, again,
14 that the Region identified as that we'll need additional offer
15 of proof in order to determine if they are going to be
16 litigated in this proceeding.
17 The first one is the five categories in issue number 3,
18 the fourth issue being the seven individuals that allegedly
19 have duties that are related to guard, guard duties; and the
20 third being the new rules, objection to the new rules.
21 Now, on the first of these three on the categories, this
22 being the burden of proof on the Employer, I'd like to hear a
23 detailed burden -- I'm sorry -- detailed offer of proof then on
24 who you intend on having come to provide testimony, what their
25 testimony will be about regarding these specific categories and

1 why these categories should be deemed as guards under the Act.
2 MS. KASETA: Okay. We would present a witness and present
3 evidence during this proceeding to show that the MRI
4 technologists and the nuclear medicine technologists, as well
5 as these other job duties that have been discussed today that
6 perform the duty of the MRI technologists as part of their job,
7 that these individuals meet the definition of a guard as set
8 forth by Section 9(b)(3) of the National Labor Relations Act.
9 Section 9(b)(3) of the Act states that the Board is
10 precluded from approving any bargaining unit that includes,
11 together with other employees, any individual who's employed as
12 a guard to enforce against employees and other persons rules
13 that protect the property of the Employer or protect the safety
14 of persons on the premises.
15 9(b)3 prevents any labor organization that either
16 represents employees other than guards or is affiliated with
17 any other labor organization that represents employees other
18 than guards from itself representing a bargaining unit of
19 guards.
20 Our testimony would prove and our supporting documentation
21 would prove that the MRI technologists and the nuclear medicine
22 technologists are guards within the meaning of the Act and,
23 therefore, the petition should be dismissed.
24 With regard to the specific evidence that we'll present
25 and speaking specifically now of the MRI technologists --

1 HEARING OFFICER MOY: Uh-huh.

2 MS. KASETA: -- the Employer will present evidence to
3 demonstrate that MRI technologists are the only employees in
4 the facilities who are tasked with maintaining the security of
5 certain portions of the Employer's premises and, namely, that's
6 the two zones, in particular, that surround the MRI machine.

7 MRI technologists police entry to the room containing the
8 MRI machine and also the room directly outside the MRI machine
9 because the MRI machine, itself, is an incredibly powerful
10 magnet whose magnetic forces are present in the room at all
11 times. As a result, if any metal object enters the room
12 containing the MRI machine, the results could be harmful to
13 entirely catastrophic. And our witness would be able to
14 present examples of times where the guard function was not
15 fulfilled by an MRI technologist that resulted in the death of
16 a patient.

17 MRI technologists enforce the security of the room that
18 contains the MRI machine. They have the authority to remove
19 people from the room or the general area. They have the
20 ability to report to police any individual who refuses to leave
21 the area. In the judgment of the MRI technologist, they need
22 to clear an area for the safety of employees or visitors, they
23 have the authority to clear or evacuate that area. And the MRI
24 technologists not only protect employees and visitors from the
25 MRI machine but they also protect them from the machine, from

1 physically entering a room where the machine is but also
2 protect them from the effects of the MRI machine. As I said,
3 it's a very powerful magnet. It is kept cool with cryogen and
4 if it is not kept cool, it can explode which would, obviously,
5 be catastrophic.
6 So in guarding and policing not only the levels but also
7 having the authority and clearance to evacuate a site, for
8 example, if that magnet has reached an untenable level and has
9 become dangerous.
10 The MRI technicians perform the functions of a guard
11 within the Employer's facility.
12 The Employer will also present testimony and evidence
13 related to the nuclear medical medicine technologists who are
14 employed at the facilities. They also perform guard duties as
15 defined by the Act.
16 Nuclear medicine technologists are the sole group of
17 employees required to protect a locked and secured area of the
18 facility. This area of the facility is where nuclear medicine
19 is practiced.
20 Nuclear medicine involves the administration of
21 radioactive isotopes to patients. Therefore, there are
22 radioactive sources that are stored within -- it's a locked
23 area within a locked area. You have a locked unit and then a
24 locked room within that unit known as the "hot lab." The only
25 employees who have access to that area are the nuclear medicine

1 technologists and they bring employees back -- bring patients
2 back and escort them through. They're the only ones with
3 access to the hot lab which is where the radioactive material
4 is actually stored. They're the only ones who can enter that
5 part of the area. They have to prevent entry into that area,
6 the hot lab, by any other visitor or employee because of how
7 strictly enforced, for potentially obvious reasons, radioactive
8 material is.
9 They have to make sure that unauthorized removal of the
10 radioactive sources doesn't occur. And this is not actually
11 just a theoretical application but, in fact, our witness can
12 present testimony about a recent incident where there was
13 actually a man trying to gain access to these rooms in order to
14 take radioactive materials out. Part of the function of the
15 nuclear medicine technologists would be to prevent that
16 individual from accessing that area for the safety of not only
17 employees and patients but also the general public.
18 Additionally, nuclear medicine technologists have to
19 monitor and guide the patients who themselves have been
20 injected with radioactive isotopes. Those individuals have to
21 be closely monitored within the Employer's facilities. These
22 individuals are themselves, once injected, radioactive. They
23 have to stay within the locked area. They are not to interact
24 with other patients which could have a dangerous or harmful
25 effect for those other patients particularly, for example,

1 women who are pregnant and in the facility for ultrasound. So
2 those patients who are in the nuclear medicine department are
3 monitored and prevented from exiting the nuclear medicine
4 department by the nuclear medicine technologist. Furthermore,
5 they actually take those patients out through a separate exit
6 to avoid their interaction because, again, they are
7 radioactive.
8 And if the hot lab, itself, which is where the radioactive
9 isotopes are stored, if that is any way compromised, here too,
10 the nuclear medicine technologist is the individual who is
11 responsible for evacuating the facilities in that event.
12 This evidence, we think, is clearly relevant to the
13 Regional Director's determination concerning whether these
14 individuals are guards within the statutory meaning of the Act.
15 This is particularly true where the case law illustrates that
16 the most important factor to that determination is whether or
17 not these employees enforce rules against other employees and
18 against visitors for the protection and safety of patients and
19 employees and the Employer's premises.
20 And for that reason, we believe we should be permitted to
21 enter evidence on this.
22 And I actually have a written offer of proof. I could
23 submit it as an exhibit if you would like.
24 HEARING OFFICER MOY: Sure. You guys can submit something
25 for -- yes, you can actually submit it as Employer Exhibit A.

1 MS. KASETA: One

2 HEARING OFFICER MOY: One -- I'm sorry.

3 Okay. So I understand the Employer's position on this,

4 could we have a little bit more detail on the specific

5 witnesses, then, that are going to be giving testimony on this.

6 Are we talking about how many individuals, are they across the

7 different classifications, of these classifications, or is it

8 supervisors of these individuals who will be giving testimony

9 on this?

10 MR. CARMODY: I think that goes beyond what the rules and

11 regulations require. We -- I don't -- I'm unaware of any

12 obligation we carry to identify somebody by name.

13 HEARING OFFICER MOY: You don't have to identify anybody

14 by name. We're not looking for names of individuals. This is

15 simply for the burden of reaching whether or not the Regional

16 Director will entertain litigating the issue all together.

17 They would like to know what the actual type of individuals

18 who'll be giving testimony, the number of them. For example,

19 just bear with me here. If you only had one witness who is a

20 low-level employee who's going to give testimony on all this

21 stuff then that's not something that, you know. Their

22 testimony would not go to support these allegations and,

23 therefore, I would guess the Regional Director would be --

24 decline, you know, the opportunity to litigate that, so.

25 The reason for this -- you do not have to provide if you

1 don't want to but it's in your best interest and your client's
2 best interest to do so.
3 MS. KASETA: We're going to present one witness who's a
4 medical doctor who has essentially written the safety rules as
5 they pertain to the Employer and as they pertain to these two
6 job classifications. So he can speak with authority as to both
7 facets of the guard issue.
8 HEARING OFFICER MOY: Okay. He wrote these -- the rules
9 for this -- these facilities.
10 MS. KASETA: For this Employer.
11 HEARING OFFICER MOY: For this Employer.
12 MS. KASETA: Yes, and for these --
13 HEARING OFFICER MOY: Okay.
14 MS. KASETA: -- these facilities. And he is the
15 individual responsible for the accreditation of the facilities.
16 HEARING OFFICER MOY: Okay.
17 MS. KASETA: Yeah. He does possess personal knowledge of
18 all the work duties and the enforcement of the safety rules.
19 HEARING OFFICER MOY: Okay.
20 Okay. Anything else on this topic of the -- actually, I'm
21 sorry. I should enter this exhibit. Are there any objections
22 about this being entered, the exhibit. Again, I'll make clear
23 that this is simply an argument; it's not, obviously, taken for
24 fact, given, entered into as Employer Exhibit 1 as its offer of
25 proof regarding the issue to be litigated of classifications to

1 be considered guards under the Act.

2 MS. HOFFMAN: No objection.

3 HEARING OFFICER MOY: Okay. So Employer Exhibit 1 will be

4 entered into evidence.

5 **(Employer Exhibit Number 1 Received into Evidence)**

6 HEARING OFFICER MOY: Are there any other things that

7 you'd like to add for the offer of proof before we move on to

8 the next subject?

9 MS. KASETA: No.

10 HEARING OFFICER MOY: Okay. So the second topic then will

11 be the seven individuals that the Employer has identified as

12 the multimodality techs who perform, my understanding that they

13 perform some of the job duties that are the MRI technologists.

14 Again, an offer of proof and, I take it, might be similar

15 because we are talking about the same classifications or job

16 duties but I'll let you articulate that for us to consider, for

17 the Regional Director to consider for litigation purposes.

18 MS. KASETA: Sure. Each of the seven individuals listed

19 in Section 4 of the Employer's statement of position is the

20 multimodality technologists. Multimodality technologists, as a

21 general matter, not just these seven individuals but all

22 multimodality technologists work on more than one type of

23 imaging equipment so they could be a CAT scan technologist and

24 an MRI technologist; they could be an X-ray technologist and a

25 CAT scan technologist.

1 The seven individuals that we've identified in response to
2 question 4 are the seven people who work as MRI technologists
3 as part of their multimodality job responsibilities. With
4 regard to how that makes them guards, I would refer you back to
5 my offer of proof in Employer Exhibit 1.
6 HEARING OFFICER MOY: And is there -- what about the -- I
7 understand that they have multiple rotations -- is that the
8 right terminology for this? Or multiple -- sometimes they
9 aren't working MRIs, you said, sometimes they work on CAT
10 scans. What percentage of their time then is under the MRI
11 scans in order for them to fall under the guard --
12 MS. KASETA: It would be our position that the exact
13 percentage of time would be irrelevant because as long as
14 they're exercising guard responsibilities pursuant to Section
15 9(b)(3) of the Act, they can't be represented by this union.
16 HEARING OFFICER MOY: Okay. And in terms of its
17 testimony, is it going to be the same testimony from the
18 earlier position then, the earlier issue?
19 MS. KASETA: That testimony will be encompassed by the
20 same witness.
21 HEARING OFFICER MOY: Okay.
22 MS. KASETA: And the same documentary evidence.
23 HEARING OFFICER MOY: And you mentioned that that witness
24 has personal knowledge of these job duties. He didn't just
25 write them but he, obviously, personally knows, so. Is that

1 person familiar with these specific individuals then or at
2 least their job classification --
3 MS. KASETA: Yes.
4 HEARING OFFICER MOY: -- as multi --
5 MS. KASETA: Yes.
6 HEARING OFFICER MOY: Okay.
7 MS. KASETA: I don't know if I could say like that he
8 would know those individual employees.
9 HEARING OFFICER MOY: Uh-huh.
10 MS. KASETA: But he is very familiar with their job
11 classifications and how they exercise the duties of their role
12 as a MRI technologist within the multimodality.
13 HEARING OFFICER MOY: Okay.
14 MS. KASETA: And he knows what a -- he can testify as to
15 what a multimodality technologist does, as well.
16 HEARING OFFICER MOY: Okay. Okay. Now is there anything
17 else for this particular issue in terms of offer of proof?
18 MS. KASETA: No.
19 HEARING OFFICER MOY: Okay. Now for lastly regarding the
20 objection to the revised election rules. I just want to
21 confirm then. Is the Employer's position then that you guys
22 are objecting to as a facial challenge to the rule, itself?
23 And -- is that correct?
24 MR. CARMODY: That is correct.
25 HEARING OFFICER MOY: Okay.

1 MR. CARMODY: And -- go ahead.

2 HEARING OFFICER MOY: Okay. And then my next follow-up
3 question then is what type of evidence would you -- is there
4 going to be evidence you're going to put forth in regarding to
5 that type of challenge or it's just a challenge to the -- the
6 facial challenge to the actual rules, itself.

7 MR. CARMODY: Like a five-minute break, please, to review
8 it.

9 HEARING OFFICER MOY: That's fine. Off the record.

10 (Off the record at 5:05 p.m.)

11 HEARING OFFICER MOY: Okay. We're back on the record.

12 MR. CARMODY: So, Mr. Hearing Officer, we don’t intend to
13 -- wouldn't intend to present any evidence --

14 HEARING OFFICER MOY: Uh-huh.

15 MR. CARMODY: -- per se, in support of the issue. It is,
16 instead, as you described it facial challenge that we would
17 articulate with greater specificity upon the close of the
18 hearing or in a post-hearing brief, as the case may be.

19 HEARING OFFICER MOY: Okay. Okay. Is there any other
20 things that either party would like to add to this discussion
21 before we get a final determination from the Regional Director
22 on which issues will be litigated?

23 MR. CARMODY: No, sir.

24 HEARING OFFICER MOY: Petitioner?

25 MS. HOFFMAN: No.

1 HEARING OFFICER MOY: Okay, let’s take another -- sorry --
2 another ten-minute recess. I do believe that the Regional
3 Director will make a rather quick decision. So when we come
4 back on the record, or at least just before we go back on the
5 record, we can discuss whether or not it's appropriate to
6 recess for the remainder of the day or if we have a witness
7 that fits into the short time span that we have or what kind of
8 time frame we're working with, so. You guys can discuss it
9 together if you'd like or you guys can wait till I get back
10 with the Regional Director's decision. Okay. Off the record.
11 (Off the record at 5:12 p.m.)
12 HEARING OFFICER MOY: Thank you everyone for your
13 patience. We have spoken to the Regional Director. She has
14 made her determination on which issues will be litigated based
15 on the offers of proof.
16 Regarding issue number 3 and 4 -- 3 being the categories
17 of employees that deal with MRI technology and the nuclear
18 medicine, whether or not they are considered guards under the
19 Act; and 4 being the seven individuals who have job duties that
20 include being an MRI technologist and, therefore, a guard under
21 the Act.
22 It was close because already had some reservations on this
23 topic, whether or not there'd be sufficient proof to establish
24 whether they're guards but she will hear, we will litigate the
25 issue and it is something that we will take evidence on.

1 We understand that there's one, maybe more witnesses on
2 it. And just be sure that that person is able to flush out all
3 the details necessary to prove that. As you already know, the
4 burden is on the Employer to make that argument and to make the
5 winning argument that those individuals should be precluded
6 from the unit.
7 Regarding the last issue of the facial challenge to the
8 Board rules, that issue will be precluded from litigation then
9 because there's no offer of proof of actual evidence related to
10 it. It's just a facial challenge.
11 One thing that I will note, however, though. There's been
12 some mention of briefs by mostly one party -- but mention of
13 briefs by the parties. And please note that the Regional
14 Director has not made a decision whether or not there will be
15 closing briefs in this particular matter. It obviously may
16 also depend and hinge on the type of evidence that's presented
17 with the issues that we've already discussed, so. It may be
18 one option in the interim so all parties have advance notice of
19 this is that if either party would like to prepare any kind of
20 statement with relevant case law, they can submit that as part
21 of the record to be included as, for example, an exhibit or
22 whatnot in case the Regional Director does decide that briefs
23 are not appropriate for this matter.
24 Now, to summarize, I just want to make sure we're all
25 clear then on the actual issues that will be litigated. The

1 Regional Director has directed the following issues that will
2 be litigated in this proceeding -- first being the
3 appropriateness of the RN and the technical employees and
4 there's a community of interest between these two groups;
5 second issue being the multi-location or the scope of the unit
6 of the 17 different locations and the community of interest
7 between each of the employees of those locations; the third
8 being the categories identified by the Employer as -- that are
9 related to the MRI technologists and the nuclear medicine
10 technologists and whether or not they are guards under the
11 definition of the Act, what that classification is; fourth
12 being the seven individuals who have responsibilities that are
13 shared with MRI technologists or rotate into those positions
14 and, therefore, have duties that are considered guards under
15 the Act. And those are the only four issues that will be
16 litigated in this case.
17 MR. CARMODY: To clarify.
18 HEARING OFFICER MOY: Yes.
19 MR. CARMODY: Is it the Regional Director's determination
20 that my client is not permitted to litigate a facial challenge
21 of the Board's revised rules?
22 HEARING OFFICER MOY: I will -- I'm being summoned right
23 now. I don't know if it's related to that question or not.
24 But I'm going to take a short recess and let me check.
25 MR. CARMODY: Thank you.

1 HEARING OFFICER MOY: Off the record, please.
2 (Off the record at 5:41 p.m.)
3 HEARING OFFICER MOY: So I believe where we left it was
4 Employer had wanted to be clear whether or not he could or
5 could not litigate the issue of the facially unlawful new
6 rules; is that --
7 MR. CARMODY: The facial validity.
8 HEARING OFFICER MOY: Yeah, facial validity. That is
9 correct. That issue -- the Regional Director has ruled that
10 you are precluded from litigating that issue in this particular
11 hearing.
12 MR. CARMODY: And I want to be very --
13 HEARING OFFICER MOY: Uh-huh.
14 MR. CARMODY: I want to make sure the record is crystal
15 clear on this point.
16 HEARING OFFICER MOY: Yes.
17 MR. CARMODY: I have made clear that it is a facial
18 challenge --
19 HEARING OFFICER MOY: Yes.
20 MR. CARMODY: -- to the revised rules and there's no
21 evidence, no testimony, no documentary evidence that we would
22 intend to put into the record in support of the argument.
23 HEARING OFFICER MOY: That's correct.
24 Okay. Are there any other questions about which issues
25 now that we're going to be litigating?

1 MR. CARMODY: What is the basis for the Regional
2 Director's determination that my client should not be able --
3 so long as her decision stands -- will not be able to challenge
4 the facial validity of these rules?
5 HEARING OFFICER MOY: The facial validity, meaning that if
6 you have offered any evidence to actually support why, you
7 know, how, for example, how the rules affected your
8 representation during this particular petition, that would be
9 applicable to this particular hearing, but if it's a facial
10 challenge to this specific hearing and without any evidence to
11 support that, that issue cannot be litigated in this particular
12 proceeding.
13 MR. CARMODY: Okay. Thank you.
14 HEARING OFFICER MOY: Any other questions?
15 Okay. Now, we are ready to move on then. We have our
16 issues to be litigated. And I just -- before we would and then
17 move on to the presentation of the evidence, again, I want to
18 make sure that the burdens of proof are very clear for all
19 parties regarding issue number 1 of the RN and the tech group.
20 The burden of proof will be on the Union or the Petitioner.
21 For issue number 2, the multi-location related scope issue
22 of community of interest between the two -- between all the
23 facilities, the burden of proof is on the Petitioner-Union.
24 For issues 3 and 4, which relate to the job duties and
25 whether or not they're considered guard duties under the Act

1 for both the classifications and for seven individuals, that
2 burden will be on the Employer.
3 Is everyone clear about that? Petitioner?
4 MS. HOFFMAN: Yes.
5 HEARING OFFICER MOY: Employer?
6 MS. KASETA: Uh-huh, yes. Thank you.
7 HEARING OFFICER MOY: I know everyone was nodding their
8 head or saying yes. Okay. At this time, we're going to move
9 on to presentation of evidence. Why don't we go off the record
10 for a second so we can talk about scheduling.
11 (Off the record at 5:52 p.m.)
12 HEARING OFFICER MOY: We're back on the record. We will
13 be beginning our presentation of evidence tomorrow and
14 tomorrow. So we will recess right now and adjourn till 9 a.m.
15 tomorrow morning; in this hearing room again.
16 At that point, the Union will likely be providing its
17 first witness for the presentation of evidence but the Employer
18 will consider providing a foundational witness, as well. But
19 they will notify us about that tomorrow morning.
20 At this time we're going to close the record -- or I'm
21 sorry -- we're going to recess and we'll pick this up again
22 tomorrow morning. Off the record.
23 **(Whereupon, the hearing in the above-entitled matter as**
24 **recessed at 5:55 p.m. until Wednesday, November 8, 2017 at 9:00**
25 **a.m.)**

1 **C E R T I F I C A T I O N**

2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 31, Case Number
4 31-RC-208646, Radnet Management, Inc. and National Union of
5 Healthcare Workers, at the National Labor Relations Board,
6 Region 31, 11500 West Olympic Boulevard, Suite 600, Los
7 Angeles, California 90064, on Tuesday, November 7, 2017, 3:08
8 p.m. was complete, and true and accurate transcript that has
9 been compared to the reporting or recording, accomplished at
10 the hearing, that the exhibit files have been checked for
11 completeness and no exhibits received in evidence or in the
12 rejected exhibit files are missing.
13
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15
16
17 GRANT C. DAYLEY
18 Official Reporter
19
20
21
22
23
24
25

E.EX.1

RADNET MANAGEMENT, INC.
Representation Case Hearing, NLRB Case No. 31-RC-208646
National Labor Relations Board, Region 31

OFFER OF PROOF

If provided the opportunity to examine witnesses and present evidence during this proceeding, the Employer will show that the MRI Technologists and the Nuclear Medicine Technologists employed at the Employer's facilities meet the definition of a "guard", as set forth by Section 9(b)(3) of the National Labor Relations Act. Section 9(b)(3) of the Act states that the Board is precluded from approving any bargaining unit that "includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises." Section 9(b)(3) further prevents any labor organization that either represents employees other than guards or is affiliated with a labor organization that represents employees other than guards from itself representing a bargaining unit of guards. The Employer will prove, via testimony and supporting documentation, that MRI Technologists and Nuclear Medicine Technologists are guards within the meaning of the Act, and the Union's Petition must therefore be dismissed.

With regard to the MRI Technologists, the Employer would present evidence to demonstrate that MRI Technologists are the only employees tasked with maintaining the security of certain portions of the Employer's premises, namely the

two zones that surround the MRI machine. MRI Technologists strictly police entry to the room containing the MRI machine because the MRI machine itself is an incredibly powerful magnet whose strong magnetic forces are present in the room at all times. As a result, if any metal object enters the room containing the MRI machine, the results could range from merely harmful to entirely catastrophic. MRI Technologists enforce the security of the room that contains the MRI machine, and have the authority to forcibly remove people from the room or the general area if, in the judgment of the MRI Technologist, it is required for the safety of employees and visitors at the facility. Furthermore, the Employer would present evidence that the MRI Technologists must protect employees and visitors to a facility from the effects of a malfunctioning MRI machine, which could be equally, if not more, hazardous. Put quite simply, MRI machines that get too hot can explode, and in cases where a MRI machine is rapidly heating up or otherwise out of order, a MRI Technologist is authorized to take several safety precautions, from cancelling patients, to clearing a room, or even evacuating a facility.

Next, the Employer would present testimony and supporting evidence that will prove that the Nuclear Medicine Technologists employed at its facilities are also guards as defined by the Act. Nuclear Medicine Technologists are the sole group of employees required to protect a locked and secured area of the facility known as the "Hot Lab", which houses a multitude of radioactive material, from entry by any

unauthorized person. Nuclear Medicine Technologists are the only employees in a facility who are allowed to enter the Hot Lab, and they must prevent entry by any other person to avoid radioactive contamination, as well as the unauthorized removal of any of the radioactive sources stored therein, many of which could be incredibly harmful to the population at large. Furthermore, Nuclear Medicine Technologists must closely monitor and guide patients who have been injected with radioactive isotopes for imaging procedures, in order to prevent the other patients and employees of the facility from being exposed excessive radioactive matter. This duty requires the Nuclear Medicine Technologists not only to closely observe patients, but also to escort them to the bathroom and out of the facility. Finally, if the Hot Lab is compromised in any significant manner, the Nuclear Medicine Technologist is responsible for evacuating the facility.

Because this evidence is relevant to the Regional Director's determination concerning the appropriateness of the petitioned-for unit, the Employer should be permitted to present this testimony and supporting documentary evidence.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC D/B/A SAN FERNANDO VALLEY ADVANCED IMAGING CENTER *and* NATIONAL UNION OF HEALTHCARE WORKERS	31-RM-209424

EMPLOYER'S OBJECTIONS TO THE DECEMBER 8, 2017 ELECTION

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (hereafter, the "Board"), as amended, RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (hereafter, "SFP" or the "Employer") hereby submits the below Objections relative to the election held in the above-captioned matter in Panorama City, California on December 8, 2017 in a unit consisting of assorted technical classifications (hereafter, the "Technical Unit"). The results of the election, as recorded on the Tally of Ballots and the Amended Tally of Ballots issued by the Board, were four votes cast for the National Union of Healthcare Workers (hereafter, "NUHW" or the "Union"), and two votes cast against the Union, in a unit of approximately eight eligible voters. The Tally of Ballots and Amended Tally of Ballots reflect that there was one

challenged ballot cast during the election, which was determined by the Board to be determinative of the election. Thereafter, on December 11, 2017, the parties agreed that the challenged voter was an eligible employee, and the challenged ballot was opened. A Second Amended Tally of Ballots issued by the Board reflected that five votes were cast for the Union, and two votes were cast against the Union, in a unit of approximately eight eligible voters.

OBJECTIONS TO CONDUCT AFFECTING THE RESULTS OF THE ELECTION

(1) The Union failed to disclose to eligible voters the Union's affiliation with the International Association of Machinists and Aerospace Workers (hereafter, "IAMAW"), an agent of the Union, and by such omission, engaged in a material misrepresentation regarding the Union's proposed representation of employees that was sufficiently egregious so as to require the setting aside of the election. A new election should be conducted wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.

(2) The Union's and / or IAMAW's conduct during the organizing campaign, specifically, upon information and belief, the Union's and / or IAMAW's harassment of the Employer and eligible voters by its

involvement in the filing of false police reports against facilities operated by RadNet Management, Inc. and against employees of RadNet Management, Inc., was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

(3) The Union's conduct during the organizing campaign, specifically the Union's harassment of eligible voters in the Technical Unit, was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

OBJECTIONS TO THE CONDUCT OF THE ELECTION

(4) The Board Agent erred by misrepresenting to the one employee who voted subject to challenge that her ballot would, in all circumstances, remain a secret ballot. The Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, her ballot would not be confidential and her vote would not be by a "secret ballot", even after the employee articulated a concern about the secrecy of her vote. The Board Agent's error is particularly egregious where, as here, the voter was found to be eligible, her vote was opened and counted, and given the fact she was the only employee to vote subject to challenge, her decision as to whether she wished to be

represented by the Union was not maintained as a secret. This fundamental infirmity in the Board's process of facilitating a challenged ballot must be cured, and a new election should be conducted pursuant a revised challenge ballot process.

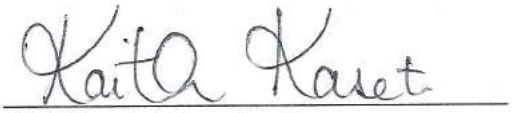
(5) The Board erred by conducting an election in the Technical Unit where the Union failed to disclose to employees during the Union's organizing campaign a material affiliation with the IAMAW, an agent of the Union. As a result, a new election should be conducted, wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.

(6) The Board erred by conducting the election in violation of Section 9(b)(3) of the National Labor Relations Act.

(7) The Board erred by conducting the election pursuant to the Board's revised election rules, which violate the National Labor Relations Act, the Administrative Procedure Act, and the public policy considerations underlying a number of other federal statutes. Consequently, the election should be set aside, and a new election should be conducted pursuant to election rules which comport with all applicable law.

Dated: Mount Pleasant, South Carolina
December 15, 2017

Respectfully Submitted,



Kaitlin A. Kaseta, Esq.
Counsel for the Employer
415 King Street
Mount Pleasant, SC 29464
(860) 307-3223
(843) 284-9684
kkaseta@carmodyandcarmody.com

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC D/B/A SAN FERNANDO VALLEY ADVANCED IMAGING CENTER	:	31-RM-209424
and	:	
NATIONAL UNION OF HEALTHCARE WORKERS	:	

CERTIFICATE OF SERVICE

The Undersigned, Kaitlin A. Kaseta, Esq., being an Attorney duly admitted to the practice of law, certifies, pursuant to 28 U.S.C. § 1746, that the Employer's Objections to the December 8, 2017 Election were e-filed this date through the website of the National Labor Relations Board (www.nlrb.gov). The Undersigned does hereby further certify that a copy of the Employer's Objections to the December 8, 2017 Election were served this date upon the following by email:

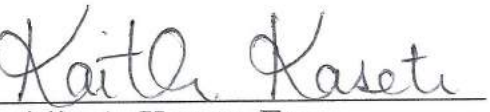
Florice Hoffman
Law Office of Florice Hoffman, L.C.
8502 E. Chapman Avenue, Suite 353
Orange, CA 92869-2461
fhoffman@socal.rr.com

Ryan Carrillo
IAMAW Local District Lodge 725
5402 Bolsa Avenue

Huntington Beach, CA 92649
rcarrillo@iam725.org

Dated: Mount Pleasant, South Carolina
December 15, 2017

Respectfully Submitted,



Kaitlin A. Kaseta, Esq.
Counsel for the Employer
415 King Street
Mount Pleasant, SC 29464
(860) 307-3223
(843) 284-9684
kkaseta@carmodyandcarmody.com

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC D/B/A SAN FERNANDO VALLEY ADVANCED IMAGING CENTER	31-RM-209424
and	
NATIONAL UNION OF HEALTHCARE WORKERS	

EMPLOYER'S OFFER OF PROOF ACCOMPANYING OBJECTIONS TO THE DECEMBER 8, 2017 ELECTION

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (hereafter, the "Board"), as amended, RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (hereafter, "SFP" or the "Employer") hereby submits the below Offer of Proof in support of its Objections relative to the election held in the above-captioned matter in Panorama City, California on December 8, 2017 in a unit consisting of assorted technical classifications (hereafter, the "Technical Unit"). The results of the election, as recorded on the Tally of Ballots and the Amended Tally of Ballots issued by the Board, were four votes cast for the National Union of Healthcare Workers (hereafter, "NUHW" or the "Union"), and two votes cast against the Union, in a unit of approximately eight eligible voters. The Tally of Ballots and Amended

Tally of Ballots reflect that there was one challenged ballot cast during the election, which was determined by the Board to be determinative of the election. Thereafter, on December 11, 2017, the parties agreed that the challenged voter was an eligible employee, and the challenged ballot was opened. A Second Amended Tally of Ballots issued by the Board reflected that five votes were cast for the Union, and two votes were cast against the Union, in a unit of approximately eight eligible voters.

Objection No. 1

The Employer alleges that the Union failed to inform and / or disclose to employees the Union's affiliation with the International Association of Machinists and Aerospace Workers (hereafter, "IAMAW"), an agent of the Union, and by such omission, engaged in a material misrepresentation regarding the Union's proposed representation of employees that was sufficiently egregious so as to require the setting aside of the election results, and the conduct of a new election in the Technical Unit. In support of its Objection, the Employer would call Ryan Dyer, Vice President of Southern California Operations for RadNet Management, Inc., as a witness. Dyer will testify that he attended the vote counts for the election held at SFP on December 8, 2017, as well as the vote counts for the elections involving San Fernando Valley Interventional Radiology and Imaging Center, Santa Clarita

Imaging, and Valley Hills Imaging, Vanowen Advanced Imaging, and Imaging Specialists of Burbank - held on December 6, 2017, December 7, 2017, and December 11, 2017, respectively. The evidence will show that the above-named facilities are all operated by RadNet Management, Inc., and were the subject of the same organizing campaign by the Union as was conducted by the Union at SFP.

Dyer's testimony will establish that, at each of the vote counts enumerated above, the Union's representative, Sophia Mendoza, was accompanied by a man who introduced himself as Ryan. Documentary evidence will establish that Ryan's full name is Ryan Carrillo and that he is an Organizer with IAMAW District Lodge No. 725. Dyer's testimony will illustrate that Carrillo was actively advising NUHW on the conduct of the vote tallies, and asking questions of the Board Agent and counsel for the Employer on behalf of the Union during the pre-election conferences and vote counts. Furthermore, the Employer will present documentary evidence of the affiliation between NUHW and IAMAW, including the unions' announcement of an affiliation in 2012, and evidence of joint training, joint political campaigning, joint press releases, and joint organizing efforts that occurred as recently as 2017. The Employer would also intend to subpoena

representatives of both NUHW and IAMAW to further supplement the evidence of the unions' affiliation that already exists.

Finally, the Employer will present evidence relevant to the question of whether employees should have been informed of the affiliation between NUHW and IAMAW. For example, the Employer will show that IAMAW organizers, including Carrillo, are awarded cash incentives for organizing employees, which may include the employees at SFP. Additionally, the Employer will prove by documentary evidence that IAMAW has been accused of engaging in unfair labor practices and has engaged in strikes of various durations. The Employer will then call employees of SFP to testify regarding whether they consider such information material to their decision as to whether or not to be represented by the Union, given that the Union is affiliated with IAMAW.

Objection No. 2

The Employer alleges that the Union and / or IAMAW's conduct during the organizing campaign, specifically, upon information and belief, the Union's and / or IAMAW's harassment of the Employer and eligible voters, by its involvement in the filing of false police reports against facilities operated by RadNet Management, Inc. and against employees of RadNet Management, Inc. who were also involved in the Union's organizing

campaign, was sufficiently egregious so as to require the setting aside of the election results, and the conduct of a new election in the Technical Unit. In support of its Objection, the Employer would call Sara Gladstone, Site Manager of Liberty Pacific Advanced Imaging – Tarzana; Mariann McDonnell, Site Manager of Valley Hills Imaging Center; Twyla Debortnowsky, an employee of and eligible voter at Valley Hills Imaging Center; Stephanie Elm, an employee of and eligible voter at Valley Hills Imaging Center; and Elisa Carpio, Site Manager of Northridge Diagnostic Center, as witnesses.

The testimony of these witnesses would establish that Liberty Pacific Advanced Imaging – Tarzana, Valley Hills Imaging Center and Northridge Diagnostic Center are all operated by RadNet Management, Inc. The evidence would further establish that all three facilities were the subject of the same organizing campaign by NUHW that encompassed SFP. These witnesses will testify that, during the NUHW organizing campaign, they voiced opposition to the Union's organizing campaign and/or refused to engage with the Union, and thereafter, during the pendency of the NUHW organizing campaign and only during the pendency of the NUHW organizing campaign, false police reports were filed against them.

Specifically, Gladstone will testify that, after she voiced opposition to the Union's organizing campaign, on October 24, 2017, a false report involving Gladstone was filed with the Los Angeles Police Department (hereafter, the "LAPD"). McDonnell will testify that, after she voiced opposition to the Union's organizing campaign, the LAPD were summoned to her home in response to false reports of domestic disturbances on November 9, 2017 and November 23, 2017. Debortnowsky will testify that she would not commit to supporting the Union during the organizing campaign, and that the LAPD were summoned to her home in response to false reports of domestic disturbances on October 26, 2017, November 9, 2017, and November 12, 2017. Similarly, Elm will testify that, after she stopped responding to text messages from the Union, the LAPD were summoned to her home in response to a false report of a domestic disturbance on November 24, 2017.

Finally, Carpio will testify that after she had expressed opposition to the Union's organizing campaign, the LAPD were summoned to Northridge Diagnostic Center in response to false reports of alleged altercations involving Northridge Diagnostic Center patients in the parking lot on November 3, 2017, November 9, 2017 and November 27, 2017. All of the Employer's witnesses will testify that, before the events described in this

Offer of Proof, they or their facility had never previously been the subject of a false police report filed with the LAPD. Furthermore, all of the witnesses will testify that, since the NUHW organizing campaigns concluded, they and their facilities have not been the subject of any false police reports. The witnesses will testify that they were concerned and intimidated by the ongoing false reports filed against them and their facilities, and that they discussed these false reports with managers and employees of other facilities operated by RadNet Management, Inc., including SFP. Thus, the evidence will establish that employees at SFP were aware of false police reports being filed against individuals who refused to support or communicate with the Union.

Finally, if permitted the opportunity, the Employer will issue subpoenas to NUHW and the IAMAW in order to present further documentary evidence of the link between the false police reports described above and the Union. Furthermore, the Employer has filed, contemporaneously with this Offer of Proof, a Motion for an Extension of Time to submit a supplemental Offer of Proof in connection with this Objection, so that the Employer may continue to investigate and develop the evidence in support of its Objection, much of which is currently in the

possession of the LAPD, and which has been requested, but not yet received, by the Employer.

Objection No. 3

The Employer alleges that the Union's conduct during the organizing campaign, specifically the Union's harassment of eligible voters in the Technical Unit, was sufficiently egregious so as to require the setting aside of the election results, and the conduct of a new election. In support of its Objection, the Employer would produce testimony from Brittany Maguire, who is employed as a Radiology Technologist at Northridge Diagnostic Center, Patrice Patterson, the Site Manager at SFP, and Laurie Touma, who is employed as a Radiology Technologist at SFP. Maguire will testify that, during the Union's organizing campaign, she frequently covered shifts at SFP.

Maguire and Touma will testify that, during the Union's organizing campaign, Veronica Atwater and Andrew Mendoza, who are both employed as Multi-Modality Technologists at SFP, held themselves out to employees at SFP as agents of the Union. Specifically, Maguire and Touma will testify that Atwater and Mendoza were tasked by the Union with communicating messages to other employees on behalf of NUHW, and obtaining signatures on behalf of NUHW on various campaign documents, including an

authorization petition and a "vote yes" guarantee. Furthermore, Maguire and Touma will testify that Atwater hosted NUHW events at her home, attended the representation case proceedings before the Board as a representative of the Union, provided other employees with the Union's contact information and told them to call her if they had any questions about the Union. Finally, in support of its Objection, the Employer would intend to subpoena documents from NUHW that would further establish the agency relationship that existed between Atwater, Mendoza, and the NUHW.

Patterson, Maguire and Touma will testify that Atwater and Mendoza openly harassed and intimidated Maguire, as well as other SFP employees who are so frightened of Atwater and the Union that they wish to remain anonymous, by repeatedly urging all employees at SFP to vote for Union representation, even when employees were on work time and attempting to provide services to customers. For example, Mendoza and Atwater requested that Maguire and Touma sign a Union petition while they were working, including on an occasion when Maguire was in the middle of completing an imaging scan of a patient. Maguire will testify that Atwater and Mendoza's discussion of the Union and urging of SFP employees to support the Union was virtually non-stop whenever she worked at SFP. Furthermore, Maguire will testify that she was "cornered" in a hallway by a

pro-Union employee named Edward Sigal and urged to sign a Union petition. Maguire will testify that she felt so harassed by the Union's agents that, despite her personal opposition to the Union, Maguire had agreed to sign Union documents and insinuated to Union representative Sophia Mendoza that she would vote for the Union. Furthermore, Maguire will testify that she became so uncomfortable with the harassment and intimidation at SFP that she requested that she no longer be assigned to work at that site.

Patterson will testify that another employee at SFP is so frightened of the Union that the individual has insisted upon remaining anonymous. Patterson will testify that the employee was ceaselessly harassed by Atwater and Mendoza to vote for the Union, and is incredibly fearful of the Union and its agents. This employee desired to vote against Union representation, but because of the employee's fear of the Union and its agents, the employee regularly informed Atwater and Mendoza that he / she would vote to be represented by the Union. This employee told Patterson that they were so fearful of the Union and its agents that they might actually vote yes in support of the Union, rather than risk the consequences of voting no. Patterson will testify that the employee has expressed to Patterson that they

feel they would have no choice but to transfer to another job to avoid harassment if it were ever discovered that they did not support the Union.

Objection No. 4

The Employer alleges that the Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, her ballot would not be confidential and her vote would not be confidential. The Employer asserts that the Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, her ballot would not be confidential and his vote would not be by "secret ballot", even after the employee articulated a concern about the secrecy of her vote. The Board Agent's error is particularly egregious where, as here, the voter was found to be eligible, and the employee's vote has since been opened and counted. This fundamental infirmity in the Board's process of facilitating a challenged ballot must be cured, and a new election should be conducted pursuant a revised challenge ballot process.

In support of its Objection, the Employer would produce SFP Radiology Technologist Laurie Touma, the Employer's election observer, and also seek permission from the General Counsel to subpoena Board Agent Kristen Scott, to testify. The evidence would illustrate that when challenged voter Shahrzad Shahili entered the polling area and provided her

name to the Board Agent, her vote was challenged by Touma, on the basis that Shahili was transferring to a facility in Long Beach, California that is operated by RadNet Management, Inc. The testimony will establish that the Board Agent advised Shahili that her vote would still be by secret ballot and would not be opened unless it was "needed", but if it was opened it would still be a secret ballot. When Shahili thereafter raised a concern regarding the confidentiality of her vote due to the fact she had been challenged, specifically, "to make sure it would still be secret", the Board Agent responded that it was possible there would be a hearing regarding Shahili's eligibility to vote, but that even in that circumstance, her vote would still be secret. The evidence will further demonstrate that Shahili was not advised that, in certain circumstances – namely, if her vote was the only challenged vote and was counted, or alternatively, if there were multiple challenges but all challenged voters cast either "Yes" or "No" ballots when they voted – her vote would no longer be secret.

Finally, in the case at bar, the evidence will illustrate that the Employer did not pursue its challenge of Shahili's vote, as it was determined that her transfer would not be effectuated until a replacement was found to assume her position at SFP. Accordingly, when Shahili's vote was opened and

counted, all parties to the election were made aware that Shahili had voted for Union representation.

Objection No. 5

The Employer alleges that the Board erred by conducting an election in the Technical Unit where the Union failed to disclose to employees during the Union's organizing campaign a material affiliation with the IAMAW, an agent of the Union. As a result, the Employer urges that a new election should be conducted, wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election. The Employer's evidence with regard to the material affiliation between NUHW and IAMAW is delineated in Objection No. 1, above. The Employer will again present the Employer's observer, Laurie Touma, to testify that the affiliation between NUHW and IAMAW was not in any way discussed or disclosed by the Union or the Board either prior to, or during, the election on December 8, 2017.

Objection No. 6

The Employer alleges that the Board erred by conducting an election in violation of Section 9(b)(3) of the National Labor Relations Act. In support of its Objection, the Employer would present Dr. Hiendrick Vartani, who is employed by RadNet Management, Inc. as the company's Medical

and Health Physicist. Dr. Vartani would testify that the MRI Technologists and Multi-Modality Technologists employed at SFP are "guards" within the meaning of Section 9(b)(3) of the National Labor Relations Act.

The Employer would present testimony and evidence demonstrating that MRI Technologists and Multi-Modality Technologists are the only employees tasked with maintaining the security of certain portions of the Employer's premises, namely the two zones that surround the MRI machine. The evidence would prove that MRI Technologists and Multi-Modality Technologists strictly police entry to the room containing the MRI machine because the MRI machine itself is an incredibly powerful magnet whose strong magnetic forces are present in the room at all times. As a result, if any metal object enters the room containing the MRI machine, the results could range from merely harmful to entirely catastrophic. Furthermore, the evidence would illustrate that MRI Technologists and Multi-Modality Technologists enforce the security of the room that contains the MRI machine, and have the authority to forcibly remove people from the room or the general area if, in the judgment of the Technologist, it is required for the safety of employees, visitors, and patients at the facility. Additionally, the Employer would present evidence that the MRI Technologists and Multi-Modality Technologists must protect employees, visitors, and patients to a

facility from the effects of a malfunctioning MRI machine, which could be equally, if not more, hazardous. The testimony and evidence will show that MRI machines that get too hot can explode, and in cases where a MRI machine is rapidly heating up or otherwise out of order, a MRI Technologist or Multi-Modality Technologists is authorized to take several safety precautions, from cancelling patients, to clearing a room, or even evacuating a facility. Thus, the totality of the Employer's evidence will demonstrate that MRI Technologists and Multi-Modality Technologists function as "guards" as defined by Section 9(b)(3) of the Act.

Objection No. 7

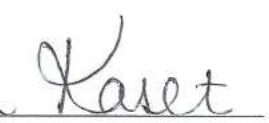
The Employer alleges that the election must be set aside because the Board's revised election rules violate the National Labor Relations Act, the Administrative Procedure Act, and the public policy considerations underlying a number of other federal statutes. In briefing its Objections to the facial validity of the Board's revised election rules, the Employer would show that the Board's revised election rules' requirement that the Employer provide the Union with employees' personal information, including but not limited to employees' personal phone numbers and personal e-mail addresses, violated Section 7 and Section 9(b) of the National Labor Relations Act, as amended, as well as the Administrative Procedure Act.

Additionally, the Employer would demonstrate that the disclosures undermined the public policy considerations underlying various federal statutes. See *e.g.*, Privacy Act of 1974, 5 U.S.C. § 552(a); Freedom of Information Act, 5 U.S.C. § 552(6); Telemarking and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §§ 6101 – 6108; Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, 15 U.S.C. § 7704(a)(3)(A).

Furthermore, the Employer would prove that the Board's Rules and Regulations have created a "quickie election" process that ignores the intentions of Congress as expressed in the context of the 1947 amendments to the National Labor Relations Act. Additionally, the Employer will demonstrate that the "quickie election" process set up and maintained by the Board's revised Rules and Regulations abridged the Employer's rights under Section 8(c) of the Act and violated the APA. Finally, the Employer will show that the Board's implementation of the revised Rules and Regulations, and the Board's application of these Rules and Regulations to the case now before the agency, was arbitrary and capricious, and therefore, violated the Administrative Procedure Act. See 5 U.S.C. § 706; see also Motor Vehicle Manufactures Association v. State Farm Mutual Automobile Insurance Company, 463 U.S. 29 (1983).

Dated: Mount Pleasant, South Carolina
December 15, 2017

Respectfully Submitted,



Kaitlin A. Kaseta, Esq.
Counsel for the Employer
415 King Street
Mount Pleasant, SC 29464
(860) 307-3223
(843) 284-9684
kkaseta@carmodyandcarmody.com

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC. D/B/A
SAN FERNANDO VALLEY ADVANCED
IMAGING CENTER

Employer/Petitioner

and **Case 31-RM-209424**

NATIONAL UNION OF HEALTHCARE
WORKERS (NUHW)

Union

PARTIAL DECISION ON OBJECTIONS AND NOTICE OF HEARING

Pursuant to a Stipulated Election Agreement, a manual election was conducted on December 8, 2017 in a unit consisting of full-time, regular part-time, and per diem Technical employees of the Employer at its facility located at 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402. The revised tally of ballots, issued December 8, 2017, showed that of the approximately eight eligible voters, four cast ballots for the Union and three cast ballots against representation. There was one challenged ballot and no void ballots. On December 11, 2017, a second revised tally of ballots issued based on the Employer's withdrawal of its challenge of the determinative challenged ballot. The second revised tally of ballots showed that of the approximately eight eligible voters, five cast ballots for the Union and three cast ballots against representation. Therefore, the Union received a majority of the votes.

On December 15, 2017, the Employer timely filed seven objections. A copy of the Employer's Objections to the December 8, 2017 Election is attached. I have considered the Employer's objections and offer of proof. As the Board recently noted, "[an] objecting party has the duty of furnishing evidence or a description of evidence that, if credited at a hearing, would warrant setting aside the election." *Jacmar Food Service Distribution*, 365 NLRB No. 35, fn.2 (2017). For the reasons discussed below, I find that the Employer's offer of proof is insufficient to sustain Objections 1, 3, 4, 5, 6, and 7. Accordingly, I am overruling those objections. With respect to Objection 2, I find that it raises substantial and material issues of fact that can best be resolved on the basis of record testimony taken at hearing. Accordingly, I am setting Objection 2 for a hearing.

I. THE EMPLOYER'S OBJECTIONS

a. Objection 1

The Union failed to disclose to eligible voters the Union's affiliation with the International Association of Machinists and Aerospace Workers (hereafter,

> "IAMAW"), an agent of the Union, and by such omission, engaged in a material misrepresentation regarding the Union's proposed representation of employees that was sufficiently egregious so as to require the setting aside of the election. A new election should be conducted wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.

In support of Objection 1, the Employer states in its offer of proof that it would call its Vice President of Southern California Operations to testify that a man named Ryan acted on behalf of the Union throughout the course of the pre-election conference and vote count. The Employer asserts that it would submit documentary evidence and subpoena Union representatives to establish that Ryan is an IAMAW Organizer and that IAMAW is affiliated with the Union. The Employer further asserts that it would also introduce evidence demonstrating that bargaining unit employees should have been informed of any affiliation between the Union and IAMAW, including presenting evidence that (i) IAMAW organizers are awarded cash incentives for organizing employees, (ii) IAMAW has been accused of engaging in unfair labor practices, and (iii) IAMAW has engaged in strikes. The Employer would call employees to testify as to whether they would consider such information material to their decision to be represented by the Union.

The Employer's proffered evidence in support of Objection 1 would not constitute grounds for setting aside the election if introduced at a hearing. As an initial matter, the Employer's offer of proof is insufficient to establish an affiliation between the Union and IAMAW. Even if the Employer established an affiliation, the proffered evidence is insufficient to set aside the election. The Employer contends that by failing to inform and/or disclose to employees an affiliation between the Union and IAMAW, it engaged in a material misrepresentation. The Board does not probe into the truth or falsity of parties' campaign statements and will not set aside an election on the basis of misleading campaign statements, except in cases of forgery that preclude employees from recognizing campaign propaganda for what it is or cases where propaganda involves the misuse of the Board's election process. *See Midland Nat'l Life Ins. Co.*, 263 NLRB 127, 131-133 (1982). Thus, even if this alleged omission was sufficient to be considered a material misrepresentation, under *Midland* and its progeny, there is no evidence of forgery or the misuse of the Board's election process that would warrant setting aside the election. See *Id*; *Durham Sch. Servs.*, 360 NLRB 851 (2014) (and cases cited therein).

Finally, although the Board will set aside elections conducted under circumstances that created serious doubt over whether the employees knew which labor organization their vote addressed, there is no evidence demonstrating such confusion in this case. See *Pac. Sw. Container*, 283 NLRB 79 (1987) (setting aside an election in which the ballot contained the name of a local union that no longer existed as the result of a merger); *The Humane Soc'y for Seattle/King Cnty.*, 356 NLRB 32 (2010) (setting aside election where the Board found strong evidence of employee confusion over the identity of the organization seeking representative status).

I, therefore, overrule Objection 1.

b. Objection 2

The Union's and/or IAMAW's conduct during the organizing campaign, specifically, upon information and belief, the Union's and/or IAMAW's harassment of the Employer and eligible voters by its involvement in the filing of false police reports against facilities operated by RadNet Management, Inc. and against employees of RadNet Management, Inc., was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

In support of Objection 2, the Employer proffers that it would call three Site Managers and two employees who work at other facilities operated by the Employer to testify that, during the course of the Union's organizing campaign, they each voiced opposition to the Union's organizing campaign and/or refused to engage with the Union and that as a result, false police reports were filed against them. According to the Employer, the Site Managers would testify that false police reports were filed against them or their facility on six separate occasions between October 24, 2017 and November 27, 2017. One employee would testify that she would not commit to supporting the Union during the organizing campaign and that the Los Angeles Police Department (LAPD) was summoned to her home in response to false reports of domestic disturbances on October 26, 2017, November 9, 2017, and November 12, 2017. Another employee would testify that after she stopped responding to text messages from the Union, the LAPD was summoned to her home in response to a false report of a domestic disturbance on November 24, 2017. The Employer also intends to issue subpoenas to the Union in order to present further documentary evidence showing the Union's involvement with these false police reports and intends to present information that it has requested from the LAPD.[1]

The Employer states that the testimonial evidence will establish that all of the witnesses were concerned and intimated by the ongoing false police reports filed against them and that they discussed these false reports with managers and employees of other facilities operated by the Employer, including the facility at issue in this case.[2] Therefore, according to the Employer, the evidence will establish that employees in the bargaining unit at issue were aware of false police reports being filed against individuals who refused to support and/or communicate with the Union.

Here, the Employer presented no evidence to establish that the Union and its agents were responsible for the alleged filing of these police reports. However, the question of whether the

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[1] Contemporaneously with its offer of proof, the Employer filed a Motion for an Extension of Time to File Supplemental Offer of Proof Accompanying Objections to the December 8, 2017 Election. The Acting Regional Director denied the Employer's request because there was insufficient good cause shown to warrant an extension of time.

[2] The Employer's facility at issue in this case is located at San Fernando Valley Advanced Imaging Center located at 14860 Roscoe Boulevard, Suite 101, Panorama City, CA 91402.

alleged filing of police reports against individuals who refused to support and/or communicate with the Union was "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible," see *Westwood Horizons Hotel*, 270 NLRB 802, 803 (1984), raises substantial and material issues of fact that can best be resolved on the basis of record testimony taken at hearing.

I, therefore, will set Objection 2 for a hearing.

c. Objection 3

The Union's conduct during the organizing campaign , specifically the Union's harassment of eligible voters in the Technical Unit, was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

In support of Objection 3, the Employer proffers that it would produce two employees and a Site Manager to testify to the Union's alleged harassment of eligible voters. Specifically, the two employee witnesses, one who works at the facility at issue and another who frequently covered shifts at the facility, would testify that during the Union's organizing campaign, two fellow employees held themselves out to employees as agents of the Union by communicating union messages to other employees on behalf of the Union, obtaining signatures on behalf of the Union, hosting union events, and serving as the liaisons between the Union and employees. The two employees would testify that these fellow employees, as agents of the Union, openly harassed and intimidated them and other employees to the extent that other employees wish to remain anonymous. The alleged harassment and intimidation included repeatedly (virtually non-stop) urging of all employees to vote for union representation when the employees were on work time and attempting to provide services to customers, requesting that employees sign a union petition in the middle of completing an imaging scan of a patient, and cornering employees in the hallway and urging them to sign a union petition. One employee witness would testify that she felt so harassed by the Union's agents that she agreed to sign union documents, insinuated that she would vote for the Union despite her personal opposition to the Union, and ultimately requested that she no longer cover shifts at that facility.

The Site Manager would testify that another employee at the facility was so frightened of the Union that he/she insisted upon remaining anonymous. The Site Manager would testify that this employee (i) reported that he/she was ceaselessly harassed by the Union agents to vote for the Union and became incredibly fearful of the Union and its agents; (ii) stated that he/she desired to vote against union representation but, out of fear, regularly told the agents that he/she would vote to be represented by the Union and considered actually voting in favor of representation rather than risk the consequences of voting no; and (iii) stated that he/she would have no choice but to transfer to another job to avoid harassment if it were ever discovered that they did not support the Union.

It is unclear whether the offer of proof is sufficient to establish that the employees who engaged in the alleged conduct were agents of the Union. However, even if the employees who

engaged in the alleged harassment and intimidation were acting on behalf of the Union and therefore could be considered agents of the Union, the Employer's proffered evidence in support of Objection 3 would not constitute grounds for setting aside the election if introduced at a hearing.[3] The test for evaluating the conduct of a party is an objective one and focuses on whether the conduct has "the tendency to interfere with the employees' freedom of choice." *See Taylor Wharton Div. Harsco Corp.*, 336 NLRB 157, 158 (2001). In determining whether misconduct has the tendency to interfere with freedom of choice, the Board considers: (1) the number of incidents; (2) the severity of the incidents and whether they were likely to cause fear among the employees in the bargaining unit; (3) the number of employees in the bargaining unit subjected to the misconduct; (4) the proximity of the misconduct to the election; (5) the degree to which the misconduct persists in the minds of the bargaining unit employees; (6) the extent of dissemination of the misconduct among the bargaining unit employees; (7) the effect, if any, of misconduct by the opposing party to cancel out the effects of the original misconduct; (8) the closeness of the final vote; and (9) the degree to which the misconduct can be attributed to the party. *Id.*

Here, one identified bargaining unit employee and another anonymous bargaining unit employee were subjected to the alleged misconduct[4] (factor 3).There were only approximately eight eligible voters and the final tally of ballots indicated five employees voted in favor of representation and three voted against representation (factor 8). In addition, there is no evidence of any misconduct by the Employer to cancel out the effects of the alleged Union misconduct (factor 7) and, assuming these employees were acting as agents of the Union, the alleged misconduct could be attributed to the Union (factor 9). Thus, these factors would support finding the alleged conduct to be objectionable.

However, these factors are outweighed by the other factors. First, the offer of proof does not identify a specific number of incidents of objectionable conduct; nor does it describe the proximity of the alleged misconduct to the election (factors 1 and 4). Rather,, it broadly asserts that the alleged objectionable conduct occurred "repeatedly" and "virtually non-stop" during the organizing campaign. Significantly, the offer of proof does not describe conduct that was severe or likely to cause fear among the employees in the bargaining unit (factor 2). The Employer provides one example where an employee was allegedly cornered in a hallway and urged to sign a petition and generally describes how employees said they supported the Union and/or potentially changed their vote out of fear of retribution. Even if these individuals were frightened

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[3] If the employees are not agents of the Union, the Board's more stringent test governing objectionable third party conduct would apply and the Employer would need to show that the conduct was "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible." *Westwood Horizons Hotel,* 270 NLRB at 803. Given my determination here that the Employer's offer of proof fails to establish conduct that would warrant the setting aside of the election under the party conduct standard, I do not expand on how it also does not satisfy the more restrictive third party conduct standard.

[4] This assumes that the anonymous employees would be willing to testify at a Hearing. The Employer also proffered testimony of another employee who worked at another facility and frequently covered shifts at the facility at issue; however, the Employer does not assert that this employee was in the bargaining unit at issue.

and intimidated, the test is an objective one and the offer of proof does not describe behavior that would show "the tendency to interfere with the employees' freedom of choice." See *Id.* There is no evidence that the alleged Union agents engaged in conduct that the Board has found objectionable, such as threatening and/or engaging in acts of physical violence, damaging property and/or committing acts of vandalism, or refusing to leave the Employer's premises. See *In re Kennicott Bros. Co.*, 284 NLRB 1125 (1987) (finding the union's conduct objectionable where two union agents entered the employer's premises, threatened to physically harm the employee who had filed the decertification petition, and assaulted the employer's president and manager in the presence of 15 employees and customers); *N.L.R.B. v. Maryland Ambulance Servs., Inc.*, 192 F.3d 430 (4th Cir. 1999) (enforcing Board order and holding that neither acts of vandalism nor union supporters' alleged harassment of anti-union employees warranted setting aside of election results); *Phillips Chrysler Plymouth, Inc.*, 304 NLRB 16 (1991) (finding the union's conduct objectionable where two union organizers "repeatedly and belligerently refused to heed requests of the Employer's president to leave" the employees' work area, engaged in a "shouting match in front of employees," and persisted remaining in the work area even after police were summoned, which "undoubtedly conveyed to employees . . that the Employer was powerless to protect its own legal rights in a confrontation with the Union").

Further, there is no evidence that any of the alleged misconduct was disseminated among the bargaining unit employees (factor 6). Given the lack of the severity of the alleged misconduct and the absence of dissemination, the alleged misconduct would not likely persist in the minds of the other bargaining unit employees (factor 5). Thus, the Employer's offer of proof does not support finding that the alleged misconduct objectively had the tendency to interfere with the employees' freedom of choice.

I, therefore, overrule Objection 3.

d. Objection 4

The Board Agent erred by misrepresenting to the one employee who voted subject to challenge that his ballot would, in all circumstances, remain a secret ballot. The Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, her ballot would not be confidential and her vote would not be by a "secret ballot," even after the employee articulated a concern about the secrecy of her vote. The Board Agent's error is particularly egregious where, as here, the voter was found to be eligible, her voted was opened and counted, and given the fact she was the only employee to vote subject to challenge, her decision as to whether she wished to be represented by the Union was not maintained as a secret. This fundamental infirmity in the Board's process of facilitating a challenged ballot must be cured, and a new election should be conducted pursuant a revised challenge ballot process.

In support of Objection 4, the Employer would request to subpoena the Board agent who conducted the election and would call the Employer's designated employee observer to testify. According to the Employer, the Employer's designated employee observer would testify that

during the course of the election, a challenged voter entered the polling area and provided her name to the Board agent. After doing so, the Board agent allegedly advised this individual that her vote would still be by secret ballot and would not be opened unless it was needed, but if it was opened it would still be by a secret ballot. When this individual thereafter raised a concern regarding the confidentiality of her vote due to the fact she had been challenged, specifically, "to make sure it would still be secret," the Board agent responded that it was possible there would be a hearing regarding her eligibility to vote, but that even in that circumstance, her vote would still be secret. According to the Employer, the testimony would show that this individual was not advised that in certain circumstances her vote would no longer be cast via secret ballot. The Employer proffers that the evidence will further establish that the Employer ultimately did not pursue its challenge of this individual's vote and when her vote was opened and counted, all parties to the election were made aware that she voted for Union representation.

The Employer's proffered evidence in support of Objection 4 would not constitute grounds for setting aside the election if introduced at a hearing. When determining whether to set aside an election on the basis of Board agent conduct, "the Board goes to great lengths to ensure that the manner in which an election was conducted raises no reasonable doubt as to the fairness and validity of the election." *Jakel, Inc.*, 293 NLRB 615, 616 (1989) (citing *Polymers, Inc.*, 174 NLRB 282 (1969)). There is no per se rule requiring that an election be set aside following any procedural irregularity. *St. Vincent Hospital, LLC*, 344 NLRB 586, 587 (2005) (internal citations omitted). The Board requires more than speculation of harm and will set aside an election only if the irregularity is sufficient to raise a reasonable doubt as to its fairness and validity. *J. C. Brock Corp.*, 318 NLRB 403, 404 (1995) (internal citations omitted); *Polymers*, 174 NLRB at 282. Further, the burden is on the objecting party to show specific evidence of prejudice to an election. *Affiliated Computer Servs., Inc.*, 355 NLRB 899, 900 (2010).

Here, the Board agent's alleged instruction did not prevent a party from challenging a determinative ballot, did not exclude any individuals from voting, and there is no allegation that the Board agent did not follow the proper procedure for handling the challenged ballots. Cf. *Harry Lunstead Designs Inc.*, 270 NLRB 1163 (1984) (election overturned where Board agent's erroneous instruction caused observer not to challenge determinative ballot); *B & B Better Baked Foods*, 208 NLRB 493 (1974) (new election ordered where votes of those excluded from voting because of Board agent's conduct could have been determinative); *Paprikas Fono*, 273 NLRB 1326 (1984) (finding that the handling of challenged ballots after the election gave rise to doubts concerning whether they had been adequately protected from tampering, a matter bearing on the election's validity). Moreover, the Employer's proffered evidence does not demonstrate that the Board agent's instruction affected the integrity of the voting process or may have affected the results of the election. See *Polymers*, supra; see also *Laidlaw Transit, Inc.*, 327 NLRB 315, 315 (1998) (where a procedural impropriety may have affected the results of an election, the Board will order a second election). I note that even if the employee whose vote was challenged would not have voted if she had been advised that her identity might be revealed as part of the challenge process, her failure to vote would not have changed the election results in this case. Futher, the fact an individual's vote might be made known to the parties would be insufficient to warrant a new election because the fact that "a voter's identity may be publicly known as an unavoidable

result of the challenge procedure, does not invalidate his vote in the determination of the election results." *Marie Antoinette Hotel*, 125 NLRB 207, 208 (1959). Thus, while it may be possible that the individual here felt harmed because the parties were made aware that she voted for Union representation, that does not amount to prejudice to the integrity of the election as it did not "invalidate [her] vote in the determination of the election results." *Id.*

I, therefore, overrule Objection 4.

e. Objection 5

The Board erred by conducting an election in the Technical Unit where the Union failed to disclose to employees during the Union's organizing campaign a material affiliation with the IAMAW, an agent of the Union. As a result, a new election should be conducted, wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.

In support of Objection 5, the Employer proffers the same evidence as set forth above in support of Objection 1 to contend that the Board erred in conducting the election since the Union failed to disclose this material affiliation. As described above, even if this alleged omission were sufficient to be considered a material misrepresentation, under *Midland National Life Ins. Co.*, 263 NLRB at 131-133, and its progeny, it would not be sufficient to set aside the election because there is no evidence of forgery or the misuse of the Board's election process. Moreover, there is no evidence of circumstances that created serious doubt over whether the employees knew which labor organization their vote addressed. See *Pac. Sw. Container*, 283 NLRB 79 (1987); *The Humane Soc'y for Seattle/King Cnty.*, 356 NLRB 32 (2010).

I, therefore, overrule Objection 5.

f. Objection 6

The Board erred by conducting the election in violation of Section 9(b)(3) of the National Labor Relations Act.

In support of Objection 6, the Employer would present its Medical and Health Physicist to testify that certain employees in the bargaining unit are "guards" within the meaning of Section 9(b)(3) of the National Labor Relations Act (the Act). The Employer asserts that the Medical and Health Physicist's testimony would show that the MRI Technologists and Multi-Modality Technologists are guards under the Act because they are the only employees tasked with maintaining the security of certain portions of the Employer's premises, namely the two zones that surround the MRI machine. In addition, the evidence would purportedly show these Technologists strictly police entry to the room containing the MRI machine, enforce security of the room, and have the authority to forcibly remove people from the room or the general area if it is required for the safety of employees, visitors, and patients. In addition, the Employer would show that these Technologists must protect employees, visitors, and patients to the facility from

the effects of a malfunctioning MRI machine, which could be hazardous. For example, if the machines get too hot, they can explode and these Technologists are authorized to take several safety precautions in such an event, from cancelling patients, to clearing a room, or even evacuating a facility.

The Employer's proffered evidence in support of Objection 6 would not constitute grounds for setting aside the election if introduced at a hearing. This election was conducted pursuant to a Stipulated Election Agreement wherein the Employer agreed that the appropriate unit consisted of full-time, regular part-time, and per diem Technical employees at this facility. The Employer had an opportunity to object to the inclusion of these two types of Technologists in a timely manner and failed or declined to do so. On this basis alone, I overrule this objection.

However, even if the Employer properly raised the Section 9(b)(3) issue, the proffered evidence is insufficient to establish that these Technologists would be considered guards under the Act. Section 9(b)(3) of the Act defines a guard as "any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises." Employees who perform some guard-like duties that are "incidental" to their other duties are not guards under Section 9(b)(3). *Wolverine Dispatch, Inc.*, 321 NLRB 796, 798 (1996); *55 Liberty Owners Corp.*, 318 NLRB 308 (1995). In determining whether an individual is a guard under the Act, the Board looks to various facts, including, but not limited to, the duties of the employees and the employer's operations; whether the employees carry weapons, clubs or other security-type devices; whether the employees wear distinct uniforms or other paraphernalia identifying them as being security or guard personnel; whether the employees are given any specialized training or instruction; where the employees are physically situated; whether the employees are informed to take certain actions if they witness suspicious activity on the premises; whether the employees enforce any rules regarding the employer's property, employees, or other persons; whether the employees make periodic rounds of the premises; whether the employees monitor the entrance and exit of persons at the premises; whether the employees activate/deactivate security devices; whether the employees have keys or other means to provide them access to secured or restrict access areas; whether the employees are required to fill out incident reports; whether the employees are bonded, deputized, or are subjected to heightened security processes at the time of hire; whether the employees have separate supervision; and whether the employees have different terms and conditions of employment.

An objecting employer is only entitled to an evidentiary hearing when its offer of proof describes facts that, if credited, would warrant setting aside the election results under the applicable substantive standard. *Amalgamated Clothing Workers of Am.*, 424 F.2d 818, 828 (D.C. Cir. 1970). To show that a hearing is required, the offer of proof must include "specific evidence to specific events from or about specific people." *Id.* That standard cannot be satisfied by "nebulous and declaratory assertions." *Id.* As the Board recently noted, "[an] objecting party has the duty of furnishing evidence or a description of evidence that, if credited at a hearing, would warrant setting aside the election." *Jacmar Food Service Distribution*, 365 NLRB No. 35, fn.2 (2017). Here, the Employer's proffered evidence lacks specificity. The Employer's offer of

proof does not indicate any intent to call any employee employed as one of these Technologists; rather, it would call a Medical and Health Physicist to testify about the job duties of these Technologists. Furthermore, the proffered testimony of the Medical and Health Physicist includes generalized and declaratory assertions without "specific evidence to specific events from or about specific people." It includes descriptions of *potential* hazardous malfunctions and what the Technologists *could* do in those situations, but it does not include any evidence suggesting that any of the described situations have actually occurred. The offer of proof lacks "specific evidence to specific events from or about specific people."

Moreover, even if these Technologists engaged in the broad duties described in the proffered testimony (i.e., policed entry into certain rooms or maintained security of the zone around the MRI machines), the Employer failed to provide any evidence indicating that these duties are more than "incidental" to their other duties. *See 55 Liberty Owners Corp.*, 318 NLRB 308 (1995) (the Board held that doorpersons and elevator operators in condominium buildings were not guards within the meaning of Section 9(b)(3) of the Act even though the employees monitored and regulated access into the building, denied entry to unauthorized persons, received deliveries, and observed and reported irregularities; the Board found that any guard-like job duties were incidental to the doorpersons' and elevator operators' primary function of providing courtesy oriented and receptionist-type services to building tenants). There is also no evidence that these Technologists protect the property of the Employer from theft. Cf. *Stern's, Paramus*, 150 NLRB 799, fn. 48 (1965) (holding that fitting room checkers tasked with limiting the number of garments allowed per customer in a fitting room were guards because they enforced rules to protect the property of the employer from theft).

The Employer also fails to proffer any evidence indicating that the inclusion of these Technologists in the bargaining unit would present conflicting loyalties during a period of industrial unrest and strikes. See *Lion Country Safari*, 225 NLRB 969, 970 (1976) (the Board stated that "the separation of guards and other employees for the purpose of union representation was intended to avoid conflicting loyalties during a period of industrial unrest and strikes.")

I, therefore, overrule Objection 6.

g. Objection 7

The Board erred by conducting the election pursuant to the Board's revised election rules, which violate the National Labor Relations Act, the Administrative Procedure Act, and the public policy considerations underlying a number of other federal statutes. Consequently, the election should be set aside, and a new election should be conducted pursuant to election rules which comport with all applicable law.

In support of Objection 7, the Employer would argue in its brief that the Board's Final Rule entitled "Representation – Case Procedures" 29 C.F.R. Parts 101, 102, 103, 79 Fed.Reg. 74,308 (Dec. 15, 2014) (hereafter the Final Rule) is facially invalid and is invalid as-applied. The

Employer would argue that the Final Rule's requirement that the Employer provide the Union with employees' personal information violated Section 7 and 9(b) of the Act, as amended, as well as the Administrative Procedure Act (APA), and that the disclosure of personal information undermined the public policy considerations underlying various federal statutes. The Employer would also argue that the Final Rule has created a "quickie election" process that ignores Congressional intent. Finally, the Employer would argue that the "quickie election" process abridged its rights under Section 8(c) of the Act and violated the APA, and that the Board's implementation and application of the Final Rule to this case was arbitrary and capricious, in violation of the APA.

The Employer's proffered evidence in support of Objection 7 would not constitute grounds for setting aside the election if introduced at a hearing. This election was conducted pursuant to a Stipulated Election Agreement. The Employer had an opportunity to object in a timely manner and failed or declined to do so.

Even assuming the Employer had objected in a timely manner, all of the Employer's facial objections to the Final Rule are substantially repetitive of arguments made in facial challenges to the Final Rule that have been successfully litigated to conclusion by the Agency in federal court and/or they were fully answered in the Board's justification for the Final Rule, as set forth in the Federal Register. See Representation—Case Procedures, 79 Fed. Reg. 74308 - 74430 (Dec. 15, 2014); see also *Associated Builders & Contractors of Texas, Inc. v. NLRB*, No. 1-15-CV-026 RP, 2015 WL 3609116, at *11 (W.D. Tex. June 1, 2015) (concluding that the Plaintiffs failed to show the Final Rule, on its face, is in violation of the Act or the APA), *aff'd*, 826 F.3d 215, 223-26 (5th Cir. 2016); *Chamber of Commerce of the United States v. NLRB*, 118 F.Supp.3d 171 (D.D.C. 2015); *Baker DC, LLC v. NLRB*, 1:15-cv-00571 (D.C. Cir. 2015); see also *Pulau Corp.*, 363 NLRB No. 8 (2015).

With respect to the Employer's assertion that the new Rules are invalid as-applied in this case, the Employer offers mere conclusory statements without any facts specific to the case at hand and its offer of proof is, therefore, insufficient to warrant a hearing.

I, therefore, overrule Objection 7.

II. CONCLUSION AND ORDER

Based on the foregoing, I overrule Objections 1, 3, 4, 5, 6, and 7. However, with respect to Objection 2, I have concluded that the evidence described in the offer of proof submitted by the Employer accompanying its objections could be grounds for overturning the election if introduced at a hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, IT IS ORDERED THAT a hearing be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised by Objection 2. At the hearing, the parties will have the right to appear in person to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolution of the credibility of witnesses, findings of fact, and a recommendation as to the disposition of Objection 2.

NOTICE OF HEARING

Starting at **9:00 a.m. on Thursday, January 25, 2018**, in a hearing room located at National Labor Relations Board, Region 31, the hearing on Objection 2, as described above, will be conducted before a hearing officer of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.

RIGHT TO REQUEST FOR REVIEW

Pursuant to Section 102.69(c)(2) of the Board's Rules and Regulations, any party may file with the Board in Washington, DC, a request for review of this decision as it pertains to the objections that are overruled. The request for review must conform to the requirements of Sections 102.67(e) and (i)(1) of the Board's Rules and may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the Request for Review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

January 12, 2018

MORI RUBIN
Regional Director, Region 31
National Labor Relations Board

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC D/B/A
SAN FERNANDO VALLEY ADVANCED IMAGING CENTER — 31-RM-209424

and

NATIONAL UNION OF HEALTHCARE WORKERS

EMPLOYER'S OBJECTIONS TO THE DECEMBER 8, 2017 ELECTION

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (hereafter, the "Board"), as amended, RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (hereafter, "SFP" or the "Employer") hereby submits the below Objections relative to the election held in the above-captioned matter in Panorama City, California on December 8, 2017 in a unit consisting of assorted technical classifications (hereafter, the "Technical Unit"). The results of the election, as recorded on the Tally of Ballots and the Amended Tally of Ballots issued by the Board, were four votes cast for the National Union of Healthcare Workers (hereafter, "NUHW" or the "Union"), and two votes cast against the Union, in a unit of approximately eight eligible voters. The Tally of Ballots and Amended Tally of Ballots reflect that there was one

challenged ballot cast during the election, which was determined by the Board to be determinative of the election. Thereafter, on December 11, 2017, the parties agreed that the challenged voter was an eligible employee, and the challenged ballot was opened. A Second Amended Tally of Ballots issued by the Board reflected that five votes were cast for the Union, and two votes were cast against the Union, in a unit of approximately eight eligible voters.

OBJECTIONS TO CONDUCT AFFECTING THE RESULTS OF THE ELECTION

(1) The Union failed to disclose to eligible voters the Union's affiliation with the International Association of Machinists and Aerospace Workers (hereafter, "IAMAW"), an agent of the Union, and by such omission, engaged in a material misrepresentation regarding the Union's proposed representation of employees that was sufficiently egregious so as to require the setting aside of the election. A new election should be conducted wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.

(2) The Union's and / or IAMAW's conduct during the organizing campaign, specifically, upon information and belief, the Union's and / or IAMAW's harassment of the Employer and eligible voters by its

involvement in the filing of false police reports against facilities operated by RadNet Management, Inc. and against employees of RadNet Management, Inc., was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

(3) The Union's conduct during the organizing campaign, specifically the Union's harassment of eligible voters in the Technical Unit, was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

OBJECTIONS TO THE CONDUCT OF THE ELECTION

(4) The Board Agent erred by misrepresenting to the one employee who voted subject to challenge that her ballot would, in all circumstances, remain a secret ballot. The Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, her ballot would not be confidential and her vote would not be by a "secret ballot", even after the employee articulated a concern about the secrecy of her vote. The Board Agent's error is particularly egregious where, as here, the voter was found to be eligible, her vote was opened and counted, and given the fact she was the only employee to vote subject to challenge, her decision as to whether she wished to be

represented by the Union was not maintained as a secret. This fundamental infirmity in the Board's process of facilitating a challenged ballot must be cured, and a new election should be conducted pursuant a revised challenge ballot process.

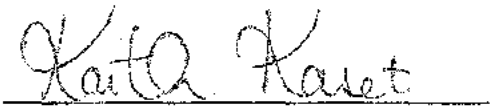
(5) The Board erred by conducting an election in the Technical Unit where the Union failed to disclose to employees during the Union's organizing campaign a material affiliation with the IAMAW, an agent of the Union. As a result, a new election should be conducted, wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.

(6) The Board erred by conducting the election in violation of Section 9(b)(3) of the National Labor Relations Act.

(7) The Board erred by conducting the election pursuant to the Board's revised election rules, which violate the National Labor Relations Act, the Administrative Procedure Act, and the public policy considerations underlying a number of other federal statutes. Consequently, the election should be set aside, and a new election should be conducted pursuant to election rules which comport with all applicable law.

Dated: Mount Pleasant, South Carolina
December 15, 2017

Respectfully Submitted,



Kaitlin A. Kaseta, Esq.
Counsel for the Employer
415 King Street
Mount Pleasant, SC 29464
(860) 307-3223
(843) 284-9684
kkaseta@carmodyandcarmody.com

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC D/B/A
SAN FERNANDO VALLEY ADVANCED IMAGING CENTER . 31-RM-209424

and

NATIONAL UNION OF HEALTHCARE WORKERS

CERTIFICATE OF SERVICE

The Undersigned, Kaitlin A. Kaseta, Esq., being an Attorney duly admitted to the practice of law, certifies, pursuant to 28 U.S.C. § 1746, that the Employer's Objections to the December 8, 2017 Election were e-filed this date through the website of the National Labor Relations Board (www.nlrb.gov). The Undersigned does hereby further certify that a copy of the Employer's Objections to the December 8, 2017 Election were served this date upon the following by email:

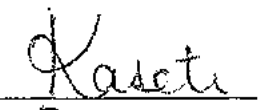
Florice Hoffman
Law Office of Florice Hoffman, L.C.
8502 E. Chapman Avenue, Suite 353
Orange, CA 92869-2461
fhoffman@socal.rr.com

Ryan Carrillo
IAMAW Local District Lodge 725
5402 Bolsa Avenue

Huntington Beach, CA 92649
rcarrillo@iam725.org

Dated: Mount Pleasant, South Carolina
December 15, 2017

Respectfully Submitted,



Kaitlin A. Kaseta, Esq.
Counsel for the Employer
415 King Street
Mount Pleasant, SC 29464
(860) 307-3223
(843) 284-9684
kkaseta@carmodyandcarmody.com

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC. d/b/a SAN FERNANDO VALLEY ADVANCED IMAGING

Employer/Petitioner

and **Case 31-RM-209424**

NATIONAL UNION OF HEALTHCARE WORKERS (NUHW)

Union

AFFIDAVIT OF SERVICE OF: Partial Decision on Objections and Notice of Hearing, dated January 12, 2018

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 12, 2018, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Brian Carmody, Atty
Carmody & Carmody LLP
134 Evergreen Lane
Glastonbury, CT 06033
bcarmody@carmodyandcarmody.com

Kaitlin A. Kaseta, Esq.
Law Offices of Don T. Carmody
415 King Street
Mount Pleasant, SC 29464
kkaseta@carmodyandcarmody.com

Florice Hoffman, Atty
Law Office of Florice Hoffman
8502 E Chapman Ave, Suite 353
Orange, CA 92869-2461
fhoffman@socal.rr.com

January 12, 2018
Date

Roxanne Robinson,
Designated Agent of NLRB
Name

Signature

FORM NLRB-32

E. Ex. 1

SUBPOENA

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Sophia Mendoza, 225 W. Broadway, Suite 155, Glendale, CA 91204

As requested by RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center

whose address is 16311 Ventura Blvd., Suite 120, Encino, CA 91436
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600

in the City of Los Angeles, CA

on January 29, 2018 at 9:00 am or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)
(Case Name and Number)

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

A-1-ZP9J8Z

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CA

Dated: January 17, 2018

Marvin Kaplan, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

Case 31-RM-209388

A-1-ZP9J8Z

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

_____

_____

_____

on the named person on

_____

(Month, day, and year)

_____

(Name of person making service)

_____

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

FORM NLRB-32

SUBPOENA

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Sophia Mendoza, 225 W. Broadway, Suite 155, Glendale, CA 91204

As requested by RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center

whose address is 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600

in the City of Los Angeles, CA

on January 29, 2018 at 9:00 am or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)
(Case Name and Number)

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A-1-ZPAIAN

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CA

Dated: January 17, 2018

Marvin Kaplan, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

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FORM NLRB-32

SUBPOENA

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Custodian of Records, National Union of Healthcare Workers, 225 W. Broadway, Suite 155, Glendale, CA 91204

As requested by RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center

whose address is 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

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in the City of Los Angeles, CA

on January 29, 2018 at 9:00 am or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)
(Case Name and Number)

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

A-1-ZPADXF

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CA

Dated: January 17, 2018

Marvin Kaplan, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

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Case 31-RM-209388

A-1-ZPADXF

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

_____

_____

_____

on the named person on

_____

(Month, day, and year)

_____

(Name of person making service)

_____

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

FORM NLRB-32

SUBPOENA

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Custodian of Records, National Union of Healthcare Workers, 225 W. Broadway, Suite 155, Glendale, CA 91204

As requested by RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center

whose address is 16311 Ventura Blvd., Suite 120, Encino, CA 91436
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600

in the City of Los Angeles, CA

on January 29, 2018 at 9:00 am or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)
(Case Name and Number)

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A-1-ZP9EW1

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Issued at Los Angeles, CA

Dated: January 17, 2018

Marvin Kaplan, Chairman

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Case 31-RM-209388

A-1-ZP9EW1

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_____

_____

on the named person on

_____

(Month, day, and year)

_____

(Name of person making service)

_____

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

FORM NLRB-31

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Sophia Mendoza, 225 W. Broadway, Suite 155, Glendale, CA 91204

As requested by RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center

whose address is 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600

in the City of Los Angeles

on January 29, 2018 at 9:00 am or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

B-1-ZPBD7F

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CA

Dated: January 17, 2018

Marvin Kaplan, Chairman

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PRIVACY ACT STATEMENT

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Case 31-RM-209388

B-1-ZPBD7F

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(Check method used.)

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on the named person on

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(Month, day, and year)

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(Name of person making service)

_____

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC. D/B/A SAN FERNANDO VALLEY ADVANCED IMAGING CENTER Petitioner *and* NATIONAL UNION OF HEALTHCARE WORKERS Labor Organization	Case No. 31-RM-209424

ATTACHMENT TO SUBPOENA *DUCES TECUM* NO. B-1-ZPBD7F

By service of Subpoena *Duces Tecum* No. B-1-ZPBD7F, RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (hereafter, "RadNet") hereby seeks production of all requested documents within your possession, custody or control without regard to who has physical possession of them or who prepared the documents, and wherever retained.

Documents produced should be grouped and in the order that they are maintained in the normal course, and should include all files and file labels in which the documents, and extra copies of them, are located.

For any document withheld on a claim of privilege and/or under the work-product doctrine or any other claimed immunity from production, identify the date, author, recipients, title, general nature and privilege and / or immunity claimed.

If additional documents are discovered that fall within the terms of this request, the additional items shall be produced immediately.

DEFINITIONS

1.) "Documents," as used below, includes all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed, and further includes any written document of any nature whatsoever (*including but not limited to any emails or text messages*), any audio-tape, any video-tape, or any repository of any electronic data, such as computer hard drives or memory cards of portable communication devices.

2.) "Employee(s)," as used below, refers to the employees working out of any one or more of the facilities referenced by the Petition filed by the National Union of Healthcare Workers in Case No. 31-RC-208646. A copy of the Petition is attached hereto as "Exhibit A."

3.) "IAMAW," as used below, refers to the International Association of Machinists and Aerospace Workers, and / or any affiliated entity, including but not limited to the National Union of Healthcare Workers, together with

all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

4.) The "Union," as used below, refers to the National Union of Healthcare Workers, and / or any affiliated entity, including but not limited to the International Association of Machinists and Aerospace Workers, together with all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

5.) "You," as used below, refers to Ms. Sophia Mendoza.

DOCUMENTS TO BE PRODUCED

1.) Any and all documents, including but not limited to any e-mails or text messages, in which any Employee informs You that he or she, or some other Employee, is opposed to representation by the Union or prefers not to communicate with the Union about representation by the Union. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

2.) For the period October 1, 2017 to the present, any and all documents, including but not limited to phone records, that show, refer, evidence or relate to any communication by You or any Employee to the Los Angeles Police Department and / or any communication from the Los Angeles Police Department to You or any Employee.

3.) Any document sufficient to identify by full name, current work address and current home address any and all individuals who engaged in any activity in support of the Union's efforts to organize the Employees.

4.) Any and all documents, including but not limited to any e-mails or text messages, sent by You to any Employee in which You make any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

5.) Any and all documents, including but not limited to any e-mails or text messages, sent by any Employee to You in which the Employee makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

6.) Any and all documents, including but not limited to any e-mails or text messages, sent by You to the IAMAW, including but not limited to Mr. Ryan Carrillo, in which You make any reference to any police report that

may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

7.) Any and all documents, including but not limited to any e-mails or text messages, sent by the IAMAW, including but not limited to Mr. Ryan Carrillo, to You in which the IAMAW makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

EXHIBIT A

FORM NLRB-502 (RC)
(4-15)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.	Date Filed
31-RC-208646	10/26/2017

***INSTRUCTIONS:** Unless e-Filed using the Agency's website, www.nlrb.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.*

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer RadNet Inc. and Radnet Management Inc., Joint Employers	2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) see attachment
3a. Employer Representative – Name and Title Christopher Catalano	3b. Address (If same as 2b – state same) 18133 Ventura Blvd, Suite 100, Tarzana, CA 91356
3c. Tel. No. (818) 933-2020 ext 1261	3d. Cell No. (805) 750-1013
3e. Fax No.	3f. E-Mail Address chris.catalano@radnet.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Healthcare facility	4b. Principal product or service Outpatient Imaging services
5a. City and State where unit is located see attachment	

5b. Description of Unit Involved

Included: All full-time, and regular part-time, per diem RN and Technical employees, employed by the employer at its facilities in the San Fernando Valley Region listed in 2b.

Excluded: All other employees, managers, confidential employees, guards, physicians, service, office clericals and supervisors as defined by the Act.

6a. No. of Employees in Unit: 115

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes [✓] No [ ]

Check One: [✓] 7a. Request for recognition as Bargaining Representative was made on (Date) 10/11/2017 and Employer declined recognition on or about 10/11/2017 (Date) (If no reply received, so state).

[ ] 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (If none, so state). none	8b. Address
8c. Tel No.	8d Cell No.
8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any	8h. Date of Recognition or Certification
8i. Expiration Date of Current or Most Recent Contract, If any (Month, Day, Year)	

9. Is there now a strike or picketing at the Employer's establishment(s) involved? no If so, approximately how many employees are participating? _____

(Name of labor organization) _____, has picketed the Employer since (Month, Day, Year) _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)
none

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Type: [ ] Manual [✓] Mail [ ] Mixed Manual/Mail		
11b. Election Date(s): ~~[illegible]~~ 11/7/17-11/21/17	11c. Election Time(s):	11d. Election Location(s).

12a. Full Name of Petitioner (including local name and number) National Union of Healthcare Workers	12b. Address (street and number, city, state, and ZIP code) 5801 Christie Ave. Suite 525, Emeryville, CA 94608
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (If none, so state) none	

12d. Tel No. (510) 834-2017	12e. Cell No.	12f. Fax No.	12g. E-Mail Address

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title Sophia Mendoza, Organizer		13b. Address (street and number, city, state, and ZIP code) 225 W. Broadway, Suite 155, Glendale, CA 91204	
13c. Tel No.	13d. Cell No. (213) 280-0051	13e. Fax No. (818) 241-0141	13f. E-Mail Address smendoza@nuhw.org

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Flance Hoffman	Signature Flance Hoffman	Title Attorney	Date 10/24/17

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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Radnet SFV RC petition Attachments:

Center	Address	City
Burbank Imaging X-Ray	3808 Riverside Dr., Ste. 120	Burbank, CA 91505
Burbank Breast Care Center	2601 W. Alameda Ave., Ste. 101	Burbank, CA 91505
Imaging Specialists of Burbank	1821 W. Olive Ave.	Burbank, CA 91506
Liberty Pacific Advanced Imaging Encino	16130 Ventura Blvd.	Encino, CA 91436
San Fernando Valley Interventional Radiology and Imaging Center	16311 Ventura Boulevard, Ste. 120	Encino, CA 91436
Imaging Specialists of Glendale	700 N. Central Avenue, Suite 100	Glendale, CA 91203
Marcia Ray Breastlink Women's Imaging Center	222 W. Eulalia Street	Glendale, CA 91204
San Fernando Valley Advanced Imaging Center	14860 Roscoe Blvd., Ste. 101	Panorama City, CA 91402
Imaging Specialists of Pasadena	630 S. Raymond Ave. Suite 210	Pasadena, CA 91105
Northridge Diagnostic Center – Walk-In X-Ray	8327 Reseda Blvd.	Reseda, CA 91325
Northridge Diagnostic Center	8227 Reseda Blvd.	Reseda, CA 91335
Liberty Pacific Advanced Imaging Tarzana and Breastlink Women's Imaging	18133 Ventura Blvd., Suite 100 and 200	Tarzana, CA 91356
Burbank Advanced Imaging Center	10101 Riverside Dr.	Toluca Lake, CA 91062
Santa Clarita Imaging	25775 W. McBean Pkwy, Ste. 100 and 216	Valencia, CA 91355
Vanowen Advanced Imaging	15243 Vanowen Street, Ste. 106	Van Nuys, CA 91405
Valley Hills Imaging	23101 Sherman Place, Suite 210	West Hills, CA 91307

5a.
Burbank, CA
Encino, CA
Glendale, CA
Panorama City, CA
Pasadena, CA
Reseda, CA
Tarzana, CA
Toluca Lake, CA
Valencia, CA
Van Nuys, CA
West Hills, CA

FORM NLRB-31

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

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B-1-ZPB8Q1

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Case 31-RM-209388

B-1-ZPB8Q1

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on the named person on

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(Month, day, and year)

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(Name of person making service)

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(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

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on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC. D/B/A SAN FERNANDO VALLEY INTERVENTIONAL RADIOLOGY AND IMAGING CENTER Petitioner *and* NATIONAL UNION OF HEALTHCARE WORKERS Labor Organization	Case No. 31-RM-209388

ATTACHMENT TO SUBPOENA *DUCES TECUM* NO. B-1-ZPB8Q1

By service of Subpoena *Duces Tecum* No. B-1-ZPB8Q1, RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (hereafter, "RadNet") hereby seeks production of all requested documents within your possession, custody or control without regard to who has physical possession of them or who prepared the documents, and wherever retained.

Documents produced should be grouped and in the order that they are maintained in the normal course, and should include all files and file labels in which the documents, and extra copies of them, are located.

For any document withheld on a claim of privilege and/or under the work-product doctrine or any other claimed immunity from production, identify the date, author, recipients, title, general nature and privilege and / or immunity claimed.

If additional documents are discovered that fall within the terms of this request, the additional items shall be produced immediately.

DEFINITIONS

1.) "Documents," as used below, includes all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed, and further includes any written document of any nature whatsoever (*including but not limited to any emails or text messages*), any audio-tape, any video-tape, or any repository of any electronic data, such as computer hard drives or memory cards of portable communication devices.

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all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

4.) The "Union," as used below, refers to the National Union of Healthcare Workers, and / or any affiliated entity, including but not limited to the International Association of Machinists and Aerospace Workers, together with all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

5.) "You," as used below, refers to Ms. Sophia Mendoza.

DOCUMENTS TO BE PRODUCED

1.) Any and all documents, including but not limited to any e-mails or text messages, in which any Employee informs You that he or she, or some other Employee, is opposed to representation by the Union or prefers not to communicate with the Union about representation by the Union. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

2.) For the period October 1, 2017 to the present, any and all documents, including but not limited to phone records, that show, refer, evidence or relate to any communication by You or any Employee to the Los Angeles Police Department and / or any communication from the Los Angeles Police Department to You or any Employee.

3.) Any document sufficient to identify by full name, current work address and current home address any and all individuals who engaged in any activity in support of the Union's efforts to organize the Employees.

4.) Any and all documents, including but not limited to any e-mails or text messages, sent by You to any Employee in which You make any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

5.) Any and all documents, including but not limited to any e-mails or text messages, sent by any Employee to You in which the Employee makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

6.) Any and all documents, including but not limited to any e-mails or text messages, sent by You to the IAMAW, including but not limited to Mr. Ryan Carrillo, in which You make any reference to any police report that

may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

7.) Any and all documents, including but not limited to any e-mails or text messages, sent by the IAMAW, including but not limited to Mr. Ryan Carrillo, to You in which the IAMAW makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

EXHIBIT A

FORM NLRB-502 (RC)
(4-15)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.	Date Filed
31-RC-208646	10/26/2017

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlrb.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer	2b. Address(es) of Establishment(s) involved *(Street and number, city, State, ZIP code)*
RadNet Inc. and Radnet Management Inc., Joint Employers	see attachment

3a. Employer Representative – Name and Title	3b. Address (If same as 2b – state same)
Christopher Catalano	18133 Ventura Blvd, Suite 100, Tarzana, CA 91356

3c. Tel. No	3d. Cell No.	3e. Fax No.	3f. E-Mail Address
(818) 933-2020 ext 1261	(805) 750-1013		chris.catalano@radnet.com

4a. Type of Establishment *(Factory, mine, wholesaler, etc.)*	4b. Principal product or service	5a. City and State where unit is located
Healthcare facility	Outpatient Imaging services	see attachment

5b. Description of Unit Involved	5a. No. of Employees in Unit:
Included: All full-time, and regular part-time, per diem RN and Technical employees, employed by the employer at its facilities in the San Fernando Valley Region listed in 2b. **Excluded:** All other employees, managers, confidential employees, guards, physicians, service, office clericals and supervisors as defined by the Act.	115 6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes [✓] No [ ]

Check One:
[✓] 7a. Request for recognition as Bargaining Representative was made on (Date) 10/11/2017 and Employer declined recognition on or about 10/11/2017 (Date) *(If no reply received, so state)*
[ ] 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent *(If none, so state)*.	8b. Address
none	

8c. Tel No.	8d Cell No.	8e. Fax No.	8f. E-Mail Address

8g. Affiliation, if any	8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any *(Month, Day, Year)*

9. Is there now a strike or picketing at the Employer's establishment(s) involved? no if so, approximately how many employees are participating? _____
(Name of labor organization) _____, has picketed the Employer since *(Month, Day, Year)* _____.

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. *(If none, so state)*
none

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.		11a. Election Type: [ ] Manual [✓] Mail [ ] Mixed Manual/Mail
11b. Election Date(s): ~~11/7/17-11/21/17~~ 11/7/17-11/21/17	11c. Election Time(s):	11d. Election Location(s):

12a. Full Name of Petitioner *(including local name and number)*	12b. Address *(street and number, city, state, and ZIP code)*
National Union of Healthcare Workers	5801 Christie Ave. Suite 525, Emeryville, CA 94608

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent *(if none, so state)*
none

12d. Tel No.	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
(510) 834-2017			

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title	13b. Address *(street and number, city, state, and ZIP code)*
Sophia Mendoza, Organizer	225 W. Broadway, Suite 155, Glendale, CA 91204

13c. Tel No.	13d. Cell No.	13e. Fax No.	13f. E-Mail Address
	(213) 280-0051	(818) 241-0141	smendoza@nuhw.org

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name *(Print)*	Signature	Title	Date
Florice Hoffman	Florice Hoffman	Attorney	~~[illegible]~~ 10/24/17

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Radnet SFV RC petition Attachments:

Center	Address	City
Burbank Imaging X-Ray	3808 Riverside Dr., Ste. 120	Burbank, CA 91505
Burbank Breast Care Center	2601 W. Alameda Ave., Ste. 101	Burbank, CA 91505
Imaging Specialists of Burbank	1821 W. Olive Ave.	Burbank, CA 91506
Liberty Pacific Advanced Imaging Encino	16130 Ventura Blvd.	Encino, CA 91436
San Fernando Valley Interventional Radiology and Imaging Center	16311 Ventura Boulevard, Ste. 120	Encino, CA 91436
Imaging Specialists of Glendale	700 N. Central Avenue, Suite 100	Glendale, CA 91203
Marcia Ray Breastlink Women's Imaging Center	222 W. Eulalia Street	Glendale, CA 91204
San Fernando Valley Advanced Imaging Center	14860 Roscoe Blvd., Ste. 101	Panorama City, CA 91402
Imaging Specialists of Pasadena	630 S. Raymond Ave. Suite 210	Pasadena, CA 91105
Northridge Diagnostic Center – Walk-In X-Ray	8327 Reseda Blvd.	Reseda, CA 91325
Northridge Diagnostic Center	8227 Reseda Blvd.	Reseda, CA 91335
Liberty Pacific Advanced Imaging Tarzana and Breastlink Women's Imaging	18133 Ventura Blvd., Suite 100 and 200	Tarzana, CA 91356
Burbank Advanced Imaging Center	10101 Riverside Dr.	Toluca Lake, CA 91062
Santa Clarita Imaging	25775 W. McBean Pkwy, Ste. 100 and 216	Valencia, CA 91355
Vanowen Advanced Imaging	15243 Vanowen Street, Ste. 106	Van Nuys, CA 91405
Valley Hills Imaging	23101 Sherman Place, Suite 210	West Hills, CA 91307

5a.
Burbank, CA
Encino, CA
Glendale, CA
Panorama City, CA
Pasadena, CA
Reseda, CA
Tarzana, CA
Toluca Lake, CA
Valencia, CA
Van Nuys, CA
West Hills, CA

FORM NLRB-31

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Custodian of Records, National Union of Healthcare Workers, 225 W. Broadway, Suite 155, Glendale, CA 91204

As requested by RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center

whose address is 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600

in the City of Los Angeles

on January 29, 2018 at 9:00 am or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

B-1-ZPBFG9

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CA

Dated: January 17, 2018

Marvin Kaplan, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

Case 31-RM-209388

B-1-ZPBFG9

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

_____

_____

_____

on the named person on

_____

(Month, day, and year)

_____

(Name of person making service)

_____

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC. D/B/A SAN FERNANDO VALLEY ADVANCED IMAGING CENTER Petitioner *and* NATIONAL UNION OF HEALTHCARE WORKERS Labor Organization	Case No. 31-RM-209424

ATTACHMENT TO SUBPOENA *DUCES TECUM* NO. B-1-ZPBFG9

By service of Subpoena *Duces Tecum* No. B-1-ZPBFG9, RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (hereafter, "RadNet") hereby seeks production of all requested documents within your possession, custody or control without regard to who has physical possession of them or who prepared the documents, and wherever retained.

Documents produced should be grouped and in the order that they are maintained in the normal course, and should include all files and file labels in which the documents, and extra copies of them, are located.

For any document withheld on a claim of privilege and/or under the work-product doctrine or any other claimed immunity from production, identify the date, author, recipients, title, general nature and privilege and / or immunity claimed.

If additional documents are discovered that fall within the terms of this request, the additional items shall be produced immediately.

DEFINITIONS

1.) "Documents," as used below, includes all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed, and further includes any written document of any nature whatsoever (*including but not limited to any emails or text messages*), any audio-tape, any video-tape, or any repository of any electronic data, such as computer hard drives or memory cards of portable communication devices.

2.) "Employee(s)," as used below, refers to the employees working out of any one or more of the facilities referenced by the Petition filed by the National Union of Healthcare Workers in Case No. 31-RC-208646. A copy of the Petition is attached hereto as "Exhibit A."

3.) "IAMAW," as used below, refers to the International Association of Machinists and Aerospace Workers, and / or any affiliated entity, including but not limited to the National Union of Healthcare Workers, together with all current and

former officers and employees thereof and any outside persons or entities retained to act on their behalf.

4.) The "Union," as used below, refers to the National Union of Healthcare Workers, and / or any affiliated entity, including but not limited to the International Association of Machinists and Aerospace Workers, together with all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

DOCUMENTS TO BE PRODUCED

1.) Any and all documents, including but not limited to any e-mails or text messages, in which any Employee informs the Union that he or she, or some other Employee, is opposed to representation by the Union or prefers not to communicate with the Union about representation by the Union. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

2.) For the period October 1, 2017 to the present, any and all documents, including but not limited to phone records, that show, refer, evidence or relate to any communication by the Union or any Employee to the Los Angeles Police Department and / or any communication from the Los Angeles Police Department to the Union or any Employee.

3.) Any document sufficient to identify by full name, current work address and current home address any and all individuals who engaged in any activity in support of the Union's efforts to organize the Employees.

4.) Any and all documents, including but not limited to any e-mails or text messages, sent by the Union to any Employee in which the Union makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

5.) Any and all documents, including but not limited to any e-mails or text messages, sent by any Employee to the Union in which the Employee makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

6.) Any and all documents, including but not limited to any e-mails or text messages, sent by the Union to the IAMAW in which the Union makes any reference to any police report that may be filed or has been filed against any

Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

7.) Any and all documents, including but not limited to any e-mails or text messages, sent by the IAMAW to the Union in which the IAMAW makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

EXHIBIT A

FORM NLRB-502 (RC)
(4-15)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.	Date Filed
31-RC-208646	10/26/2017

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlrb.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer RadNet Inc. and Radnet Management Inc., Joint Employers	2b. Address(es) of Establishment(s) involved *(Street and number, city, State, ZIP code)* see attachment
3a. Employer Representative – Name and Title Christopher Catalano	3b. Address (If same as 2b – state same) 18133 Ventura Blvd, Suite 100, Tarzana, CA 91356
3c. Tel. No. (818) 933-2020 ext 1261	3d. Cell No. (805) 750-1013
3e. Fax No.	3f. E-Mail Address chris.catalano@radnet.com
4a. Type of Establishment *(Factory, mine, wholesaler, etc.)* Healthcare facility	4b. Principal product or service Outpatient Imaging services
5a. *City and State where unit is located:* see attachment	

5b. Description of Unit Involved

Included: All full-time, and regular part-time, per diem RN and Technical employees, employed by the employer at its facilities in the San Fernando Valley Region listed in 2b.

Excluded: All other employees, managers, confidential employees, guards, physicians, service, office clericals and supervisors as defined by the Act.

6a. No. of Employees in Unit: 115

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes [✓] No [ ]

Check One: [✓] 7a. Request for recognition as Bargaining Representative was made on (Date) 10/11/2017 and Employer declined recognition on or about 10/11/2017 (Date) *(If no reply received, so state).*

[ ] 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent *(If none, so state).* none	8b. Address
8c. Tel No.	8d Cell No.
8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any	8h. Date of Recognition or Certification
8i. Expiration Date of Current or Most Recent Contract, If any *(Month, Day, Year)*	

9. Is there now a strike or picketing at the Employer's establishment(s) involved? no if so, approximately how many employees are participating? _____

(Name of labor organization) _____ has picketed the Employer since *(Month, Day, Year)* _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. *(If none, so state)*
none

10a. Name	10b. Address	10c. Tel. No	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. **Election Details:** If the NLRB conducts an election in this matter, state your position with respect to any such election.		11a. Election Type: [ ] Manual [✓] Mail [ ] Mixed Manual/Mail
11b. Election Date(s): 11/7/17-11/21/17	11c. Election Time(s):	11d. Election Location(s):

12a. Full Name of Petitioner *(including local name and number)* National Union of Healthcare Workers	12b. Address *(street and number, city, state, and ZIP code)* 5801 Christie Ave. Suite 525, Emeryville, CA 94608

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent *(if none, so state)*
none

12d. Tel No. (510) 834-2017	12e. Cell No.	12f. Fax No.	12g. E-Mail Address

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title Sophia Mendoza, Organizer		13b. Address *(street and number, city, state, and ZIP code)* 225 W. Broadway, Suite 155, Glendale, CA 91204	
13c. Tel No.	13d. Cell No. (213) 280-0051	13e. Fax No. (818) 241-0141	13f. E-Mail Address smendoza@nuhw.org

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name *(Print)*	Signature	Title	Date
Florice Hoffman	Florice Hoffman	Attorney	10/24/17

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Radnet SFV RC petition Attachments:

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Valley Hills Imaging	23101 Sherman Place, Suite 210	West Hills, CA 91307

5a.
Burbank, CA
Encino, CA
Glendale, CA
Panorama City, CA
Pasadena, CA
Reseda, CA
Tarzana, CA
Toluca Lake, CA
Valencia, CA
Van Nuys, CA
West Hills, CA

FORM NLRB-31

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Custodian of Records, National Union of Healthcare Workers, 225 W. Broadway, Suite 155, Glendale, CA 91204

As requested by RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center

whose address is 16311 Ventura Blvd., Suite 120, Encino, CA 91436
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600

in the City of Los Angeles

on January 29, 2018 at 9:00 am or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

B-1-ZPB8FR

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CA

Dated: January 17, 2018

Marvin Kaplan, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

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Case 31-RM-209388

B-1-ZPB8FR

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

_____

_____

_____

on the named person on

_____

(Month, day, and year)

_____

(Name of person making service)

_____

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

RADNET MANAGEMENT, INC. D/B/A SAN FERNANDO VALLEY INTERVENTIONAL RADIOLOGY AND IMAGING CENTER Petitioner *and* NATIONAL UNION OF HEALTHCARE WORKERS Labor Organization	Case No. 31-RM-209388

ATTACHMENT TO SUBPOENA *DUCES TECUM* NO. B-1-ZPB8FR

By service of Subpoena *Duces Tecum* No. B-1-ZPB8FR, RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (hereafter, "RadNet") hereby seeks production of all requested documents within your possession, custody or control without regard to who has physical possession of them or who prepared the documents, and wherever retained.

Documents produced should be grouped and in the order that they are maintained in the normal course, and should include all files and file labels in which the documents, and extra copies of them, are located.

For any document withheld on a claim of privilege and/or under the work-product doctrine or any other claimed immunity from production, identify the date, author, recipients, title, general nature and privilege and / or immunity claimed.

If additional documents are discovered that fall within the terms of this request, the additional items shall be produced immediately.

DEFINITIONS

1.) "Documents," as used below, includes all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed, and further includes any written document of any nature whatsoever (*including but not limited to any emails or text messages*), any audio-tape, any video-tape, or any repository of any electronic data, such as computer hard drives or memory cards of portable communication devices.

2.) "Employee(s)," as used below, refers to the employees working out of any one or more of the facilities referenced by the Petition filed by the National Union of Healthcare Workers in Case No. 31-RC-208646. A copy of the Petition is attached hereto as "Exhibit A."

3.) "IAMAW," as used below, refers to the International Association of Machinists and Aerospace Workers, and / or any affiliated entity, including but not limited to the National Union of Healthcare Workers, together with

all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

4.) The "Union," as used below, refers to the National Union of Healthcare Workers, and / or any affiliated entity, including but not limited to the International Association of Machinists and Aerospace Workers, together with all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

DOCUMENTS TO BE PRODUCED

1.) Any and all documents, including but not limited to any e-mails or text messages, in which any Employee informs the Union that he or she, or some other Employee, is opposed to representation by the Union or prefers not to communicate with the Union about representation by the Union. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

2.) For the period October 1, 2017 to the present, any and all documents, including but not limited to phone records, that show, refer, evidence or relate to any communication by the Union or any Employee to the Los Angeles Police Department and / or any communication from the Los Angeles Police Department to the Union or any Employee.

3.) Any document sufficient to identify by full name, current work address and current home address any and all individuals who engaged in any activity in support of the Union's efforts to organize the Employees.

4.) Any and all documents, including but not limited to any e-mails or text messages, sent by the Union to any Employee in which the Union makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

5.) Any and all documents, including but not limited to any e-mails or text messages, sent by any Employee to the Union in which the Employee makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

6.) Any and all documents, including but not limited to any e-mails or text messages, sent by the Union to the IAMAW in which the Union makes any reference to any police report that may be filed or has been filed against

any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

7.) Any and all documents, including but not limited to any e-mails or text messages, sent by the IAMAW to the Union in which the IAMAW makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

EXHIBIT A

FORM NLRB-502 (RC)
(4-15)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 31-RC-208646	Date Filed 10/26/2017

***INSTRUCTIONS:** Unless e-Filed using the Agency's website, www.nlrb.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.*

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer	2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)
RadNet Inc. and Radnet Management Inc., Joint Employers	see attachment

3a. Employer Representative – Name and Title	3b. Address (If same as 2b – state same)		
Christopher Catalano	18133 Ventura Blvd, Suite 100, Tarzana, CA 91356		
3c. Tel. No. (818) 933-2020 ext 1261	3d. Cell No. (805) 750-1013	3e. Fax No.	3f. E-Mail Address chris.catalano@radnet.com

4a. Type of Establishment (Factory, mine, wholesaler, etc.)	4b. Principal product or service	5a. City and State where unit is located
Healthcare facility	Outpatient Imaging services	see attachment

5b. Description of Unit Involved	6a. No. of Employees in Unit
Included: All full-time, and regular part-time, per diem RN and Technical employees, employed by the employer at its facilities in the San Fernando Valley Region listed in 2b. **Excluded:** All other employees, managers, confidential employees, guards, physicians, service, office clericals and supervisors as defined by the Act.	115
	6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes [✓] No [ ]

Check One: [✓] 7a. Request for recognition as Bargaining Representative was made on (Date) 10/11/2017 and Employer declined recognition on or about 10/11/2017 (Date) (If no reply received, so state).

[ ] 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (If none, so state).	8b. Address		
none			
8c. Tel No.	8d Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any		8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)

9. Is there now a strike or picketing at the Employer's establishment(s) involved? no If so, approximately how many employees are participating? _____

(Name of labor organization) _____ has picketed the Employer since (Month, Day, Year) _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)
none

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.		11a. Election Type: [ ] Manual [✓] Mail [ ] Mixed Manual/Mail
11b. Election Date(s): ~~Wednesday~~ 11/7/17-11/21/17	11c. Election Time(s):	11d. Election Location(s):

12a. Full Name of Petitioner (including local name and number)	12b. Address (street and number, city, state, and ZIP code)
National Union of Healthcare Workers	5801 Christie Ave. Suite 525, Emeryville, CA 94608

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
none

12d. Tel No.	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
(510) 834-2017			

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title	13b. Address (street and number, city, state, and ZIP code)		
Sophia Mendoza, Organizer	225 W. Broadway, Suite 155, Glendale, CA 91204		
13c. Tel No.	13d. Cell No. (213) 280-0051	13e. Fax No. (818) 241-0141	13f. E-Mail Address smendoza@nuhw.org

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print)	Signature	Title	Date
Florice Hoffman	Florice Hoffman	Attorney	10/24/17

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Radnet SFV RC petition Attachments:

Center	Address	City
Burbank Imaging X-Ray	3808 Riverside Dr., Ste. 120	Burbank, CA 91505
Burbank Breast Care Center	2601 W. Alameda Ave., Ste. 101	Burbank, CA 91505
Imaging Specialists of Burbank	1821 W. Olive Ave.	Burbank, CA 91506
Liberty Pacific Advanced Imaging Encino	16130 Ventura Blvd.	Encino, CA 91436
San Fernando Valley Interventional Radiology and Imaging Center	16311 Ventura Boulevard, Ste. 120	Encino, CA 91436
Imaging Specialists of Glendale	700 N. Central Avenue, Suite 100	Glendale, CA 91203
Marcia Ray Breastlink Women's Imaging Center	222 W. Eulalia Street	Glendale, CA 91204
San Fernando Valley Advanced Imaging Center	14860 Roscoe Blvd., Ste. 101	Panorama City, CA 91402
Imaging Specialists of Pasadena	630 S. Raymond Ave. Suite 210	Pasadena, CA 91105
Northridge Diagnostic Center – Walk-In X-Ray	8327 Reseda Blvd.	Reseda, CA 91325
Northridge Diagnostic Center	8227 Reseda Blvd.	Reseda, CA 91335
Liberty Pacific Advanced Imaging Tarzana and Breastlink Women's Imaging	18133 Ventura Blvd., Suite 100 and 200	Tarzana, CA 91356
Burbank Advanced Imaging Center	10101 Riverside Dr.	Toluca Lake, CA 91062
Santa Clarita Imaging	25775 W. McBean Pkwy, Ste. 100 and 216	Valencia, CA 91355
Vanowen Advanced Imaging	15243 Vanowen Street, Ste. 106	Van Nuys, CA 91405
Valley Hills Imaging	23101 Sherman Place, Suite 210	West Hills, CA 91307

5a.
Burbank, CA
Encino, CA
Glendale, CA
Panorama City, CA
Pasadena, CA
Reseda, CA
Tarzana, CA
Toluca Lake, CA
Valencia, CA
Van Nuys, CA
West Hills, CA

E. Ex. 2

Case 31-RM-209388

A-1-ZPADXF

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

225 W. Broadway
Suite 155
Glendale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

A-1-ZPAIAN

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

225 W. Broadway
Suite 155
Glendale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

N. [illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

A-1-ZP9J8Z

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
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- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

225 W. Broadway
Suite 155
Glendale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

A-1-ZP9EW1

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

225 W. Broadway
Suite 155
Glendale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

B-1-ZPB8FR

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

225 W. Broadway
Suite 155
Glendale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

B-1-ZPB8Q1

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

225 W. Broadway
Suite 155
Glendale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

B-1-ZPBFG9

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

(Check method used.)

225 W. Broadway
Suite 155
Glendale, CA 91204

on the named person on

January 24, 2018

(Month, day, and year)

NTRS

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

B-1-ZPBD7F

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

225 W. Broadway
Suite 155
Glendale CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

B-1-ZPBFVT

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

5402 Bolsa Ave.
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

N. [illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

B-1-ZPBF05

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

5402 Bolsa Ave.
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

B-1-ZPBAKZ

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

5402 Bolsa Ave.
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

B-1-ZPBBC7

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

5402 Bolsa Ave.
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

A-1-ZPAAZL

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at 5402 Bolsa Ave. Huntington Beach, CA 92649

on the named person on January 26, 2018

(Month, day, and year)

(Name of person making service)

Carrier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

A-1-ZP9ZXT

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

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- ☐ by person
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- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

5402 Bolsa Ave.
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month. day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

A-1-ZPAHDB

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
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- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

5402 Bolsa Ave.
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Carier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

A-1-ZP9NBN

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
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- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

5402 Bolsa Ave.
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

N[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

Case 31-RM-209388

A-1-ZP9HUZ

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- [x] by person
- [ ] by certified mail
- [ ] by registered mail
- [ ] by telegraph
- [x] by leaving copy at principal office or place of business at

(Check method used.)

200 N. Spring St, 19th Floor
Los Angeles, CA 90012

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

A-1-ZPAOKH

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- [x] by person
- [ ] by certified mail
- [ ] by registered mail
- [ ] by telegraph
- [x] by leaving copy at principal office or place of business at

(Check method used.)

200 N. Spring St, 19th Floor
Los Angeles, CA 90012

on the named person on

January 26, 2018

(Month, day, and year)

[illegible]

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

B-1-ZPB555

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- [x] by person
- [ ] by certified mail
- [ ] by registered mail
- [ ] by telegraph
- [x] by leaving copy at principal office or place of business at

200 N. Spring St., 19th Floor
Los Angeles, CA 90012

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

Case 31-RM-209388

B-1-ZPBEKV

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- [x] by person
- [ ] by certified mail
- [ ] by registered mail
- [ ] by telegraph
- [x] by leaving copy at principal office or place of business at

200 N. Spring St, 19th Floor
Los Angeles, CA 90012

on the named person on

January 26, 2018

(Month, day, and year)

N.

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)