

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**

DYCORA TRANSITIONAL HEALTH –
COMMUNITY CARE LLC,

and

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 2015.

Case: 32-CA-231820

**RESPONDENT DYCORA
TRANSITIONAL HEALTH –
COMMUNITY CARE LLC’S MOTION
TO POSTPONE HEARING DATE**

Hearing on the Complaint in the above-captioned matter is set to begin on April 16, 2019 at 9:00 a.m. at a location to be designated in Fresno, California. Per section 102.16(a) of the Board’s Rules and Regulations, Respondent Dycora Transitional Health – Community Care, LLC (“Respondent”) files this Motion (“Motion”) to request that the Regional Director postpone the start of hearing to anytime during the weeks of May 6, 2019, May 13, 2019, or later when the parties and their witnesses are next available. In accordance with section 102.16(a)(5), more than twenty-one days remain before the scheduled hearing date.

Good cause exists for this Motion under section 102.16(a) because of witness unavailability on April 16, 2019. *See* 5 U.S.C. § 555(b) (agencies must afford “due regard for the convenience and necessity of the parties or their representatives” when adjudicating a matter). Specifically, Respondent’s CEO, Ms. Julianne Williams, who is the only person identified in the Complaint and who Respondent expects to be an important witness in its defense, has had a long-planned family trip out of California from April 12 to 19, 2019.

Although Ms. Williams is not available on April 16, 2019, she has made significant efforts to secure additional availability to testify at hearing in this matter and has committed to be available the weeks of May 6, May 13, and May 20, 2019. Brief continuance of hearing in this matter is

necessary for Respondent to be able to secure the presence of Ms. Williams and thereby present its defense against the allegations in the Complaint.

Counsel for Respondent (Christopher Foster) has contacted counsel for the General Counsel (Angela Hollowell-Fuentes) and counsel for Charging Party, Service Employees International Union, Local 2015 (Manuel Boigues), both of whom oppose Respondent's request to postpone the hearing. However, Counsel for the General Counsel states that she is available the weeks of May 6, May 13, and May 20, 2019. Counsel for the Union states he is not available the week of May 20 but the weeks of May 6 and May 13, 2019 are "fine" presuming his witnesses are available then (he was unable to confirm as of 2/20/19).

REQUESTED RELIEF

For the above reasons, Respondent respectfully requests that the Regional Director grant Respondent's Motion to Postpone Hearing Date and to continue the hearing to any day during the weeks of May 6, May 13, 2019, or later when the parties and their witnesses are next available. Although Respondent would be prepared to proceed the week of May 20, 2019, Respondent does not request proceeding then out of professional courtesy to Union counsel because of his stated unavailability.

Dated: February 25, 2019

Respectfully submitted,

McDermott Will & Emery LLP

/s/ Christopher Foster

Ronald J. Holland
Christopher M. Foster
Counsel for Respondent,
DYCORA TRANSITIONAL HEALTH
– COMMUNITY CENTER LLC

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within cause. My business address is McDermott Will & Emery LLP, 415 Mission Street, Suite 5600, San Francisco, CA 94105. I served the below listed document(s) described as:

RESPONDENT DYCORA TRANSITIONAL HEALTH – COMMUNITY CARE LLC’S MOTION TO POSTPONE HEARING DATE

on February 25, 2019, on the following parties to this cause:

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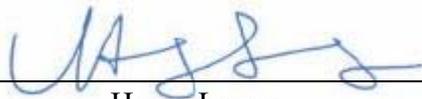
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BY ELECTRONIC SERVICE By transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 25, 2019, at San Francisco, California.



Henry Leung