

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES**

**KAISER FOUNDATION HOSPITALS AND
HEALTH PLAN, INC.; KAISER PERMANENTE;
KAISER PERMANENTE MEDICAL CARE
PROGRAM; THE SOUTHEAST PERMANENTE
MEDICAL GROUP; KAISER FOUNDATION
HEALTH PLAN, INC.; THE PERMANENTE
MEDICAL GROUP; MID-ATLANTIC
PERMANENTE MEDICAL GROUP; THE
PERMANENTE FEDERATION; NORTHWEST
PERMANENTE MEDICAL GROUP; COLORADO
PERMANENTE MEDICAL GROUP**

and

Case 32-CA-220268

**COALITION OF KAISER PERMANENTE
UNIONS, AFL-CIO**

**OPPOSITION TO RESPONDENTS' REQUEST
FOR POSTPONEMENT OF HEARING**

Counsel for the General Counsel hereby submits this opposition to the request for postponement filed by Respondents in this case on February 25, 2019. Respondents' request for postponement is premised on two arguments: (1) the unavailability of one of Respondents' anticipated principle witnesses; and 2) the unavailability of counsel for Respondents owing to a conflict with another NLRB hearing set for March 18, 2019.

Counsel for the General Counsel opposes the request for postponement for several reasons. The Complaint and Notice of Hearing, hereinafter Complaint, issued

in this matter on December 28, 2018 and the parties have been aware of the scheduled March 19, 2019 trial date since that time. The Regional Attorney consulted with the parties prior to setting the hearing on March 19, 2019 and no party raised a conflict with this date at that time. While Respondents' counsel has since raised a conflict for one of its witnesses, Respondents do not claim that this witness is their party representative, that this witness must be present for every day of trial, or that the General Counsel's case and Respondents' other witnesses could not proceed outside the presence of this particular witness. Counsel for the General Counsel would not oppose a continuance of the hearing if the other testimony in the case concludes and the witness is still not available. However, Counsel for the General Counsel objects to the postponement of the entire trial based on the unavailability of this one witness.

With respect to the conflict for Respondents' legal counsel due to the March 18, 2019 trial in another case, the Region has reached out to the parties in that case regarding their availability and is willing to reschedule the hearing in that case to April 1, which would remove counsel's conflict in moving forward with this case on its originally scheduled date. As noted above, Respondents and Respondents' counsel have been aware of the March 19, 2018 hearing date in this matter since the Complaint issued nearly two months ago and Counsel for the General Counsel objects to any unnecessary delay in resolving this matter, which impacts the collective bargaining rights and representation of a unit of roughly 85,000 employees.

WHEREFORE, for the reasons set forth herein, good cause has not been shown for the hearing to be postponed and Counsel for the General Counsel

respectfully requests that Respondents' request for postponement of the hearing should be denied.

DATED AT Oakland, California this 27th day of February 2019.

/s/ Amy Berbower
Amy Berbower
Counsel for the General Counsel
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**

**KAISER FOUNDATION HOSPITALS AND HEALTH PLAN,
INC.; KAISER PERMANENTE; KAISER PERMANENTE
MEDICAL CARE PROGRAM; THE SOUTHEAST
PERMANENTE MEDICAL GROUP; KAISER FOUNDATION
HEALTH PLAN, INC.; THE PERMANENTE MEDICAL
GROUP; MID-ATLANTIC PERMANENTE MEDICAL
GROUP; THE PERMANENTE FEDERATION; NORTHWEST
PERMANENTE MEDICAL GROUP; COLORADO
PERMANENTE MEDICAL GROUP**

and

COALITION OF KAISER PERMANENTE UNIONS, AFL-CIO

Case 32-CA-220268

Date: February 27, 2019

**AFFIDAVIT OF SERVICE OF OPPOSITION TO RESPONDENTS' REQUEST
FOR POSTPONEMENT OF HEARING**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

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National Labor Relations Board
Division of Judges
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VIA E-FILE

February 27, 2019

Date

Ida Lam, Designated Agent of NLRB

Name

/s/ Ida Lam

Signature