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February 27, 2019

VIA ELECTRONIC FILING

Associate Chief Judge Etchingham
Division of Judges
901 Market Street, 3rd Floor
San Francisco, CA 94103

**Re: Coalition of Kaiser Permanente Unions and
Kaiser Foundation Hospitals et al.
NLRB Case 32-CA-220268
(Charging Party's Response to Order to Show Cause Re: Request to
Postpone Hearing)**

Dear Judge Etchingham:

Please consider this letter the Coalition of Kaiser Permanente Unions' ("CKPU's" or the "Coalition's") response to Respondents' request for a postponement. The Coalition opposes the request for postponement.

Respondents request a postponement for two reasons: First, they claim that Greg Adams, who is one of their witnesses, is unavailable on March 19; and second, they claim that they cannot adequately or properly prepare for the hearing because their counsel is in another hearing on March 18. Both of these reasons fail to support good cause for a postponement.

The Region issued the Complaint in late December 2018. Respondents were aware of the hearing date at that time, but did not immediately request a postponement. The postponement came well after Respondents filed an Answer in this matter. Respondents should have been aware of their defenses and the necessity of their witnesses at the time they filed their Answer.

Moreover, the hearing in this matter is likely to take more than one day. Respondents have not claimed that Mr. Adams is a party representative or that he will be needed throughout the entire length of the proceeding. There is a high probability that Mr. Adams is unlikely to testify on March 19, given that Counsel for the General Counsel's case is likely to take at least one day.

Finally, there is no indication that counsel's March 18 hearing will last more than one day. But even if counsel's hearing goes forward on March 18, counsel should be able to make alternative arrangements to cover this hearing. Counsel's firm is a large firm with many capable attorneys. In this matter, Respondents are represented by two attorneys from counsel's firm. If necessary, one attorney could participate in the March 18

hearing, and the other could participate in this hearing. Or another attorney, or two, can handle this hearing, given the size and depth of counsel's firm.

For these reasons, the Coalition objects to Respondents' request for a postponement.

Sincerely,
/s/ Bruce A. Harland
Bruce A. Harland

BAH:rfb

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cc: Amy Berbower
Alicia C. Anderson
Michael R. Lindsay

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**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On February 27, 2019, I served the following documents in the manner described below:

**CHARGING PARTY'S RESPONSE TO ORDER TO SHOW CAUSE
RE: REQUEST TO POSTPONE HEARING**

- (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system to the email addresses set forth below.

On the following part(ies) in this action:

VIA EMAIL

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(*Counsel for Respondents*)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 27, 2019, at Alameda, California.

/s/ Rhonda Fortier-Bourne

Rhonda Fortier-Bourne