

**PATRICIA S. DODSZUWEIT**

**CLERK**



OFFICE OF THE CLERK

**UNITED STATES COURT OF APPEALS**

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

TELEPHONE

215-597-2995

October 28, 2020

Chairman  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, DC 20570

RE: NLRB v. Silver Healthcare Center  
Case Number: 20-2777  
District Court Case Number: 04-CA-252062

Dear Sir or Madam

Enclosed herewith is the certified order in the above-captioned case(s). The certified order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

We release herewith the certified list in lieu of the record in the case(s).

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment or order is also enclosed showing costs taxed, if any.

Very truly yours,  
Patricia S. Dodszeit, Clerk

By: s/Carmella  
Case Manager  
267-299-4928

cc: David Habenstreit, Esq.  
David Jasinski, Esq.

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

ACO-120

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

SILVER HEALTHCARE CENTER, A SUBSIDIARY  
OF MIMA HEALTH MANAGEMENT CORP.  
D/B/A MIMA HEALTHCARE

Respondent

No. 20-2777

Board Case No.:  
04-CA-252062

JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

Before: McKEE, SHWARTZ and PHIPPS, Circuit Judges

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Silver Healthcare Center, a subsidiary of MIMA Health Management Corp. d/b/a MIMA Healthcare, its officers, agents, successors, and assigns, enforcing its order dated July 29, 2020, in Case No. 04-CA-252062, reported at 369 NLRB No. 144, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent Silver Healthcare Center, a subsidiary of MIMA Health Management Corp. d/b/a MIMA Healthcare, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

BY THE COURT

s/ Peter J. Phipps

Circuit Judge

DATED: October 28, 2020  
CLW/cc: ALL COUNSEL OF RECORD



Certified as a true copy and issued in lieu  
of a formal mandate on 10/28/20

Teste: *Patricia A. Dodegawert*

NATIONAL LABOR RELATIONS BOARD

v.

SILVER HEALTHCARE CENTER, A SUBSIDIARY OF MIMA HEALTH  
MANAGEMENT CORP. D/B/A MIMA HEALTHCARE

**ORDER**

Silver Healthcare Center, a subsidiary of MIMA Health Management Corp. d/b/a MIMA Healthcare, Cherry Hill, New Jersey, its officers, agents, successors, and assigns shall

1. Cease and desist from
  - (a) Refusing to bargain collectively with District 1199C, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO (the Union) by failing and refusing to furnish it with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of the Respondent's unit employees.
  - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
  - (a) Furnish to the Union in a timely manner the information requested by the Union on July 8, August 6, August 8, September 18, and October 2, 2019, to the extent that it has not already done so.
  - (b) Post at its Cherry Hill, New Jersey facility copies of the attached notice marked "Appendix."<sup>1</sup> Copies of the notice, on forms

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<sup>1</sup> If the facility involved in these proceedings is open and staffed by a substantial complement of employees, the notices must be posted within 14 days after service by the Region. If the facility involved in these proceedings is closed due to the Coronavirus Disease 2019 (COVID-19) pandemic, the notices must be posted within 14 days after the facility reopens and a substantial complement of employees have returned to work, and the notices may not be posted until a substantial complement of employees have returned

provided by the Regional Director for Region 4, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since July 8, 2019.

- (c) Within 21 days after service by the Region, file with the Regional Director for Region 4 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

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to work. Any delay in the physical posting of paper notices also applies to the electronic distribution of the notice if the Respondent customarily communicates with its employees by electronic means.

## APPENDIX

### NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES  
COURT OF APPEALS ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

**FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist a union

Choose a representative to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities

WE WILL NOT refuse to bargain collectively with District 1199C, National Union of Hospital and Health Care Employees, AFSCME, AFL–CIO (the Union) by failing and refusing to furnish it with requested information that is relevant and necessary to the Union’s performance of its functions as the collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL furnish to the Union in a timely manner the information requested by the Union on July 8, August 6, August 8, September 18, and October 2, 2019, to the extent that we have not already done so.

SILVER HEALTHCARE CENTER,  
A SUBSIDIARY OF MIMA HEALTH MANAGEMENT CORP.  
D/B/A MIMA HEALTHCARE

The Board’s decision can be found at [www.nlr.gov/case/04-CA-252062](http://www.nlr.gov/case/04-CA-252062) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273–1940.

