ORAL ARGUMENT NOT YET SCHEDULED

No. 20-1076
(Consolidated Case No. 20-1153)

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

ST. JAMES MEDICAL GROUP,

Petitioner / Cross-Respondent,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent / Cross-Petitioner.

PETITION FOR REVIEW AND
CROSS-APPLICATION FOR ENFORCEMENT
OF AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD
N.L.R.B. CASE NO. 19-CA-242468

CORRECTED TABLE OF AUTHORITIES AND GLOSSARY OF ABBREVIATIONS TO PETITIONER'S REPLY BRIEF

TERRY L. POTTER
A. JAMES SPUNG
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Telephone (314) 480-1500
Facsimile (314) 480-1505
Terry.Potter@huschblackwell.com

COOPER PAGE
HUSCH BLACKWELL LLP
1900 N. Pearl Street, Suite 1800
Dallas, TX 75201
Telephone (214) 999-6100
Facsimile (214) 999-6170

Attorneys for Petitioner / Cross-Respondent

CORRECTED TABLE OF AUTHORITIES

Page(s)

Cases

Allentown Mack Sales & Serv., Inc. v. N.L.R.B.,
522 U.S. 359 (1998) 7

Am. Hosp. Ass'n v. N.L.R.B.,
499 U.S. 606 (1991) 28

Arrow Fastener Co., Inc. v. Stanley Works,
59 F.3d 384 (2d Cir. 1995) 7, 8

Avecor, Inc. v. N.L.R.B.,
931 F.2d 924 (D.C. Cir. 1991) 6

Burlington Truck Lines, Inc. v. United States,
371 U.S. 156 (1962) 8

Constellation Brands, U.S. Ops., Inc. v. N.L.R.B.,
842 F.3d 784 (2d Cir. 2016) 5

Davidson Hotel Co. v. N.L.R.B.,
977 F.3d 1289 (D.C. Cir. 2020) 14

Erie Brush & Mfg. Corp. v. N.L.R.B.,
700 F.3d 17 (D.C. Cir. 2012) 8, 13

Heartland Plymouth Ct. MI, LLC v. N.L.R.B.,
838 F.3d 16 (D.C. Cir. 2016) 5

Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.,
513 U.S. 527 (1995) 7, 8

LeMoyne-Owen Coll. v. N.L.R.B.,
357 F.3d 55 (D.C. Cir. 2004) 7

N.L.R.B. v. Frederick Mem. Hosp., Inc.,
691 F.2d 191 (4th Cir. 1982) 10, 29

N.L.R.B. v. Purnell's Pride, Inc.,
609 F.2d 1153 (5th Cir. 1980 5

N.L.R.B. v. Tito Contractors, Inc.,
847 F.3d 724 (D.C. Cir. 2017)..... 8, 26

NBCUniversal Media, LLC v. N.L.R.B.,
815 F.3d 821 (D.C. Cir. 2016)..... 6, 10, 14, 17

Point Park Univ. v. N.L.R.B.,
457 F.3d 42 (D.C. Cir. 2006) 6, 7, 10, 13, 15, 22, 26

S.E.C. v. Chenery Corp.,
332 U.S. 194 (1947) 6, 7

Titanium Metals Corp. v. N.L.R.B.,
392 F.3d 439 (D.C. Cir. 2004)..... 6

Va. Mason Med. Ctr. v. N.L.R.B.,
35 F. App'x 4 (D.C. Cir. 2002) 12

Rules and Regulations

53 Fed. Reg. 33900 (Sept. 1, 1988)..... 18

Additional Authorities

Charter Hosp. of St. Louis, Inc. and United Nurses of Fla.,
313 N.L.R.B. 951 (1994) 13, 24, 25

In re Specialty Healthcare & Rehab. Ctr. of Mobile, 357 N.L.R.B.
934 (2011) 28

Jefferson Health Sys., 330 N.L.R.B. 653 (2000)..... 13, 24, 25

Marian Manor for the Aged & Infirm, Inc., 333 N.L.R.B.1084 (2001)
..... 13, 25

McLean Hosp. Corp., 311 N.L.R.B. 1100 (1993) 13

Park Manor Care Ctr., Inc. 305 N.L.R.B. 872 (1991) 7, 17, 27

St. Mary's Duluth Clinic Health Sys. 332 N.L.R.B. 1419 (2000) 28

The Boeing Co. & Int'l Ass'n of Machinists & Aerospace Workers, 368 N.L.R.B. No. 67, slip op. at 4 (2019) 9

Transerv Sys., 311 N.L.R.B. 766, 766 (1993) 11

CORRECTED GLOSSARY OF ABBREVIATIONS

Abbreviation	Definition
Act	National Labor Relations Act, 29 U.S.C. §§ 151 *et seq.*
AB	Answering Brief
APP	Advanced-Practice Practitioner, including NPs and Pas
BHS	Behavior Health Specialist
Board	National Labor Relations Board
Complaint	General Counsel's Complaint
Decision	The Regional Director's January 22, 2019 Decision and Direction of Election
Director	Regional Director Ronald K. Hooks, N.L.R.B. Region 19
General Counsel	The Board's General Counsel, including the Counsel for the General Counsel
Group	St. James Medical Group
NP	Nurse Practitioner
OB	Opening Brief
Order	The Board's February 12, 2020 Decision and Order
PA	Physician Assistant
RN	Registered Nurse
SW	Social Worker
Union	Montana Nurses Association

November 13, 2020

Respectfully submitted,

/s/ *Terry L. Potter*

TERRY L. POTTER
A. JAMES SPUNG
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Telephone: (314) 480-1500
Facsimile: (314) 480-1505
Terry.Potter@huschblackwell.com
James.Spung@huschblackwell.com

COOPER PAGE
HUSCH BLACKWELL LLP
1900 N. Pearl Street, Suite 1800
Dallas, TX 75201
Telephone: (214) 999-6100
Facsimile: (214) 999-6170
cooper.page@huschblackwell.com

Counsel for Petitioner/Cross-Respondent

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2020, the foregoing brief was electronically filed with the Court via the appellate CM/ECF system, and that copies were served on counsel of record by operation of the CM/ECF system on the same date.

November 13, 2020 /s/ *Terry L. Potter*