



United States Government

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, DC 20570

December 17, 2020

Mark J. Langer, Esquire  
Clerk, United States Court of Appeals  
for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, NW, Room 5423  
Washington, DC 20001-2866

Re: *GADecatur SNF LLC d/b/a East Lake Arbor v. NLRB*  
DC Cir. Nos. 20-1435 and 20-1438  
Board Case 10-CA-262818

Dear Mr. Langer:

I am transmitting the Certified List of the contents of the Agency Record in above-captioned case.

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street, SE  
Washington, DC 20570-0001  
(202) 273-2960

Enclosure(s)

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

GADECATUR SNF LLC D/B/A EAST	)	
LAKE ARBOR	)	
Petitioner/Cross-Respondent	)	
	)	Nos. 20-1435
	)	20-1438
	)	
v.	)	Board Case No.
	)	10-CA-262818
NATIONAL LABOR RELATIONS BOARD	)	
Respondent/Cross-Petitioner	)	

**CERTIFIED LIST OF THE NATIONAL LABOR RELATIONS BOARD**

Pursuant to authority delegated in Section 102.115 of the National Labor Relations Board’s Rules and Regulations, 29 C.F.R. § 102.115, I certify that the list set forth in the attached Index, consisting of three volumes, fully describes all documents, transcripts of testimony, exhibits, and other material constituting the record before the Board in GADecatur SNF LLC d/b/a East Lake Arbor, Case No. 10-CA-262818, which took official notice of the record in Case No. 10-RC-249998.

*Roxanne L. Rothschild*

---

Roxanne L. Rothschild  
Executive Secretary  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001  
(202) 273-1940

December 17, 2020

## DOCUMENT INDEX

### 10-RC-249998

VOLUME I - Transcript of Hearing  
12/04/19 Pages  
1-145

VOLUME II - Board Exhibit  
1(a-g)

Joint Exhibit  
1

Employer Exhibit  
1

VOLUME III - Pleadings

### 10-RC-249998

<u>Date</u>	<u>Documents</u>	
10/15/19	Petition (Exhibit 1)	1
10/16/19	Notice of Representation Hearing	1-2
10/21/19	Order Rescheduling Hearing and Statement of Position	1-2
10/28/19	Stipulated Election Agreement (Exhibit 2)	1-6
10/28/19	Notice of Election	1-3
11/12/19	Tally of Ballots (Exhibit 3)	1

11/19/19	Employer's (GADecatur SNF LLC d/b/a East Lake Arbor) Objection to Conduct Affecting the Results of the Election (Exhibit 4)	1-4
11/19/19	Employer's (GADecatur SNF LLC d/b/a East Lake Arbor) Objections to the Conduct of Election and Conduct Affecting the Results of the Election	1-6
12/20/19	Hearing Officer's Report on Objections (Exhibit 5)	1-8
01/15/20	Employer's (GADecatur SNF LLC d/b/a East Lake Arbor) Exceptions to the Hearing Officer's Report on Objections (Exhibit 6)	1-7
01/22/20	Petitioner's (RWDSU) Answering Brief	1-11
02/04/20	Decision and Certification of Representative (Exhibit 7)	1-9
02/19/20	Employer's (GADecatur SNF LLC d/b/a East Lake Arbor) Request for Review of the Acting Regional Director's Decision and Certification of Representation (with attachments) (Exhibit 8)	1-39
02/27/20	Petitioner's (RWDSU) Statement in Opposition to Request for Review	1-12
06/02/20	Board Order Denying Employer's Request for Review of the Acting Regional Director's Decision and Certification of Representation (Exhibit 9)	1

**10-CA-262818**

07/09/20	Charge (Exhibit 12)	1
07/17/20	Complaint and Notice of Hearing (Exhibit 13)	1-7
07/30/20	Respondent's (GADecatur SNF LLC d/b/a East Lake Arbor) Answer and Affirmative Defenses to Complaint and Notice of Hearing (Exhibit 14)	1-5
08/03/20	General Counsel Motion to Transfer Proceedings to the Board and Motion for Summary Judgment (with attachments) <sup>1</sup>	1-108
08/05/20	Executive Secretary's Order Transferring Proceeding to the Board and Notice to Show Cause	1
08/19/20	Respondent's (GADecatur SNF LLC d/b/a East Lake Arbor) Response to the General Counsel's Motion to Transfer Proceedings to the Board for Summary Judgment and Issuance of a Decision and Order	1-5
08/21/20	General Counsel's Reply to Respondent's Response to Notice to Show Cause	1-4
10/15/20	Decision and Order (370 NLRB No. 34)	1-3

---

<sup>1</sup> Exhibits 1–9 and 12–14 were detached from the Motion for Summary Judgment and placed in chronological order in the Volume of Pleadings.

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

GADECATUR SNF LLC D/B/A EAST	)	
LAKE ARBOR	)	
Petitioner/Cross-Respondent	)	
	)	Nos. 20-1435
	)	20-1438
	)	
v.	)	Board Case No.
	)	10-CA-262818
NATIONAL LABOR RELATIONS BOARD	)	
Respondent/Cross-Petitioner	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2020, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I certify that the foregoing document will be served on all parties or their counsel of record through the appellate CM/ECF system.

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street, SE  
Washington, DC 20570-0001  
(202) 273-2960

Dated at Washington, DC  
this 17th day of December 2020