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7
8 UNITED STATES OF AMERICA
9 BEFORE THE NATIONAL LABOR RELATIONS BOARD
10 REGION 31

11 GOOD SAMARITAN HOSPITAL

12 Employer,

13 ALLEN V. SMITH

14 Petitioner,

15 and

16 SERVICE EMPLOYEES INTERNATIONAL
17 UNION

18 Union.
19

CASE NO. 31-RD-1555

**GOOD SAMARITAN HOSPITAL'S
EXCEPTION TO ADMINISTRATIVE LAW
JUDGE GREGORY Z. MEYERSON'S
REPORT AND RECOMMENDATIONS ON
OBJECTIONS**

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21 Good Samaritan Hospital (the "Hospital" or the "Employer") hereby Excepts pursuant to the
22 National Labor Relations Board Rule 102.69(e) to the findings and conclusions of Administrative
23 Law Judge Gregory Z. Meyerson's (the "ALJ") set forth in his November 30, 2007 Report and
24 Recommendation on Objections to Conduct Affecting the Results of the Election as to Employer's
25 Objection Number 4.
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1 **EXCEPTION TO FINDING ON EMPLOYER'S OBJECTION NUMBER 4**

2 1. The Employer excepts to the findings of the ALJ regarding Employer's Objection
3 Number 4 that "[r]egarding this objection, I am of the view that Rodriguez' words and conduct did
4 not serve to intimidate or coerce members of the bargaining unit. The incident did not reasonably
5 interfere with the employees' freedom of choice in the election. Accordingly, I recommend that
6 objection number 4 be overruled." (Report at 11; Tr. 121:16-136:2; 310:23-312:20; 313:15-21;
7 314:3-316:6; 316:24-319:10; 322:23-323:9; 458:20-459:9; 473:1-474:7; 477:22-478:10; 481:2-18;
8 493:6-8; 493:13-25; 494:1-495:16; 532:16-22; 533:20-534:21; 535:15-23; 557:11-559:18; 559:15-
9 25; 561:9-15; 561:23-562:1; 562:10-11; 606:1-11-607:4; 609:22-610:11; 611:20-24; ER's Exs. 9-
10 12).¹

11 The Employer excepts to the findings of the ALJ on the grounds that the evidence presented
12 overwhelmingly demonstrates that that Union Representative Claudia Rodriguez's words and
13 conduct toward Allen V. Smith on March 24, 2007 did serve to intimidate and coerce members of
14 the bargaining unit and reasonably interfered with the employees' freedom of choice in the election.
15 In addition, the conduct objected to in Employer's Objection Number 4 arose out of and is
16 inextricably intertwined with the conduct objected to in Employer's Objection Number 3 which was
17 sustained by the ALJ. Therefore, Employer's Objection Number 4 must also be sustained.

18 DATED: December 14, 2007

JEFFER, MANGELS, BUTLER & MARMARO LLP
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19
20
21 By: _____
22 MARTA M. FERNANDEZ
23 Attorneys for Employer GOOD SAMARITAN
24 HOSPITAL

25
26 _____
27 ¹ For ease of reference, the ALJ's November 30, 2007 Report and Recommendation On Objections is cited herein as the
28 "Report"; the transcript from the hearing in case number 31-RD-1555 is cited as "Tr."; and the Employers Exhibits
submitted during the hearing in case number 31-RD-1555 are cited as "ER's Ex."

RE: Good Samaritan Hospital/Service Employees International Union
Case No: 31-RD-1555

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing **GOOD SAMARITAN HOSPITAL'S EXCEPTION TO ADMINISTRATIVE LAW JUDGE GREGORY Z. MEYERSON'S REPORT AND RECOMMENDATIONS ON OBJECTIONS** was served on the 14th day of December, 2007, upon the following parties:

VIA E-FILING

Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

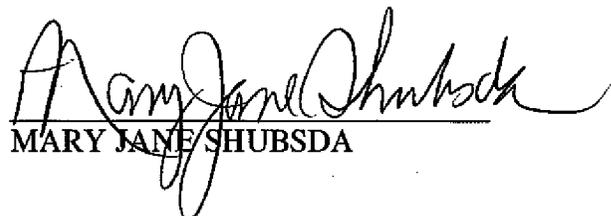
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