

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SPECIALTY HOSPITAL OF  
WASHINGTON – HADLEY, LLC

and

Case 5-CA-33522

1199 SEIU, UNITED HEALTHCARE  
WORKERS EAST, MD/DC DIVISION

COUNSEL FOR THE GENERAL COUNSEL’S OPPOSITION TO RESPONDENT’S  
MOTION FOR RECONSIDERATION AND MOTION TO STAY

By an order dated November 25, 2008, the Board denied Respondent’s Motion for Summary Judgment. On December 19, 2008, Respondent filed a Motion for Reconsideration and Motion to Stay. Respondent argues that the Board’s Order was not issued by a properly constituted quorum of Board members. This argument has already been duly considered by the Board in its Order, and Respondent provides no additional reasons for reconsideration on this basis.

Respondent also claims that the Board’s Order is contrary to the Board’s long-standing policy of not overruling or creating new precedent when there are fewer than four members. However, the Board has merely remanded this case for a factual hearing: no precedent has been created or overruled. Instead, the Board has rightfully required the development of a factual record before issuing a decision on an issue of first impression.

For these reasons, and the reasons set forth in Counsel for the General Counsel's Opposition to Respondent's Motion for Summary Judgment and Response to the Board's Notice to Show Cause, Respondent's Motions for Reconsideration and Stay should be denied.

Respectfully submitted this 31st day of December, 2008,

/s/ Patrick J. Cullen

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## STATEMENT OF SERVICE

I hereby certify that our office contacted the following parties by telephone on the 31st day of December, 2008. We informed each party in this case that Counsel of the General Counsel's Opposition to Respondent's Motion for Reconsideration and Motion to Stay had been electronically filed with the Office of the Executive Secretary of the Board, and that each party would be served with a copy of the same document by overnight mail for delivery on the next business day.

I hereby certify that copies of the Counsel of the General Counsel's Opposition to Respondent's Motion for Reconsideration and Motion to Stay were served by overnight delivery on the 31st day of December, 2008, on the following parties:

Joseph R. Damato, Attorney at Law  
Charles F. Walters, Attorney at Law  
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/s/ Patrick J. Cullen

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