

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

<p>SPECIALTY HOSPITAL OF WASHINGTON – HADLEY, LLC,</p> <p style="text-align:center">Respondent</p> <p style="text-align:center">and</p> <p>1199 SEIU, UNITED HEALTHCARE WORKERS EAST, MD/DC DIVISION,</p> <p style="text-align:center">Charging Party/Union</p>	<p>Case 5-CA-33522</p>
---	------------------------

SECOND MOTION FOR RECONSIDERATION AND MOTION TO STAY

By order dated November 25, 2008, Chairman Schaumber and Member Liebman denied Respondent’s December 3, 2007 Motion for Summary Judgment and by same order remanded this matter to the Regional Director for the scheduling of a hearing. Respondent Specialty Hospital of Washington – Hadley (“Hadley”) hereby seeks reconsideration of that order and requests a stay of the hearing currently scheduled to begin on May 12, 2009.

By motion dated December 19, 2008, Respondent Specialty Hospital of Washington – Hadley, LLC (“Hadley”), requested reconsideration of the Board’s November 25, 2008 Order. In its motion for reconsideration, Hadley argued *inter alia* that the Board’s November 25, 2008 order was void *ab initio* because it was not issued by a properly constituted panel of Board Members.

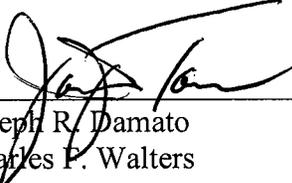
By order dated January 26, 2009, the Board, again a panel consisting of only Chairman Liebman and Member Schaumber, relying on a December 28, 2007 delegation by the Board, denied Hadley’s motion for reconsideration and found that Hadley’s argument was “without merit.”

On May 1, 2009, the DC Circuit Court of Appeals in *Laurel Baye Healthcare of Lake Lanier, Inc., v. NLRB*, No. 08-1162, specifically found that a Board panel consisting of only two (2) members did not constitute a proper quorum as defined by Sec. 3(b) of the NLRA and, as a result, found that orders issued by the two-Member Board are invalid.

The instant matter falls within the jurisdiction of the D.C. Circuit Court of Appeals. Accordingly, Hadley renews its Motion for Reconsideration and requests that the Board vacate the orders issued by the improperly constituted quorum and stay all proceedings until a properly constituted quorum has reviewed the matter.

Respectfully submitted,

SPECIALTY HOSPITAL OF WASHINGTON –
HADLEY, LLC

By:  _____

Joseph R. Damato
Charles P. Walters
John J. Toner
Kristin E. Michaels
SEYFARTH SHAW LLP
975 F Street, N.W.
Washington, DC 20004
(202) 463-2400
(202) 828-5393 (facsimile)

May 7, 2009

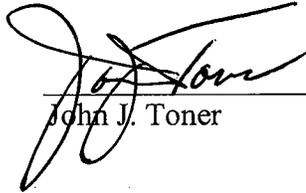
Attorneys for Respondent

CERTIFICATE OF SERVICE

I, hereby certify that on May 7th, 2009, I served via electronic mail a copy of the foregoing MOTION FOR RECONSIDERATION AND MOTION TO STAY, upon the following:

Thomas Murphy
Sean R. Marshall
National labor Relations Board
Region 5
103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061
Thomas.Murphy@nlrb.gov
Sean.Marhall@nlrb.gov

Steve Godoff, Esquire
Abato Rubenstein & Abato, P.A.
809 Gleneagles Court
Baltimore, MD 21286-2230
sgodoff@abato.com



John J. Toner