

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 28

In the matter of:)	
)	
ST. CATHERINE HEALTHCARE AND)	
REHABILITATION CENTER, LLC)	
)	
Employer,)	
)	
and)	
)	
DISTRICT 1199NM, NATIONAL UNION)	
OF HOSPITAL AND HEALTHCARE)	
EMPLOYEES, AFSCME, AFL-CIO)	
)	
Petitioner.)	
)	

Case No. 28-RC-6661

JOINT MOTION TO WITHDRAW OBJECTIONS, EXCEPTIONS TO THE ADMINISTRATIVE
LAW JUDGE’S REPORT ON CHALLENGED BALLOT AND OBJECTIONS, AND EXCEPTIONS
TO THE ADMINISTRATIVE LAW JUDGE’S SUPPLEMENTAL REPORT

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (“Board”), St. Catherine Healthcare and Rehabilitation Center, LLC (“St. Catherine or “Employer”), by and through the undersigned Employer counsel, hereby files a motion in the above-captioned case to withdraw its: Objections to the Conduct of the Election and to Conduct Affecting the Results of the Election, filed on June 26, 2009; Exceptions to the Administrative Law Judge’s Report on Challenged Ballot and Objections, filed on October 13, 2009; and, Exceptions to the Administrative Law Judge’s Supplemental Report filed on March 10, 2010. District 1199NM, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO (“Union”), hereby joins in this motion, by and through the undersigned Union counsel. St. Catherine has reached a non-Board settlement with the Union on the processing of the representation petition in this matter and the related unfair labor practice in case

nos. 28-CA-22668, 28-CA-22761, and 28-CA-22890. (See Exhibit A.) On May 11, 2010, the Administrative Law Judge in this matter approved the parties' settlement notwithstanding the General Counsel's opposition to the non-Board agreement. The General Counsel filed a Request for Special Permission to Appeal and Appeal from the Administrative Law Judge's Approval of Non-Board Settlement Agreement and Dismissal of Complaint on June 4, 2010. On August 10, 2010, the Board affirmed the Administrative Law Judge's ruling approving the non-Board settlement agreement and remanding the proceeding to the Regional Director for further appropriate action on the outstanding representation petition in this matter and the related unfair labor practices charge in case nos. 28-CA-22668, 28-CA-22761, and 28-CA-22890.

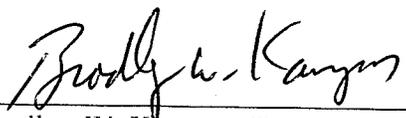
Accordingly, St. Catherine requests that the Board accept its withdrawal of the aforementioned Objections and Exceptions and issue an Order resolving the above-captioned representation case by directing the Regional Director to count the challenged ballot as a "yes" vote and to issue a revised Tally of Ballots and certify the Union as the bargaining unit employees' elected bargaining representative.

Respectfully submitted this 1st day of September, 2010.

JACKSON LEWIS LLP

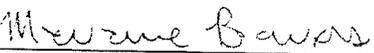
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PROOF OF SERVICE

Case Name: ST. CATHERINE HEALTHCARE AND REHABILITATION CENTER, LLC
Case Nos.: 28-RC-6661

I, Cheryl Cleary, declare that I am employed with the law firm of Jackson Lewis LLP, whose address is 199 Fremont Street, 10th Floor, San Francisco, California 94105; I am over the age of eighteen (18) years and am not a party to this action.

On September 7, 2010 c.e., I served the attached **JOINT MOTION TO WITHDRAW OBJECTIONS, EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE’S REPORT ON CHALLENGED BALLOT AND OBJECTIONS, AND EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE’S SUPPLEMENTAL REPORT** in this action as follows:

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NLRB Regional Office

[X] **BY ELECTRONIC MAIL (EMAIL): I attached a full, virus-free pdf version of the document to electronic correspondence (e-mail) and transmitted the document from my own e-mail address, clearyc@jacksonlewis.com, to the persons at the e-mail addresses above. There was no report of any error or delay in the transmission of the e-mail.**

[] BY OVERNIGHT DELIVERY: I placed a true and correct courtesy copy of the document, enclosed in a sealed envelope, and caused such envelope to be delivered to District 1199NM National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO at the above address within 24 hours by overnight delivery service. I notified the union of the substance of the transmitted document by telephone call to 505-884-7713.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 7, 2010 c.e., at San Francisco, California.


Cheryl Cleary

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