

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C.**

SODEXO AMERICA LLC

and

Case 21-CA-39086

PATRICIA ORTEGA, an Individual

SODEXO AMERICA LLC; AND
USC UNIVERSITY HOSPITAL

and

Case 21-CA-39109

SERVICE WORKERS UNITED

USC UNIVERSITY HOSPITAL

and

Cases 21-CA-39328
21-CA-39403

NATIONAL UNION OF HEALTHCARE
WORKERS

**MOTION TO STRIKE RESPONDENT-HOSPITAL'S
REPLY TO GENERAL COUNSEL'S OPPOSITION
TO RESPONDENTS' MOTION FOR SUMMARY JUDGMENT**

Counsel for the Acting General Counsel moves that the Board strike the Reply Memorandum of Respondent-Hospital to the Opposition of General Counsel to Respondents' Motion for Summary Judgment ("Reply") because the Board's Rules and Regulations contain no provision permitting the filing of said Reply.

I. PROCEDURAL HISTORY

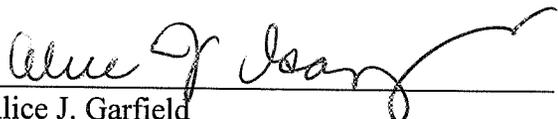
On January 29, 2011, USC University Hospital ("Respondent-Hospital") filed its Motion for Summary Judgment ("MSJ") in the above-captioned matter. On the same date, Sodexo-America LLC ("Respondent-Sodexo") filed a Joinder to the MSJ. On February 4, 2011, Counsel for the Acting General Counsel filed an Opposition to Respondent-Hospital's MSJ and Respondent-Sodexo's Joinder Therein ("Opposition"). On February 8, 2011, Respondent-Hospital filed its Reply, citing no authority that permits said Reply.

II. ARGUMENT

Under Section 102.24 of the Board's Rules and Regulations, a motion for summary judgment made before a scheduled hearing is filed directly with the Board, and a party opposing such motion may file an opposition prior to the issuance by the Board of an order to show cause. The Board's Rules and Regulations contain no provision for the filing of a reply to any party's opposition. Respondent-Hospital has cited no authority permitting the filing of its Reply, nor has it sought special permission to file its Reply. Therefore, General Counsel moves that the Board strike Respondent-Hospital's Reply in its entirety.

Dated: 9 February 2011

Respectfully submitted,



Alice J. Garfield
Counsel for the acting General Counsel
National Labor Relations Board, Region 21
888 S. Figueroa St., 9th Floor
Los Angeles, CA 90017

STATEMENT OF SERVICE

I hereby certify that a copy of Counsel for the Acting General Counsel's Motion to Strike Respondent-Hospital's Reply to the General Counsel's Opposition to Respondent-USC University Hospital's Motion for Summary Judgment and Respondent-Sodexo America's Joinder Therein was submitted by E-filing to the Office of the Executive Secretary of the National Labor Relations Board on February 9, 2011. The following parties were served with a copy of the same document by electronic mail.

Lester F. Aponte, Attorney at Law
Bate, Peterson, Deacon, Zinn & Young, LLP
laponte@bpdzylaw.com

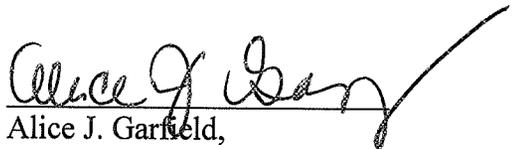
Mark T. Bennett, Attorney at Law
Marks, Golia & Finch, LLP
mbennett@mgflp.com

Florice O. Hoffman, Attorney at Law
Offices of Florice Hoffman
fhoffman@socal.rr.com

Bruce A. Harland, Attorney at Law
Weinberg, Roger & Rosenfeld
BHarland@unioncounsel.net

Ms. Patricia Ortega
opatricia491@gmail.com

Dated at Los Angeles, California,
this 9th day of February 2011


Alice J. Garfield,
Counsel for the Acting General Counsel
National Labor Relations Board
Region 21