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-SODEXO AMERICA'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-Sodexo 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 7, 2011, Respondent-Sodexo 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 a 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-Sodexo 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-Sodexo's Reply in its entirety.

Dated: 9 February 2011

Respectfully submitted,

Alice J. Garfield
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National Labor Relations Board, Region 21
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STATEMENT OF SERVICE

I hereby certify that a copy of Counsel for the Acting General Counsel's Motion to Strike Respondent-Sodexo America's Reply to the General Counsel's Opposition to Respondent-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.

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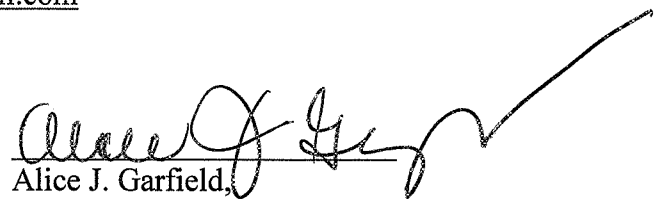
Dated at Los Angeles, California,
this 9th day of February 2011



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