

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

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1621 ROUTE 22 WEST OPERATING  
COMPANY, LLC d/b/a SOMERSET  
VALLEY REHABILITATION & NURSING  
CENTER

And

Case Nos. 22-CA-69152  
22-CA-74665

1199 SEIU UNITED HEALTHCARE  
WORKERS EAST, NEW JERSEY  
REGION

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**MOTION FOR EXTENSION OF TIME  
TO FILE EXCEPTIONS AND BRIEF IN SUPPORT OF EXCEPTIONS**

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Pursuant to Section 102.46 of the Board's Rules and Regulations, as amended, Respondent 1621 Route 22 West Operating Company, LLC d/b/a Somerset Valley Rehabilitation and Nursing Center ("Somerset" or "Respondent"), through counsel, moves for an extension of time to file exceptions to the Administrative Law Judge's Decision and a brief in support of said exceptions, stating as follows:

1. The trial of the 8(a)(1), (3) and (5) allegations in the Third Amended Consolidated Complaint was held in Newark, New Jersey on May 7, 8, 9, 10 and 11, 2012.
2. The trial involved two distinct charges with distinct sets of facts. In Case No. 22-CA-069152, the Acting General Counsel alleged that Somerset's move to an RN-only model and decision to discharge the last two LPNs who worked at the facility constituted retaliation for Union activity in violation of Section 8(a)(3) of the Act. The Acting General Counsel also claimed that

Somerset violated Section 8(a)(5) of the Act because it did not bargain with the Union over its decision to move to an RN-only model. In Case No. 22-CA-074665, the Acting General Counsel asserted that Somerset unlawfully denied the Union's request for "access" to Somerset's facility in violation of Section 8(a)(5).

3. The trial transcript is approximately 600 pages in length.

4. The Administrative Law Judge ("ALJ") issued her Decision on January 15, 2013, at which time this matter was transferred to the Board.

5. The Decision is approximately 28 pages long and sets forth distinct analyses of the separate charges.

6. Respondent received the Decision by regular mail on Saturday, January 19, 2013. Respondent's Administrator, to whom the Decision was addressed, did not receive the Decision until Monday, January 21, 2013.

7. Counsel for Respondent received the Decision by regular mail in their office on January 18, 2013. However, Respondent's attorneys were out of town at that time at an annual shareholder meeting. Additionally, Monday, January 21, 2013 was a holiday for Martin Luther King, Jr. Day and the office of Respondent's attorneys was closed.

8. The attorney for Respondent principally handling this matter is preparing numerous dispositive motions in an FLSA wage and hour class action that are due February 14, 2013.

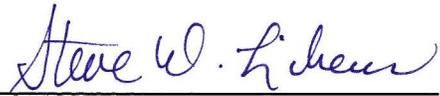
9. Due to the timing in receipt of the ALJ's Decision, the distinct issues to be analyzed and considered, the length of the record, the distinct analyses of

the Judge's Decision, and counsel's other pending matters, Respondent requests a 30-day extension of time to file exceptions to the Decision and a brief in support of the exceptions to March 14, 2013.

10. The Charging Party, though counsel, and Counsel for the Acting General Counsel have stated they would agree to an extension of one week for Respondent to file exceptions to the Decision and a brief in support of the exceptions, but did not agree with the requested 30-day extension. Counsel for the Acting General counsel cited Section 102.94 of the Board's Rules and Regulations in support of her position that cases proceeding under Section 10(j) of the Act, such as this one, are required to be processed expeditiously. Counsel for the Acting General Counsel made a similar argument in another matter involving facilities managed by HealthBridge Management, LLC, *HealthBridge Management, LLC et al.*, Cases 34-CA-012715 et al., and the Associate Executive Secretary nevertheless granted the respondents in that matter a 28-day extension. See attached Motion for Extension of Time to File Exceptions and Brief in Support of Exceptions, Counsel for the Acting General Counsel's Opposition to Respondent's Request for Extension of Time to File Exceptions and Brief in Support of Objections, and Partial Extension of Time to File Exceptions.

WHEREFORE, PREMISES CONSIDERED, and for good cause shown, Respondent requests that its Motion for Extension of Time to File Exceptions and Brief in Support of Exceptions be granted, and that the date be extended to and including March 14, 2013.

Respectfully submitted,



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Littler Mendelson P.C.  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the aforesaid Motion for Extension of Time to File Exceptions and Brief in Support of Exceptions were served on January 23, 2013, in the manner set forth below:

Lester A. Heltzer, Executive Secretary  
National Labor Relations Board  
1099 14th St. N.W.  
Washington, D.C. 20570-0001

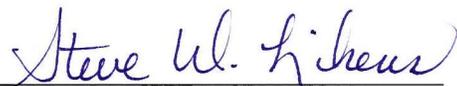
E-filing

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**UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
1099 14th Street, N.W.  
Washington, D.C. 20570-0001**

August 14, 2012

Re: HealthBridge Management, LLC, Care Realty (a/k/a Care One)  
Cases 34-CA-012715, et al.

**PARTIAL EXTENSION OF TIME TO FILE EXCEPTIONS**

The Respondents have requested an extension of time to file Exceptions to the Administrative Law Judge's Decision issued on August 1, 2012. Having considered the request and the Counsel for the Acting General Counsel's Opposition, **SOME, BUT NOT ALL, OF THE TIME REQUESTED IS GRANTED.** Specifically, a 28-day extension of time is granted. Accordingly, the due date for the receipt in Washington, D.C. of the Exceptions and Supporting Brief is extended to **SEPTEMBER 26, 2012.** No further extensions of time will be granted.

A handwritten signature in black ink that reads "Henry S. Breiteneicher".

Henry S. Breiteneicher  
Associate Executive Secretary

cc: Parties

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 34**

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HEALTHBRIDGE MANAGEMENT, LLC;  
CARE REALTY, LLC; 107 OSBORNE  
STREET OPERATING COMPANY II, LLC  
D/B/A DANBURY HEALTH CARE CENTER;  
710 LONG RIDGE ROAD OPERATING  
COMPANY II, LLC D/B/A LONG RIDGE  
OF STAMFORD; 240 CHURCH STREET  
OPERATING COMPANY II, LLC D/B/A  
NEWINGTON HEALTH CARE CENTER; 1 BURR  
ROAD OPERATING COMPANY II, LLC  
D/B/A WESTPORT HEALTH CARE CENTER;  
245 ORANGE AVENUE OPERATING COMPANY  
II, LLC D/B/A WEST RIVER HEALTH CARE CENTER;  
341 JORDAN LANE OPERATING COMPANY II,  
LLC D/B/A WETHERSFIELD HEALTH CARE CENTER

Case Nos.	34-CA-12715
	34-CA-12732
	34-CA-12765
	34-CA-12766
	34-CA-12767
	34-CA-12768
	34-CA-12769
	34-CA-12770
	34-CA-12771

And

NEW ENGLAND HEALTH CARE EMPLOYEES  
UNION, DISTRICT 1199, SEIU, AFL-CIO

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**MOTION FOR EXTENSION OF TIME  
TO FILE EXCEPTIONS AND BRIEF IN SUPPORT OF EXCEPTIONS**

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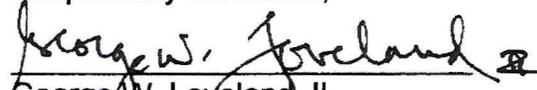
Pursuant to Section 102.46 of the Board's Rules and Regulations, as amended, the Respondents, through counsel, move for an extension of time to file exceptions to the Administrative Law Judge's decision and a brief in support of said exceptions, stating as follows:

1. The trial of the multiple 8(a)(1), (3) and (5) allegations in the Consolidated Complaint, which were based on nine Charges and Amended Charges, was held in Hartford, Connecticut on August 11, 12, 30 and 31, September 1 and 2, and October 17, 18 and 19, 2011.

2. The trial transcript is approximately 1500 pages in length.
3. The Administrative Law Judge issued his Decision on August 1, 2012, at which time this matter was transferred to the Board.
4. The Decision is approximately 80 pages long and is detailed.
5. Due to the multiple issues to be analyzed and considered, the length of the record, and the length and detailed nature of the Judge's Decision, Respondents request a 30-day extension of time to file exceptions to the Decision and a brief in support of the exceptions to September 28, 2012.
6. The Charging Party, though counsel, and the Acting General Counsel have stated that they do not agree with the requested 30-day extension of time to file exceptions to the Decision and a brief in support of the exceptions.

WHEREFORE, PREMISES CONSIDERED, and for good cause shown, Respondents request that their Motion for Extension of Time to File Exceptions and Brief in Support of Exceptions be granted, and that the date be extended to and including September 28, 2012.

Respectfully submitted,

  
George W. Loveland, II

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Memphis, TN 38125  
901-795-6695

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the aforesaid Motion for Extension of Time to File Exceptions and Brief in Support of Exceptions were served on August 8, 2012, in the manner set forth below:

Lester A. Heltzer, Executive Secretary  
National Labor Relations Board  
1099 14th St. N.W.  
Washington, D.C. 20570-0001

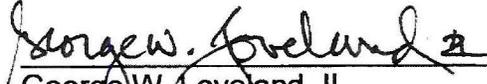
E-filing

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George W. Loveland, II

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 34**

HEALTHBRIDGE MANAGEMENT, LLC; CARE REALTY, LLC a/k/a CARE ONE; 107 OSBORNE STREET OPERATING COMPANY II, LLC d/b/a DANBURY HCC; 710 LONG RIDGE ROAD OPERATING COMPANY II, LLC d/b/a LONG RIDGE OF STAMFORD; 240 CHURCH STREET OPERATING COMPANY II, LLC d/b/a NEWINGTON HEALTH CARE CENTER; 1 BURR ROAD OPERATING COMPANY II, LLC d/b/a WESTPORT HEALTH CARE CENTER; 245 ORANGE AVENUE OPERATING COMPANY II, LLC d/b/a WEST RIVER HEALTH CARE CENTER; 341 JORDAN LANE OPERATING COMPANY II, LLC d/b/a WETHERSFIELD HEALTH CARE CENTER

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34-CA-12769  
34-CA-12770  
34-CA-12771

and

NEW ENGLAND HEALTH CARE EMPLOYEES UNION, DISTRICT 1199, SEIU, AFL-CIO

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S OPPOSITION TO  
RESPONDENT'S REQUEST FOR EXTENSION OF TIME TO FILE EXCEPTIONS  
AND BRIEF IN SUPPORT OF OBJECTIONS**

On August 8, 2012, HealthBridge Management LLC and the above-named respondents (herein Respondents) filed a request for a 30-day extension of time to file its exceptions to the August 1, 2012 decision of Administrative Law Judge Fish and a brief in support thereof. Exceptions are currently due on August 29, 2012. For the following reasons, Counsel for the Acting General Counsel opposes Respondents' request.

First, this matter is directly related to a Second Amended Consolidated Complaint in Case Nos. 34-CA-070823, et al, scheduled for trial on September 10,

2012, (attached) involving the same Respondents and parties. The pending case (“HealthBridge III”) is a high profile case involving the same five nursing homes, which are presently on strike, and alleges a host of bad faith bargaining allegations, including surface bargaining and premature declaration of impasse during the pendency of unremedied ULPs. Respondent has declared impasse and implemented its final offer, conduct which has directly led to the strike. Paragraph 13 specifically references the conduct found unlawful by Judge Fish, and the Complaint alleges, inter alia, that such conduct precludes the existence of a good faith impasse. Thus any delay in the resolution of these matters will only result in greater harm to the bargaining process and the integrity of the Act.

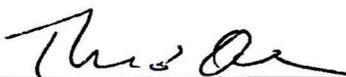
Second, the matters underlying HealthBridge III are currently pending in the Division of Advice for consideration of an injunction pursuant to Section 10(j) of the Act. Any further delay in the processing of the instant case by the Board may adversely impact a District Court’s consideration of a 10(j) request. Inasmuch as the requisite element of “reasonable cause” to believe that the Act had been violated will include Judge Fish’s decision, any delay in the submission of briefs could delay the Court’s consideration of a 10(j) petition. Thus, any delay in the administrative processing of this case is highly likely to hinder a Court’s ruling on a Section 10(j) petition.

With respect to Respondent counsel’s remaining arguments concerning the length of the record, trial transcript and the ALJD as reasons to grant the request for additional time to file exceptions, Counsel for the Acting General Counsel notes that Respondent had three experienced labor lawyers for the hearing from the same firm, and since the record closed that firm has merged with a prominent labor law firm, Littler

Mendelson, which is not without adequate resources to file exceptions and a supporting brief by the present due date.

Accordingly, Counsel for the Acting General Counsel urges the Board to deny Respondent's request for an extension of time.

Dated at Hartford, Connecticut, this 10<sup>th</sup> day of August, 2012.



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Thomas E. Quigley  
Counsel for the Acting General Counsel  
National Labor Relations Board  
Region 34

Served by e-mail only on the following:

George W Loveland, II, Esquire  
Kevin A. Creane, Esquire