

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

SODEXO AMERICA LLC

Case No. 21-CA-39086

and

PATRICIA ORTEGA, an Individual

SODEXO AMERICA LLC; AND
USC UNIVERSITY HOSPITAL

and

Case No. 21-CA-39109

SERVICE WORKERS UNITED

USC UNIVERSITY HOSPITAL

and

Case Nos. 21-CA-39328
21-CA-39403

NATIONAL UNION OF HEALTHCARE
WORKERS

**KECK HOSPITAL OF USC, FORMERLY KNOWN AS USC UNIVERSITY HOSPITAL,
MOTION FOR EXTENSION OF TIME TO FILE EXCEPTIONS**

LINDA VAN WINKLE DEACON (State Bar No. 60133)
1107 Fair Oaks Avenue #356
South Pasadena, California 90017
Telephone: (213) 248-4806
Facsimile: (818) 952-7402
lindaedeacon@gmail.com
Attorney for Respondent
Keck Hospital of USC, formerly known as
USC UNIVERSITY HOSPITAL

Pursuant to Section 102.46(a) of the Board's Rules and Regulations and Statements of Procedure, Keck Hospital of USC, formerly known as USC University Hospital (the "Hospital") hereby moves that the time for the filing of Exceptions to the Decision of the Administrative Law Judge's Decision of January 18, 2013 be extended. Exceptions are currently due on February 15, 2013. However, since the filing of the Decision, the Hospital has filed a Motion for Reconsideration with the Administrative Law Judge, Counsel for the Acting General Counsel has filed a Letter requesting changes to the Decision with the Administrative Law Judge, and the D.C. Circuit has issued an order staying proceedings in this case pending further order of the D.C. Circuit. (Face pages for these documents are attached to this Motion as Exhibits 1, 2, and 3 respectively.) The Hospital urges that the time to file Exceptions be extended until April 16, 2013 in order to allow the pending Motion, Letter requesting corrections and Stay Order to be properly resolved. The extension should apply to all parties

This Motion is made on the grounds that the pending Motion, Letter and the Stay Order need to be resolved so that the exact status of this case can be determined, and the exact parameters of the underlying decision can be determined. It is impossible to properly proceed, or to properly analyze this case, until the matters implicated by the Stay Order, the Motion and the Letter have been determined. To proceed prior to such a resolution is an idle act and a waste of time, money and

judicial resources. Until each of these matters has been addressed, there is no basis to proceed and lengthy briefing could be wasted on matters that are going to be resolved by the actions of the judges before whom the Stay Order and the Motions are now pending.

The Hospital urges that this Motion be granted.

Dated: February 14, 2013 Respectfully submitted,

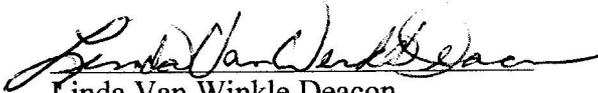
By: 
Linda Van Winkle Deacon
Attorney for Respondent
Keck Hospital of USC, formerly
known as USC University Hospital
E-mail: lindaedeacon@gmail.com

EXHIBIT 1

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
San Francisco Branch Office**

SODEXO AMERICA LLC

Case No. 21-CA-39086

and

PATRICIA ORTEGA, an Individual

SODEXO AMERICA LLC; AND
USC UNIVERSITY HOSPITAL

and

Case No. 21-CA-39109

SERVICE WORKERS UNITED

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and

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21-CA-39403

NATIONAL UNION OF HEALTHCARE
WORKERS

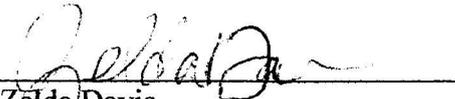
**KECK HOSPITAL OF USC, FORMERLY KNOWN AS USC UNIVERSITY HOSPITAL,
MOTION FOR RECONSIDERATION AND FOR STAY AND OPPOSITION TO
MOTION OF GENERAL COUNSEL FOR RECONSIDERATION**

LINDA VAN WINKLE DEACON (State Bar No. 60133)
1107 Fair Oaks Avenue #356
South Pasadena, California 90017
Telephone: (213) 248-4806
Facsimile: (818) 952-7402
lindaedeacon@gmail.com
Attorney for Respondent
Keck Hospital of USC, formerly known as
USC UNIVERSITY HOSPITAL

CERTIFICATE OF SERVICE

21-CA-39086 - 21-CA-39109 - 21-CA-39328 - 21-CA-39403

I, hereby certify that on February 13, 2013, I electronically filed the foregoing document with the National Labor Relations Board using its e-filing system and served a copy of the forgoing document by electronic service to the following the persons as in below.


Zelda Davis

VIA ELECTRONIC MAIL

Ms. Patricia Ortega
2107 Common Wealth Avenue,
Apt. D-369
Alhambra, CA 91803

e-mail: opatricia491@gmail.com

Alice Garfield, Region 21
National Labor Relations Board
888 South Figueroa Street, Ninth Floor
Los Angeles, CA 90017-5449
F: 213-894-3011
F: 213-894-2778
E-mail: alice.garfield@nlrb.gov

Bruce A. Harland, Esq.
Weinberg, Roger, & Rosenfeld
1001 Marina Village Parkway,
Suite 200
Alameda, CA 94501
T: 510-337-1001
E-mail: bharland@unioncounsel.net

Via Electronic Mail

Mark T. Bennett, Esq.
Marks, Finch, Thornton & Baird, LLP
4747 Executive Dr., Suite 700
San Diego, California 92121-3107

E-mail: mbennett@mftb.com

Florice O. Hoffman, Esq.
Law Offices of Florice Hoffman
8502 East Chapman Avenue, #353
Orange, California 92869
T: 714-282-1179
F: 714-282-7918
E-mail: lhoffman@socal.rr.com

Antonio Orea
National Union of Healthcare Workers
8502 East Chapman Avenue, Suite 353
Orange, CA 92869
aorea09@gmail.com

EXHIBIT 2



United States Government
NATIONAL LABOR RELATIONS BOARD

Region 21

888 S. Figueroa St., 9th Floor
Los Angeles, CA 90017-5449

Telephone: (213) 894-3011
Facsimile: (213) 894-2778
E-Mail: alice.garfield@nlrb.gov

30 January 2013

The Honorable William G. Kocol
National Labor Relations Board
Division of Judges
901 Market Street
San Francisco, CA 94103

Re: Sodexo America, LLC and Keck Hosp. of USC, formerly USC Univ. Hosp.,
Cases 21-CA-39086, 21-CA-39109, 21-CA-39328 and 21-CA39403

Dear Judge Kocol:

I am writing to bring your attention an oversight in the affirmative provisions of your order in the referenced decision on remand that issued on January 18, 2013. Therein, specifically at paragraph 2(c), it does not set forth the names of the employees from whose files any reference to the unlawful discipline must be removed.

I note that in the affirmative provisions of the accompanying notice the affected employees, Alex Corea, Ruben Duran, Noemi Aguirre and Michael Torres, are specifically named; however, as you know, it is the order that controls the remedy. Therefore, general counsel respectfully requests that you issue an errata to the order, or take whatever other action you deem appropriate to correct this oversight.

Respectfully,

Alice J. Garfield
Counsel for the Acting General Counsel

STATEMENT OF SERVICE

I hereby certify that a copy of Acting General Counsel's letter to ALJ-Kocol requesting correction to the order on remand was submitted by e-filing to the NLRB's Division of Judges, San Francisco Branch on January 30, 2013. The following parties were served with a copy of the same document by electronic mail:

Law Offices of Linda Deacon
Linda Deacon, Attorney at Law
lindaedeacon@gmail.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 30th day of January 2013

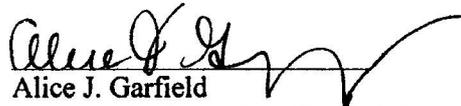

Alice J. Garfield
Counsel for the Acting General Counsel
National Labor Relations Board
Region 21

EXHIBIT 3

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-1413

September Term, 2012

**NLRB-21CA39086
NLRB-21CA39109
NLRB-21CA39328
NLRB-21CA39403**

Filed On: January 25, 2013

Keck Hospital of USC, formerly known as USC
University Hospital,

Petitioner

v.

National Labor Relations Board,

Respondent

Consolidated with 12-1426, 12-1467

ORDER

Upon consideration of the joint motion to hold in abeyance, the response thereto, and the joint reply; and the court's opinion and judgment issued January 25, 2013, in No. 12-1115, et al. - Noel Canning, a Division of the Noel Corporation v. NLRB, it is

ORDERED that the motion to hold in abeyance be dismissed as moot. It is

FURTHER ORDERED, on the court's own motion, that these cases be held in abeyance pending further order of the court.

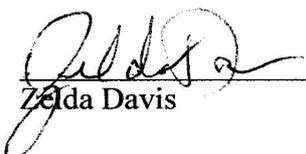
FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Timothy A. Ralls
Deputy Clerk

CERTIFICATE OF SERVICE

21-CA-39086 - 21-CA-39109 - 21-CA-39328 - 21-CA-39403

I, hereby certify that on February 14, 2013, I electronically filed Keck Hospital of USC, formerly known as USC University Hospital, Motion for Extension of Time to File Exceptions with the National Labor Relations Board using its e-filing system and served a copy of the forgoing document by electronic service to the following the persons as in below.



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VIA ELECTRONIC MAIL

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888 South Figueroa Street, Ninth Floor
Los Angeles, CA 90017-5449
T: 213-894-3011
F: 213-894-2778
E-mail: alice.garfield@nlrb.gov

Bruce A. Harland, Esq.
Weinberg, Roger, & Rosenfeld
1001 Marina Village Parkway,
Suite 200
Alameda, CA 94501
T: 510-337-1001
E-mail: bharland@unioncounsel.net

Via Electronic Mail

Mark T. Bennett, Esq.
Marks, Finch, Thornton & Baird, LLP
4747 Executive Dr., Suite 700
San Diego, California 92121-3107

E-mail: mbennett@mftb.com

Florice O. Hoffman, Esq.
Law Offices of Florice Hoffman
8502 East Chapman Avenue, #353
Orange, California 92869
T: 714-282-1179
F: 714-282-7918
E-mail: fhoffman@socal.rr.com

Antonio Orea
National Union of Healthcare Workers
8502 East Chapman Avenue, Suite 353
Orange, CA 92869
aorea09@gmail.com