

**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

Nos. 14-4523

UPMC PRESBYTERIAN SHADYSIDE,
Appellant,

v.

NATIONAL LABOR RELATIONS BOARD,
Appellee.

[caption continued on next page]

JOINT APPENDIX VOLUME II of II, JA69 – JA392

**On Appeal from the United States District Court for the
Western District of Pennsylvania
Nos. 2:14-mc-00109, 2:14-mc-00110, 2:14-mc-00111**

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Nos. 14-4524

UPMC,
Appellant,

v.

NATIONAL LABOR RELATIONS BOARD,
Appellee.

Nos. 14-4525

UPMC,
Appellant,

v.

NATIONAL LABOR RELATIONS BOARD,
Appellee.

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APPEAL

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:14-mc-00109-AJS**

NATIONAL LABOR RELATIONS BOARD v. UPMC Date Filed: 03/20/2014
PRESBYTERIAN SHADYSIDE
Assigned to: Judge Arthur J. Schwab
Case in other court: 3rd circuit, 14-04523

Petitioner**NATIONAL LABOR RELATIONS
BOARD**

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Respondent**UPMC PRESBYTERIAN
SHADYSIDE**

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Date Filed	#	Docket Text
03/20/2014	1	APPLICATION for Summary Order Enforcing Subpoena Duces Tecum No. B-720565 by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Proposed Order, # 2 Exhibit List, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E, # 8 Exhibit F, # 9 Exhibit G, # 10 Exhibit H, # 11 Exhibit I, # 12 Exhibit J) (jsp) (Entered: 03/20/2014)
03/20/2014	2	BRIEF in Support re 1 Application to Enforce, filed by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Exhibit List, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Certificate of Service) (jsp) (Entered: 03/20/2014)
03/20/2014	3	NOTICE of Appearance by Claudia Davidson on behalf of SEIU HEALTHCARE PA, CTW, CLC. (Davidson, Claudia) (Entered: 03/20/2014)
03/21/2014		TEXT ORDER re 1 APPLICATION FOR SUMMARY ORDER ENFORCING SUBPOENA DUCES TECUM, filed by NATIONAL LABOR RELATIONS BOARD, Response to APPLICATION due by 4/16/2014, Reply brief due by 4/24/2014., Hearing set for 4/29/2014 at

		08:30 AM in Courtroom 7C before Judge Arthur J. Schwab. The movant, NATIONAL LABOR RELATIONS BOARD, is responsible for serving this order on counsel for Respondent, Thomas A. Smock, Esq. Signed by Judge Arthur J. Schwab on 3/21/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 03/21/2014)
03/24/2014	4	NOTICE of Appearance by Thomas A. Smock on behalf of UPMC PRESBYTERIAN SHADYSIDE. (Smock, Thomas) (Entered: 03/24/2014)
03/24/2014	5	NOTICE of Appearance by Michael D. Glass on behalf of UPMC PRESBYTERIAN SHADYSIDE. (Glass, Michael) (Entered: 03/24/2014)
03/24/2014	6	NOTICE of Appearance by Jennifer G. Betts on behalf of UPMC PRESBYTERIAN SHADYSIDE. (Betts, Jennifer) (Entered: 03/24/2014)
04/11/2014	7	NOTICE of Appearance by James F. Glunt on behalf of UPMC PRESBYTERIAN SHADYSIDE. (Glunt, James) (Entered: 04/11/2014)
04/14/2014	8	MOTION for attorney Ruth L. Goodboe to Appear Pro Hac Vice, (Filing fee \$40, Receipt # 0315-3160222) by UPMC PRESBYTERIAN SHADYSIDE. (Attachments: # 1 Affidavit, # 2 Proposed Order) (Glunt, James) (Entered: 04/14/2014)
04/15/2014	9	ORDER granting 8 Motion for Ruth L. Goodboe to Appear Pro Hac Vice. Signed by Judge Arthur J. Schwab on 4/15/14. (lck) (Entered: 04/15/2014)
04/15/2014	10	Unopposed MOTION for Extension of Time to File Resposne to Application by UPMC PRESBYTERIAN SHADYSIDE. (Attachment: # 1 Proposed Order) (Glunt, James) Modified on 4/16/2014. (jsp) (Entered: 04/15/2014)
04/16/2014	11	ORDER GRANTING 10 Motion for Extension of Time filed by UPMC PRESBYTERIAN SHADYSIDE - Response to Application due by 5/30/2014, Reply brief due by 6/30/2014. Hearing set for 8/18/2014 at 09:00 AM in Courtroom 7C before Judge Arthur J. Schwab. Signed by Judge Arthur J. Schwab on 4/16/14. (lck) Modified on 4/16/2014. (lck,) (Entered: 04/16/2014)
05/30/2014	12	RESPONSE IN OPPOSITION to 1 Motion to Enforce, filed by UPMC PRESBYTERIAN SHADYSIDE. (Glunt, James) (Entered: 05/30/2014)
06/02/2014	13	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (ms) (Entered: 06/02/2014)
06/02/2014	14	Errata re 12 Response in Opposition by UPMC PRESBYTERIAN SHADYSIDE. Reason for Correction: incomplete filing. (Glunt, James) (Entered: 06/02/2014)
06/02/2014		Errata re 13 Notice of ADR Designation - - Reason for Correction: Incorrect Filing. NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Order Referring Case to Alternative Dispute Resolution to follow. Signed by Judge Arthur J. Schwab on 6/2/14. Text-only entry; no PDF

		document will issue. This text-only entry constitutes the Court's order or notice on the matter. (ms,) (Entered: 06/02/2014)
06/02/2014	15	ORDER REFERRING CASE to Mediation. Louis M. Kushner is appointed as mediator. Party KUSHNER, LOUIS B added, Case referred to mediation. Signed by Judge Arthur J. Schwab on 6-2-14. (nam) (Entered: 06/02/2014)
06/13/2014	16	MOTION to Extend Time to File Reply Brief by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Proposed Order) (Stern, Julie) (Entered: 06/13/2014)
06/16/2014	17	ORDER granting 16 Motion to Extend Time To File Reply Brief - - Replies due by 7/11/2014. Signed by Judge Arthur J. Schwab on 6/16/14. (ms) Modified on 6/17/2014. (plh) This document removed from public view SEE ERRATA at Doc. # 18 for correction. (Entered: 06/16/2014)
06/16/2014	18	Errata re 17 Order on Motion to Extend Time - - Reason for Correction: Date Missing. (ms) (Entered: 06/16/2014)
07/08/2014	19	Unopposed MOTION for Exemption from ADR by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Memorandum in Support, # 2 Proposed Order) (Stern, Julie) Error: Memorandum removed from public view as it not filed as a separate, main document. Modified on 7/10/2014. (jsp) (Entered: 07/08/2014)
07/08/2014	21	BRIEF in Support re 19 Motion for Exemption, filed by NATIONAL LABOR RELATIONS BOARD. (jsp) (Document previously filed electronically) (Entered: 07/10/2014)
07/09/2014	20	ORDER denying 19 Motion for Exemption from ADR. Signed by Judge Arthur J. Schwab on 7/9/14. (ms) (Entered: 07/09/2014)
07/10/2014		TEXT ORDER - Hearing of 08/18/2014 is canceled so parties may complete the ADR process. See Order denying Motion for Exemption from ADR (doc. no. 20). Parties shall file a joint status report on or before 09/05/2014. The Court thereafter will set a hearing date. Signed by Judge Arthur J. Schwab on 7/10/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 07/10/2014)
07/10/2014		CLERK'S OFFICE QUALITY CONTROL MESSAGE re 19 Motion for Exemption. ERROR: Document should have been filed as two separate documents. CORRECTION: Attorney advised in future that documents of that nature are to be filed as separate documents. Clerk of Court docketed Brief/Memorandum in support of 19 Motion for Exemption. This message is for informational purposes only. (jsp) (Entered: 07/10/2014)
07/11/2014	22	REPLY BRIEF re 12 Response in Opposition to 1 Application to Enforce filed by NATIONAL LABOR RELATIONS BOARD. (Stern, Julie) Modified on 7/14/2014. (jsp) (Entered: 07/11/2014)
08/13/2014	23	MOTION to Appoint a Different Mediator re 15 Order Referring Case to Mediation, Case Referred to Mediation by UPMC PRESBYTERIAN SHADYSIDE. (Glunt, James) (Entered: 08/13/2014)
08/13/2014		TEXT ORDER - - In light of UPMC's objection to the proposed Neutral (see doc. no. 23) and NLRB's prior opposition to the applicability of the ADR process in this matter (see doc. no. 19), the parties need not proceed

		with ADR, and this Court's Order of July 8, 2014 (see doc. no. 20) is VACATED. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. Signed by Judge Arthur J. Schwab on 8/13/14. (ms) (Entered: 08/13/2014)
08/13/2014		ORDER denying as moot 23 Motion. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. Signed by Judge Arthur J. Schwab on 8/13/14. (ms) Modified on 8/14/2014. (jsp) (Entered: 08/13/2014)
08/14/2014		CLERK'S OFFICE QUALITY CONTROL MESSAGE re 23 Motion to Appoint a Different Mediator. ERROR: Proposed Order was not attached. CORRECTION: Attorney is advised for future reference that motions are to be submitted with an attached proposed order. No further action is required. This message is for informational purposes only. (jsp) (Entered: 08/14/2014)
08/18/2014		ORDER. After further review of the filings of the parties, and the applicable legal standards, the Court will not conduct a hearing and will issue a decision later this week. Signed by Judge Arthur J. Schwab on 8-18-14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (nam) (Entered: 08/18/2014)
08/22/2014	24	MEMORANDUM OPINION on NLRB's Three Applications to Enforce Subpoena Duces Tecum. Signed by Judge Arthur J. Schwab on 8-22-14. (Attachments: # 1 Exhibit A - Subpoena, # 2 Exhibit B - Subpoena, # 3 Exhibit C - Subpoena) (nam) (Entered: 08/22/2014)
08/22/2014	25	ORDER granting 1 the Application/Motion to Enforce Subpoena Duces Tecum. The Court will stay the implementation of this Order, so that Respondents may appeal this Order, if they elect to do so. Signed by Judge Arthur J. Schwab on 8-22-14. (nam) (Entered: 08/22/2014)
08/26/2014	26	Supplement/Amendment to 24 Memorandum Opinion. Signed by Judge Arthur J. Schwab on 8-26-14. (nam) (Entered: 08/26/2014)
09/02/2014	27	Supplemental/Amended MEMORANDUM OPINION on NLRB's Three Applications to Enforce Subpoena Duces Tecum. Signed by Judge Arthur J. Schwab on 9-2-14. (Attachments: # 1 Exhibit A - Subpoena, # 2 Exhibit B - Subpoena, # 3 Exhibit C - Subpoena) (nam) (Entered: 09/02/2014)
09/02/2014	28	Supplemental/Amended ORDER granting 1 the Application/Motion to Enforce Subpoena Duces Tecum. The Court will stay the implementation of this Order, so that Respondents may appeal this Order, if they elect to do so. Signed by Judge Arthur J. Schwab on 9-2-14. (nam) (Entered: 09/02/2014)
09/29/2014	29	MOTION for Reconsideration re 28 Order, 27 Memorandum Opinion & Order, by UPMC PRESBYTERIAN SHADYSIDE. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Proposed Order) (Glunt, James) (Entered: 09/29/2014)
09/30/2014		TEXT ORDER re 29 Motion for Reconsideration filed by UPMC PRESBYTERIAN SHADYSIDE - NLRB and SEIU each shall file a Response due by 10/15/2014, Reply brief due by 10/22/2014. Signed by Judge Arthur J. Schwab on 9/30/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on

		the matter. (lck) (Entered: 09/30/2014)
10/15/2014	30	RESPONSE IN OPPOSITION to 29 Motion for Reconsideration, filed by SEIU HEALTHCARE PA, CTW, CLC. (Davidson, Claudia) (Entered: 10/15/2014)
10/15/2014	31	RESPONSE to Motion re 29 MOTION for Reconsideration re 28 Order, 27 Memorandum Opinion & Order, filed by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Exhibit) (Stern, Julie) (Entered: 10/15/2014)
10/21/2014	32	MOTION to Extend Time to Appeal by UPMC PRESBYTERIAN SHADYSIDE. (Attachments: # 1 Proposed Order) (Glunt, James) (Entered: 10/21/2014)
10/21/2014		ORDER GRANTING 32 Motion to Extend Time for for filing a Notice of Appeal from the Court's 8/22/14 Order (doc. no. 25), is hereby extended until 11/19/14. Signed by Judge Arthur J. Schwab on 10/21/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 10/21/2014)
10/22/2014	33	REPLY BRIEF in support re 29 Motion for Reconsideration filed by UPMC PRESBYTERIAN SHADYSIDE. (Glunt, James) Modified on 10/24/2014. (jsp) (Entered: 10/22/2014)
10/27/2014	34	ORDER denying 29 Motion for Reconsideration. Signed by Judge Arthur J. Schwab on 10-27-14. (nam) (Entered: 10/27/2014)
11/18/2014	35	NOTICE OF APPEAL as to 28 Order, 34 Order on Motion for Reconsideration, 25 Order on Motion to Enforce, 26 Memorandum Opinion & Order, 24 Memorandum Opinion & Order, 27 Memorandum Opinion & Order, by UPMC PRESBYTERIAN SHADYSIDE. Filing fee \$505, receipt number 0315-3397035. Motion for IFP N/A. Certificate of Appealability N/A. Court Reporter(s): N/A. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Glunt, James) (Entered: 11/18/2014)

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APPEAL

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:14-mc-00110-AJS**

NATIONAL LABOR RELATIONS BOARD v. UPMC Date Filed: 03/20/2014

Assigned to: Judge Arthur J. Schwab

Case in other court: 3rd circuit, 14-04524

Petitioner

**NATIONAL LABOR RELATIONS
BOARD**

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V.

Respondent

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/20/2014	1	APPLICATION for Summary Order Enforcing Subpeona Duces Tecum No. B-720563 by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Proposed Order, # 2 Exhibit List, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E, # 8 Exhibit F, # 9 Exhibit G, # 10 Exhibit H, # 11 Exhibit I, # 12 Exhibit J) (jsp) (Entered: 03/20/2014)
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		order on counsel for Respondent, Thomas A. Smock, Esq. Signed by Judge Arthur J. Schwab on 3/21/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 03/21/2014)
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04/14/2014	8	MOTION for attorney Ruth L. Goodboe to Appear Pro Hac Vice, (Filing fee \$40, Receipt # 0315-3160225) by UPMC. (Attachments: # 1 Affidavit, # 2 Proposed Order) (Glunt, James) (Entered: 04/14/2014)
04/15/2014	9	ORDER granting 8 Motion for Ruth L. Goodboe to Appear Pro Hac Vice. Signed by Judge Arthur J. Schwab on 4/15/14. (lck) (Entered: 04/15/2014)
04/15/2014	10	Unopposed MOTION for Extension of Time to File Response to Application by UPMC. (Attachment: # 1 Proposed Order) (Glunt, James) Modified on 4/16/2014. (jsp) (Entered: 04/15/2014)
04/16/2014	11	ORDER GRANTING 10 Motion for Extension of Time filed by UPMC PRESBYTERIAN SHADYSIDE - Response to Application due by 5/30/2014, Reply brief due by 6/30/2014. Hearing set for 8/18/2014 at 09:00 AM in Courtroom 7C before Judge Arthur J. Schwab. Signed by Judge Arthur J. Schwab on 4/16/14. (lck) (Entered: 04/16/2014)
05/30/2014	12	RESPONSE IN OPPOSITION to 1 Motion to Enforce, filed by UPMC. (Glunt, James) (Entered: 05/30/2014)
06/02/2014	13	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (ms) (Entered: 06/02/2014)
06/02/2014	14	Errata re 12 Response in Opposition by UPMC. Reason for Correction: incomplete filing. (Glunt, James) (Entered: 06/02/2014)
06/02/2014		Errata re 13 Notice of ADR Designation - - Reason for Correction: Incorrect Filing. NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Order Referring Case to Alternative Dispute Resolution to follow. Signed by Judge Arthur J. Schwab on 6/2/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. (ms) (Entered: 06/02/2014)
06/02/2014	15	ORDER REFERRING CASE to Mediation. Louis B. Kushner is appointed as mediator. Party LOUIS B. KUSHNER added, Case referred to mediation. Signed by Judge Arthur J. Schwab on 6-2-14. (nam) (Entered: 06/02/2014)

06/13/2014	16	MOTION to Extend Time to File Reply Brief by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Proposed Order) (Stern, Julie) (Entered: 06/13/2014)
06/16/2014	17	ORDER granting 16 Motion to Extend Time for File Reply Brief -- Replies due by 7/11/2014. Signed by Judge Arthur J. Schwab on 6/16/14. (ms) (Entered: 06/16/2014)
07/08/2014	18	Unopposed MOTION for Exemption from ADR by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Memorandum in Support, # 2 Proposed Order) (Stern, Julie) Error: Memorandum removed from public view as it should have been filed as a separate, main document. Modified on 7/10/2014. (jsp) (Entered: 07/08/2014)
07/08/2014	20	BRIEF in Support re 18 Motion for Exemption from ADR, filed by NATIONAL LABOR RELATIONS BOARD. (jsp) (Document previously filed electronically) (Entered: 07/10/2014)
07/09/2014	19	ORDER denying 18 Motion for Exemption from ADR. Signed by Judge Arthur J. Schwab on 7/9/14. (ms) (Entered: 07/09/2014)
07/10/2014		TEXT ORDER - Hearing of 08/18/2014 is canceled so parties may complete the ADR process. See Order denying Motion for Exemption from ADR (doc. no. 19). Parties shall file a joint status report on or before 09/05/2014. The Court thereafter will set a hearing date. Signed by Judge Arthur J. Schwab on 7/10/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 07/10/2014)
07/10/2014		CLERK'S OFFICE QUALITY CONTROL MESSAGE re 18 Motion for Exemption from ADR. ERROR: Document should have been filed as two separate documents. CORRECTION: Attorney advised in future that documents of that nature are to be filed as separate documents. Clerk of Court docketed Brief/Memorandum in support re 18 Motion for Exemption from ADR. This message is for informational purposes only. (jsp) (Entered: 07/10/2014)
07/11/2014	21	REPLY BRIEF re 12 Response in Opposition to 1 Application to Enforce filed by NATIONAL LABOR RELATIONS BOARD. (Stern, Julie) Modified on 7/14/2014. (jsp) (Entered: 07/11/2014)
08/13/2014	22	MOTION to Appoint a Different Mediator re 15 Order Referring Case to Mediation, Case Referred to Mediation by UPMC. (Glunt, James) (Entered: 08/13/2014)
08/14/2014		TEXT ORDER - In light of UPMC's objection to the proposed Neutral (see doc. no. 21) and NLRB's prior opposition to the applicability of the ADR process in this matter (see doc. no. 18), the parties need not proceed with ADR, and this Court's Order of July 8, 2014 (see doc. no. 19) is VACATED. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. Signed by Judge Arthur J. Schwab on 8/14/14. (ms) (Entered: 08/14/2014)
08/14/2014		ORDER denying as moot 22 Motion. Signed by Judge Arthur J. Schwab on 8/14/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. (ms) (Entered: 08/14/2014)

08/14/2014		CLERK'S OFFICE QUALITY CONTROL MESSAGE re 22 Motion to Appoint a Different Mediator. ERROR: Proposed Order was not attached. CORRECTION: Attorney is advised for future reference that motions are to be submitted with an attached proposed order. No further action is required. This message is for informational purposes only. (jsp) (Entered: 08/14/2014)
08/18/2014		ORDER. After further review of the filings of the parties, and the applicable legal standards, the Court will not conduct a hearing and will issue a decision later this week. Signed by Judge Arthur J. Schwab on 8-18-14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (nam) (Entered: 08/18/2014)
08/22/2014	23	MEMORANDUM OPINION on NLRB's Three Applications to Enforce Subpoena Duces Tecum. Signed by Judge Arthur J. Schwab on 8-22-14. (Attachments: # 1 Exhibit A - Subpoena, # 2 Exhibit B - Subpoena, # 3 Exhibit C - Subpoena) (nam) (Entered: 08/22/2014)
08/22/2014	24	ORDER granting 1 Application/Motion to Enforce Subpoena Duces Tecum. The Court will stay the implementation of this Order, so that Respondents may appeal this Order, if they elect to do so. Signed by Judge Arthur J. Schwab on 8-22-14. (nam) (Entered: 08/22/2014)
08/26/2014	25	Supplement/Amendment to 23 Memorandum Opinion. Signed by Judge Arthur J. Schwab on 8-26-14. (nam) (Entered: 08/26/2014)
09/02/2014	26	Supplemental/Amended MEMORANDUM OPINION on NLRB's Three Applications to Enforce Subpoena Duces Tecum. Signed by Judge Arthur J. Schwab on 9-2-14. (Attachments: # 1 Exhibit A - Subpoena, # 2 Exhibit B - Subpoena, # 3 Exhibit C - Subpoena) (nam) (Entered: 09/02/2014)
09/02/2014	27	Supplemental/Amended ORDER granting 1 the Application/Motion to Enforce Subpoena Duces Tecum. The Court will stay the implementation of this Order, so that Respondents may appeal this Order, if they elect to do so. Signed by Judge Arthur J. Schwab on 9-2-14. (nam) (Entered: 09/02/2014)
09/29/2014	28	MOTION for Reconsideration re 26 Memorandum Opinion & Order, 27 Order, by UPMC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Proposed Order) (Glunt, James) (Entered: 09/29/2014)
09/30/2014		TEXT ORDER re 28 Motion for Reconsideration filed by UPMC - NLRB and SEIU each shall file a Response due by 10/15/2014, Reply brief due by 10/22/2014. Signed by Judge Arthur J. Schwab on 9/30/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 09/30/2014)
10/15/2014	29	RESPONSE IN OPPOSITION to 28 Motion for Reconsideration, filed by SEIU HEALTHCARE PA, CTW, CLC. (Davidson, Claudia) (Entered: 10/15/2014)
10/15/2014	30	RESPONSE to Motion re 28 MOTION for Reconsideration re 26 Memorandum Opinion & Order, 27 Order, filed by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Exhibit) (Stern, Julie) (Entered: 10/15/2014)
10/21/2014	31	MOTION to Extend Time to Appeal by UPMC. (Attachments: # 1 Proposed

		Order) (Glunt, James) (Entered: 10/21/2014)
10/21/2014		ORDER GRANTING 31 Motion to Extend Time for filing a Notice of Appeal from the Court's 8/22/14 Order (doc. no. 25), is hereby extended until 11/19/14. Signed by Judge Arthur J. Schwab on 10/21/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 10/21/2014)
10/22/2014	32	REPLY BRIEF in support re 28 Motion for Reconsideration filed by UPMC. (Glunt, James) Modified on 10/24/2014. (jsp) (Entered: 10/22/2014)
10/22/2014	33	REPLY BRIEF in support re 30 Response to Motion filed by UPMC. (Glunt, James) Modified on 10/24/2014. (jsp) Error: Document filed at wrong case number. Document removed from public view; refiled by counsel at correct case number. Modified on 10/24/2014. (jsp2,) (Entered: 10/22/2014)
10/22/2014	34	Errata re 33 Reply Brief, by UPMC. Reason for Correction: Filed under incorrect case. (Glunt, James) Error: Document filed at wrong case number. Document removed from public view; refiled by counsel at correct case number. Modified on 10/24/2014. (jsp) (Entered: 10/22/2014)
10/27/2014	35	ORDER denying 28 Motion for Reconsideration. Signed by Judge Arthur J. Schwab on 10-27-14. (nam) (Entered: 10/27/2014)
11/18/2014	36	NOTICE OF APPEAL as to 26 Memorandum Opinion & Order, 35 Order on Motion for Reconsideration, 24 Order on Motion to Enforce, 23 Memorandum Opinion & Order, 27 Order, 25 Memorandum Opinion & Order by UPMC. Filing fee \$505, receipt number 0315-3397077. Motion for IFP N/A. Certificate of Appealability N/A. Court Reporter(s): N/A. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Glunt, James) (Entered: 11/18/2014)

PACER Service Center			
Transaction Receipt			
04/05/2015 10:29:11			
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Description:	Docket Report	Search Criteria:	2:14-mc-00110-AJS
Billable Pages:	4	Cost:	0.40

APPEAL

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:14-mc-00111-AJS**

NATIONAL LABOR RELATIONS BOARD v. UPMC Date Filed: 03/20/2014

Assigned to: Judge Arthur J. Schwab

Case in other court: 3rd circuit, 14-04525

Plaintiff**NATIONAL LABOR RELATIONS
BOARD**

represented by **Julie Rose Stern**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**UPMC**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/20/2014	1	MOTION to Enforce Subpoena Duces Tecum by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Exhibit List, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Proposed Order, # 11 Certificate of Service) (ept2) (Entered: 03/20/2014)
03/20/2014	2	BRIEF in Support re 1 Motion to Enforce filed by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Exhibit List, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D) (ept2) (Entered: 03/20/2014)
03/20/2014	3	NOTICE of Appearance by Claudia Davidson on behalf of SEIU HEALTHCARE PA, CTW, CLC. (Davidson, Claudia) (Entered: 03/20/2014)
03/21/2014		TEXT ORDER re 1 MOTION to Enforce Subpoena Duces Tecum, filed by NATIONAL LABOR RELATIONS BOARD, Response to MOTION due by 4/16/2014, Reply brief due by 4/24/2014., Hearing set for 4/29/2014 at 08:30 AM in Courtroom 7C before Judge Arthur J. Schwab. The Plaintiff, NATIONAL LABOR RELATIONS BOARD, is responsible for serving this order on counsel for Defendant, Thomas A. Smock, Esq. Signed by Judge Arthur J. Schwab on 3/21/14. Text-only entry; no PDF document will issue.

		This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 03/21/2014)
03/24/2014	4	NOTICE of Appearance by Thomas A. Smock on behalf of UPMC. (Smock, Thomas) (Entered: 03/24/2014)
03/24/2014	5	NOTICE of Appearance by Michael D. Glass on behalf of UPMC. (Glass, Michael) (Entered: 03/24/2014)
03/24/2014	6	NOTICE of Appearance by Jennifer G. Betts on behalf of UPMC. (Betts, Jennifer) (Entered: 03/24/2014)
04/08/2014	7	Errata re 1 Motion to Enforce, by NATIONAL LABOR RELATIONS BOARD. Reason for Correction: erroneous reference. (Stern, Julie) (Entered: 04/08/2014)
04/08/2014	8	Errata re 2 Brief in Support of Motion by NATIONAL LABOR RELATIONS BOARD. Reason for Correction: erroneous reference. (Stern, Julie) (Entered: 04/08/2014)
04/08/2014	9	Errata re 1 Motion to Enforce, by NATIONAL LABOR RELATIONS BOARD. Reason for Correction: erroneous reference in proposed order. (Stern, Julie) (Entered: 04/08/2014)
04/11/2014	10	NOTICE of Appearance by James F. Glunt on behalf of UPMC. (Glunt, James) (Entered: 04/11/2014)
04/14/2014	11	MOTION for attorney Ruth L. Goodboe to Appear Pro Hac Vice, (Filing fee \$40, Receipt # 0315-3160229) by UPMC. (Attachments: # 1 Affidavit, # 2 Proposed Order) (Glunt, James) (Entered: 04/14/2014)
04/15/2014	12	ORDER granting 11 Motion for Ruth L. Goodboe to Appear Pro Hac Vice. Signed by Judge Arthur J. Schwab on 4/15/14. (lck) (Entered: 04/15/2014)
04/15/2014	13	Unopposed MOTION for Extension of Time to File Response/Reply as to 1 Motion to Enforce Subpoena Duces Tecum by UPMC. (Attachments: # 1 Proposed Order) (Glunt, James) Modified on 4/16/2014 to correct document linkage. (ept) (Entered: 04/15/2014)
04/16/2014	14	ORDER GRANTING 10 Motion for Extension of Time filed by UPMC PRESBYTERIAN SHADYSIDE - Response to Application due by 5/30/2014, Reply brief due by 6/30/2014. Hearing set for 8/18/2014 at 09:00 AM in Courtroom 7C before Judge Arthur J. Schwab. Signed by Judge Arthur J. Schwab on 4/16/14. (lck) (Entered: 04/16/2014)
04/16/2014		CLERK'S OFFICE QUALITY CONTROL MESSAGE re 13 Motion for Extension of Time to File Response/Reply. ERROR: Document incorrectly linked. CORRECTION: Linked to appropriate document. This message is for informational purposes only. (ept) (Entered: 04/16/2014)
05/30/2014	15	RESPONSE IN OPPOSITION to 1 Motion to Enforce filed by UPMC. (Glunt, James) (Entered: 05/30/2014)
06/02/2014	16	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall

		make service of the notice on all parties. (ms) (Entered: 06/02/2014)
06/02/2014		Errata re 16 Notice of ADR Designation - - Reason for Correction: Incorrect Filing. NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Order Referring Case to Alternative Dispute Resolution to follow. Signed by Judge Arthur J. Schwab on 6/2/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. (ms) Modified on 6/3/2014 to correct document linkage. (ept2) (Entered: 06/02/2014)
06/02/2014	17	ORDER REFERRING CASE to Mediation. Louis B. Kushner is appointed as mediator. Party LOUIS B. KUSHNER added, Case referred to mediation. Signed by Judge Arthur J. Schwab on 6-2-14. (nam) (Entered: 06/02/2014)
06/13/2014	18	MOTION to Extend Time to File Reply Brief by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Proposed Order) (Stern, Julie) (Entered: 06/13/2014)
06/16/2014	19	ORDER granting 18 Motion to Extend Time to File Reply Brief -- Replies due by 7/11/2014. Signed by Judge Arthur J. Schwab on 6/16/14. (ms) (Entered: 06/16/2014)
07/08/2014	20	Unopposed MOTION for Exemption from ADR by NATIONAL LABOR RELATIONS BOARD. (Attachments: # 1 Memorandum in Support, # 2 Proposed Order) (Stern, Julie) Attachment #1 removed from public view and redocketed at 22 . Modified on 7/9/2014. (ept2) (Entered: 07/08/2014)
07/08/2014	22	BRIEF in Support re 20 Motion for Exemption from ADR filed by NATIONAL LABOR RELATIONS BOARD. (ept2) (Entered: 07/09/2014)
07/09/2014	21	ORDER denying 20 Motion for Exemption from ADR. Signed by Judge Arthur J. Schwab on 7/9/14. (ms) (Entered: 07/09/2014)
07/10/2014		TEXT ORDER - Hearing of 08/18/2014 is canceled so parties may complete the ADR process. See Order denying Motion for Exemption from ADR (doc. no. 21). Parties shall file a joint status report on or before 09/05/2014. The Court thereafter will set a hearing date. Signed by Judge Arthur J. Schwab on 7/10/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 07/10/2014)
07/11/2014	23	REPLY BRIEF re 15 Response in Opposition filed by NATIONAL LABOR RELATIONS BOARD. (Stern, Julie) Modified on 7/14/2014 to add document linkage. (ept2) (Entered: 07/11/2014)
07/14/2014		CLERK'S OFFICE QUALITY CONTROL MESSAGE re 23 Reply Brief. ERROR: Document was not linked. CORRECTION: Linked to appropriate document. This message is for informational purposes only. (ept2) (Entered: 07/14/2014)
08/13/2014	24	MOTION to Appoint a Different Mediator re 17 Order Referring Case to Mediation, Case Referred to Mediation by UPMC. (Glunt, James) (Entered: 08/13/2014)
08/14/2014		TEXT ORDER - In light of UPMCs objection to the proposed Neutral (see doc. no. 24) and NLRBs prior opposition to the applicability of the ADR process in this matter (see doc. no. 20), the parties need not proceed with

		ADR, and this Courts Order of July 8, 2014 (see doc. no. 21) is VACATED. Signed by Judge Arthur J. Schwab on 8/14/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. (ms) (Entered: 08/14/2014)
08/14/2014		ORDER denying as moot 24 Motion to Appoint a Different Mediator. Signed by Judge Arthur J. Schwab on 8/14/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. (ms) Modified on 8/15/2014. (jv,) (Entered: 08/14/2014)
08/18/2014		ORDER. After further review of the filings of the parties, and the applicable legal standards, the Court will not conduct a hearing and will issue a decision later this week. Signed by Judge Arthur J. Schwab on 8-18-14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (nam) (Entered: 08/18/2014)
08/22/2014	25	MEMORANDUM OPINION on NLRB's Three Applications to Enforce Subpoena Duces Tecum. Signed by Judge Arthur J. Schwab on 8-22-14. (Attachments: # 1 Exhibit A - Subpoena, # 2 Exhibit B - Subpoena, # 3 Exhibit C - Subpoena) (nam) (Entered: 08/22/2014)
08/22/2014	26	ORDER granting 1 Application/Motion to Enforce Subpoena Duces Tecum. The Court will stay implementation of this Order, so that Respondents may appeal this Order, if they elect to do so. Signed by Judge Arthur J. Schwab on 8-22-14. (nam) (Entered: 08/22/2014)
08/26/2014	27	Supplement/Amendment to 25 Memorandum Opinion. Signed by Judge Arthur J. Schwab on 8-26-14. (nam) (Entered: 08/26/2014)
09/02/2014	28	Supplemental/Amended MEMORANDUM OPINION on NLRB's Three Applications to Enforce Subpoena Duces Tecum. Signed by Judge Arthur J. Schwab on 9-2-14. (Attachments: # 1 Exhibit A - Subpoena, # 2 Exhibit B - Subpoena, # 3 Exhibit C - Subpoena) (nam) (Entered: 09/02/2014)
09/02/2014	29	Supplemental/Amended ORDER granting 1 the Application/Motion to Enforce Subpoena Duces Tecum. The Court will stay the implementation of this Order, so that Respondents may appeal this Order, if they elect to do so. Signed by Judge Arthur J. Schwab on 9-12-14. (nam) (Entered: 09/02/2014)
09/29/2014	30	MOTION for Reconsideration re 29 Order, 28 Memorandum Opinion & Order, by UPMC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Proposed Order) (Glunt, James) (Entered: 09/29/2014)
09/30/2014		ORDER re 30 Motion for Reconsideration filed by UPMC - NLRB and SEIU each shall file a Response due by 10/15/2014, Reply brief due by 10/22/2014. Signed by Judge Arthur J. Schwab on 9/30/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 09/30/2014)
10/15/2014	31	RESPONSE IN OPPOSITION to 30 Motion for Reconsideration, filed by SEIU HEALTHCARE PA, CTW, CLC. (Davidson, Claudia) (Entered: 10/15/2014)
10/15/2014	32	RESPONSE to Motion re 30 MOTION for Reconsideration re 29 Order, 28 Memorandum Opinion & Order, filed by NATIONAL LABOR

		RELATIONS BOARD. (Attachments: # 1 Exhibit) (Stern, Julie) (Entered: 10/15/2014)
10/21/2014	33	MOTION to Extend Time to Appeal by UPMC. (Attachments: # 1 Proposed Order) (Glunt, James) (Entered: 10/21/2014)
10/21/2014		ORDER GRANTING 33 Motion to Extend Time for filing a Notice of Appeal from the Court's 8/22/14 Order (doc. no. 26). Time is hereby extended until 11/19/14. Signed by Judge Arthur J. Schwab on 10/21/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 10/21/2014)
10/22/2014	34	REPLY BRIEF re 30 Motion for Reconsideration filed by UPMC. (Glunt, James) (Entered: 10/22/2014)
10/27/2014	35	ORDER denying 30 Motion for Reconsideration. Signed by Judge Arthur J. Schwab on 10-27-14. (nam) (Entered: 10/27/2014)
11/18/2014	36	NOTICE OF APPEAL as to 29 Order, 35 Order on Motion for Reconsideration, 27 Memorandum Opinion & Order, 25 Memorandum Opinion & Order, 26 Order on Motion to Enforce, 28 Memorandum Opinion & Order, by UPMC. Filing fee \$505, receipt number 0315-3397092. Motion for IFP N/A. Certificate of Appealability N/A. Court Reporter(s): N/A. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Glunt, James) (Entered: 11/18/2014)

PACER Service Center			
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04/05/2015 10:29:46			
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Billable Pages:	4	Cost:	0.40

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATIONAL LABOR RELATIONS BOARD,

Applicant

v.

No.

UPMC PRESBYTERIAN SHADYSIDE,

Respondent

**APPLICATION FOR SUMMARY ORDER
ENFORCING SUBPOENA DUCES TECUM No. B-720565**

The National Labor Relations Board (the “Board”), an administrative agency of the Federal Government, respectfully applies to this Honorable Court, pursuant to Section 11(2) of the National Labor Relations Act, as amended (29 U.S.C. §151, et seq.) (the “Act”), for an Order enforcing Subpoena Duces Tecum No. B-720565, issued by the Board upon UPMC Presbyterian Shadyside (“Respondent”), and duly served on this entity in the manner provided by law. Despite the issuance of the subpoena duces tecum, and an administrative law judge’s ruling requiring production of the vast majority of subpoenaed documents, Respondent has failed to comply with the subpoena. In support of this application, the Board states as follows:

1. The Board is an administrative agency of the United States Government created by the Act, and is empowered and directed to administer provisions of the Act, including the issuance of subpoenas for evidence that relates to any matter in question.

2. This Court has jurisdiction over the subject matter of the proceeding, and over Respondent, by virtue of Section 11(2) of the Act [29 U.S.C. §161 (2)].¹ The subpoena was issued within this judicial district and Respondent is a non-profit Pennsylvania corporation which is headquartered and conducts its business within this judicial district. In addition, the unfair labor practice charges concerning which Respondent was subpoenaed to produce documents were filed within this judicial district.

3. This application arises as a result of events alleged in unfair labor practice charges which were found to have merit and are currently being tried before an administrative law judge of the Board in Region Six of the Board.

On September 30, 2013, the Regional Director of Region Six of the Board issued an Order Consolidating Cases and a Consolidated Complaint and Notice of Hearing (“Consolidated Complaint”) against Respondent. The Consolidated Complaint alleged numerous violations of Sections 8(a)(1), (3) and (4) of the Act, which arose in the context of a union organizing campaign that SEIU Healthcare Pennsylvania, CTW, CLC, is conducting among Respondent’s employees.

Thereafter, on January 9, 2014, a Second Order Further Consolidating Cases and Amended Consolidated Complaint (“Amended Consolidated Complaint”) in these matters issued. The consolidation added two additional cases beyond those that

¹ Section 11(2) of the Act states, in pertinent part: “In cases of contumacy or refusal to obey a subpoena issued to any person, any United States district court . . . within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, . . . and any failure to obey such order of the court may be punished by said court as a contempt thereof.”

appeared in the Consolidated Complaint, and added allegations that Respondent is a single employer with UPMC. A copy of the Amended Consolidated Complaint is attached hereto as Exhibit A. The Amended Consolidated Complaint was prepared, filed and served consistent with the requirements of Section 10(b) of the Act and of 29 C.F.R. §102.15 of the Board's Rules and Regulations.²

4. Pursuant to the authority derived from Section 11(1) of the Act, which authorizes the issuance of subpoenas for evidence that relates to any matter in question, the Regional Director for Region Six issued a subpoena duces tecum upon Respondent.³

5. Specifically, on January 14, 2014, the Regional Director for Region Six issued Subpoena Duces Tecum No. B-720565, directing the Custodian of Records of Respondent to appear before an administrative law judge of the National Labor Relations Board on February 3, 2014, and to produce certain books, records, correspondence and documents. The issuance of this subpoena is consistent with the requirements of Section 11(1) of the Act and Section 102.31(a) of the Board's Rules and Regulations. The subpoena was served on Respondent by certified mail, as

² These Rules and Regulations have been issued pursuant to Section 6 of the Act (29 U.S.C. §156) and have been published in the Federal Register (24 F.R. §9095), pursuant to the Administrative Procedure Act (5 U.S.C. §552). This court may take judicial notice of the Board's Rules and Regulations under 44 U.S.C. §1507.

³ Section 11(1) of the Act provides in pertinent part: "The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or question. The Board, or any member thereof, shall upon application of any party to such proceedings, forthwith issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. . . ."

provided for in Section 11(4) of the Act and Section 102.113 of the Board's Rules and Regulations. Copies of the subpoena, and the USPS notice of delivery, are attached as Exhibits B and C, respectively.

6. On or about January 23, 2014, Respondent filed a petition to revoke Subpoena Duces Tecum No. B-720565, as provided by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. The petition to revoke Subpoena Duces Tecum No. B-720565 is attached hereto as Exhibit D. Counsel for the General Counsel filed an Opposition to the Petition to Revoke on January 28, 2014. The Opposition is attached hereto as Exhibit F.

7. Respondent's petition to revoke was duly considered by Administrative Law Judge Mark Carissimi, who has been assigned to the hearing in the unfair labor practice proceeding. Administrative Law Judge Carissimi made his ruling on February 24, 2014, on the record during said hearing. Administrative Law Judge Carissimi denied Respondent's petition to revoke the subpoena with respect to all paragraphs of the subpoena except paragraph 35, ordering Respondent to produce records requested by the remaining paragraphs of the subpoena.⁴

8. By electronic mail message dated February 27, 2014, to Counsels for the General Counsel, Counsel for Respondent asserted that, notwithstanding Administrative Law Judge Carissimi's ruling, it did not intend to comply with Subpoena Duces Tecum No. B-720565. The electronic mail message is attached as Exhibit E.

9. Following issuance of Subpoena Duces Tecum No. B-720565, Respondent and UPMC filed a Motion to Dismiss with the Board, requesting that the

⁴ That portion of the transcript of the hearing containing the Administrative Law Judge Carissimi's ruling is attached hereto as Exhibit G.

Board dismiss the amendments to the Consolidated Complaint reflecting the “single employer” allegations which are included in the Amended Consolidated Complaint. In addition, Respondent and UPMC moved that UPMC be dismissed as a party to the unfair labor practice case. Respondent argued that it had been denied due process, that the amendments were time-barred, and that the single employer allegations do not advance the purposes of the Act.⁵

On February 7, 2014, the Board issued an Order Denying Motion, which in its entirety reads: “The Respondents’⁶ Motion to Dismiss Amendments to the consolidated complaint is denied. The Respondents have failed to establish that the amendments are improper and that they are entitled to judgment as a matter of law.”⁷

10. Respondent has failed to produce any documents pursuant to Subpoena Duces Tecum No. B-720565.

11. By this conduct, Respondent has flouted the law by failing to obey a validly issued subpoena requiring the production of relevant documents. Respondent’s failure to produce the subpoenaed documents, which are relevant to the issues in the proceeding before the Board, constitutes contumacious conduct within the meaning of Section 11(2) of the Act. Furthermore, Respondent’s conduct has impeded and continues to impede the unfair labor practice proceeding before the Board at the

⁵ The Motion to Dismiss is attached as Exhibit H. Counsel for the General Counsel filed an opposition to the motion, which is attached as Exhibit I.

⁶ “Respondents” in the Board’s Order refers to Respondent herein and UPMC collectively.

⁷ A copy of the Board’s Order is attached hereto as Exhibit J.

expense of the alleged discriminatees as well as the taxpayers, and is preventing the Board from carrying out its duties and functions under the Act.

12. As noted previously, Section 11(2) of the Act specifically authorizes the Board to make an “application” to the district court for a summary disposition of the Board’s application to enforce the Board’s subpoenas. The Board’s application is a dispositive matter, not a pre-trial civil discovery matter in district court. “It is significant that the statute calls for an ‘application’ rather than a petition, an ‘order’ rather than a judgment and that it details no other procedural steps.” Goodyear Tire & Rubber Co. v. NLRB, 122 F. 2d 450, 451 (6th Cir. 1941).

WHEREFORE, in view of Respondent’s contumacious conduct, the Board respectfully prays that this Court enter an order forthwith:

1. Directing Respondent to produce all documents (as defined in Subpoena Duces Tecum No. B-720565) of every paragraph of Subpoena B-720565, with the exception of paragraph 35, as requested by Suzanne Donsky and Julie Stern, Counsels for the General Counsel, immediately.

2. Granting the Board such other and further relief as may be necessary and appropriate.

No previous application has been made for the relief sought herein.

Respectfully submitted,

s/ Julie R. Stern

Julie R. Stern
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PA Attorney ID 47833

Dated at Pittsburgh, Pennsylvania

This 20th day of March, 2014

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATIONAL LABOR RELATIONS BOARD,

Applicant

v.

No.

UPMC PRESBYTERIAN SHADYSIDE,

Respondent

ORDER

Upon consideration of the application of the National Labor Relations Board ("Board"), pursuant to Section 11(2) of the National Labor Relations Act, 29 U.S.C. §161(2), for an order requiring obedience with Subpoena Duces Tecum No. B-720565 issued to Respondent UPMC Presbyterian Shadyside, and good cause appearing for granting the Board's application, accordingly, it is hereby:

ORDERED that Respondent UPMC Presbyterian Shadyside shall fully produce the documents described in all paragraphs of Subpoena Duces Tecum No. B-720565, except paragraph 35. The documents shall be delivered to the Board's Region Six office (1000 Liberty Avenue, Suite 904, Pittsburgh, Pennsylvania, 15222) immediately.

Dated at Pittsburgh, Pennsylvania, this day of , 2014.

United States District Judge

NLRB V. UPMC PRESBYTERIAN SHADYSIDE
APPLICATION FOR SUMMARY ORDER
ENFORCING SUBPOENA DUCES TECUM No. B-720565

EXHIBIT LIST

- A. Amended Consolidated Complaint dated January 9, 2014
- B. Subpoena Duces Tecum No. B-720565
- C. Proof of Service of Subpoena Duces Tecum No. B-720565
- D. UPMC Presbyterian Shadyside's Petition to Revoke Subpoena Duces Tecum No. B-720565
- E. Email Message from Counsel for UPMC Presbyterian Shadyside to Counsel for the General Counsel dated February 27, 2014
- F. Counsel for the General Counsel's Opposition to UPMC Presbyterian Shadyside's Petition to Revoke Subpoena Duces Tecum No. B-720565
- G. Transcript Excerpt containing Administrative Law Judge Mark Carissimi's ruling on UPMC Presbyterian Shadyside's Petition to Revoke Subpoena Duces Tecum No. B-720565
- H. UPMC Presbyterian Shadyside and UPMC's Motion to Dismiss Amendments dated January 27, 2014
- I. Counsel for the General Counsel's Opposition to Respondents' Motion to Dismiss Amendments, dated February 3, 2014
- J. Order Denying Motion, dated February 7, 2014

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 6

UPMC AND ITS SUBSIDIARY, UPMC
PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER,
d/b/a UPMC PRESBYTERIAN HOSPITAL AND d/b/a
UPMC SHADYSIDE HOSPITAL

and

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

Cases 06-CA-102465
06-CA-102494
06-CA-102516
06-CA-102518
06-CA-102525
06-CA-102534
06-CA-102540
06-CA-102542
06-CA-102544
06-CA-102555
06-CA-102559
06-CA-102566
06-CA-104090
06-CA-104104
06-CA-106636
06-CA-107127
06-CA-107431
06-CA-107532
06-CA-107896
06-CA-108547
06-CA-111578
06-CA-115826

SECOND ORDER FURTHER CONSOLIDATING CASES
AND AMENDED CONSOLIDATED COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, issued on September 30, 2013, and the Order Further Consolidating Cases and Amendment to Consolidated Complaint, issued on November 5, 2013, against UPMC Presbyterian Shadyside, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital, are further amended as follows:

This Amended Consolidated Complaint is based on charges filed by SEIU Healthcare Pennsylvania, CTW, CLC (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), and Section 102.15 of the Board's Rules and Regulations and alleges that UPMC (Respondent UPMC) and its subsidiary, UPMC Presbyterian Shadyside (Respondent Presbyterian Shadyside), Single Employer, d/b/a UPMC Presbyterian Hospital (Respondent Presbyterian or Presbyterian) and d/b/a UPMC Shadyside Hospital (Respondent Shadyside or Shadyside), and collectively called Respondent, has violated the Act as described herein.

Further, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board), and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Cases 06-CA-111578 and 06-CA-115826, which are based on charges filed by the Union against Respondent, and Cases 06-CA-102465, 06-CA-102494, 06-CA-102516, 06-CA-102518, 06-CA-102525, 06-CA-102534, 06-CA-102540, 06-CA-102542, 06-CA-102544, 06-CA-102555, 06-CA-102559, 06-CA-102566, 06-CA-104090, 06-CA-104104, 06-CA-106636, 06-CA-107127, 06-CA-107431, 06-CA-107532, 06-CA-107896 and 06-CA-108547, which are based on charges filed by the Union against Respondent, are further consolidated.

1. The charges in the above cases were filed by the Union, and copies were served by regular mail upon Respondent, on the dates indicated as set forth in the following table:

<i>Case No.</i>	<i>Amendment</i>	<i>Date Filed</i>	<i>Date Served</i>	<i>Entity Served</i>
06-CA-102465		April 10, 2013	April 11, 2013	Respondent
06-CA-102465	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102465	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent

06-CA-102465	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102494		April 10, 2013	April 11, 2013	Respondent
06-CA-102494	First Amended	June 17, 2013	June 18, 2013	Respondent
06-CA-102494	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102494	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102494	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102516		April 10, 2013	April 11, 2013	Respondent
06-CA-102516	First Amended	May 23, 2013	May 29, 2013	Respondent
06-CA-102516	Second Amended	September 13, 2013	September 13, 2013	Respondent
06-CA-102516	Third Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102516	Third Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102516	Fourth Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102518		April 10, 2013	April 11, 2013	Respondent

06-CA-102518	First Amended	May 23, 2013	May 29, 2013	Respondent
06-CA-102518	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102518	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102518	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102525		April 10, 2013	April 11, 2013	Respondent
06-CA-102525	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102525	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102525	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102534		April 10, 2013	April 11, 2013	Respondent
06-CA-102534	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102534	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent

06-CA-102534	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102540		April 10, 2013	April 11, 2013	Respondent
06-CA-102540	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102540	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102540	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102542		April 10, 2013	April 11, 2013	Respondent
06-CA-102542	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102542	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102542	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102544		April 10, 2013	April 11, 2013	Respondent
06-CA-102544	First Amended	May 23, 2013	May 29, 2013	Respondent
06-CA-102544	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside

06-CA-102544	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102544	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102555		April 10, 2013	April 11, 2013	Respondent
06-CA-102555	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102555	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102555	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102559		April 10, 2013	April 11, 2013	Respondent
06-CA-102559	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102559	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102559	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102566		April 10, 2013	April 11, 2013	Respondent
06-CA-102566	First Amended	May 23, 2013	May 29, 2013	Respondent

06-CA-102566	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102566	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102566	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-104090		May 1, 2013	May 2, 2013	Respondent
06-CA-104090	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-104090	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-104090	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-104104		May 1, 2013	May 1, 2013	Respondent
06-CA-104104	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-104104	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-104104	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-106636		June 6, 2013	June 6, 2013	Respondent

06-CA-106636	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-106636	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-106636	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107127		June 13, 2013	June 13, 2013	Respondent
06-CA-107127	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-107127	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107127	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107431		June 18, 2013	June 18, 2013	Respondent
06-CA-107431	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-107431	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107431	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107532		June 18, 2013	June 19, 2013	Respondent

06-CA-107532	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-107532	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107532	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107896		June 24, 2013	June 25, 2013	Respondent
06-CA-107896	First Amended	September 10, 2013	September 11, 2013	Respondent
06-CA-107896	Second Amended	November 4, 2013	November 5, 2013	Respondent Presbyterian Shadyside
06-CA-107896	Second Amended	November 4, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107896	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-108547		July 3, 2013	July 5, 2013	Respondent
06-CA-108547	First Amended	September 4, 2013	September 6, 2013	Respondent
06-CA-108547	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-108547	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent

06-CA-108547	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-111578		August 20, 2013	August 20, 2013	Respondent
06-CA-111578	First Amended	December 30, 2013	December 30, 2013	
06-CA-111578	Second Amended	January 7, 2013	January 7, 2014	Respondent
06-CA-115826		October 28, 2013	October 28, 2013	Respondent
06-CA-115826	First Amended	December 20, 2013	December 24, 2013	Respondent

2. (a) At all material times, Respondent UPMC, a Pennsylvania non-profit corporation with offices and places of business in Pittsburgh, Pennsylvania, herein called Respondent UPMC's facilities, has been engaged in, inter alia, the governance and supervision of Respondent UPMC's subsidiaries, including Respondent Presbyterian Shadyside, which operates acute care hospitals providing inpatient and outpatient medical care.

(b) At all material times, Respondent Presbyterian Shadyside, a Pennsylvania non-profit corporation with offices and places of business in Pittsburgh, Pennsylvania, herein called Presbyterian and/or Shadyside, has been engaged in the operation of acute care hospitals providing inpatient and outpatient medical care.

3. (a) At all material times, Respondent UPMC and Respondent Presbyterian Shadyside have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have had interrelated operations with common system-wide technology resources under a long-term contract with a software vendor which is in effect until 2019; have applied for and are jointly and severally obligated for

payments on, Revenue Bonds Series 2011A issued by the Allegheny County Hospital Development Authority; and have held themselves out to the public as a single-integrated business enterprise.

(b) Based on its operations described above in paragraph 3(a), Respondent UPMC and Respondent Presbyterian Shadyside constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

4. (a) During the 12-month period ending March 31, 2013, Respondent UPMC, in conducting its operations described above in paragraph 2(a), derived gross revenues in excess of \$250,000.

(b) During the 12-month period ending March 31, 2013, Respondent UPMC, in conducting its operations described above in paragraph 2(a), purchased and received at its Pittsburgh, Pennsylvania, facilities goods valued in excess of \$50,000 directly from points outside the Commonwealth of Pennsylvania.

(c) During the 12-month period ending March 31, 2013, Respondent Presbyterian Shadyside, in conducting its operations described above in paragraph 2(b), derived gross revenues in excess of \$250,000.

(d) During the 12-month period ending March 31, 2013, Respondent Presbyterian Shadyside, in conducting its operations described above in paragraph 2(b), purchased and received at its Pittsburgh, Pennsylvania, facilities goods valued in excess of \$50,000 directly from points outside the Commonwealth of Pennsylvania.

5. (a) At all material times, Respondent UPMC and Respondent Presbyterian Shadyside have each been engaged in commerce within the meaning of Section 2(2), 2(6) and 2(7) of the Act, and have each been a health care institution within the meaning of Section 2(14) of the Act.

(b) At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), 2(6) and 2(7) of the Act, and has been a health care institution within the meaning of Section 2(14) of the Act.

6. (a) At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

(b) At all material times, the ESS Employee Council at Presbyterian Hospital has been a labor organization within the meaning of Section 2(5) of the Act.

7. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act):

Gina Barry	-	Unit Director, Cardiothoracic Unit - Respondent Presbyterian
Ryan R. Beaver	-	Senior Manager, Supply Chain Department - Respondent Presbyterian Shadyside
John Burns	-	Supervisor - Respondent Presbyterian Shadyside
Amy Bush	-	Executive Director of Surgical Services - Respondent Presbyterian
Donald Charley	-	Executive Director of Parking and Security - Respondent Presbyterian Shadyside
Carlton Clark	-	Process Analyst - Respondent Presbyterian Shadyside
William Dilla	-	Operations Manager, Department of Environmental Services - Respondent Presbyterian Shadyside
Amy DiPasquale	-	Director of Environmental Services - Respondent Shadyside
Dan Gasparovic	-	Director of Housekeeping - Respondent Presbyterian
Darnell Grinage	-	Supervisor of Transport - Respondent Presbyterian
Lisa Fennick	-	Unit Director - Respondent Presbyterian
Linda Haas	-	Clinical Director - Respondent Presbyterian

Jane Hackett	-	Chief Anesthesia Technologist - Respondent Presbyterian
Ted Hill	-	Supervisor of Fleet Transportation - Respondent Presbyterian Shadyside
Jason Hogan	-	Supervisor, Environmental Services - Respondent Shadyside
Keith Lewis	-	Supervisor of Fleet Transportation - Respondent Presbyterian Shadyside
Samuel A. Kane	-	Retail Manager, 11th Floor Cafeteria - Respondent Presbyterian
Kristine Keefer Wolff	-	Clinical Administrator - Respondent Presbyterian Shadyside
Ed Kellar	-	Supervisor, Transportation Department - Respondent Presbyterian
Robert Knezovich	-	Senior Manager, Materials Management - Respondent Presbyterian
Holly Lorenz	-	Chief Nursing Officer - Respondent Presbyterian Shadyside
Gerald T. Moran	-	Security Operations Manager - Respondent Presbyterian Shadyside
Tim Nedley	-	Senior Director, Supply Chain Management - Respondent Presbyterian Shadyside
Paul Ondo	-	Supervisor, Materials Management - Respondent Presbyterian Shadyside
Carolyn Perry	-	Environmental Services Supervisor - Respondent Shadyside
Mara L. Schubert	-	Unit Director - Respondent Presbyterian
Jim Szilargy	-	Chief Executive Officer, Supply Chain Department - Respondent Presbyterian Shadyside
Sally Sterritt	-	Supervisor, Environmental Services Department - Respondent Shadyside
Kimberly N. Stewart	-	Clinician, GI Lab and Medical Procedures Unit - Respondent Presbyterian
Denise Touray	-	Director of Patient Transport and Linen Services - Respondent Presbyterian

Albert Wright	-	Vice President of Operations - Respondent Presbyterian Shadyside
Bart E. Wyss	-	Assistant Director of Transportation, Supply Chain Department - Respondent Presbyterian Shadyside
Betsy Yetiskul	-	Unit Director, GI Lab and Medical Procedures Unit - Respondent Presbyterian
Jill Zonker	-	Executive Director - Pulmonary, Neuro and GI Services - Respondent Presbyterian Shadyside
Cheryl Cinefra	-	Supervisor, Environmental Services Department - Respondent Presbyterian
Rhonda Lee	-	Supervisor, Environmental Services Department - Respondent Presbyterian
Mike Cellender	-	Supervisor, Environmental Services Department - Respondent Presbyterian
John Krolicki	-	Vice President of Facilities and Support Services Respondent

(b) At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

Emily Bowman	-	Senior Human Resources Consultant - Respondent Presbyterian Shadyside
Shannon Corcoran	-	Manager, Human Resources Department - Respondent Presbyterian Shadyside
Marina Goodman	-	Senior Human Resources Consultant - Respondent Presbyterian Shadyside
Kathy Grills	-	Human Resources Manager - Respondent Presbyterian Shadyside
Christopher Kovaly	-	Accounting Associate for Parking and Security - Respondent Presbyterian Shadyside
Jacyln Loveridge	-	Senior Human Resources - Respondent Presbyterian Shadyside

8. About November 19, 2012, Respondent, by Bart E. Wyss, at Presbyterian, by telling employees it knew what they were discussing, created an impression among its employees that their union activities were under surveillance by Respondent.

9. About February, 2013, Respondent, by Ryan R. Beaver, at Presbyterian, impliedly threatened its employees with discipline because of their union membership, activities and sympathies.

10. About February 14, 2013, Respondent, by Jane Hackett, at Presbyterian, by telling employees it knew what they were discussing, created an impression among its employees that their union activities were under surveillance by Respondent.

11. About February 21, 2013, Respondent, by Gerald T. Moran, at Presbyterian, in the presence of its employees, threatened to arrest nonemployees as they were engaged in lawful union activities with its employees.

12. About February 21, 2013 Respondent, by Gerald T. Moran, at Presbyterian, in the presence of its employees, threatened to arrest its employees as they were engaged in lawful union activities.

13. About February 21, 2013 Respondent, by Gerald T. Moran, at Presbyterian, engaged in surveillance of its employees as they were engaged in lawful union activities.

14. About February 21, 2013, Respondent, by Gerald T. Moran, at Presbyterian, coerced and intimidated its employees by requesting that they show their identification badges to Respondent as they were engaged in lawful union activities.

15. About February 25, 2013, Respondent, by Denise Touray and/or Jaclyn Loveridge, at Presbyterian, interrogated its employees about their union membership, activities and sympathies.

16. About February 28, 2013, Respondent, by Jaclyn Loveridge and/or Linda Haas, at Presbyterian, interrogated its employees by asking them to write a statement about their union membership, activities and sympathies.

17. About March 4, 2013, Respondent, by John Burns and/or William Dilla and/or Dan Gasparovic, at Presbyterian, interrogated its employees about their union membership, activities and sympathies and the union membership, activities and sympathies of other employees.

18. About March 4, 2013, Respondent, by John Burns and/or William Dilla and/or Dan Gasparovic, at Presbyterian, threatened its employees with discipline unless they agreed to write a statement concerning their union membership, activities and sympathies and the union membership, activities and sympathies of other employees.

19. About March 22, 2013, Respondent, by Ed Kellar, at Presbyterian, interrogated its employees by asking them to write a statement about their union membership, activities and sympathies.

20. In March 2013, Respondent, by Jason Hogan, at Shadyside, impliedly threatened its employees with poor evaluations if they continued their support of the Union.

21. About April 3, 2013, Respondent, by Ryan R. Beaver and/or Paul Ondo, at Presbyterian, interrogated its employees about their union membership, activities and sympathies.

22. About April 15, 2013, Respondent, by Carlton Clark, at Respondent's South Lot, interrogated its employees about their union membership, activities and sympathies.

23. (a) About April 15, 2013, Respondent, by Tim Nedley, intimidated and coerced its employees in the exercise of their Section 7 rights by demanding to take a photograph of an employee's union buttons while the employee was wearing the buttons.

(b) About June 18, 2013, Respondent, by Amy Bush and Emily Bowman, intimidated and coerced its employees in the exercise of their Section 7 rights by disparaging employees who engaged in protected concerted activities.

24. About April 16, 2013, Respondent, by Carlton Clark and Tim Nedley, interrogated its employees about their union membership, activities and sympathies.

25. About April 26, 2013, Respondent, by Paul Ondo, at Presbyterian, interrogated its employees about their union membership, activities and sympathies.

26. (a) About early July 2013, Respondent, by Bart Wyss, interrogated employees about their participation in a Board investigation.

(b) About early July 2013, Respondent, by Bart Wyss, requested from employees copies of testimony they provided to the Board during a Board investigation.

27. At all material times, Respondent has maintained a Solicitation Policy which reads, in pertinent part, as follows:

...

II. SCOPE

This policy applies both to the person doing the soliciting or distribution of literature and the person being solicited or receiving the distribution in UPMC facilities located in the United States. Covered activities include, but are not limited to: solicitation for raffles, charity drives, sale of goods, proposing or procuring membership in any organization, or canvassing. Activities sponsored and approved by UPMC or a business unit's President are permitted, such as United Way campaigns.

...

IV. PROCEDURE

A. No staff member shall engage in solicitation of other staff members, patients, and visitors during working time.

B. No staff member may engage in solicitation during working or non-working time in patient care areas, such as patient rooms, operating rooms, patient lounges, areas where patients receive treatment, corridors and sitting rooms adjacent to patient care areas if a patient or family member is present. For other work areas, no staff member may engage in solicitation during working time.

C. No staff member may distribute any form of literature that is not related to UPMC business or staff duties at any time in any work, patient care, or treatment areas. Additionally, staff members may not use UPMC electronic messaging systems to engage in solicitation

. . . .

E. Only professional recognition, employer service pins, and staff member ID badges may be worn in patient care or treatment areas.

. . . .

G. All situations of unauthorized solicitation or distribution must be immediately reported to a supervisor or department director and the Human Resources Department and may subject the staff member to corrective action up to and including discharge.

28. About February 28, 2013, Respondent, by Gina Barry, enforced the rule described above in paragraph 27 selectively and disparately by applying it for disciplinary purposes only against employees who formed, joined, or assisted the Union and/or by prohibiting union solicitations and distributions, while permitting nonunion solicitations and distributions.

29. About March 28, 2013, Respondent, by Denise Touray, enforced the rule described above in paragraph 27 selectively and disparately by permitting its employees to utilize Respondent's bulletin boards for purposes not approved by, or related to, Respondent-sponsored matters, while prohibiting its employees from posting items in support of the Union on Respondent's bulletin boards.

30. About late March 2013, Respondent, by Emily Bowman, enforced the rule described above in paragraph 27 selectively and disparately by permitting its employees to utilize Respondent's bulletin boards for purposes not approved by, or related to, Respondent-sponsored matters, while prohibiting its employees from posting items in support of the Union on Respondent's bulletin boards.

31. About April 4, 2013, Respondent, by Ryan Beaver and Paul Ondo, enforced the rule described above in paragraph 27 selectively and disparately by applying it for disciplinary

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purposes only against employees who formed, joined, or assisted the Union and/or by prohibiting union solicitations and distributions, while permitting nonunion solicitations and distributions.

32. About April 26, 2013, Respondent, by Paul Ondo, enforced the rule described above in paragraph 27 selective and disparately by applying it for disciplinary purposes only against employees who formed, joined, or assisted the Union and/or by prohibiting union solicitations and distributions, while permitting nonunion solicitations and distributions.

33. About May 14, 2013, Respondent, by Betsy Yetiskul, enforced the rule described above in paragraph 27 selectively and disparately by permitting its employees to solicit in patient care areas for purposes not approved by, or related to, Respondent-sponsored matters, while prohibiting its employees from soliciting in patient care areas in support of the Union.

34. About the dates set forth below, in the locations described below, Respondent, by the below-named supervisors, selectively and disparately enforced its rule described above in paragraph 27, by requiring its employees to remove items bearing pro-Union insignia, while permitting its employees to wear, in patient care areas, items bearing insignia that did not qualify as "professional recognition" items, "employer service pins" and/or "staff member ID badges":

- (a) Early February 2013 - Albert Wright - Presbyterian
- (b) March 2013 - Jane Hackett - Presbyterian
- (c) March 3, 2013 - Ted Hill - Respondent's Employee Transit facility
- (d) April 2013 - Tim Nedley - Respondent's Employee Transit facility
- (e) April 5, 2013 - Lisa Fennick - Presbyterian
- (f) April 16, 2013 - Carlton Clark - Respondent's Employee Transit facility

35. (a) Since about February 20, 2013, Respondent, by John Krolicki and Dan Gasparovic, has participated in the affairs of the ESS Employee Council (the Employee Council) at Presbyterian Hospital, a labor organization that Respondent established in or about September 2012, and has supervised the Employee Council's regular meetings.

(b) Since about February 20, 2013, Respondent, by John Krolicki and Dan Gasparovic, has given assistance and support to the ESS Employee Council by permitting the Employee Council to utilize Respondent's facilities and equipment, by compensating employees for their participation in the Employee Council, and by providing funds and food items for the Employee Council's social event on May 26, 2013.

(c) Since about February 20, 2013, Respondent, by John Krolicki and Dan Gasparovic, has dominated and given assistance and support to the Employee Council by funding the "Employee of the Month" award at the Employee Council's request.

(d) Since about February 20, 2013, Respondent, by John Krolicki and Dan Gasparovic, has recognized the Employee Council as the exclusive collective-bargaining representative of its ESS employees at Presbyterian Hospital and has dealt with the Employee Council concerning the working conditions, wages and hours of its employees.

36. About December 20, 2012, Respondent issued a final written warning to its employee Felicia Penn.

37. About February 27, 2013, Respondent issued a written warning to its employee David Jones.

38. (a) About February 28, 2013, Respondent suspended its employee Leslie Poston.

(b) About March 11, 2013, Respondent issued a final written warning to its employee Leslie Poston.

39. About March 9, 2013, Respondent discharged its employee Finley Littlejohn.
40. About March 20, 2013, Respondent discharged its employee Ronald Oakes.
41. About March 28, 2013, Respondent issued a final written warning to its employee Chaney Lewis.
42. About April 4, 2013, Respondent issued a verbal warning to its employee James Staus.
43. About April 23, 2013, Respondent issued a final written warning to its employee Albert Turner.
44. About April 26, 2013, Respondent issued a verbal warning to its employee James Staus.
45. About May 14, 2013, Respondent placed its employee James Staus on a Performance Improvement Plan.
46. About June 18, 2013, Respondent discharged its employee Albert Turner.
47. About July 1, 2013, Respondent discharged its employee James Staus.
48. Respondent engaged in the conduct described above in paragraphs 36-47 because the named employees of Respondent joined or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.
49. Respondent engaged in the conduct described above in paragraph 40 because Ronald Oakes gave testimony to the Board in the form of an affidavit and cooperated in a Board investigation in connection with Cases 06-CA-081896, et al.
50. Respondent engaged in the conduct described above in paragraph 41 because Chaney Lewis gave testimony to the Board in the form of an affidavit and cooperated in a Board investigation in connection with Cases 06-CA-081896, et al.

51. By the conduct described above in paragraphs 8-26 and 28-34, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

52. By the conduct described above in paragraphs 35(a) through 35(d), Respondent has dominated and interfered with the administration of, and has been rendering unlawful assistance and support to, a labor organization in violation of Section 8(a)(1) and (2) of the Act.

53. By the conduct described above in paragraphs 36-48, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

54. By the conduct described above in paragraphs 40, 41, 49 and 50, Respondent has been discriminating against employees for filing charges or giving testimony under the Act in violation of Section 8(a)(1) and (4) of the Act.

55. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REQUESTED REMEDIES

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 26 and paragraphs 28 through 50, the General Counsel seeks an Order requiring Respondent Presbyterian Shadyside to take the following affirmative actions:

(a) Post, for 120 days, in all appropriate locations in Respondent UPMC Presbyterian Shadyside's facilities where notices to employees are customarily posted, any NLRB Notice to Employees that may issue in this proceeding;

(b) At a meeting or meetings of UPMC Presbyterian Shadyside employees, scheduled to ensure the widest possible employee attendance, during employees' working hours and in the presence of a Board agent, read aloud any NLRB Notice to Employees that may issue in this proceeding;

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(c) Grant to the Union access to public areas in its UPMC Presbyterian Shadyside facilities, with the right to speak to employees during employees' non-working time; and

(d) During the period that the NLRB Notice to Employees is posted in connection with this proceeding, permit current employees to post Union literature and notices on its bulletin boards and all places where notices to employees are customarily posted within Respondent's UPMC Presbyterian Shadyside facilities.

Furthermore, as part of the remedy for the unfair labor practices alleged above in paragraphs 38(a), 39, 40, 46 and 47, the General Counsel seeks an order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination.

The General Counsel further seeks, as part of the remedy for the allegations in paragraphs 38(a), 39, 40, 46 and 47, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when back pay is paid, it will be allocated to the appropriate periods.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the amended consolidated complaint. The answer must be **received by this office on or before January 23, 2014, or postmarked on or before January 22, 2014.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website

informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the amended consolidated complaint are true.

Dated: January 9, 2014.



Robert W. Chester, Regional Director
National Labor Relations Board, Region 6
1000 Liberty Avenue, Room 904
Pittsburgh, PA 15222-4111

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102465	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
		c. Cell No.
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	e. Employer Representative	f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has interfered with protected Section 7 activity by numerous instances of threatening, interrogating, and intimidating employees with respect to their support for the union and their union activities.

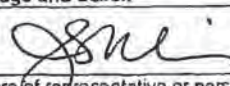
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (412) 391-7709
By: 	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title JOSEPH D. SHAULIS, ATTORNEY
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13
	Fax No. (412) 391-1190
	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001).
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER
 INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102465	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No. (412)647-8750
		g. e-Mail peasleeg@upmc.edu
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has interfered with protected Section 7 activity by numerous instances of threatening, interrogating, and intimidating employees with respect to their support for the union and their union activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code)

1500 NORTH 2ND STREET
 HARRISBURGH, PA 17102-2528

4b. Tel. No.
(717)238-3030

4c. Cell No.

4d. Fax No.
(717)238-8354

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.
(412) 391-7709

By: 
 (signature of representative or person making charge)

JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No.

Address: 429 FOURTH AVENUE, SUITE 500
 PITTSBURGH, PA 15219

Print Name and Title

Date: 12/18/13

Fax No.
(412) 391-1190

e-Mail
cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

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ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102494	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL	b. Tel. No. (412)647-8762 c. Cell No.
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	e. Employer Representative f. Fax No. (412)647-8750 g. e-Mail h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES k. Number of workers at dispute location 50,000
1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about November 12, 2013 the Employer has interfered with, restrained, and coerced its employees by impliedly threatening them with poor work evaluations.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC	
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030 4c. Cell No. 4d. Fax No. (717)238-8354 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES INTERNATIONAL UNION	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (412) 391-7709
By:  (signature of representative or person making charge)	JOSEPH D. SHAULIS, ATTORNEY Office, if any, Cell No.
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Print Name and Title Date: 9/27/13 Fax No. (412) 391-1190 e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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Case 2:14-mc-00109-AJS Document 1-3 Filed 03/20/14 Page 31 of 88

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102494	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No. (412)647-8750
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS		g. e-Mail peasleeg@upmc.edu
j. Principal Product or Service HEALTH CARE SERVICES		h. Dispute Location (City and State) Pittsburgh, PA
		k. Number of workers at dispute location 50,000

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.


2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about November 12, 2013 the Employer has interfered with, restrained, and coerced its employees by impliedly threatening them with poor work evaluations.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tei. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date 12/18/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

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ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

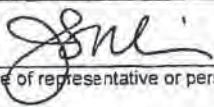
Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102516	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL	b. Tel. No. (412)647-8762 c. Cell No.
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	e. Employer Representative f. Fax No. (412)647-8750 g. e-Mail h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES k. Number of workers at dispute location 50,000
1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) & (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has discriminated and retaliated against Leslie Poston, in regard to her terms and conditions of employment, because of her protected activities and in order to discourage support for the union.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC	
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030 4c. Cell No. 4d. Fax No. (717)238-8354 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES INTERNATIONAL UNION	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (412) 391-7709 Office, if any, Cell No.
By:  (signature of representative or person making charge)	JOSEPH D. SHAULIS, ATTORNEY Print Name and Title
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13 Fax No. (412) 391-1190 e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.


Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FOURTH AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102516	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No. (412)647-8762 c. Cell No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A	e. Employer Representative SEE ATTACHMENT A	f. Fax No. (412)647-8750 g. e-Mail peasleeg@upmc.edu h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has discriminated and retaliated against Leslie Poston, in regard to her terms and conditions of employment, because of her protected activities and in order to discourage support for the union.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC		
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528		4b. Tel. No. (717)238-3030 4c. Cell No. 4d. Fax No. (717)238-8354 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709 Office, if any, Cell No.
By:  (signature of representative or person making charge)	JOSEPH D. SHAULIS, ATTORNEY Print Name and Title	Fax No. (412) 391-1190 e-Mail cdavidson@choiceonemail.com
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219		Date: 12/18/13

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102518	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS		g. e-Mail
j. Principal Product or Service HEALTH CARE SERVICES		h. Dispute Location (City and State) Pittsburgh, PA
		k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1), (3) and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012, and continuing thereafter, the above-named Employer has discriminated against Chaney Lewis, in regard to his terms and conditions of employment, because of his protective activities and in order to discourage support for the union.

Since on or about November 12, 2012, the Employer discriminated against employee Chaney Lewis by disciplining him because the employee gave affidavit testimony to the Board and was issued a subpoena to provide testimony in a Board proceeding.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528		4b. Tel. No. (717)238-3030
		4c. Cell No.
		4d. Fax No. (717)238-8354
		4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.
(412) 391-7709

By: 
(signature of representative or person making charge)

JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No.

Address:
429 FOURTH AVENUE, SUITE 500
PITTSBURGH, PA 15219

Date: 9/27/13

Fax No.
(412) 391-1190

e-Mail
cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102518	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital	b. Tel. No. (412)647-8762	c. Cell No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A	e. Employer Representative SEE ATTACHMENT A	f. Fax No. (412)647-8750
		g. e-Mail peasleeg@upmc.edu
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Since on or about November 12, 2012, and continuing thereafter, the above-named Employer has discriminated against Chaney Lewis, in regard to his terms and conditions of employment, because of his protective activities and in order to discourage support for the union.</p> <p>Since on or about November 12, 2012, the Employer discriminated against employee Chaney Lewis by disciplining him because the employee gave affidavit testimony to the Board and was issued a subpoena to provide testimony in a Board proceeding.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC		
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030	4c. Cell No.
	4d. Fax No. (717)238-8354	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: (signature of representative or person making charge)	JOSEPH D. SHAULIS, ATTORNEY Print Name and Title	Office, if any, Cell No.
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date:	Fax No. (412) 391-1190
		e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register 71 Fed. Reg. 74947-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the

ATTACHMENT A

UPMC PRESBYTERIAN SHADYSIDE, D/B/A PRESBYTERIAN HOSPITAL AND D/B/A SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	
UPMC PRESBYTERIAN SHADYSIDE 600 GRANT STREET, FL 58 PITTSBURGH, PA.15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102525	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) & (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has discriminated and retaliated against Felicia Penn, in regard to her terms and conditions of employment, because of her protected activities and in order to discourage support for the union.

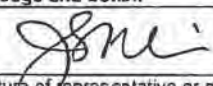
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-08)


UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102525	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No. (412)647-8750
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS		g. e-Mail peasleeg@upmc.edu
j. Principal Product or Service HEALTH CARE SERVICES		h. Dispute Location (City and State) Pittsburgh, PA
		k. Number of workers at dispute location 50,000
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has discriminated and retaliated against Felicia Penn, in regard to her terms and conditions of employment, because of her protected activities and in order to discourage support for the union.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC		
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET, HARRISBURGH, PA 17102-2528		4b. Tel. No. (717)238-3030
		4c. Cell No.
		4d. Fax No. (717)238-8354
		4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel No (412) 391-7709
By:  (signature of representative or person making charge)	JOSEPH D. SHAULIS, ATTORNEY Print Name and Title	Office, if any, Cell No.
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	Fax No. (412) 391-1190
		e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the

ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102534	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner an interfered with protected Section 7 activity by summoning police and threatening arrests of union representatives who were lawfully on UPMC premises.

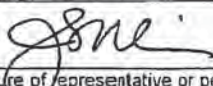
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102534	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel No. (412)647-8762
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No. (412)647-8750
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS		g. e-Mail peasleeg@upmc.edu
j. Principal Product or Service HEALTH CARE SERVICES		h. Dispute Location (City and State) Pittsburgh, PA
		k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner an interfered with protected Section 7 activity by summoning police and threatening arrests of union representatives who were lawfully on UPMC premises.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code)

1500 N 2ND ST, HARRISBURG
PA 17102-2528

4b. Tel. No.
(717)238-3030

4c. Cell No.

4d. Fax No.
(717)238-8354

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel No
(412) 391-7709

By: 
(signature of representative or person making charge)

JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No

Address: 429 FOURTH AVENUE, SUITE 500
PITTSBURGH, PA 15219

Print Name and Title

Date: 12/18/13

Fax No.
(412) 391-1190

e-Mail

cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully

ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

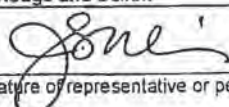
Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102540	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL	b. Tel. No. (412)647-8762
	c. Cell No.
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	e. Employer Representative
	f. Fax No. (412)647-8750
	g. e-Mail
	h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES
	k. Number of workers at dispute location 50,000
l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
<p>Since on or about November 12, 2013 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner and interfered with protected Section 7 activity by prohibiting employees from and threatening employees for wearing union buttons, lanyards, badge-pulls, pins and stickers while allowing other non work related, non-UPMC sanctioned insignia to be worn by employees.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number)	
SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC	
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
SERVICE EMPLOYEES INTERNATIONAL UNION	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (412) 391-7709
By:  JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13
	Fax No. (412) 391-1190
	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the public is prohibited. Any person who discloses this information will cause the NLRB to decline to involve its processes.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102540	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No. (412)647-8750
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS		g. e-Mail peasleeg@upmc.edu
j. Principal Product or Service HEALTH CARE SERVICES		h. Dispute Location (City and State) Pittsburgh, PA
		k. Number of workers at dispute location 50,000

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2013 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner and interfered with protected Section 7 activity by prohibiting employees from and threatening employees for wearing union buttons, lanyards, badge-pulls, pins and stickers while allowing other non work related, non-UPMC sanctioned insignia to be worn by employees.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: (signature of representative or person making charge)	JOSEPH D. SHAULIS, ATTORNEY Print Name and Title	Office, if any, Cell No.
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date:	Fax No. (412) 391-1190
		e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses of the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the

ATTACHMENT A

UPMC PRESBYTERIAN SHADYSIDE, D/B/A PRESBYTERIAN HOSPITAL AND D/B/A SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	
UPMC PRESBYTERIAN SHADYSIDE 600 GRANT STREET, FL 58 PITTSBURGH, PA.15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

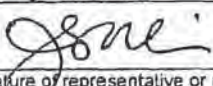
Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102542	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762	
		c. Cell No.	
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		e. Employer Representative	
		f. Fax No. (412)647-8750	
		g. e-Mail	
		h. Dispute Location (City and State) Pittsburgh, PA	
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS		j. Principal Product or Service HEALTH CARE SERVICES	
		k. Number of workers at dispute location 50,000	
l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner and interfered with protected Section 7 activity by summoning police and threatening arrests of employees for their engagement in protected activities.</p>			
3. Full name of party filing charge (if labor organization, give full name, including local name and number)			
SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC			
4a. Address (street and number, city, state, and ZIP code)		4b. Tel. No.	
1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528		(717)238-3030	
		4c. Cell No.	
		4d. Fax No.	
		(717)238-8354	
		4e. e-Mail	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
SERVICE EMPLOYEES INTERNATIONAL UNION			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel No (412) 391-7709	
By: 		Office, if any, Cell No.	
(signature of representative or person making charge)		JOSEPH D. SHAULIS, ATTORNEY	
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219		Print Name and Title	
		Date: 9/27/13	
		Fax No. (412) 391-1190	
		e-Mail cdavidson@choiceonemail.com	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102542	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) SBE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No. (412)647-8750
		g. e-Mail peasleeg@upmc.edu
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner and interfered with protected Section 7 activity by summoning police and threatening arrests of employees for their engagement in protected activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code)

1500 NORTH 2ND STREET
HARRISBURGH, PA 17102-2528

4b. Tel. No.

(717)238-3030

4c. Cell No.

4d. Fax No.

(717)238-8354

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(412) 391-7709

By:

JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No

(signature of representative or person making charge)

Print Name and Title

Fax No.

(412) 391-1190

Address: 429 FOURTH AVENUE, SUITE 500
PITTSBURGH, PA 15219

Date:

e-Mail

cdauidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT A

UPMC PRESBYTERIAN SHADYSIDE, D/B/A PRESBYTERIAN HOSPITAL AND D/B/A SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	
UPMC PRESBYTERIAN SHADYSIDE 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER


Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102544	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL	b. Tel No. (412)647-8762 c. Cell No.
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	e. Employer Representative f. Fax No. (412)647-8750 g. e-Mail h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES k. Number of workers at dispute location 50,000
1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1), (3) and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has discriminated and retaliated against Ron Oakes, in regard to his terms and conditions of employment by terminating Oakes for a second time in retaliation and in order to discourage support for the union. Since on or about November 12, 2012, the Employer discriminated against employee Ron Oakes by terminating him because the employee gave affidavit testimony to the Board and was issued a subpoena to provide testimony in a Board proceeding.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC	
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030 4c. Cell No. 4d. Fax No. (717)238-8354 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES INTERNATIONAL UNION	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (412) 391-7709
By:  (signature of representative or person making charge)	JOSEPH D. SHAULIS, ATTORNEY Office, if any, Cell No.
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Print Name and Title Date: 9/27/13 Fax No. (412) 391-1190 e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102544	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No. (412)647-8750
		g. e-Mail peasleeg@upmc.edu
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has discriminated and retaliated against Ron Oakes, in regard to his terms and conditions of employment by terminating Oakes for a second time in retaliation and in order to discourage support for the union.

Since on or about November 12, 2012, the Employer discriminated against employee Ron Oakes by terminating him because the employee gave affidavit testimony to the Board and was issued a subpoena to provide testimony in a Board proceeding.


3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES PENNSYLVANIA, CTW, CLC

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102555	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
		c. Cell No.
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	e. Employer Representative	f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner and interfered with protected Section 7 activities by numerous instances of surveilling employees who engaged in Section 7 activities and creating the impression of surveillance of employees' protected activities.

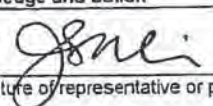
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (412) 391-7709
By:  JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13 e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102555	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A	e. Employer Representative SEE ATTACHMENT A	c. Cell No.
		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above named Employer has interfered with, restrained, coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner and interfered with protected Section 7 activities by numerous instances of surveilling employees who engaged in Section 7 activities and creating the impression of surveillance of employees' protected activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code)

1500 NORTH 2ND STREET
 HARRISBURGH, PA 17102-2528

4b. Tel. No.

(717)238-3030

4c. Cell No.

4d. Fax No.

(717)238-8354

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(412) 391-7709

By:



JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No.

(signature of representative or person making charge)

Print Name and Title

Fax No.

(412) 391-1190

Address:

Date:

12/18/13

e-Mail

429 FOURTH AVENUE, SUITE 500
 PITTSBURGH, PA 15219

cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102559	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner and interfered with protected Section 7 activities by prohibiting employees from posting any union related materials anywhere in the facility, while allowing non-work, non-UPMC sanctioned postings.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code)

1500 NORTH 2ND STREET
HARRISBURG, PA 17102-2528

4b Tel. No.

(717)238-3030

4c. Cell No.

4d. Fax No.

(717)238-8354

4e e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

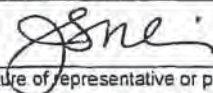
6 DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(412) 391-7709

By:



JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No.

(signature of representative or person making charge)

Print Name and Title

Fax No

(412) 391-1190

Address:

429 FOURTH AVENUE, SUITE 500
PITTSBURGH, PA 15219

Date:

9/27/13

e-Mail

cdauidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the

Form NLRB - 501 (2-08)

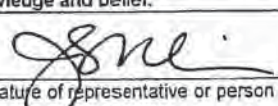
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102559	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act		
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Since on or about November 12, 2012 and continuing thereafter, the above named Employer has interfered with, restrained, coerced employees in the exercise of their Section 7 rights. Specifically, the Employer has enforced UPMC policies in a discriminatory manner and interfered with protected Section 7 activities by prohibiting employees from posting any union related materials anywhere in the facility, while allowing non-work, non-UPMC sanctioned postings.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC		
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528		4b. Tel. No. (717)238-3030
		4c. Cell No.
		4d. Fax No. (717)238-8354
		4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES INTERNATIONAL UNION		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully

ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102566	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above-named Employer has discriminated and retaliated against Finley Littlejohn, in regard to his terms and conditions of employment, by disciplining and discharging him because of his protected activities and in order to discourage support for the union.

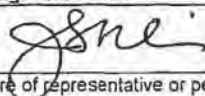
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (412) 391-7709
By:  (signature of representative or person making charge)	Office, if any, Cell No.
JOSEPH D. SHAULIS, ATTORNEY Print Name and Title	Fax No. (412) 391-1190
Date: 9/27/13	e-Mail cdavidson@choiceonemail.com
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-102566	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 12, 2012 and continuing thereafter, the above name Employer has discriminated and retaliated against Finley Littlejohn, in regard to his terms and conditions of employment, by disciplining and discharging him because of his protected activities and in order to discourage support for the union.


3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528		4b. Tel. No. (717)238-3030
		4c. Cell No.
		4d. Fax No. (717)238-8354
		4e. e-Mail

5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6 DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-104090	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
		c. Cell No.
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	e. Employer Representative	f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since April 1, 2013, the above-named Employer, by its officers, agents, or representatives, by issuing a final written warning to Al Turner, has threatened, coerced, restrained and discriminated against in the exercise of his rights guaranteed by Section 7 of the National Labor Relations Act.


3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-104090	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A	e. Employer Representative SEE ATTACHMENT A	c. Cell No.
		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)


Since April 1, 2013, the above named Employer, by its officers, agents, or representatives, by issuing a final written warning to Al Turner, has threatened, coerced, restrained and discriminated against in the exercise of his rights guaranteed by Section 7 of the National Labor Relations Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: 	JOSEPH D. SHAULIS, ATTORNEY	Tel. No. (412) 391-7709
(signature of representative or person making charge)	Print Name and Title	Office, if any, Cell No.
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	Fax No. (412) 391-1190
		e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-104104	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since April 1, 2013, the above-named employer restrained and coerced Jim Staus in the exercise of his rights guaranteed by Section 7 of the National Labor Relations Act.

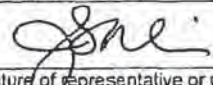
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13	e-Mail cdavidson@choiceonemail.com

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Form NLRB - 501 (2-08)

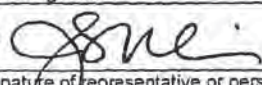
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-104104	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Since about April 1, 2013, the above named Employer restrained and coerced Jim Staus in the exercise of his rights guaranteed by Section 7 of the National Labor Relations Act.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC		
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528		4b. Tel. No. (717)238-3030
		4c. Cell No.
		4d. Fax No. (717)238-8354
		4e. e-Mail
5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES INTERNATIONAL UNION		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	e-Mail cdavidson@choiceonemail.com

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UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-106636	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1 The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about April 26, 2013, the above-named Employer has discriminated against James Staus with regard to terms and conditions of employment in retaliation for his activity protected by the Act.

3 Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code)

1500 NORTH 2ND STREET
HARRISBURG, PA 17102-2528

4b. Tel. No.

(717)238-3030

4c. Cell No.

4d. Fax No.

(717)238-8354

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

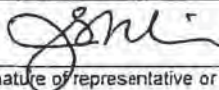
6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(412) 391-7709

By:



JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No

(signature of representative or person making charge)

Print Name and Title

Fax No.

(412) 391-1190

Address:

429 FOURTH AVENUE, SUITE 500
PITTSBURGH, PA 15219

Date:

9/27/13

e-Mail

cdavidson@choiceonemail.com

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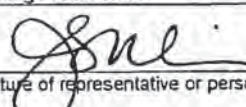
Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-106636	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital	b. Tel. No.	c. Cell No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A	e. Employer Representative SEE ATTACHMENT A	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>Since about April 26, 2013, the above named Employer has discriminated against James Staus with regard to terms and conditions of employment in retaliation for his activity by the Act.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC		
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030	4c. Cell No.
	4d. Fax No. (717)238-8354	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) SERVICE EMPLOYEES INTERNATIONAL UNION.		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	e-Mail cdavidson@choiceonemail.com

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UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-107127	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about February 15, 2013, the above-named Employer has been interfering with, restraining, and/or coercing employees in the exercise of their Section 7 rights and discriminating in regard to terms and conditions of employment to discourage membership in a labor organization by disciplining Dave Jones, in violation of the Act.

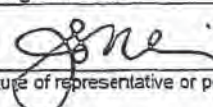
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13	e-Mail cdavidson@choiceonemail.com

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER
 INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-107127	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital	b. Tel. No.	c. Cell No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A	e. Employer Representative SEE ATTACHMENT A	f. Fax No.
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		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Since on or about February 15, 2013, the above named Employer has been interfering with, restraining, and/or coercing employees in the exercise of their Section 7 rights and discriminating in regard to terms and conditions of employment to discourage membership in a labor organization by disciplining Dave Jones, in violation of the Act.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC		
4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030	4c. Cell No.
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6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	e-Mail cdavidson@choiceonemail.com

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UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-107431	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS		h. Dispute Location (City and State) Pittsburgh, PA
j. Principal Product or Service HEALTH CARE SERVICES		k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about January 20, 2013, and continuing thereafter, the above-named Employer has discriminately enforced its solicitation policy in violation of the Act.

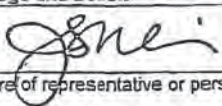
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-107431	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A	e. Employer Representative SEE ATTACHMENT A	c. Cell No.
		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about January 20, 2013, and continuing thereafter, the above named Employer has discriminately enforced its solicitation policy in violation of the Act.


3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-107532	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about June 18, 2013, the above-named Employer has been discriminating in regard to the tenure of employment and terms and conditions of employment to discourage membership in a labor organization by discharging shuttle driver Al Turner in retaliation for protected activity, all in violation of the Act.


3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-107532	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about June 18, 2013, the above named Employer has been discriminating in regard to the tenure of employment and terms and conditions of employment to discourage membership in a labor organization by discharging shuttle driver Al Turner in retaliation for protected activity, all in violation of the Act.


3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURGH, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 12/18/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq*. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER
 INSTRUCTIONS

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-107896	11/4/13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a Name of Employer UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b Tel No (412)647-8762
d Address (street, city, state, ZIP code) SEE ATTACHMENT A		c Cell No.
e Employer Representative SEE ATTACHMENT A		f Fax No.
		g e-Mail
		h Dispute Location (City and State) Pittsburgh, PA
i Type of Establishment (factory, nursing home, hotel) Hospitals	j Principal Product or Service Health Care Services	k Number of workers at dispute location 50,000
l The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (7) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2 Basis of the Charge, set forth a clear and concise statement of the facts constituting the alleged unfair labor practices		
<p>Since about June 18, 2013, the Employer interfered with, restrained and coerced its employees by discouraging employees from engaging in protective concerted activities.</p>		
3 Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC		
4a Address (street and number, city, state and ZIP code) 1509 NORTH 2ND STREET, HARRISBURG, PA 17102-2528		4b Tel No (717)238-3030
		4c Cell No.
		4c. Fax No. (717)238-8354
		4e. e-Mail
5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Service Employees International Union		
6 DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief		Tel No 412-391-7709
By <i>Claudia Davidson</i> (signature of representative or person making charge)		Office, if any, Cell No.
Claudia Davidson, Attorney Print Name and Title		Fax No. (412-391-1190)
Address 429 FOURTH AVE., STE 500 PITTSBURGH, PA 15219		e-Mail cdavidson@choiceonemail.com
Date ✓ 11/4/13		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

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p.3

Sep 10 13 02:13p Law Office

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ATTACHMENT A

<u>EMPLOYER</u>	<u>EMPLOYER REPRESENTATIVE</u>
UPMC 600 GRANT ST., 58 TH FLOOR PITTSBURGH, PA 14219	GREGORY PEASLEE, SR. VP AND CHIEF HUMAN RESOURCES ADMINISTRATIVE OFFICER
UPMC PRESBYTERIAN SHADYSIDE 600 GRANT STREET, 58 TH FLOOR PITTSBURGH, PA 15219	GREGORY PEASLEE, SR. VP AND CHIEF HUMAN RESOURCES ADMINISTRATIVE OFFICER
SHADYSIDE HOSPITAL 5230 CENTRE AVE PITTSBURGH, PA 15232	GREGORY PEASLEE, SR. VP AND CHIEF HUMAN RESOURCES ADMINISTRATIVE OFFICER
PRESBYTERIAN HOSPITAL 200 LOTHROP STREET PITTSBURGH, PA 15213-2582	GREGORY PEASLEE, SR. VP AND CHIEF HUMAN RESOURCES ADMINISTRATIVE OFFICER
MONTEFIORE HOSPITAL 3459 FIFTH AVENUE PITTSBURGH, PA 15213	GREGORY PEASLEE, SR. VP AND CHIEF HUMAN RESOURCES ADMINISTRATIVE OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-107896	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel No.
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about June 18, 2013, the Employer has interfered with, restrained and coerced its employees by discouraging employees from engaging in protected concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code)

1500 NORTH 2ND STREET
 HARRISBURGH, PA 17102-2528

4b Tel. No.
(717)238-3030

4c. Cell No.

4d. Fax No.
(717)238-8354

4e e-Mail

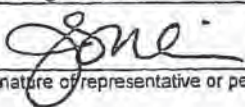
5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.
(412) 391-7709

By: 
 (signature of representative or person making charge)

JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No

Address
 429 FOURTH AVENUE, SUITE 500
 PITTSBURGH, PA 15219

Print Name and Title
 Date: 12/18/13

Fax No.
(412) 391-1190

e-Mail
 cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-108547	09-27-13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC PRESBYTERIAN SHADYSIDE D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739		c. Cell No.
e. Employer Representative		f. Fax No. (412)647-8750
		g. e-Mail
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50,000

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about July 1, 2013, and continuing thereafter, the above-named Employer has discriminated in regard to the terms and conditions of employment by terminating James Staus, in violation of the Act.


3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a. Address (street and number, city, state, and ZIP code) 1500 NORTH 2ND STREET HARRISBURG, PA 17102-2528	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	JOSEPH D. SHAULIS, ATTORNEY	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (412) 391-1190
Address: 429 FOURTH AVENUE, SUITE 500 PITTSBURGH, PA 15219	Date: 9/27/13	e-Mail cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-108547	December 18, 2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer UPMC and its Subsidiary, UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital		b. Tel. No. (412)647-8762
d. Address (street, city, state ZIP code) SEE ATTACHMENT A		c. Cell No.
e. Employer Representative SEE ATTACHMENT A		f. Fax No. (412)647-8750
		g. e-Mail peasleeg@upmc.edu
		h. Dispute Location (City and State) Pittsburgh, PA
i. Type of Establishment (factory, nursing home, hotel) HOSPITALS	j. Principal Product or Service HEALTH CARE SERVICES	k. Number of workers at dispute location 50000

I The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about July 1, 2013, and continuing thereafter, the above-named Employer has discriminated in regard to the terms and conditions of employment by terminating James Staus, in violation of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

4a Address (street and number, city, state, and ZIP code)

1500 NORTH 2ND STREET
 HARRISBURGH, PA 17102-2528

4b. Tel. No.
(717)238-3030
 4c. Cell No.
 4d. Fax No.
(717)238-8354
 4e. e-Mail

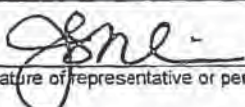
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

SERVICE EMPLOYEES INTERNATIONAL UNION

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.
(412) 391-7709

By: 
 (signature of representative or person making charge)

JOSEPH D. SHAULIS, ATTORNEY

Office, if any, Cell No

Address:
 429 FOURTH AVENUE, SUITE 500
 PITTSBURGH, PA 15219

Print Name and Title

Date: 12/18/13

Fax No.
(412) 391-1190
 e-Mail

cdavidson@choiceonemail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT A

UPMC AND ITS SUBSIDIARY, UPMC PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC 600 GRANT STREET, FLOOR 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER
UPMC PRESBYTERIAN SHADYSIDE, D/B/A UPMC PRESBYTERIAN HOSPITAL AND D/B/A UPMC SHADYSIDE HOSPITAL 600 GRANT STREET, FL 58 PITTSBURGH, PA 15219-2739	GREGORY PEASLEE, SENIOR VP AND CHIEF HR ADMIN OFFICER

ATTACHMENT

UPMC, et al.

Cases 06-CA-102465, et al.

DEFINITIONS AND INSTRUCTIONS

1. The word "document" or "documents" means, without limitation, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand, or any existing printed, typewritten, handwritten or otherwise recorded material of whatever kind and/or character, including, but not limited to: agreements, communications, correspondence, telegrams, letters, memoranda, facsimile transmissions, minutes, notes of any character, diaries, calendars, statements, affidavits, photographs, microfilm or microfiche, audio and/or video tapes, statistics, pamphlets, newsletters, press releases, bulletins, transcripts, summaries or records of telephone conversations or telephonic text messages, summaries or records or personal conversations or interviews, conferences, transcripts or summaries or reports of investigations and/or negotiations, drafts, internal or inter-office memoranda or correspondence, lists, data contained in computers, computer printouts, computer discs and/or files and all data contained therein, electronically stored records and electronic or "e" mail, any marginal or "post-it" or "sticky pad" comments appearing on or with documents, and all other writings, figures or symbols of any kind, including but not limited to carbon, photographic or other duplicative copies of any such material in the possession of, control of or available to the subpoenaed party, or any agent, representative, or other persons acting in cooperation with, in concert with, or on behalf of said subpoenaed party.
2. The words "employee" and "employees" mean all full-time and regular part-time employees employed by UPMC Presbyterian Shadyside.
3. The "Union" refers to SEIU Healthcare Pennsylvania, CTW, CLC, its agents, officers, and/or representatives.
4. Whenever used herein, the singular shall be deemed to include the plural, and vice versa; the present tense shall be deemed to include the past tense, and vice versa; references to parties shall be deemed to refer to any and all of their owners, officers, directors, owners, managers, supervisors, agents, and representatives; "and" and "or" and any other conjunctions shall be deemed both conjunctively and disjunctively so as to make the request inclusive rather than exclusive and to require the enumeration of all information responsive to all or any part of each request in which any conjunction or disjunction appears; and, "any," "each," "every," and "all" shall be deemed to be all inclusive and to require production of each and every document responsive to the request in which such terms appear.
5. This subpoena is intended to cover all documents that are in your possession, custody or control, as well as documents that are in the possession, custody or control of your present or former agents, attorneys, accountants, advisors, investigators, and any other persons or companies directly or indirectly employed by, or connected with you.

6. As to any documents not produced in compliance with this subpoena on any ground or if any requested document was, through inadvertence or otherwise, destroyed or no longer in the possession of you, state:

- (a) the author;
- (b) the recipient;
- (c) the name of each person to whom the original or a copy was sent;
- (d) the date of the document;
- (e) the subject matter of the document; and
- (f) the circumstances under which the document was destroyed, withheld or is no longer in your possession.

7. This request is continuing in character and if additional responsive documents come to your attention following the date of production, such documents must be promptly produced.

8. This request contemplates production of responsive documents in their entirety, without abbreviation, redaction, or expurgation.

9. All documents produced pursuant to this subpoena are to be organized by what subpoena paragraph each document or set of documents are responsive to, and labels referring to that subpoena paragraph are to be affixed to each document or set of documents.

10. Unless otherwise stated, each item requested covers the period from January 1, 2012, to the date of service herein (the subject period).

11. This subpoena specifically requests the described documents, whether held or maintained at any facility operated by UPMC Presbyterian Shadyside, at one or another of UPMC Presbyterian Shadyside's offices, or at some other location.

DOCUMENTS SUBJECT TO SUBPOENA NO. B-720565

1. Copies of the original Articles and/or Certificate of Incorporation and/or partnership agreement of UPMC Presbyterian Shadyside.
2. Copies of any amendments to the original Articles and/or Certificate and/or partnership agreement of UPMC Presbyterian Shadyside effective during the subject period.
3. Copies of all leases, sales agreements, loans, extensions of credit, and other documents between UPMC Presbyterian Shadyside and any shareholders or partners thereof and UPMC and any shareholders or partners thereof.
4. *Copies of documents showing the names and addresses of non-patient customers of UPMC Presbyterian Shadyside during the subject period.
5. *Copies of documents showing the names and addresses of suppliers of UPMC Presbyterian Shadyside during the subject period.
6. Copies of documents showing the gift, lease, sale or other transfer of real or personal property, equipment or machinery between UPMC Presbyterian Shadyside and any shareholders or partners thereof and UPMC and any shareholders or partners thereof, and showing the terms of such gift, lease, sale or other transfer.
7. Copies of any and all minutes of meetings of the board of directors of UPMC Presbyterian Shadyside or other documents showing the actions of UPMC Presbyterian Shadyside relating to the relationship between UPMC Presbyterian Shadyside and any shareholder or partner thereof and UPMC and any shareholder or partner thereof.
8. Documents as will show the relationship between UPMC Presbyterian Shadyside and UPMC including the ownership interest of UPMC Presbyterian Shadyside or any of its shareholders or partners in UPMC for the subject period.
9. Copies of Annual Reports of UPMC Presbyterian Shadyside for 2011, 2012 and 2013.
10. Copies of audited Financial Statements of UPMC Presbyterian Shadyside for 2011, 2012 and 2013.
11. Copies of any documents showing the capital investment of each of the shareholders or partners of UPMC Presbyterian Shadyside in UPMC and UPMC Presbyterian Shadyside.
12. Copies of any documents showing the ownership interest of each of the shareholders or partners of UPMC Presbyterian Shadyside in UPMC and UPMC Presbyterian Shadyside.
13. *Documents of UPMC Presbyterian Shadyside, including corporate minutes, which disclose the names of all directors of UPMC Presbyterian Shadyside and the dates during which each such person was a director for the subject period.
14. *Documents of UPMC Presbyterian Shadyside, including corporate minutes, which disclose the following information for the subject period; the names of all officers of UPMC

Presbyterian Shadyside, the office(s) each such individual held, and the dates on which each such individual held such office(s).

15. *Documents of UPMC Presbyterian Shadyside which disclose the following information for the subject period; the names of all stockholders of UPMC Presbyterian Shadyside, the number and classes of shares held by each stockholder, and the dates and amounts of stock acquired or disposed of by each stockholder of UPMC Presbyterian Shadyside.

17. Documents that will show the organizational structure and chain of command or authority of UPMC Presbyterian Shadyside, including the name, title and position of all individuals within that organizational structure.

18. Documents of UPMC Presbyterian Shadyside which disclose the dates and amounts of all rent paid by UPMC Presbyterian Shadyside to UPMC for the subject period.

19. Documents of UPMC Presbyterian Shadyside which disclose the dates and amounts of all rent received by UPMC Presbyterian Shadyside from UPMC for the subject period.

20. All written agreements between UPMC Presbyterian Shadyside and UPMC pertaining to the lease, rental or provision of equipment by UPMC to UPMC Presbyterian Shadyside for the subject period.

21. Documents of UPMC Presbyterian Shadyside, including canceled checks, which disclose the dates and amounts of all payments by UPMC Presbyterian Shadyside to UPMC for use of equipment owned by UPMC for the subject period.

22. Documents of UPMC Presbyterian Shadyside which disclose the dates and amounts of all payments by UPMC to UPMC Presbyterian Shadyside for use of equipment owned by UPMC Presbyterian Shadyside for the subject period.

23. All written agreements in effect or entered into at any time during the subject period between UPMC Presbyterian Shadyside and UPMC pertaining to the use by UPMC Presbyterian Shadyside of individuals employed or contracted by UPMC and/or to the furnishing of services by UPMC to UPMC Presbyterian Shadyside.

24. Documents of UPMC Presbyterian Shadyside, including canceled checks, which disclose the dates and amounts of all payments by UPMC Presbyterian Shadyside to UPMC for services during the subject period, and the nature of the service provided by UPMC.

25. Documents of UPMC Presbyterian Shadyside for the subject period which show the number of hours spent by individuals employed or contracted by UPMC Presbyterian Shadyside in providing services to UPMC.

26. All written agreements in effect or entered into at any time during the subject period between UPMC Presbyterian Shadyside and UPMC pertaining to the use by UPMC of individuals employed or contracted by UPMC Presbyterian Shadyside and/or to the furnishing of services by UPMC Presbyterian Shadyside to UPMC.

27. Documents of UPMC Presbyterian Shadyside, which disclose the dates and amounts of all payments by UPMC to UPMC Presbyterian Shadyside for any services for the subject period.

28. Documents of UPMC Presbyterian Shadyside for the subject period which show the number of hours spent by individuals employed by UPMC Presbyterian Shadyside in providing services to UPMC, and which describe the nature of those services.

29. Documents of UPMC Presbyterian Shadyside which disclose the identity of the medical and health insurance plan for employees of UPMC Presbyterian Shadyside in effect at any time during the subject period, and which disclose the identity of the employee group covered by the plan.

30. Documents of UPMC Presbyterian Shadyside which disclose the identity of the pension plan for employees of UPMC Presbyterian Shadyside in effect at any time during the subject period and which disclose the identity of the employee group covered by the plan.

31. Federal and state tax returns filed by UPMC Presbyterian Shadyside for the calendar years 2011 and 2012, or, if appropriate, fiscal years 2011 and 2012.

32. Documents reflecting the telephone numbers assigned to UPMC Presbyterian Shadyside operations.

33. Copies of any and all letterheads used for business correspondence by UPMC Presbyterian Shadyside.

34. Copies of any and all advertisements used by UPMC Presbyterian Shadyside for the purpose of soliciting business for the subject period.

35. Documents reflecting any advertisements used by UPMC Presbyterian Shadyside for the purpose of soliciting applicants for employment by UPMC Presbyterian Shadyside for the period subject period.

36. Documents reflecting any applications filed by UPMC Presbyterian Shadyside for public funding of any of its operations.

37. Documents reflecting any pension or other benefit plans offered to employees of UPMC Presbyterian Shadyside.

38. Documents showing the identity of all entities having an ownership interest in the real and physical property at which UPMC Presbyterian Shadyside has its operations in Pittsburgh, Pennsylvania.

39. Copy of the Ethics, Compliance and Audit Services policies followed by UPMC Presbyterian Shadyside.

40. Documents issued by UPMC Presbyterian Shadyside's Office of Ethics, Compliance and Audit Services during the subject period.

41. Copy of the Utilization Review processes followed by UPMC Presbyterian Shadyside.

42. Documents which show all quotes or bids for contracts for goods and/or services submitted by UPMC Presbyterian Shadyside or any of its officers, directors or agents to UPMC at any time during the subject period.

43. Documents reflecting all loans issued by UPMC Presbyterian Shadyside to UPMC during the subject period.

44. Documents reflecting all lines of credit extended by UPMC Presbyterian Shadyside to UPMC during the subject period.

45. Documents reflecting the entity which owns the property used by UPMC Presbyterian Shadyside in conducting its business during the subject period.

46. Copy of any affiliation agreement between UPMC Presbyterian Shadyside and UPMC in effect at any time during the subject period.

47. Copy of any agreement between UPMC Presbyterian Shadyside and any UPMC-owned or affiliated entity including, but not limited to, Ebenefits Solutions, for the provision of human resources and/or personnel management services, in effect at any time during the subject period.

*In lieu of original documents required above, compliance with this Subpoena may be accomplished by the submission in affidavit form of compilations and/or analyses made from the original documents, setting forth the information required, provided that pertinent records be made available for checking the accuracy of the statement in the event such action is deemed necessary.

RETURN OF SERVICE

EXHIBIT C

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- by person
- by certified mail 7012 3050 0001 4161 9383
- by registered mail
- by telegraph
- by leaving copy at principal office or place of business at:

(Check method used.)

on the named person on _____

11 1-14-14

(Month, day, and year)

[Signature]

(Name of person making service)

(Official title, if any)

CERTIFICATION OF ATTENDANCE

I certify that named person was in attendance as a witness at _____

on _____
(Month, day or days, and year)

(Name of person certifying)

(Official title)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 6**

**UPMC Presbyterian Shadyside,
d/b/a UPMC Presbyterian Hospital,
and d/b/a UPMC Shadyside Hospital**

and

**SEIU Healthcare Pennsylvania
CTW, CLC**

**Cases: 06-CA-102465
06-CA-102494
06-CA-102516
06-CA-102518
06-CA-102525
06-CA-102534
06-CA-102540
06-CA-102542
06-CA-102544
06-CA-102555
06-CA-102559
06-CA-102566
06-CA-104090
06-CA-104104
06-CA-106636
06-CA-107127
06-CA-107431
06-CA-107532
06-CA-108547
06-CA-111578
06-CA-115826**

**PRESBYTERIAN SHADYSIDE'S
PETITION TO REVOKE SUBPOENA NO. B-720565**

Respondent UPMC Presbyterian Shadyside ("Presbyterian Shadyside"), pursuant to § 102.31(b) of the National Labor Relations Board ("Board" or "NLRB") Rules and Regulations, respectfully petitions to revoke the subpoena *duces tecum* numbered B-720565, issued on or around January 14, 2014 by the NLRB and received by Presbyterian Shadyside on or around January 15, 2014. A copy of the subpoena *duces tecum* is attached as Exhibit A.

TIMELINESS

Pursuant to Section 102.66(c), Presbyterian Shadyside is entitled to five (5) days within which to petition for revocation of Board subpoenas. Section 102.111(a), provides that when a

time period prescribed in the Board's Rules is less than seven days, weekends and legal holidays are excluded from the computation. Because Presbyterian Shadyside received the subpoena on January 15, 2014, the last day for timely submission of this petition to revoke is close of business on January 23, 2014. Accordingly, Presbyterian Shadyside has filed a timely petition to revoke.

BACKGROUND

The above referenced cases, which involve various alleged violations of the National Labor Relations Act (the "Act"), have been brought against two separate entities: UPMC and Presbyterian Shadyside. On January 9, 2014, the Board entered the Second Order Further Consolidating Cases and Amended Consolidated Complaint ("Amended Consolidated Complaint"). In its Amended Consolidated Complaint, the Board has alleged that UPMC is a single employer with Presbyterian Shadyside. Presbyterian Shadyside asserts that it is not a single employer with UPMC.

As discussed in further detail below, subpoena *duces tecum* numbered B-720565 should be revoked because it is overly broad, unduly burdensome, too vague and ambiguous, and harassing.

AUTHORITY

This petition to revoke is filed pursuant to § 102.66(c) of the Board's Rules and Regulations. Section 102.31(b) of the Board's Rules and Regulations provides, in pertinent part:

The administrative law judge or the Board, as the case may be, **shall** revoke the subpoena if in his opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid.

(emphasis added). The Federal Rules of Civil Procedure, which govern the issuance of subpoenas in NLRB actions, further provide that on timely motion, the issuing court **must quash** or modify a subpoena that “subjects a person to undue burden.” FED. R. CIV. P. 45(c)(3)(A)(iv) (emphasis added).

GROUNDS FOR REVOCATION

GENERAL OBJECTIONS

Presbyterian Shadyside incorporates the below general objections into the specific objections set forth herein:

1. Confidential, Proprietary and Privileged Information: Each paragraph of the subpoena *duces tecum* should be revoked insofar as it seeks confidential, private or proprietary information and to the extent it seeks documents and/or information constituting attorney-client privileged communications between Presbyterian Shadyside and its counsel or seeks documents and/or information that is protected by the work product doctrine.
2. Non-Specific and Vague: Each paragraph of the subpoena *duces tecum* should be revoked to the extent it does not describe the material requested with the specificity and particularity required by 29 C.F.R. § 102.66(c) and § 11776 of the Board’s *Case Handling Manual*.
3. Inability to Comply Prior to Stated Date: The subpoena *duces tecum* directs that the material identified in the rider be produced in Pittsburgh, Pennsylvania on February 3, 2014. The volume of materials identified in the rider, which has 47 separate requests and the scope of inquiry necessary to locate and segregate such materials from Presbyterian Shadyside’s records, are such that the subpoena *duces tecum* cannot be complied with by February 3, 2014.

4. Harassment: Presbyterian Shadyside contends that the subpoena is being issued as a means of harassing Presbyterian Shadyside and coercing Presbyterian Shadyside to enter into a stipulation. In April 2013, the SEIU Healthcare Pennsylvania (“the Union”) filed several charges against UPMC Presbyterian Shadyside d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital (“Presbyterian Shadyside”) and its holding company UPMC. The charges alleged that Presbyterian Shadyside and UPMC were a single employer. After months of investigation and taking evidence, Region 6 found that UPMC was not a necessary party and that the Union’s single employer allegations had no relevance to this proceeding. Accordingly, in September 2013, the Region determined that there was no basis to proceed against UPMC. The Union filed amended charges (per the Region’s instruction) that were identical to the original charges, except UPMC was dropped as a charged party. The proceedings against UPMC ended.

On September 30, 2013, the Region issued its Consolidated Complaint against only Presbyterian Shadyside. All alleged unfair labor practices were alleged to have been committed solely by employees of Presbyterian Shadyside. All locations set forth in the Consolidated Complaint are owned or operated by UPMC Presbyterian Shadyside. Lastly, all of the relief requested was sought only against UPMC Presbyterian Shadyside.

The hearing was initially set for December 16, 2013 and later set for February 3, 2014. However, with no explanation whatsoever, the Region issued the Amended Consolidated Complaint that Presbyterian Shadyside received on January 10, 2014, only twenty-four (24) days before the hearing. The only relevant substantive changes included in the Amended Consolidated Complaint were the additional allegations naming UPMC as a respondent and raising the Union’s single employer theory. There are no allegations, however, that Presbyterian

Shadyside, a substantially capitalized entity, is incapable of remedying any of the alleged unfair labor practices; nor are there any allegations that the two entities have engaged in any schemes or artifices to thwart the enforcement of the National Labor Relations Act (“the Act”). The Amended Consolidated Complaint simply makes conclusory allegations that UPMC and Presbyterian Shadyside constitute a single integrated enterprise.

The true underlying purpose of this subpoena is further evidenced by the fact the Amended Consolidated Complaint is time-barred insofar as paragraphs 2(a), 3(a), 3(b), 4(a), 4(b), and 5(a) are concerned, UPMC and Presbyterian Shadyside were denied due process, and the amendment to add UPMC as a respondent does not advance the purposes of the Act.

5. Right to Amend and/or Supplement Responses: Presbyterian Shadyside’s responses to the above-referenced subpoena *duces tecum* are based on the information presently available to Presbyterian Shadyside, and are made without prejudice to its right to use subsequently discovered or developed information in any continuing investigation and or proceeding. Presbyterian Shadyside reserves the right to amend or supplement its responses accordingly.

6. Burdensome: The subpoena *duces tecum* is unduly burdensome and oppressive in that the time and effort it would take to produce the wide scope of evidence sought would seriously disrupt Presbyterian Shadyside’s mission of providing patient care. Because the subpoena requests electronically stored information (“ESI”), as well as paper documents, the cost of searching, locating, reviewing and producing the requested documents will take hundreds of hours and will result in significant cost to Presbyterian Shadyside.

7. No Waiver of Objections: The fact that Presbyterian Shadyside responds to part or all of any document request is not intended to be, and shall not be, construed as a waiver by Presbyterian Shadyside of any part of any objection to any document request.

SPECIFIC OBJECTIONS

More specifically, but without limitation and reiterating all of the above grounds, the following paragraphs should be revoked for the following additional reasons:

1. Paragraphs 1, 2, 6, 7, and 8 of the subpoena should be revoked because they are overly broad and so non-specific and vague that Presbyterian Shadyside cannot respond or object because they do not reasonably apprise Presbyterian Shadyside of the documents being sought.

2. Paragraphs 11, 12, 13, 14, 15,¹ 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 36, and 37 of the subpoena should be revoked because they are overly broad, unduly burdensome, abusive and harassing, and, as written, might require production of thousands of documents. Further, as indicated above, the volume of materials identified in these requests and the scope of inquiry necessary to locate and segregate such materials from Presbyterian Shadyside's records, are such that the subpoena *duces tecum* cannot be complied with by February 3, 2014.

3. Paragraphs 3, 4, 5, 9, 10, 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47 of the subpoena should be revoked because they are overly broad, vague and ambiguous and do not seek information relevant to any claim asserted or issued raised by the Second Amended Consolidated Complaint in this matter.

¹ The numbering skips from 15 to 17. There is no request numbered 16.

WHEREFORE, Presbyterian Shadyside respectfully requests that the Board revoke those portions of the subpoena for the reasons set forth above.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: _____

Thomas A. Smock, Esquire
Jennifer G. Betts, Esquire
One PPG Place, Suite 1900
Pittsburgh, PA 15222
412.394.3335 (phone)
412.394.3348 (fax)

Mark M. Stublely, Esquire
P. O. Box 2757
Greenville, SC 29602
864.240.8318 (phone)
864.235.8806 (fax)

Ruth L. Goodboe, Esquire
34977 Woodward Avenue, Suite 300
Birmingham, MI 48009
248.723.6143 (phone)
248.593.2603 (fax)

Counsel for Presbyterian Shadyside

Dated: January 23, 2013

FORM NLRB-31
(12-12)

SUBPOENA DUCES TECUM



UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Custodian of Records
UPMC Presbyterian Shadyside
600 Grant Street, 58th Floor, Pittsburgh, PA 15219-2739

As requested by Suzanne S. Donsky, Attorney and Julie R. Stern, Attorney for the National Labor Relations Board
whose address is William S. Moorhead Federal Building, 1000 Liberty Avenue, Room 904, Pittsburgh, Pennsylvania 15222
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE _____
an Administrative Law Judge _____ of the National Labor Relations Board

at William S. Moorhead Federal Building, RM 904, 1000 Liberty Ave.,
in the City of Pittsburgh, PA 15222

on the 3rd day of February 20 14 at 11:00 (a.m.) (p.m.) or any adjourned
or rescheduled date to testify in UPMC and its subsidiary UPMC Presbyterian Shadyside Single Employer d/b/a
UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital Case 06-CA-102465, et al
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

See attachment

In accordance with the Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings), objections to the subpoena must be made by a petition to revoke and must be filed as set forth therein. Petitions to revoke must be received within five days of your having received the subpoena. 29 C.F.R. Section 102.111(b) (3). Failure to follow these regulations may result in the loss of any ability to raise such objections in court.

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

B - 720565

Issued at Pittsburgh, Pennsylvania,

this 14th day of January 20 14



Paul H. Paine
Chairman, National Labor Relations Board

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

ATTACHMENT

UPMC, et al.
Cases 06-CA-102465, et al.

DEFINITIONS AND INSTRUCTIONS

1. The word "document" or "documents" means, without limitation, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand, or any existing printed, typewritten, handwritten or otherwise recorded material of whatever kind and/or character, including, but not limited to: agreements, communications, correspondence, telegrams, letters, memoranda, facsimile transmissions, minutes, notes of any character, diaries, calendars, statements, affidavits, photographs, microfilm or microfiche, audio and/or video tapes, statistics, pamphlets, newsletters, press releases, bulletins, transcripts, summaries or records of telephone conversations or telephonic text messages, summaries or records or personal conversations or interviews, conferences, transcripts or summaries or reports of investigations and/or negotiations, drafts, internal or inter-office memoranda or correspondence, lists, data contained in computers, computer printouts, computer discs and/or files and all data contained therein, electronically stored records and electronic or "e" mail, any marginal or "post-it" or "sticky pad" comments appearing on or with documents, and all other writings, figures or symbols of any kind, including but not limited to carbon, photographic or other duplicative copies of any such material in the possession of, control of or available to the subpoenaed party, or any agent, representative, or other persons acting in cooperation with, in concert with, or on behalf of said subpoenaed party.
2. The words "employee" and "employees" mean all full-time and regular part-time employees employed by UPMC Presbyterian Shadyside.
3. The "Union" refers to SEIU Healthcare Pennsylvania, CTW, CLC, its agents, officers, and/or representatives.
4. Whenever used herein, the singular shall be deemed to include the plural, and vice versa; the present tense shall be deemed to include the past tense, and vice versa; references to parties shall be deemed to refer to any and all of their owners, officers, directors, owners, managers, supervisors, agents, and representatives; "and" and "or" and any other conjunctions shall be deemed both conjunctively and disjunctively so as to make the request inclusive rather than exclusive and to require the enumeration of all information responsive to all or any part of each request in which any conjunction or disjunction appears; and, "any," "each," "every," and "all" shall be deemed to be all inclusive and to require production of each and every document responsive to the request in which such terms appear.
5. This subpoena is intended to cover all documents that are in your possession, custody or control, as well as documents that are in the possession, custody or control of your present or former agents, attorneys, accountants, advisors, investigators, and any other persons or companies directly or indirectly employed by, or connected with you.

6. As to any documents not produced in compliance with this subpoena on any ground or if any requested document was, through inadvertence or otherwise, destroyed or no longer in the possession of you, state:

- (a) the author;
- (b) the recipient;
- (c) the name of each person to whom the original or a copy was sent;
- (d) the date of the document;
- (e) the subject matter of the document; and
- (f) the circumstances under which the document was destroyed, withheld or is no longer in your possession.

7. This request is continuing in character and if additional responsive documents come to your attention following the date of production, such documents must be promptly produced.

8. This request contemplates production of responsive documents in their entirety, without abbreviation, redaction, or expurgation.

9. All documents produced pursuant to this subpoena are to be organized by what subpoena paragraph each document or set of documents are responsive to, and labels referring to that subpoena paragraph are to be affixed to each document or set of documents.

10. Unless otherwise stated, each item requested covers the period from January 1, 2012, to the date of service herein (the subject period).

11. This subpoena specifically requests the described documents, whether held or maintained at any facility operated by UPMC Presbyterian Shadyside, at one or another of UPMC Presbyterian Shadyside's offices, or at some other location.

DOCUMENTS SUBJECT TO SUBPOENA NO. B-720565

1. Copies of the original Articles and/or Certificate of Incorporation and/or partnership agreement of UPMC Presbyterian Shadyside.
2. Copies of any amendments to the original Articles and/or Certificate and/or partnership agreement of UPMC Presbyterian Shadyside effective during the subject period.
3. Copies of all leases, sales agreements, loans, extensions of credit, and other documents between UPMC Presbyterian Shadyside and any shareholders or partners thereof and UPMC and any shareholders or partners thereof.
4. *Copies of documents showing the names and addresses of non-patient customers of UPMC Presbyterian Shadyside during the subject period.
5. *Copies of documents showing the names and addresses of suppliers of UPMC Presbyterian Shadyside during the subject period.
6. Copies of documents showing the gift, lease, sale or other transfer of real or personal property, equipment or machinery between UPMC Presbyterian Shadyside and any shareholders or partners thereof and UPMC and any shareholders or partners thereof, and showing the terms of such gift, lease, sale or other transfer.
7. Copies of any and all minutes of meetings of the board of directors of UPMC Presbyterian Shadyside or other documents showing the actions of UPMC Presbyterian Shadyside relating to the relationship between UPMC Presbyterian Shadyside and any shareholder or partner thereof and UPMC and any shareholder or partner thereof.
8. Documents as will show the relationship between UPMC Presbyterian Shadyside and UPMC including the ownership interest of UPMC Presbyterian Shadyside or any of its shareholders or partners in UPMC for the subject period.
9. Copies of Annual Reports of UPMC Presbyterian Shadyside for 2011, 2012 and 2013.
10. Copies of audited Financial Statements of UPMC Presbyterian Shadyside for 2011, 2012 and 2013.
11. Copies of any documents showing the capital investment of each of the shareholders or partners of UPMC Presbyterian Shadyside in UPMC and UPMC Presbyterian Shadyside.
12. Copies of any documents showing the ownership interest of each of the shareholders or partners of UPMC Presbyterian Shadyside in UPMC and UPMC Presbyterian Shadyside.
13. *Documents of UPMC Presbyterian Shadyside, including corporate minutes, which disclose the names of all directors of UPMC Presbyterian Shadyside and the dates during which each such person was a director for the subject period.
14. *Documents of UPMC Presbyterian Shadyside, including corporate minutes, which disclose the following information for the subject period; the names of all officers of UPMC

Presbyterian Shadyside, the office(s) each such individual held, and the dates on which each such individual held such office(s).

15. *Documents of UPMC Presbyterian Shadyside which disclose the following information for the subject period; the names of all stockholders of UPMC Presbyterian Shadyside, the number and classes of shares held by each stockholder, and the dates and amounts of stock acquired or disposed of by each stockholder of UPMC Presbyterian Shadyside.

17. Documents that will show the organizational structure and chain of command or authority of UPMC Presbyterian Shadyside, including the name, title and position of all individuals within that organizational structure.

18. Documents of UPMC Presbyterian Shadyside which disclose the dates and amounts of all rent paid by UPMC Presbyterian Shadyside to UPMC for the subject period.

19. Documents of UPMC Presbyterian Shadyside which disclose the dates and amounts of all rent received by UPMC Presbyterian Shadyside from UPMC for the subject period.

20. All written agreements between UPMC Presbyterian Shadyside and UPMC pertaining to the lease, rental or provision of equipment by UPMC to UPMC Presbyterian Shadyside for the subject period.

21. Documents of UPMC Presbyterian Shadyside, including canceled checks, which disclose the dates and amounts of all payments by UPMC Presbyterian Shadyside to UPMC for use of equipment owned by UPMC for the subject period.

22. Documents of UPMC Presbyterian Shadyside which disclose the dates and amounts of all payments by UPMC to UPMC Presbyterian Shadyside for use of equipment owned by UPMC Presbyterian Shadyside for the subject period.

23. All written agreements in effect or entered into at any time during the subject period between UPMC Presbyterian Shadyside and UPMC pertaining to the use by UPMC Presbyterian Shadyside of individuals employed or contracted by UPMC and/or to the furnishing of services by UPMC to UPMC Presbyterian Shadyside.

24. Documents of UPMC Presbyterian Shadyside, including canceled checks, which disclose the dates and amounts of all payments by UPMC Presbyterian Shadyside to UPMC for services during the subject period, and the nature of the service provided by UPMC.

25. Documents of UPMC Presbyterian Shadyside for the subject period which show the number of hours spent by individuals employed or contracted by UPMC Presbyterian Shadyside in providing services to UPMC.

26. All written agreements in effect or entered into at any time during the subject period between UPMC Presbyterian Shadyside and UPMC pertaining to the use by UPMC of individuals employed or contracted by UPMC Presbyterian Shadyside and/or to the furnishing of services by UPMC Presbyterian Shadyside to UPMC.

27. Documents of UPMC Presbyterian Shadyside, which disclose the dates and amounts of all payments by UPMC to UPMC Presbyterian Shadyside for any services for the subject period.
28. Documents of UPMC Presbyterian Shadyside for the subject period which show the number of hours spent by individuals employed by UPMC Presbyterian Shadyside in providing services to UPMC, and which describe the nature of those services.
29. Documents of UPMC Presbyterian Shadyside which disclose the identity of the medical and health insurance plan for employees of UPMC Presbyterian Shadyside in effect at any time during the subject period, and which disclose the identity of the employee group covered by the plan.
30. Documents of UPMC Presbyterian Shadyside which disclose the identity of the pension plan for employees of UPMC Presbyterian Shadyside in effect at any time during the subject period and which disclose the identity of the employee group covered by the plan.
31. Federal and state tax returns filed by UPMC Presbyterian Shadyside for the calendar years 2011 and 2012, or, if appropriate, fiscal years 2011 and 2012.
32. Documents reflecting the telephone numbers assigned to UPMC Presbyterian Shadyside operations.
33. Copies of any and all letterheads used for business correspondence by UPMC Presbyterian Shadyside.
34. Copies of any and all advertisements used by UPMC Presbyterian Shadyside for the purpose of soliciting business for the subject period.
35. Documents reflecting any advertisements used by UPMC Presbyterian Shadyside for the purpose of soliciting applicants for employment by UPMC Presbyterian Shadyside for the period subject period.
36. Documents reflecting any applications filed by UPMC Presbyterian Shadyside for public funding of any of its operations.
37. Documents reflecting any pension or other benefit plans offered to employees of UPMC Presbyterian Shadyside.
38. Documents showing the identity of all entities having an ownership interest in the real and physical property at which UPMC Presbyterian Shadyside has its operations in Pittsburgh, Pennsylvania.
39. Copy of the Ethics, Compliance and Audit Services policies followed by UPMC Presbyterian Shadyside.
40. Documents issued by UPMC Presbyterian Shadyside's Office of Ethics, Compliance and Audit Services during the subject period.
41. Copy of the Utilization Review processes followed by UPMC Presbyterian Shadyside.

42. Documents which show all quotes or bids for contracts for goods and/or services submitted by UPMC Presbyterian Shadyside or any of its officers, directors or agents to UPMC at any time during the subject period.

43. Documents reflecting all loans issued by UPMC Presbyterian Shadyside to UPMC during the subject period.

44. Documents reflecting all lines of credit extended by UPMC Presbyterian Shadyside to UPMC during the subject period.

45. Documents reflecting the entity which owns the property used by UPMC Presbyterian Shadyside in conducting its business during the subject period.

46. Copy of any affiliation agreement between UPMC Presbyterian Shadyside and UPMC in effect at any time during the subject period.

47. Copy of any agreement between UPMC Presbyterian Shadyside and any UPMC-owned or affiliated entity including, but not limited to, Ebenefits Solutions, for the provision of human resources and/or personnel management services, in effect at any time during the subject period.

*In lieu of original documents required above, compliance with this Subpoena may be accomplished by the submission in affidavit form of compilations and/or analyses made from the original documents, setting forth the information required, provided that pertinent records be made available for checking the accuracy of the statement in the event such action is deemed necessary.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the within UPMC Presbyterian Shadyside's Petition to Revoke Subpoena No. B-720565 has been served by electronically filing same as a .pdf document on the NLRB's website <http://www.nlr.gov> on this 23rd day of January, 2014.

Also, I do hereby certify that a true and correct copy of the within UPMC Presbyterian Shadyside's Petition to Revoke Subpoena No. B-720565 has been served on the following individuals by e-mail this 23rd day of January, 2014: Administrative Law Judge Mark Carissimi, at mark.carissimi@NLRB.gov; Claudia Davidson, Esq. at cdavidson@choiceonemail.com; Betty Grdina, Esq. at bgrdina@mooneygreen.com; Kathy Krieger, Esq. at kkreiger@jamhoff.com; Suzanne Donsky at Suzanne.donsky@nlrb.gov; and Julie Stern at Julie.stern@nlrb.gov.

By: /s/
Ruth L. Goodboe (P75106)
Attorney for UPMC Presbyterian Shadyside

Stern, Julie R.

From: Smock, Thomas A. [Thomas.Smock@ogletreedeakins.com]
Sent: Thursday, February 27, 2014 12:41 PM
To: Stern, Julie R.
Cc: Donsky, Suzanne S
Subject: FW: GC Subpoenas

NxGen: Uploaded

Julie and Suzanne...please see below...When I emailed you this response last evening, I inadvertently left out the word "further" in the second paragraph. Since we have had some negotiations regarding the stipulations, I meant to include this word....Please use my corrected version....Thanks...Tom

Thomas A. Smock | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
One PPG Place, Suite 1900 | Pittsburgh, PA 15222 | Telephone: 412-394-3335 | Cell: 412-848-1053
thomas.smock@ogletreedeakins.com | www.ogletreedeakins.com | [Bio](#)

From: Pepmeyer, Jennifer L.
Sent: Thursday, February 27, 2014 12:33 PM
To: Smock, Thomas A.
Subject: GC Subpoenas

Dear Ms. Stern and Ms. Donsky:

Subpoena B-720563 – GC subpoena to UPMC re Single Employer Issue

On or about January 14, 2014, the General Counsel issued subpoena duces tecum numbered B-720563, which was received by UPMC on or about January 15, 2014. UPMC timely filed a petition to revoke that subpoena on or about January 23, 2014.

For all of the reasons stated on the record and in various other pleadings filed in connection with this matter, our position remains unchanged: UPMC is not a proper party and therefore the subpoena, even in light of the ALJ's rulings on the above-referenced petition to revoke, is not proper. For the same reason, we do not intend to engage in further negotiation of any stipulations regarding the relationship between UPMC and UPMC Presbyterian Shadyside.

Subpoena B-720565 – GC subpoena to PUH/SHY re Single Employer Issue

On or about January 14, 2014, the General Counsel issued subpoena duces tecum numbered B-720563, which was received by UPMC Presbyterian Shadyside ("Presbyterian Shadyside") on or about January 15, 2014. Presbyterian Shadyside timely filed a petition to revoke that subpoena on or about January 23, 2014.

For all of the reasons stated on the record and in various other pleadings filed in connection with this matter, our position remains unchanged: UPMC is not a proper party and therefore the subpoena, even in light of the ALJ's rulings on the above-referenced petition to revoke, is not proper. For the same reason, we do not intend to engage in further negotiation of any stipulations regarding the relationship between UPMC and UPMC Presbyterian Shadyside.

Tom

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Case 2:14-mc-00109-AJS Document 1-7 Filed 03/20/14 Page 3 of 3

Jennifer L. Pepmeyer | Legal Secretary | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

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