

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 01-1354

September Term, 2002

Filed On: November 5, 2002 [711996]

Avante at Boca Raton, Inc.,
Petitioner

v.

National Labor Relations Board,
Respondent

Local 1115, Service Employees International Union,
doing business as 1115 Florida Division of 1199,
SEIU, AFL-CIO, CLC, Florida East,
Intervenor

Petition for Review of Orders of the National Labor Relations Board

Before: GINSBURG, *Chief Judge*, HENDERSON, *Circuit Judge*, and WILLIAMS, *Senior Circuit Judge*.

J U D G M E N T

This appeal was considered on the record compiled before the National Labor Relations Board and on the briefs of the parties. It is

ORDERED AND ADJUDGED that the petition for review be DENIED for the reasons stated in the Board's opinions in *Avante at Boca Raton, Inc.*, 323 NLRB 555 (1997), and *Avante at Boca Raton, Inc.*, 334 NLRB No. 56 (2001). The Board acted within its discretion in certifying Local 1115 as the bargaining representative of some of Avante's employees, and Local 1115's subsequent affiliation with the Service Employees International Union, AFL-CIO, CLC did not relieve Avante of its duty to bargain with Local 1115.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By:

Michael C. McGrail
Deputy Clerk