



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

July 26, 2012

Mark J. Langer, Esquire
Clerk, United States Court of
Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW, Room 5423
Washington, D.C. 20001-2866

Re: *Sutter East Bay Hospitals, d/b/a Alta
Bates Summit Medical Center v. NLRB*, D.C.
Cir. Nos. 11-1277 and 11-1318

Dear Mr. Langer:

On July 24, 2012, the Court handed down its opinion granting the Hospital's petition in part and granting in part the Board's cross-application for enforcement. Pursuant to Rule 19 of the Federal Rules of Appellate Procedure, I am enclosing for filing four copies of the Board's Proposed Judgment in the above entitled manner. A certificate of service is enclosed.

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1099 14th Street, NW
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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUTTER EAST BAY HOSPITALS, D/B/A)	
ALTA BATES SUMMIT MEDICAL CENTER)	
)	
Petitioner/Cross-Respondent)	Nos. 11-1277 &
)	11-1318
)	
v.)	
)	
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	

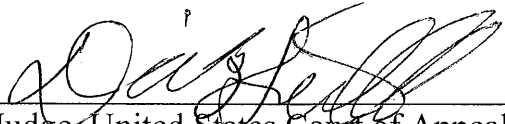
JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before: SENTELLE, *Chief Judge*, BROWN and GRIFFITH, *Circuit Judges*.

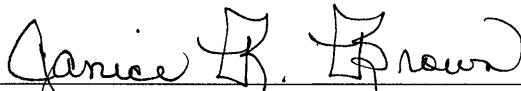
THIS CAUSE came to be heard upon a petition filed by Sutter East Bay Hospitals, d/b/a Alta Bates Summit Medical Center to review, and a cross-application filed by the National Labor Relations Board to enforce, a July 29, 2011, Order of the National Labor Relations Board, Case Nos. 32-CA-24459, 32-CA-24469 and 32-CA-24470, reported at 357 NLRB No. 81 (2011). The Court heard argument, considered the briefs and the record filed in this case. The Court having considered the same, handed down its opinion on July 24, 2012, granting Sutter East Bay Hospitals, d/b/a Alta Bates Summit Medical Center's petition in part and granting in part the Board's cross-application for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that Sutter East Bay Hospitals, d/b/a Alta Bates Summit Medical Center, its officers, agents, successors, and

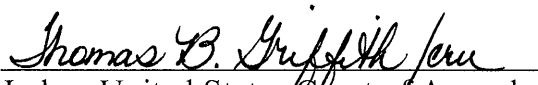
assigns, shall abide by said order (See Attached Order and Appendix).



Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit

SUTTER EAST BAY HOSPITALS,
D/B/A ALTA BATES SUMMIT MEDICAL CENTER

v.

NATIONAL LABOR RELATIONS BOARD

ORDER

Alta Bates Summit Medical Center, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Engaging in surveillance of its employees, who are engaged in union or other protected concerted activities in its cafeterias;
 - (b) Redefining its solicitation/distribution policies in order to inhibit and stifle its employees from engaging in activities in support of the NUHW in its cafeterias;
 - (c) Evicting its employees from its cafeterias because they engage in union or other protected concerted activities, including activities in support of the NUHW;
 - (d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Within 14 days after service by the Region, post at its Berkeley and Oakland, California facilities copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 32, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily

communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since February 23, 2009.

- (b) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX
NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF
THE UNITED STATES COURT OF APPEALS ENFORCING
AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO
Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT evict you from our cafeterias for engaging in activities in support of the National Union of Healthcare Workers (NUHW).

WE WILL NOT reinterpret our solicitation/distribution policies in order to inhibit and stifle our employees from engaging in activities in support of the NUHW in our cafeterias.

WE WILL NOT engage in surveillance of our employees, who are engaged in union or other protected concerted activities in our cafeterias.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

ALTA BATES SUMMIT MEDICAL CENTER

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUTTER EAST BAY HOSPITALS, D/B/A)
ALTA BATES SUMMIT MEDICAL CENTER)
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Petitioner/Cross-Respondent) Nos. 11-1277 &
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)
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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2012, I electronically filed the Board's proposed judgment with the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the foregoing documents were served on counsel for the Petitioner, David S. Durham, Christopher T. Scanlan, Gilbert J. Tsai, via the CM/ECF system.

David S. Durham
Christopher T. Scanlan
Gilbert J. Tsai
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San Francisco, CA 94111-4024

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1099 14th Street, NW
Washington, DC 20570

Dated at Washington, DC
this 26th day of July, 2012