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By Vin Gurrieri

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E LAW 36() News, cases, companies, firms Advanced Search Q Noel Canning Halts NLRB's Appeal, New B Printable Version A Rights/Reprints Vista Tells 3rd Circ. & Editorial Contacts Documents Share us on: 🔽 😭 🛅 🖂 A Motion Law360, New York (September 15, 2014, 6:06 PM ET) -- New Vista Nursing and Related Rehabilitation LLC urged the Third Circuit on Monday to table the rehearing of a National Sections Labor Relations Board appeal in an unfair labor practices dispute because two agency Appellate orders at issue involve two agency members found to be invalidly appointed in the U.S. Employment Supreme Court's blockbuster Noel Canning ruling. Health New Jersey New Vista told the Third Circuit to hold in abeyance the rehearing of a 2-1 Third Circuit Pennsylvania Public Policy decision that said the recess appointment of former NLRB member Craig Becker was **Government Agencies** unconstitutional and struck down an August 2011 NLRB ruling, made while Becker was on National Labor Relations Board the board, that had faulted New Vista for refusing to bargain with a nurses' union. U.S. Department of Justice U.S. Supreme Court New Vista's motion argued that the appeal should be suspended until a valid board panel rules on two March 2012 reconsideration orders by the board - which denied New Vista Case Information reconsideration of the initial August 2011 ruling. The orders involved Sharon Block and Case Title Equal Employment Opportunity Commission v. Tiny's Organic, LLC

Case Number

Washington Eastern

442(Civil Rights: Jobs)

September 15, 2014 Government Agencies

Equal Employment Opportunity Commission

Nature of Suit

Date Filed

2:14-cv-00303

Court

Richard Griffin, whose so-called recess appointments were declared unconstitutional in the high court's June 26 Noel Canning ruling. Since those orders were issued by an NLRB panel that the Canning decision found was not valid, they should be vacated and remanded for a determination by a properly constituted NLRB panel, according to the

"The relief requested in this motion is appropriate because it puts this case into the status requested by the NLRB itself and previously ordered by this court in conformity with the Noel Canning decision and is consistent with the relief granted by this and other courts of appeal in related cases," New Vista said.

The Third Circuit last month granted the NLRB's bid for a rehearing in the unfair labor practices case against New Vista, arguing that the court should overturn a divided threejudge panel's ruling in the case. The NLRB lodged its rehearing petition soon after the split ruling but, in July 2013, the Third Circuit stayed the proceedings pending the outcome of the Supreme Court recess appointments battle between soda bottler Noel Canning and the NLRB.

Attorneys for New Vista were not immediately available for comment Monday.

New Vista is represented by Louis J. Capozzi of Capozzi Adler PC

The NLRB is represented by in-house counsel Richard F. Griffin Jr., Jennifer Abruzzo, John H. Ferguson, Margery E. Lieber and Linda Dreeben, as well as Stuart F. Delery, Beth S. Brinkmann, Douglas N. Letter and others from 5 U.S. Department of Justice.

The case is New Vista Nursing and Rehabilitation v. NLRB, case numbers 11-3440, 12-1027 and 12-1936, in the U.S. Court of Appeals for the Third Circuit.

--Additional reporting by Ben James. Editing by Jeremy Barker.

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Texas Eastern			
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Companies	6,477,151 - Packet radio telephone services		
Apple Inc.	6,633,536 - Signalling in a digital mobile communications system 7,782,818 - System and method for providing a connection in a communication network		
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	Parties		
	Defendant		
	Apple Inc.		
	Represented by:		
	Plaintiff		
	Core Wireless Licensing S.a.r.I.		
	Represented by:		
	Henry Charles Bunsow, Bunsow, De Mory,		

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