

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 11-2480 CW

WILLIAM A. BAUDLER, Regional Director
of the Thirty-Second Region of the
National Labor Relations Board, for
and on behalf of the National
Relations Board,

ORDER DIRECTING
PARTIES TO FILE
STATUS REPORT

Petitioner,

v.

AMERICAN BAPTIST HOMES OF THE WEST,
doing business as PIEDMONT GARDENS,

Respondent.

On August 11, 2011, the parties filed a stipulation, stating that, in light of the Administrative Law Judge's decision in the related administrative proceedings, Petitioner William A. Baudler intended to file a motion seeking "(1) to withdraw the allegations and requests for relief in [his] Petition for Section 10(j) Injunction that relate to the striker replacement issue; and (2) to request modification of the injunction with respect to the striker replacement issue." Emergency Stip. for Partial Stay of Injunction at 2:18-20. The parties directed the Court's attention to an "Emergency Joint Motion For Stay, Limited Remand, and Order Abating Proceedings" they filed in the Ninth Circuit, which would give this Court jurisdiction to rule on Petitioner's impending motion. Id. 2:22-24. The parties further indicated that "Piedmont Gardens will dismiss its appeal if the Regional Director's motion is granted." Id. 3:17-18. To facilitate this process, the parties asked the Court to stay enforcement of the injunction entered on July 19,

1 2011, as it pertained to the reinstatement of striking employees,
2 "pending consideration of the Regional Director's anticipated
3 motion to withdraw allegations relating to strike replacements and
4 to modify the injunction accordingly." Id. 3:22-4:1. Pursuant to
5 the parties' stipulation, the Court entered an order staying
6 enforcement of sections A(2) and B(2) of the July 19 injunction.

7 Since then, the parties have withdrawn their emergency joint
8 motion for remand before the Ninth Circuit, and SEIU United Health
9 Workers - West has filed a motion to participate and appear as
10 amicus curiae. Within three days of the date of this Order,
11 Petitioner and Respondent shall file a joint status report, not to
12 exceed five pages, addressing the following: (1) actions taken by
13 Respondent American Baptist Homes of the West to comply with the
14 injunction, if any; (2) whether the parties intend to renew their
15 joint motion for a limited remand from the Ninth Circuit; (3) a
16 briefing schedule for Petitioner's motion to amend the injunction;
17 and (4) Respondent's opposition, if any, to the SEIU's
18 participation in this case.

19 IT IS SO ORDERED.

20
21 Dated: **8/19/2011**


CLAUDIA WILKEN
United States District Judge