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July 13, 2006

Lester A. Heltzer  
Executive Secretary  
National Labor Relations Board  
1099 14 th St., N.W., Room 11600  
Washington, D.C. 20570

Re: Oakwood Healthcare, Inc., Case 7-RC—22141; Golden Crest Healthcare Center, Cases 18-RC-16415, 18-RC-16416; and Croft Metals, Inc., Case 15-RC-8393

Dear Executive Secretary Heltzer:

Please consider this letter both a motion for leave to file and a memorandum in support of the Petitioner Unions' motion for reconsideration of the denial of their motion to hold oral argument. The undersigned, professors of labor law from law schools across the country, believe the Board's decisions in these three supervisor cases will be among the most important in the 71 years of Board jurisprudence. The determination of employee status is critical to all rights under the NLRA. These cases may radically shift the line between labor and management, not only in the healthcare industry, but in virtually every industry and occupation. They could redefine both the category of employees protected by the Act and the category of workers who can be required to act as agents of employers in respect to labor relations. The impact of these decisions is of grave concern in all industries, but particularly in the healthcare industry where employment is expanding; workers, ranging from orderlies to doctors, have shown an increasing interest in organizing; and Congress, in the Healthcare Amendments, expressed entirely appropriate concern about channeling labor disputes into the peaceful procedures created by the Act.

These cases deserve oral argument. Written briefs are no substitute for the searching, interactive exchange possible in oral argument. The Board has historically held oral argument in cases of this degree of importance, including in the two nurse supervisor cases it designated as lead cases after the Supreme Court's decision in *Health Care & Retirement Corp. of America v. NLRB*, 511 U.S. 571 (1994) – *Providence Hospital*, 320 NLRB 717 (1996), and *Nymed, Inc.* 320 NLRB 806 (1996). All prior Boards in the last 25 years have granted oral argument in significant cases. This Board has chosen not to utilize this valuable tool in any case in the past five and one-half years. These cases have already been pending 34 months since the completion of briefing on October 3, 2003. The short additional delay needed to hold oral argument will be fully justified by making sure that the Board is in a position to consider all the ramifications of

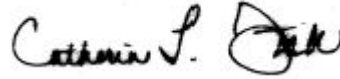
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its decisions. We believe that the Board, the labor-relations community, and the general public would all benefit from oral argument in these three cases.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine L. Fisk". The signature is written in a cursive style with a large, stylized initial "C".

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