



State of New Hampshire
Public Employee Labor Relations Board

International Chemical Workers Union Council/UFCW

v.

Hillsborough County Nursing Home

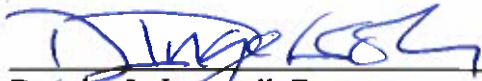
Case No. G-0292-2
Decision No. 2020-247

Order

The pre-hearing order¹ provides that by agreement this case is being submitted for decision on a written record, inclusive of briefs and stipulations, in lieu of an evidentiary hearing. A filing schedule was established, and as of November 3, 2020 all filings have been submitted. The Union's filings include references to a motion for summary judgment. However, the pre-hearing order did not provide for the filing of a motion for summary judgment, and in fact the rules which govern the board's adjudication of filed cases do not provide for summary judgment proceedings. The board is making a decision on the ICWU's unfair labor practice complaint based on the record submitted for decision. The board is not making a ruling on a pending motion for summary judgment. Accordingly, any "summary judgment" references in pleadings filed by either party will be disregarded, including any legal arguments which are based upon the law of summary judgment.² Otherwise, the substance of all points and arguments contained in such filings will be considered part of the record for decision on the ICWU's unfair labor practice complaint.

So ordered.

Date: 11-3-2020



Douglas L. Ingersoll, Esq.
Executive Director/Presiding Officer

Distribution: Eugene White, ICWU Representative
August Randall Vehar, Esq.
Danielle L. Murphy, Esq.
Carolyn M. Kirby, Esq.

¹ PELRB Decision No. 2020-179 (August 19, 2020).

² Whether based on summary judgment law applicable to New Hampshire state court or the Federal District Court for the District of New Hampshire proceedings.