UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNIVERSITY HOSPITALS CLEVELAND MEDICAL CENTER	
And	**Cases 08-CA-280382** **08-CA-287186**
NICHOLAS KRUDY, an Individual	

COUNSEL FOR THE GENERAL COUNSEL'S MOTION TO WITHDRAW ITS EXCEPTION, BRIEF IN SUPPORT OF EXCEPTION AND A PORTION OF ITS ANSWERING BRIEF TO RESPONDENT'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

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Pursuant to Section 102.47 of the Board's Rules and Regulations, Series 8, as amended, Counsel for the General Counsel (General Counsel) moves to withdraw its Exception, Brief in Support of Exception, and a portion of its Answering Brief to Respondent's Exceptions to the Decision of the Administrative Law Judge, in the above-captioned cases.

On December 2, 2024, Administrative Law Judge (ALJ) Andrew Gollin issued a decision and recommended Order (ALJD) containing his findings of fact and conclusions of law on the alleged unfair labor practices in the above-captioned cases. On December 26, 2024, Respondent filed Exceptions and a Brief in Support of its Exceptions. On December 30, 2024, the General Counsel filed a single Exception and a Brief in Support seeking a new standard remedy in rules violation cases. On January 21, 2025, Respondent filed an Answering Brief to the General Counsel's Brief in Support of Exception to the Decision of the Administrative Law Judge. Also on January 21, 2025, General Counsel filed an Answering Brief to Respondent's Exceptions to the Decision of the Administrative Law Judge. On February 4, 2025, Respondent filed its Reply in Support of its Brief in Support of Exceptions. On February 5, 2025, Charging Party filed its Reply to the General Counsel's Answer to Respondent's Exceptions.

Consistent with recent positions taken by the General Counsel and with the General Counsel's Memorandum on February 27, 2026, the General Counsel hereby moves to withdraw its December 30, 2024 Exception and its Brief in Support of its Exception. Additionally, the General Counsel seeks to withdraw the portions of its Answering Brief, at pages 7-8, 10-15, which rely upon *Stericycle Inc*., 372 NLRB No. 113 (Aug. 2, 2023) in arguing that Respondent unlawfully maintained Rule 6.4.2 and Rule 6.5.B in violation of Section 8(a)(1) of the Act. The General Counsel disagrees with the decision in *Stericycle, Inc*., 370 NLRB No. 89 (2021), which introduced a problematic standard for determining the lawfulness of facially neutral workplace policies and

encouraged the reading of common workplace rules in a vacuum, in contradiction to long-standing Board law, by adopting an excessively broad interpretation of Section 7 at the expense of congressional intent. In the General Counsel's view, that standard fails to strike the proper balance between protecting employees' Section 7 rights and safeguarding employers' legitimate business interests. The General Counsel is in favor of a more balanced approach that effectuates congressional intent and promotes industrial peace. Based on this, the General Counsel relies upon case law, other than *Stericycle*, that was cited by the ALJ that these rules were unlawfully maintained.

WHEREFORE, for the foregoing reasons, the General Counsel respectfully requests that the Board grant this motion in its entirety.

DATED at Cleveland, Ohio, on this 24th day of July 2026.

Respectfully submitted,

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/s/ Audrey Knudson
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, Counsel for the General Counsel's Motion to Withdraw Its Exception, Brief in Support of Exception and Portions of its Answering Brief to Respondent's Exceptions to the Decision of the Administrative Law Judge, was filed electronically with the National Labor Relations Board, Office of the Executive Secretary, and served by electronic mail, as designated below, on the 24th day of July 2026 on the following parties:

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DATED at Cleveland, Ohio this 24th day of July 2026.

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