

Reply to:

January 13, 2004

X Washington, DC

1701 K Street, N.W., Suite 210
Washington, DC 20006
202.223.2620
Fax 202.223.8651

George R. Murphy (DC)
Mark Hanna (DC, VA, NJ)
Arlus J. Stephens (DC, OH, PA)

San Francisco

595 Market Street, Suite 1400
San Francisco, California 94105
415.597.7200
Fax 415.597.7201

Barry S. Jellison (CA)
J. Thomas Bowen (CA, NV)
Steven L. Stemerman (CA, NV)
Richard G. McCracken (CA, NV)
W. David Holsberry (CA, NV)
Elizabeth Ann Lawrence (CA, NV, AZ)
Andrew J. Kahn (CA, NV, AZ)
John J. Davis, Jr. (CA)
Florence E. Culp (CA, NV)
Michael T. Anderson (CA, NV, DC, MA)
Timothy Sears (CA, NV, DC)
Kristin L. Martin (CA, NV)
Eric B. Myers (CA)
Jennifer S. Wedel (CA)
Lisa W. Pau (CA)
Robert P. Cowell (1931-1980)
of counsel:
Philip Paul Bowe (CA)
Mark Brooks (TN)

Boston, MA

8 Beacon Street, 4th Floor
Boston, Massachusetts 02108
617.227.5720
Fax 617.227.5767

Michael T. Anderson (CA, NV, DC, MA)

Clifton, NJ

1389 Broad Street
Clifton, NJ 07013
Phone 973.916.0999
Fax 973.916.0906

Mark Hanna (DC, VA, NJ)

McCracken, Stemerman,
Bowen & Holsberry

1630 S. Commerce Street, Suite A-1
Las Vegas, Nevada 89102
702.386.5107
Fax 702.386.9848

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

Re: *New York New York Hotel & Casino*
Case Nos. 28-CA-14519, 28-CA-15148

Dear Executive Secretary Heltzer:

I write on behalf of the Charging Party with an additional development bearing on this case pending before the Board on remand.

The U.S. Supreme Court has denied certiorari in *Stanford Hospital and Clinics v. NLRB*, 325 F.3d 334 (D.C. Cir. 2003), *cert. denied* No. 03-501 (Jan. 12, 2004). We argue that this D.C. Circuit decision, issued four months after the remand in this case, is controlling. See pp. 4-5, 27-34 of the Charging Party's Statement of Position on Remand in this case.

Respectfully submitted,


Michael T. Anderson

MTA:rr

cc: Gary C. Moss
Celeste M. Wasielewski
Cornele Overstreet, Region 28, Phoenix
Nathan W. Albright, Las Vegas

50/C:\My Documents\MTA\hqo01-13-04 Heltzer.wpd
1/13/2004/10:30:37 HQO 5443/5445

CERTIFICATE OF SERVICE

I, Reiko Ross served the Letter dated January 13, 2004 to Lester A. Heltzer
Re: *New York New York Hotel & Casino*, Case Nos. 28-CA-14519 and 28-CA-15148
[regarding *Stanford Hospital*] on the parties in this action by placing a true copy
thereof, enclosed in a sealed envelope addressed as follows:

Celeste Wasielewski
Piper Rudnick, LLP
1200 Nineteenth Street, N.W.
Washington, D.C. 20036
(202) 861-3982

Attorneys for Respondent
New York New York Hotel

Gary C. Moss
Piper Rudnick, LLP
McPherson & Hand
3960 Howard Hughes Parkway
Las Vegas NV 89109
(702) 737-3433

Attorneys for Respondent
New York New York Hotel

Nathan W. Albright
National Labor Relations Board
Region 28
600 Las Vegas Boulevard, S. Suite 400
Las Vegas, Nevada 89101-6637
(702) 388-6248

Attorney for General Counsel

Cornele A. Overstreet
NLRB Region 28
2600 North Central Avenue, Suite 1800
Phoenix, AZ 85004-3099
(602) 640-2160

I am readily familiar with the firm's practice of collection and processing
correspondence for mailing. Under that practice it would be deposited with the
United States Postal Service on that same day with first class postage thereon fully
prepaid at San Francisco, California in the ordinary course of business.

I certify and declare under penalty of perjury foregoing is true and correct and
was executed on this ____ day of January 2004 at San Francisco, California.

Reiko Ross