

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**POWERLINE CONSULTANTS, LLC
d/b/a PLC, LLC**

HUD GARRETT and TONYA GARRETT

and

Case 14-CA-29332

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 702**

ORDER¹

The petition to revoke subpoenas duces tecum B-614411, B-614410, B-614409, and subpoenas ad testificandum A-859917 and A-859916 filed by the Employer and Hud and Tonya Garrett is denied, except as discussed below. The subpoenas seek information relevant to the matter under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioners have failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Although the petition to revoke presents little specific argument addressed to particular documents covered by the subpoenas, because of the personal and potentially sensitive nature of some of the materials covered by the subpoenas, we direct that the Region communicate with the moving parties and attempt to reach an accommodation concerning the following items requested in Subpoenas B-614409 and B-614410: 1-13, 15-18, 20, 21, 23, 24, and 26-28. We will hold the petition in

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

abeyance for 30 days as it relates to those items to permit such discussions to take place. If, after 30 days, the Region and the parties have not reached an agreement, the Region is directed to file a supplemental opposition to the motion so informing us and specifically setting forth why the requested items are reasonably necessary for the limited purpose of investigating the liability of the two individuals in order to determine whether to name them in the complaint.

The petition is denied in all other respects.² In addition, the Petitioners' request for a protective order is denied. The Petitioners have failed to show good cause for such an order.

Dated, Washington, D.C., February 10, 2011

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| WILMA B. LIEBMAN, | CHAIRMAN |
| CRAIG BECKER, | MEMBER |
| BRIAN E. HAYES, | MEMBER |

² Although we deny the petition to revoke the subpoenas ad testificandum, the same concerns expressed about the subpoenas duces tecum should inform the parties' proceedings as to the appropriate scope of inquiry when deposing the Garretts on the issue of their individual liability. We note as well that the subpoenas themselves indicate that the Region is already in possession of a great deal of very specific information as part of the investigation of whether to issue complaint alleging the Garretts' individual liability.