

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

**TEAMSTERS LOCAL 377 a/w
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

and

Case 8-CA-39174

**PROFESSIONAL OFFICE WORKERS,
LOCAL UNION #1**

ORDER

The Petitions to Revoke Subpoenas Duces Tecum B-560694, B-560695, and B-560696 are denied. The Petition to Revoke B-560694 addressed to Anness, Gerlach & Williams, attention Tom Anness, is denied because the Petitioner, Teamsters Local 377 a/w International Brotherhood of Teamsters, does not have standing to file a petition to revoke a subpoena that is addressed to a third party except if it asserts that the requested information is protected by a privilege or a right of privacy.¹

The Petitions to Revoke Subpoenas B-560695 and B-560696 are denied because 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 Petitioner has failed to establish any other legal basis for revoking the subpoena. See

¹ "Ordinarily a party has no standing to seek to quash a subpoena issued to someone who is not a party to the action unless the party claims some personal right or privilege with regard to the documents sought." *In re Grand Jury Subpoena John Doe, No. 05GJ1318*, 584 F.3d 175, 184 n. 14 (2009) citing 9A Wright & Miller, *Federal Practice and Procedure* §2459 (1995).

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).²

Dated, Washington D.C., February 22, 2011.

WILMA B. LIEBMAN,	CHAIRMAN
MARK GASTON PEARCE,	MEMBER
BRIAN E. HAYES,	MEMBER

² The Employer's request that the subpoenaed documents be reviewed in camera by the Regional Director is also denied. The Employer has failed to substantiate the need for confidentiality of the requested information because it has not identified the specific documents that it seeks to shield from disclosure and the specific harm that would flow from such disclosure. However, if its concerns can be substantiated, the Employer may seek, and, in its discretion, the Region may grant, a confidentiality agreement protecting the information from disclosure during the investigative phase of this case. In addition, to the extent that the information sought from Tom Anness is the same as the information sought from the Employer, the Region may, in its discretion, determine that the information need not be provided by both parties.