

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

**ACS/XEROX**

**and**

**Case 12-CA-26970**

**SAM BUHROW**

**ORDER<sup>1</sup>**

The petition to partially revoke subpoena duces tecum B-563394 filed by ACS/Xerox is denied.<sup>2</sup> The subpoena seeks information relevant to the matter under investigation and describes 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 Employer has 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).

Dated, Washington, D.C., June 8, 2011.

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

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

<sup>2</sup> In considering the petition to revoke, we have evaluated the subpoena as modified by the Region in its opposition brief. With respect to the Employer's stated concerns about confidentiality, we find that it has failed to explain why the procedure set forth in paragraph 13 of the subpoena's Definitions and Instructions is not sufficient to address its concerns. However, if its concerns can be substantiated, the Employer may seek, and, in its discretion, the Region may enter into, a confidentiality agreement protecting the information from disclosure during the investigative phase of this case.