

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

TRINITY PROTECTION SERVICES, INC.

and

Case 32-CA-67676

DAVID EDWARD LA BRECQUE

ORDER

The Employer's petitions to revoke subpoena duces tecum B-616926 and subpoenas ad testificandum A-894377 and A-894378 are denied. 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.¹ Further, the Employer has failed to establish any other legal basis for revoking the subpoenas.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food*

¹ The Employer's request that its petitions to revoke be made part of the official record in this case is denied as premature, without prejudice to the Employer renewing this request if these investigative proceedings progress to the stage where an official record is created.

² With respect to the subpoena duces tecum, to the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the documents, and provides all of the information that was subpoenaed.

Member Hayes joins in denying the petition to revoke the subpoena duces tecum. With respect to the subpoenas ad testificandum in issue, he would hold the petition in abeyance for thirty days to provide the Region an opportunity to file a supplemental opposition explaining what further evidence is necessary to determine if a complaint should issue, and why such evidence can only be obtained through the testimony of the Employer's agents and/or supervisors.

Processors, Inc., 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 8, 2012

MARK GASTON PEARCE, CHAIRMAN

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER