

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

HOME SERVICE CENTER

and

Case 07-CA-067687

**LOCAL 370, UNITED ASSOCIATION OF
JOURNEYMEN AND APPRENTICES OF THE
PLUMBING AND PIPEFITTING INDUSTRY OF THE
UNITED STATES AND CANADA, AFL-CIO**

ORDER¹

The petition to revoke subpoena duces tecum B-644840 and subpoena ad testificandum A-851526 is denied as untimely. Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations requires that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoenas at issue here were served on the subpoenaed parties on May 30, 2012. Thus, the instant petition, which was filed June 22, 2012, is untimely.

In addition, even assuming that the petition was timely filed, it is lacking in merit. 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 subpoenas. See generally

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

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 Accordingly, the petition is denied.

Dated, Washington, D.C., July 9, 2012

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

² In considering the petition to revoke, we have evaluated subpoena B-644840 as clarified by the Contempt Litigation and Compliance Branch (CLCB) in its opposition brief. Thus, the CLCB has indicated that should any of the requested billing statements reveal the names and /or telephone numbers of any customers, the CLBC will provide assurances that it will not divulge customer contact information to anyone outside the National Labor Relations Board unless it becomes necessary to introduce such information in a formal legal proceeding. In addition, to the extent that Home Service has provided some of the requested material, it is not required that the Petitioners produce that information again, provided they accurately describe which information under subpoena has already been provided, state whether the previously-supplied information constitutes all of the requested information, and provide all of the information that was subpoenaed.