

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

**SEIU-UNITED HEALTHCARE WORKERS
WEST (LUCILE PACKARD HOSPITAL AT STANFORD)**

and

Case 32-CB-078728

ANITA BANTUM

ORDER¹

The Union's petition to revoke subpoena ad testificandum A-894471 is denied as untimely. Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoena at issue here was served on the subpoenaed party on June 20, 2012. Thus, the instant petition, which was filed July 16, 2012, is untimely. Accordingly, the petition is denied.²

Dated, Washington, D.C., September 4, 2012

MARK GASTON PEARCE,	CHAIRMAN
BRIAN E. HAYES,	MEMBER
SHARON BLOCK,	MEMBER

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

² We additionally deny the petition to revoke on the merits because the subpoena seeks information relevant to the matter under investigation, describes with sufficient particularity the evidence sought, and the Union 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). In denying the petition to revoke, Member Hayes relies solely on the fact that the petition was untimely filed.