

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20, SUBREGION 37

STEPHENS MEDIA, LLC d/b/a
HAWAII TRIBUNE-HERALD

and

Cases 37-CA-7043
37-CA-7045
37-CA-7046
37-CA-7047
37-CA-7048
37-CA-7084
37-CA-7085
37-CA-7086
37-CA-7087
37-CA-7112
37-CA-7114
37-CA-7115
37-CA-7186

HAWAII NEWSPAPER GUILD, LOCAL 39117,
COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO

COUNSEL FOR THE ACTING GENERAL COUNSEL'S PETITION TO
REVOKE RESPONDENT'S SUBPOENA DUCES TECUM ISSUED TO
DISCRIMINATEE DAVID SMITH

I. Introduction

On February 21, 2013, discriminatee David Smith (Smith) was served with Subpoena Duces Tecum No. B-638175 (Subpoena) by Respondent Stephens Media, LLC d/b/a Hawaii Tribune-Herald (Respondent). Counsel for the Acting General Counsel (General Counsel) respectfully files this petition to revoke (Petition) the Subpoena for the reasons set forth below. A copy of the Subpoena and its attachments are attached to this Petition as Exhibit "1".

II. Argument

A. Paragraph 1 of Subpoena Attachment "B" is Overbroad and Seeks Irrelevant Documents

Respondent requests that Smith produce his federal and state tax returns from 2006 through 2012. The only foreseeable relevance of Smith's tax returns would be to demonstrate the total annual amount of income he earned from wages during the backpay period. Section 102.31(b) of the Board's Rules and regulations provides:

The administrative law judge or the Board, as the case may be, shall revoke the subpoena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid.

This request is overbroad, and the requested information irrelevant, to the extent its breadth encompasses tax returns that Smith may have filed jointly with his wife. The tax information pertaining to Smith's wife does not relate to any matter under investigation or in question in the compliance hearing.

The Board has also revoked requests for an individual's tax documents when alternatives exist for obtaining the same information from another source. *Brink's Incorporated*, 281 NLRB 468, 469 (1986) (Board affirmed hearing officer's revocation of employer's subpoena request for individual's tax returns when purpose was to determine whether individual received money from union because such information may have been obtainable from another more convenient and less burdensome source). Individual tax returns contain personal and private information extraneous to a compliance proceeding. Other documents can provide more accurate reflections of Smith's interim earnings and their sources. There are also other documents which provide summaries of Smith's annual earnings during his backpay period, such as Social Security Administration Earnings Record Information.¹ General Counsel therefore respectfully requests that Paragraph 1 of Subpoena Attachment "B" be revoked. Given the sensitive nature of Smith's

¹ This information was provided to Respondent on February 14, 2013.

tax returns, if the administrative law judge determines that the documents should be produced to Respondent, General Counsel requests that the administrative law judge conduct an *in camera* review of Smith's tax returns prior to ordering Smith to produce them to Respondent.

B. Paragraph 2 of Subpoena Attachment "B" is Burdensome, Vague, Overbroad, and Seeks Irrelevant Documents

Paragraph 2 requests "all documents that reflect compensation for work from March 2006 to June 25, 2012." It appears that Respondent requests these documents in order to investigate Smith's interim earnings during the backpay period. The request for "all documents" covering a period of over six years is vague and overbroad because it does not specify exactly what types of documents Respondent is seeking. The request for Smith to search for six years of vaguely described documents, without more clarification, is also burdensome. For these foregoing reasons, General Counsel respectfully requests that Paragraph 2 of Subpoena Attachment "B" be revoked as vague, overbroad, and burdensome.

C. Paragraph 3 of Subpoena Attachment "B" is Burdensome, Vague, Overbroad, and Seeks Irrelevant Documents

Paragraph 3 requests "all documents reflecting compensation received from the Newspaper Guild International Pension Fund from September 1, 2007, to the present, including IRS Form 1099Rs and statements of benefits." Respondent appears to seek these documents in order to demonstrate that Smith collected benefits from the Newspaper Guild International Pension Fund (Guild Pension Fund). Respondent contends that this would prove Smith "retired" and end his backpay period many years before the date claimed in the Compliance Specification.

The request for "all documents reflecting compensation" from the Newspaper Guild International Pension Fund (Guild Pension Fund) covering almost a five-year period is vague, overbroad and burdensome, for the reasons fully explained in Section II.B, above.

To the extent Respondent contends that its obligation to provide Smith with backpay ended whenever Smith collected pension benefits, the contention lacks a legal basis. Although it is true that a respondent's obligation to provide backpay to a discriminatee may cease when the discriminatee removes himself/herself from the labor market, Smith did not do so by merely collecting benefits from the Guild Pension Fund. See *Hansen Bros. Enterprises*, 313 NLRB 599, 608 (1993); *Roman Iron Works*, 292 NLRB 1292 fn.3 (1989). General Counsel also admits in the Compliance Specification that Smith received interim earnings in every backpay quarter after September 1, 2007 -- the date Respondent alleges that Smith "retired." In fact, the materials General Counsel provided to Respondent on September 5, 2012, and February 14, 2013, document Smith's interim earnings after September 1, 2007. In light of these documents, whether or not Smith collected pension benefits during the backpay period should not be relevant as it is clear that Smith did not remove himself from the labor market. Accordingly, the documents pertaining to Respondent's assertion to the contrary are irrelevant.

If Respondent is seeking these documents to show that Smith's backpay for the period of time he received pension benefits should be offset by those benefit payments, it also lacks a legal basis. Pension benefit payments are collateral benefits and are not offset against a discriminatee's backpay, much like unemployment insurance benefits. *Ybarra Construction Co.*, 347 NLRB 856, 858 (2006) (unemployment insurance benefits are collateral benefits and not deducted from gross backpay); *U.S. Can Co.*, 328 NLRB 334, 334 fn. 2, 341-42 (1999) (pension benefits are collateral benefits and not deducted from gross backpay). Documents to demonstrate such an irrelevant assertion are also irrelevant and General Counsel, therefore, respectfully requests that Paragraph 3 of Subpoena Attachment "B" be revoked.

D. Paragraph 4 of Subpoena Attachment "B" is Burdensome, Overbroad, Vague and Seeks Irrelevant Information

Respondent requests “all documents reflecting compensation from the Communications Workers of America and/or its affiliated or subordinate unions, including the Pacific Media Workers Newspaper Guild Local 39521, (previously Hawaii Newspaper Guild Local 39117) from March 2006 through June 2012, including bonuses, ‘hardship pay,’ and reimbursements.” The Compliance Specification does not allege that Smith secured interim employment with any of the unions mentioned in the request at any time during his backpay period. Such a request is therefore irrelevant. The vague and overbroad request for “all documents reflecting compensation” from the unions covering a six-year period is also overbroad and burdensome, for the reasons fully explained in Section II.B, above. Accordingly, General Counsel respectfully requests that Paragraph 4 of Subpoena Attachment “B” be revoked.

E. Paragraph 5 of Subpoena Attachment “B” is Burdensome, Overbroad, and Seeks Irrelevant Information

Respondent seeks “all documents” pertaining to Smith’s requests for leave from “any employer from March 2006 through June 2012, including Hawaii Newspaper Guild Local 39117 (and/or its successor and/or parent or affiliated unions), County of Hawaii, State of Hawaii, and any other employers.” The request for “all documents related to requests for leave from any employer” covering a six-year period is overbroad and burdensome, for the same reasons set forth above in Section II.B. This request conceivably includes all documents related to any type of leave, including sick and vacation leave, taken by Smith during the requested period. Not only is this overbroad, but such documents have no relation to this proceeding because there is no issue in the Compliance Specification regarding any types of leave for Smith. Moreover, there is no allegation that Smith had interim employment during his backpay period with the unions or any other entities specifically mentioned in Respondent’s request. Requests for documents about these employers are therefore irrelevant to any issue concerning Smith’s

backpay. Accordingly, General Counsel respectfully requests that Paragraph 5 of Subpoena Attachment “B” be revoked.

F. Paragraph 6 of Subpoena Attachment “B” is Burdensome, Overbroad, and Seeks Irrelevant Information

In Paragraph 6, Respondent requests “all documents related to insurance premiums and insurance policies” that Smith “was offered” and in which he participated between March 2006 and June 2012.² One issue in this compliance proceeding is the amount of interim medical expenses Smith incurred as a result of being unlawfully terminated by Respondent. However, not only is this request overbroad and burdensome because it requests “all documents related to insurance premiums” covering a six-year period, it also does not specify what types of insurance policies Respondent seeks. For the reason set forth in section II.B above, this overbroad request conceivably encompasses a multitude of documents that have no bearing on the issues in this case. To the extent this request calls for the insurance options available to Smith during the backpay period, that is irrelevant. The request is also irrelevant to the extent it requests documents related to insurance premiums and policies Smith was offered. Whether or not Smith was “offered” insurance premiums or policies is not at issue. Accordingly, General Counsel respectfully requests that Paragraph 6 of Subpoena Attachment “B” be revoked.

G. Paragraph 7 of Subpoena Attachment “B” is Vague and Seeks Irrelevant Documents

Respondent requests “all documents related to [Smith’s] retirement from *Hawaii Tribune-Herald* that became effective on September 1, 2007[.]” As Respondent knows, it unlawfully terminated Smith’s employment in March 2006. It defies logic to claim that Smith “retired” from Respondent’s employ over a year later. Given the dispute Respondent has

² See Section II.L below for further discussion.

manufactured over whether or not Smith “retired” on September 1, 2007, the term “retirement” is vague and ambiguous in this request.

Moreover, for the reasons set forth above in Section II.C, documents pertaining to Smith’s collection of benefits from the Guild Pension Fund during the backpay period are irrelevant because he never removed himself from the labor market. Additionally, Respondent’s request for all of Smith’s “correspondence and notes with the National Labor Relations Board” appears to have no relevance at all. This request appears contrived to further Respondent’s investigation into the conduct of the compliance investigation, before issuance of the Compliance Specification. See *Respondent’s Answer to Amendment to Compliance Specification* (“Answer”), *Exhibits 6 and 8*. For the reasons set forth in General Counsel’s Motion to Strike Portions of Respondent’s Answer to Amendment to Compliance Specification, filed on February 21, 2013, this contention has no basis and should be stricken. Documents to support this irrelevant contention are also not relevant. Therefore, General Counsel respectfully requests that Paragraph 7 of Subpoena Attachment “B” be revoked.

H. Paragraph 8 of Subpoena Attachment “B” is Burdensome, Vague, Overbroad, and Seeks Irrelevant Documents

Respondent requests that Smith produce “all documents related to applications for unemployment benefits from the State of Hawaii, including statements of efforts to obtain employment after March 2006.” The request for “all documents related to applications for unemployment benefits from the State of Hawaii” is vague because it fails to delineate what types of documents Respondent seeks that are “related to applications for unemployment benefits from the State of Hawaii.” It is also burdensome to request that Smith search for vaguely described documents covering more than a six-year period. The request is also overbroad because it requests documents without specifying an end date to the request, even though

Smith's backpay period is alleged to have ended on July 10, 2012. Consequently, documents containing information covering the period of time after the end of Smith's backpay period are also irrelevant.

If Respondent is seeking documents to show that Smith collected unemployment insurance benefits during the backpay period which should be offset against backpay, the documents are irrelevant. For the reasons set forth in Section II.C above, unemployment insurance benefits are considered collateral benefits that are not offset against gross backpay. *Ybarra Construction Co.*, 347 NLRB at 858. If Respondent is requesting the documents in order to examine Smith's search for work during the backpay period, it is also irrelevant because Respondent does not appear to have raised Smith's search for work during the backpay period as a defense.³ General Counsel therefore respectfully requests that Paragraph 8 of Subpoena Attachment "B" be revoked.

I. Paragraph 9 of Subpoena Attachment "B" is Burdensome, Vague, and Seeks Irrelevant Information

Respondent requests that Smith produce "all documents reflecting admissions to state or federal agencies of your retirement effective September 1, 2007." This request is vague and ambiguous because the term "admissions" is not described with any specificity. The term "admissions" could also refer to a legal term of art, which would appear vague and ambiguous to a layperson such as Smith. Similarly, the term "retirement" is vague and ambiguous for the reasons explained above in Section II.G. Respondent's request that Smith also produce "all documents" covering almost six years while using vague descriptions is also highly burdensome.

This request seems designed to further Respondent's contention that its obligation to provide Smith with backpay ended because he "retired" on September 1, 2007, and collected

³ If Respondent were to assert a belated claim that Smith did not effectively search for work, it would also appear inconsistent with Respondent's assertion that Smith "retired" on September 1, 2007.

benefits from the Guild Pension Fund. For the reasons described in Section II.C above, this contention is not relevant to whether or not Smith removed himself from the labor market. As a result, documents furthering this irrelevant line of argument are likewise irrelevant.

Accordingly, General Counsel respectfully requests that Paragraph 9 of Subpoena Attachment “B” be revoked for the foregoing reasons.

J. Paragraph 10 of Subpoena Attachment “B” Seeks Irrelevant Documents

Respondent requests that Smith produce “all documents related to requests by the National Labor Relations Board, including SubRegion 37 and its agents, to obtain a verification of [Smith’s] tax returns for years 2006 through 2012.” The documents requested by Respondent relate, at best, to Respondent’s assertion in its Answer that, among other things, General Counsel acted improperly by not relying on verified tax returns to calculate Smith’s backpay prior to issuing the Compliance Specification. There is no support for Respondent’s position that General Counsel must rely on a verified tax return to establish backpay and General Counsel on February 21, 2013, moved to strike this assertion in Respondent’s Answer. For those same reasons, the documents Respondent requests in Paragraph 10 are also irrelevant and General Counsel respectfully requests that Paragraph 10 of Subpoena Attachment “B” be revoked.

K. Paragraph 11 of Subpoena Attachment “B” is Burdensome, Vague, Overbroad, and Seeks Irrelevant Documents

In Paragraph 11, Respondent requests “all documents related to savings plans in which [Smith] participated, or had the ability to participate, from March 2006 through June 2013, and matching amounts or contributions made by employers to these plans.” This request is vague because it is not clear what Respondent means by the phrase “savings plans” or to whom it refers as “employers,” nor does it specifically describe what types of documents Respondent is requesting Smith to produce. It is also overbroad and burdensome because it requests “all

documents” covering an extensive period of time from March 2006, onward. To the extent the request encompasses documents with information beyond the end of Smith’s alleged backpay period in July 2012, it is also irrelevant.

In this vague request, Respondent may be seeking information about Smith’s retirement benefits during the backpay period. Smith’s retirement benefits while employed by Respondent consisted of contributions made to the Guild Pension Fund by Respondent. If Respondent seeks documents with information about other retirement plans in order to determine an offset to its delinquent contributions to the Guild Pension Fund on behalf of Smith, it is not relevant because other retirement plans are not the “equivalent” to the one lost due to the discrimination. See *Laborers Local 158 (Worthy Bros.)*, 301 NLRB 35, 38 (1991). Accordingly this request is overbroad and seeks irrelevant information.

Respondent’s request for documents pertaining to savings plans Smith “had the ability to participate in” is also irrelevant because, as explained in Section II.F above, whether or not Smith “had the ability to participate in” a plan is not an issue. Rather, it is whether Smith actually participated in a plan and Respondent is entitled to an offset due to such participation. Consequently, this portion of the request is also overbroad and irrelevant. For the foregoing reasons, General Counsel therefore respectfully requests that Paragraph 11 of Subpoena Attachment “B” be revoked.

L. Paragraph 12 of Subpoena Attachment “B” is Redundant, Burdensome, Overbroad, and Seeks Irrelevant Information

Paragraph 12 of Subpoena Attachment “B” appears to be redundant and unnecessarily duplicative of Paragraph 6. Both paragraphs request documents about insurance, except that Paragraph 6 requests documents about insurance premiums and policies while Paragraph 12 requests “all documents related to insurance plans in which you participated, or had the ability to

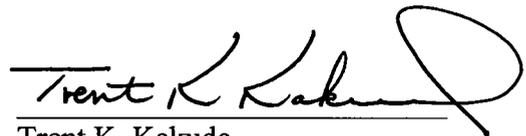
participate, from March 2006 through June 2012, including premiums, plan documents, summary plan descriptions, and coverage.” Duplicative subpoena requests create unnecessary confusion for discriminatees, particularly laypersons like Smith. This in turn increases the burdensomeness of a response. Paragraph 12 is also overbroad and burdensome because it requests “all documents related to insurance plans” covering a six-year period. For the reasons set forth in Sections II.B and II.F above, this overbroad request conceivably encompasses a multitude of documents that have no bearing on the issues in this case. The request is also irrelevant to the extent it requests documents related to insurance plans in which Smith had the ability to participate. Whether or not Smith was able to participate in insurance plans is not at issue. Accordingly, General Counsel respectfully requests that Paragraph 12 of Subpoena Attachment “B” be revoked.

III. Conclusion

For the reasons set forth above, General Counsel respectfully requests that Subpoena Duces Tecum No. B-638175 be revoked.

DATED AT Honolulu, Hawaii, this 26th day of February, 2013.

Respectfully Submitted,



Trent K. Kakuda
Counsel for the Acting General Counsel
National Labor Relations Board
Subregion 37
300 Ala Moana Blvd. Rm. 7-245
P.O. Box 50208
Honolulu, HI 96850

FORM NLRB-31
(12-07)

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To David Smith

PO Box 492600 Keeaau, HI 96749

As requested by L. Michael Zinser, The Zinser Law Firm, PC

whose address is 414 Union Street, Suite 1200 Nashville, TN 37219
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE _____
an Administrative Law Judge _____ of the National Labor Relations Board

at Room 7-241, 300 Ala Moana Boulevard

in the City of Honolulu, Hawaii

on the 5~~th~~ 12th day of March 20 13 at 9:00 (a.m.) (p.m.) or any adjourned

or rescheduled date to testify in Hawaii Tribune-Herald, 37-CA-7043, et al

(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

See Attachments A + B.

In accordance with the Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings), objections to the subpoena must be made by a petition to revoke and must be filed as set forth therein. Petitions to revoke must be received within five days of your having received the subpoena. 29 C.F.R. Section 102.111(b) (3). Failure to follow these regulations may result in the loss of any ability to raise such objections in court.

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

B - 638175

issued at San Francisco, California

this 2nd day of January 20 13



Leo A. Neltzer

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

EXHIBIT 1

**ATTACHMENT A
INSTRUCTIONS**

1. As used in this request, the term "document" means, without limitation, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand or computer: agreements, communications, reports, correspondence, electronic mail (E-mail), telegrams, memoranda, summaries or records of telephone conversations, summaries of records of personal conversations or interviews, diaries, notebooks, notes, charts, plans, summaries or records of meetings or conferences, transcripts or summaries or reports of investigations or negotiations, books, magazines, brochures, pamphlets, advertisements, circulars, press releases, articles, drafts, letters, internal or inter-office memoranda or correspondence, questionnaires or surveys and responses thereto, employment applications, employment or personnel files, job descriptions, lists, and marginal comments appearing on any document, computer files and paper copies thereof, computer disks (floppy or hard), video tapes, compact disks, audio cassette tapes, digital video disks, recordings and transcriptions or summaries thereof and all other writings or recordings of any variety.

a. This document request includes, but is not limited to documents contained on any computer, including the computer hard drive.

- i. When computer disks are produced, a printout of the pertinent materials therefrom should also be produced.
- ii. When a printout is made from computer records, whenever possible, items should be arranged in chronological order (for example, dates

of hire, discharge, discipline, payroll), or, for events occurring the same date, items should be arranged in alphabetical order by last name.

2. "You," "Your," and "Yours" includes, you, Dave Smith, your agents, your employees, your members, their agents, their employees, your attorneys, your accountants, your investigations, and anyone else acting on your behalf.
3. Whenever used herein, the singular shall be deemed to include the plural, and the plural shall be deemed to include the singular; the masculine shall be deemed to include the feminine and the feminine shall be deemed to include the masculine; the conjunctive "and" shall be deemed to include the disjunctive "or"; and each of the words "each," "every," "any," and "all" shall be deemed to include each of the other words.
4. Unless otherwise stated, this document request relates to and/or concerning documents from January 2005 to the present.
5. In responding to these Requests, furnish all documents, however obtained, that are available to you and information known by or in possession of yourself, your agents, your attorney or appearing in your records. If you cannot respond to a Request fully because information has been lost, destroyed, or is otherwise presently unavailable, respond as completely as you can and explain:
 - a. the scope of your investigation, and;
 - b. why you cannot fully respond to the Request.

ATTACHMENT B

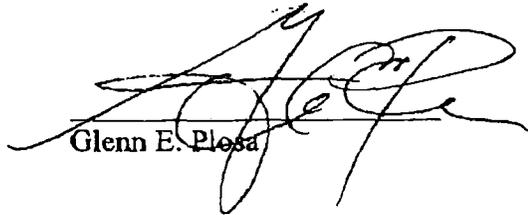
1. All Federal and State Tax Returns from 2006 through 2012.
2. All documents that reflect compensation for work from March 2006 to June 25, 2012.
3. All documents reflecting compensation received from the Newspaper Guild International Pension Fund from September 1, 2007, to the present, including IRS Form 1099Rs and statements of benefits.
4. All documents reflecting compensation from the Communication Workers of America and/or its affiliated or subordinate unions, including the Pacific Media Workers Newspaper Guild Local 39521, (previously Hawaii Newspaper Guild Local 39117) from March 2006 through June 2012, including bonuses, "hardship pay," and reimbursements.
5. All documents related to requests for leave from any employer from March 2006 through June 2012, including Hawaii Newspaper Guild Local 39117 (and/or its successor and/or parent or affiliated unions), County of Hawaii, State of Hawaii, and any other employers.
6. All documents related to insurance premiums and insurance policies that you were offered and in which you participated between March 2006 and June 2012.
7. All documents related to your retirement from *Hawaii Tribune-Herald* that became effective on September 1, 2007, including, but not limited to correspondence and forms/applications sent to the Newspaper Guild International Pension Fund; correspondence and notes with Hawaii Newspaper Guild Local 39117 (and/or its successor and/or parent or affiliated unions); correspondence and notes with the National Labor Relations Board; and documents related to the terms of your retirement.
8. All documents related to applications for unemployment benefits from the State of Hawaii, including statements of efforts to obtain employment after March 2006.
9. All documents reflecting admissions to state or federal agencies of your retirement effective September 1, 2007.
10. All documents related to requests by the National Labor Relations Board, including SubRegion 37 and its agents, to obtain a verification of your tax returns for years 2006 through 2012.

11. All documents related to savings plans in which you participated, or had the ability to participate, from March 2006 through June 2013, and matching amounts or contributions made by employers to these plans.
12. All documents related to insurance plans in which you participated, or had the ability to participate, from March 2006 through June 2012, including premiums, plan documents, summary plan descriptions, and coverage.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing SUBPOENA DUCES TECUM AND AD
TESTIFICANDUM was served via U.S. Express Mail on this 19th day of February 2013, on
the following:

David Smith
P.O. Box 492600
Keaau, HI 96749



Glenn E. Plesa

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of Counsel for the Acting General Counsel's Petition to Revoke Respondent's Subpoena Duces Tecum Issued to Discriminatee David Smith has this day been served as described below upon the following persons at their last-known address:

1 copy	L. Michael Zinser, Esq. Glenn Plosa, Esq. The Zinser Law Firm 414 Union Street, Suite 1200 Bank of America Plaza Nashville, TN 37219	VIA U.S. Mail and E-Mail
1 copy	Barbara Camens, Esq. Barr & Camens 1025 Connecticut Avenue, NW Suite 712 Washington, DC 20036	VIA U.S. Mail and E-Mail
1 copy	Heather Ahue, Business Manager Hawaii Pacific Media Workers Guild (Local 39521) 888 Mililani St, Ste 303 Honolulu, HI 96813	VIA U.S. Mail and E-Mail
1 copy	Carl Hall, Executive Officer Pacific Media Workers Guild (Local 39521) 433 Natoma St, 3 rd Floor San Francisco, CA 94103	VIA U.S. Mail and E-Mail

DATED at Honolulu, Hawaii, this 26th day of February, 2013.



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