

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

**GREENBRIER VMA, LLC d/b/a
GREENBRIER VALLEY MEDICAL CENTER**

and

Case 10-CA-094646

NATIONAL NURSES ORGANIZING COMMITTEE

ORDER

The Employer's petition to revoke subpoenas duces tecum B-708075 and B-708076 is 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

¹ 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 requested documents, and provides all of the information that was subpoenaed. Further, we note that the Employer is not required to produce the same information twice in order to satisfy the requests in both subpoenas, which are identical except for the method of service.

² We reject the Employer's argument that the subpoenas are without legal effect because the Board is not properly constituted. Section 102.31(a) of the Board's Rules and Regulations states that "[t]he Board, or any Member thereof, shall, on the written application of any party, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents, in their possession or under their control. The Executive Secretary shall have the authority to sign and issue any such subpoenas on behalf of the Board or any Member thereof." Here, Chairman Pearce issued the subpoenas, in accordance with this Rule.

Further, to the extent that the Employer is arguing that the Board lacks a quorum to rule on the Petition to Revoke and that the Acting General Counsel lacks the power to serve the subpoenas or investigate and prosecute charges of unfair labor practices in

1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., May 3, 2013

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

the absence of a Board quorum, these arguments are rejected for the reasons stated in *Bloomingdale's, Inc.*, 359 NLRB No. 113 (2013).