

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

**PARK AVENUE INVESTMENT ADVISOR LLC
d/b/a MET HOTEL DETROIT
d/b/a METROPOLITAN HOTEL GROUP**

and

Case 07-CA-060921

LOCAL 24, UNITE HERE!

ORDER

The petition to revoke subpoena duces tecum B-729114 is denied. The subpoena seeks information relevant to the matter under investigation and describes 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 Petitioner has failed to establish any other legal basis for revoking the subpoena.¹ See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina*

¹ We reject the Petitioner's contention that the subpoena should be revoked because the information requested is exempt from disclosure under Michigan state law. See *North Carolina License Plate Agency #18*, 346 NLRB 293, 294 fn. 5 (2006), citing *EEOC v. Illinois Department of Employment Security*, 995 F.2d 106, 107 (7th Cir. 1993) (court held that the EEOC was entitled to enforcement of a subpoena seeking State agency's copy of a transcript from an Illinois unemployment compensation proceeding despite the State agency's claim of privilege; court reasoned that "[s]tate privileges are honored in federal litigation only when state law supplies the rule of decision. When federal law governs, as it does here, only privileges recognized by the national government matter." *Id.* at 107.).

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

Dated, Washington, D.C., September 25, 2013

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA	MEMBER
KENT Y. HIROZAWA	MEMBER