

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

**NPC INTERNATIONAL, INC.**

**and**

**Case 15-CA-101501**

**GORDON E. JACKSON**

**ORDER<sup>1</sup>**

The Petition to Revoke Subpoenas Duces Tecum B-709016 and B-709017 is denied. With respect to Subpoena B-709016, which is directed to the Petitioner's custodian of records, the petition is denied because 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. 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).<sup>2</sup>

With respect to Subpoena B-709017, which is addressed to Tamala Gilbert-Harris, Claims Representative, Gallagher Bassett Services, the petition is denied because the Petitioner, NPC International, Inc., does not have standing to file a petition to revoke a subpoena addressed to a third party unless it asserts that the requested

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

<sup>2</sup> The Petitioner contends that the subpoena seeks documents that are not in its possession. To the extent that the subpoena references such documents, the Petitioner is not obligated to produce them.

information is protected by a privilege or a right of privacy.<sup>3</sup> In this proceeding, the Petitioner has not argued that the information sought from Gilbert-Harris or Gallagher Bassett Services is protected by any privilege or right. In addition, even assuming that the Petitioner has such standing, we find that it has not established any valid basis for revoking the subpoena.

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

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

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<sup>3</sup> “Ordinarily a party has no standing to seek to quash a subpoena issued to someone who is not a party to the action unless the party claims some personal right or privilege with regard to the documents sought.” *In re Grand Jury Subpoena John Doe, No. 05GJ1318*, 584 F.3d 175, 184 fn. 14 (4th Cir. 2009), citing 9A Wright & Miller, *Federal Practice and Procedure* § 2459 (1995).