

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To LOU'S TRANSPORT, INC.
ATTN: CUSTODIAN OF THE RECORDS
1780 EAST HIGHWOOD
PONTIAC, MICHIGAN 48340

As requested by DONNA NIXON, COUNSEL FOR THE ACTING GENERAL COUNSEL
PATRICK V. MCNAMARA FEDERAL BUILDING, ROOM 300
whose address is 477 MICHIGAN AVENUE DETROIT, MICHIGAN 48226
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE AN
ADMINISTRATIVE LAW JUDGE
of the National Labor Relations Board
at PATRICK MCNAMARA FEDERAL BUILDING, 477 MICHIGAN AVENUE, ROOM 300

in the City of DETROIT, MICHIGAN

on the 1st day of OCTOBER 20 13 at 10 :00 (a.m.) (p.m.) or any adjourned

or rescheduled date to testify in LOU'S TRANSPORT, INC., and T.K.M.S., INC., A SINGLE
EMPLOYER and/or JOINT EMPLOYERS

(Case Name and Number)

CASE 07 CA 102517

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

SEE ATTACHMENT

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 - 729196

Issued at DETROIT, MICHIGAN

this 5th day of SEPTEMBER 20 13



Paul H. Paine
Chairman, National Labor Relations Board

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.

RE: Lou's Transport, Inc. and T.K.M.S., Inc.
A Single Employer and/or Joint Employers
Case 7-CA-102517

SUBPOENA DUCES TECUM ATTACHMENT

DEFINITIONS AND INSTRUCTIONS

- a. This subpoena is intended to cover all documents that are available to **Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc.**, herein referred to as Respondents, or subject to Respondents' acquisition, including, but not limited to, documents in the possession of Respondents' attorneys, accountants, advisors, investigators, or other persons directly or indirectly employed by or connected with Respondent or its attorneys, or other related enterprises, agents of either, and individuals associated with either having responsibility to represent employees.
- b. "Document" and "documents" are used in the broadest possible sense, including but not limited to:

(1) all material in written or printed format of any kind, such as letters, correspondence, facsimiles, memoranda, records, telegrams, teletypes, cablegrams, reports, notes, books, paper, minutes schedules, tabulations, computations, lists, ledgers, journals, purchase orders, contracts, invoices, agreements, vouchers, accounts, checks, affidavits, diaries, calendars, desk pads, drawings, sketches, charts, graphs, or any other written or printed matter or tangible thing on which any words, phrases or symbols are affixed;

(2) all electronic or digital information of any kind contained in any kind of electronic, or digital format, such as (1) electronic mail or "e-mail"; (2) any information maintained on any kind of computer disk, diskette, floppy disk, "zip" drive, "zip" file, or CD-ROM disk, tape drive, external hard drive, USB drive (also known as flash, thumb or key drives) or digital memory storage device; (3) any information maintained in an office or home personal computer or laptop computer; (4) any information maintained on any kind of server, mainframe, or backup system; (5) any word processing, spread sheets, or similar documents; (6) voice mail stored electronically; (7) calendar programs; (8) information stored on Palm Pilot, Blackberrys, iPhones, and/or similar devices; (9) digital pictures, video, and audio; (10) any other possible sources of active or inactive electronic or digital data or information; all electronically stored and digital information should be produced in the most searchable format in which it is ordinarily maintained;

(3) all sound or picture recordings of any kind, such as tape recordings, photographs, videotapes, photostats, motion pictures, or slides;

(4) all copies or drafts of any such documents, including originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp notations, indication of copies sent or received, or otherwise; including further, for electronic or digital information, any kind of data that has been archived, backed-up, resides on obsolete hardware, or

is information that is residual or otherwise may have been deleted but is or may be present or residing in any way within computer systems or retrievable in any way;

(5) “Any,” “each,” and “all” shall be read to be all-inclusive and to require the production of each and every document responsive to the request in which such terms appear;

(6) “And” and “or,” and any other conjunctions or disjunctions used herein shall be read both conjunctively and disjunctively, so as to make the request inclusive rather than exclusive, and to require the enumeration of all information responsive to all or any part of each request in which any conjunction or disjunction appears.

- c. **“The Union”** means **Local 614, International Brotherhood of Teamsters**, its officers, agents and representatives.
- d. **“Person” or “persons”** means natural persons, corporations, limited liability companies, partnerships, sole proprietorships, associations, organizations, trusts, joint ventures, groups of natural persons or other organizations, or any other kind of entity.
- e. Unless otherwise stated, **“Respondents’ facilities”** means Respondents’ facilities in Pontiac and Flat Rock, Michigan and persons working at or out of those facilities.
- f. Unless otherwise stated, this subpoena covers the period from January 2012 to the present.
- g. For any document covered by this subpoena, if the document uses a code, then all documents explaining the codes used in the document must also be produced.
- h. All documents produced pursuant to this subpoena should be organized by the subpoena paragraph to which each document or set of documents is responsive.
- i. This subpoena request is continuing in character and if additional responsive documents come to your attention after the date of production, such documents must be promptly produced.
- j. Unless otherwise stated, this subpoena does not supersede, revoke or cancel any other subpoena(s) previously issued in this proceeding.

DOCUMENTS SUBPOENAED

Items related to single and joint Employer –paragraphs 4 -7 of Complaint and Notice of Hearing

1. All employment applications completed by Respondent Lou’s Transport, Inc. and Respondent T.K.M.S., Inc. employees and prospective employees from January 1, 2012 to the present.
2. All IRS W-2 Forms completed by Respondent Lou’s Transport, Inc. and Respondent T.K.M.S., Inc. employees from January 1, 2012 to the present.

3. All real property deeds, land contracts, mortgages in real property, real property purchase agreements, and real property sales contracts to which either Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. has been a party at any time since January 1, 2012.
4. All leases of real and personal property to which either Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. has been a party to any time since January 1, 2012.
5. All property tax bills received by either Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. since January 1, 2012.
6. Articles of Incorporation filed by both Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. with the State of Michigan and all addenda thereto.
7. Titles and registration documents for every vehicle to which either Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. has title.
8. Records of the names and addresses of all commercial and industrial customers of either Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. together with the dollar volume of sales or services to each since January 1, 2012.
9. Records showing the names of the owners of Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. and the extent of their respective ownership.
10. Records showing the full name, address, telephone number, facsimile number of Respondents businesses.
11. Records showing the names of the officers and directors of Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc., the respective titles of each, and a description of their duties, functions and authority.
12. Records showing the names of the sales, marketing, and office clerical staffs for Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc., the respective titles of each, and a description of their duties, functions and authority.
13. Financial records of Respondent Lou's Transport, Inc. and Respondent T.K.M.S., Inc., including but not limited to profit and loss statements, balance sheets, inventory records, receivable and payable ledgers, asset lists, and other records describing assets and liabilities for the period January 1, 2012 to the present.
14. Original bills, invoices and receipts from all vendors and suppliers of Respondent Lou's Transport, Inc. and Respondent T.K.M.S., Inc. for all equipment, utilities, and other business-related expenses and orders made from January 1, 2012 to the present.

15. Payroll records showing the name, hourly wage rate or annual salary, and job position of every individual employed by either Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. since January 1, 2012.
16. All insurance policies and premium payments paid by Respondents, including but not limited to, Workers Compensation insurance, liability insurance, property insurance, medical insurance, performance insurance, vehicle insurance, and other forms of insurance for the period January 1, 2012 to the present, including cancelled checks;
17. All documents that reflect each loan made between Respondents and/or received by or made by Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc., that was outstanding during the period of January 1, 2012 to the present, including the date of each loan and its dollar value.
18. All documents that identify each and every service performed for Respondents by either Respondent at any time from January 1, 2012 to the present, including:
 - (a) a description of each service performed;
 - (b) the date each service was performed;
 - (c) the amount of money or any other thing of value paid
 - (d) the date of payment for each service along with a copy of the payment.
19. All business licenses, building permits, and certificates of registration to perform work in any state or other locality held by Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. from January 1, 2012 to the present.
20. All documents that reflect banking or other financial institutions used by Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. from January 1, 2012 to the present.
21. All documents that identify each and every person or entity that guaranteed or bonded the performance for each contract, entered into by Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. from January 1, 2012 to the present.
22. All documents showing discipline issued to employees of Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. from January 1, 2012 to the present, along with name of the person responsible for issuing the discipline.
23. All documents showing any change in the employment status, including but not limited to discharge or resignation, of employees of Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. from January 1, 2012 to the present, along with the name of the person responsible for initiating the change in the employee's employment status.
24. All documents, including but not limited to advertisements relating to the hire of employees of Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. from January 1, 2012 to the present, showing as to each document the newspaper in which the advertisement appeared and the dates and duration of the advertisement.

25. Original or true copies of Form UIA 518 (Registration for Michigan Taxes), Form UIA 1025 (Employer Request for Address/Name Change), and Form UIA 1772(Discontinuance or Transfer of Payroll or Assets in Whole or Part) filed by Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. since January 1, 2012 to the present.
26. Original or true copies of Form UIA 10 17 (Wage Detail Report), Form UIA 1028 (Employer's Quarterly Wage/Tax Report), and Form UJA 1136 (Statement of Unemployment Benefits Charges or Credits filed by Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. since January 1, 2012 to the present.
27. Original or true copies of any cancelled checks, receipts, logs, reports, or other documents showing payer and method of payment, including but not limited to, bank and bank account number(s) used to pay unemployment taxes for Respondent Lou's Transport, Inc. and/or Respondent T.K.M.S., Inc. since January 1, 2012 to the present.
28. True copy of the federal corporate income tax returns, including all schedules and amendments, for calendar or fiscal year 2011 and 2012, filed by Respondent Lou's Transport, Inc. and Respondent T.K.M.S., Inc. with the Internal Revenue Service.

In lieu of the records requested in paragraphs 1-28, you may amend your answer to admit to either paragraphs 4 and 5 of the Complaint and Notice of hearing, that Respondents are a single-integrated business enterprise and a single employer within the meaning of the Act, or paragraphs 6 and 7 of the Complaint and Notice of hearing, that Respondents have been joint employers of the employees of Respondent Lou's Transport, Inc.

Items related to Commerce

29. True copy of the most recent federal corporate income tax return, including all schedules and amendments, for calendar or fiscal year 2012, filed by Respondent Lou's Transport, Inc. and Respondent T.K.M.S., Inc. with the Internal Revenue Service.
30. Books, records, invoices, contracts, financial statements and other original or true copies of documents, with any loose documents arranged chronologically, showing the information described below for the period of January 1, 2012 to December 31, 2012 for each Respondent:
 - (a) The gross dollar volume of business.
 - (b) The gross dollar amount received for work performed in States other than Michigan and a short description of all such work.
 - (c) The total dollar amount of purchases of materials and supplies which were shipped to Respondents' Michigan facility/facilities directly from outside the State of Michigan.

(d) If the response to (c) above is less than \$50,000, the names and addresses of each of the 25 principal suppliers for each Respondent located outside the State of Michigan, who shipped materials and supplies directly to Respondents' Michigan facility/facilities, together with the dollar volume of sales from each.

(e) The total dollar amount of sales of its services to customers located outside the State of Michigan.

(f) The total dollar amount of sales to Barton Malow Company.

(g) The names and addresses of the 15 principal customers in Michigan, together with the dollar volume of sales and services to each.

(h) The names and addresses of the 15 principal suppliers in Michigan, together with the dollar volume of the purchases of each, including the total dollar amount of each Respondent's purchases of natural gas or electricity and the names and addresses of the utilities rendering natural gas or electricity to each Respondent.

(i) The total dollar amount of work performed for any local, state or federal governmental unit, including United States Postal facilities and VA Hospitals.

In lieu of the records requested in paragraphs 29 and 30, you may amend your answer to admit to the commerce allegations in paragraphs 8-11 of the Complaint and Notice of hearing.

Items related to the Supervisory/Agency Status of Dan Israel, Bruce Israel, David Laming and Jeffery Laming:

31. Original or true copies of books, records, or other documents that state the job titles and/or descriptions of Dan Israel, Bruce Israel, David Laming and Jeffery Laming from January 1, 2011 to the present.
32. Original or true copies of memoranda, letters, notes or directives addressed or routed to and or from Dan Israel, Bruce Israel, David Laming and Jeffery Laming that specify the nature of their job duties from January 1, 2011 to the present.
33. Books, records, or other documents that show the wage or salary rates, wage or salary increases, and the fringe benefits for Dan Israel, Bruce Israel, David Laming or Jeffery Laming from January 1, 2011 to the present.
34. Original or true copies of all disciplinary notices issued to employees that were initialed, signed, written on, issued, or approved by Dan Israel, Bruce Israel, David Laming or Jeffery Laming from January 1, 2011 to the present.
35. Original or true copies of hire, discharge, or layoff notices or slips issued to employees that were initialed, signed, written on, issued or approved by Dan Israel, Bruce Israel, David Laming or Jeffery Laming from January 1, 2011 to the present.

36. Original or true copies of employee evaluations, recommendations for employee discipline, recommendations for employee raises or promotions that were initialed, signed, written on, issued, or approved by Dan Israel, Bruce Israel, David Laming or Jeffery Laming from January 1, 2011 to the present.
37. Original or true copies of grievance responses, receipt of grievances, letters related to grievance or correspondence with the Union regarding a grievance that were initialed, signed, written on, issued, or approved by Dan Israel, Bruce Israel, David Laming or Jeffery Laming from January 1, 2011 to the present.
38. Original or true copies of employee job applications and job application interview documents that were initialed, signed, written on, issued, or approved by Dan Israel, Bruce Israel, David Laming and Jeffery Laming from January 1, 2011 to the present.
39. Original or true copies of employee time cards or slips that were initialed, signed, written on, issued, or approved by Dan Israel, Bruce Israel, David Laming or Jeffery Laming from January 1, 2011 to the present.
40. Original or true copies of all documents signed on behalf of Respondent by Dan Israel, Bruce Israel, David Laming or Jeffery Laming from January 1, 2011 to the present.

In lieu of the records requested in paragraphs 31-40, you may amend your answer to admit to paragraph 12 of the Complaint and Notice of Hearing as to the supervisory and agency status of Dan Israel, Bruce Israel, David Laming and/or Jeffery Laming.

41. Complete Personnel file and discipline file of Michael Hershey including letters of recommendations, evaluations, and correspondence, documents or entries related to discipline.
42. Original or true copies of company rules, employee handbooks and/or policy manuals in effect at any time since January 2012.
43. Original or true copies of discipline issued to other employee for displaying signs in the company vehicle.
44. Original or true copies of any complaints or statements submitted by vendors, clients, suppliers, or any employees, including the name and address of the complainant, regarding the signs which were displayed in Michael Hershey's vehicle.
45. Original or true copies of the signs posted in the Employer vehicle assigned to Michael Hershey which were the subject of his discharge.
46. Complete discipline files for Jeff Rose and Timothy Pluger including documents or entries related to discipline, and the records related to their end of employment with either Respondent.

All of the above documents shall be segregated by the above paragraph number to which the documents are responsive and shall not be commingled with documents that are responsive to other paragraphs of the attachment. Documents shall also be arranged chronologically within each segregated packet.