

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

THE RAIN CREEK BAKING COMPANY

and

**Cases 32-CA-63101
32-CA-63152**

**BAKERY, CONFECTIONERY,
TOBACCO WORKERS & GRAIN
MILLERS UNION, LOCAL 85, AFL-CIO**

ORDER¹

The Employer's petitions to revoke subpoena ad testificandum A-894347 and subpoena duces tecum B-616912 are denied. The subpoenas seek information relevant to the matters 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. 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 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).³

Dated, Washington, D.C., February 7, 2012.

MARK GASTON PEARCE,

CHAIRMAN

BRIAN E. HAYES,

MEMBER

RICHARD F. GRIFFIN, JR.,

MEMBER

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

² 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 documents, and provides all of the information that was subpoenaed.

³ Member Hayes would hold the petition to revoke the subpoena ad testificandum in abeyance for 30 days to provide the Region an opportunity to file a supplemental opposition explaining what further evidence is necessary to determine if a complaint should issue, and why such evidence can only be obtained through Sargon Boudahk's testimony.