

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DURHAM SCHOOL SERVICES

and

Case 7-CA-51642

SOUTHFIELD MICHIGAN EDUCATIONAL SUPPORT
PERSONNEL ASSOCIATION, MEA/NEA

ORDER¹

The Petition to Revoke Subpoena Duces Tecum B-572295 is denied in part and granted in part. The petition is granted to the extent that the time period for the production of materials requested by the subpoena in paragraph 1, sections A through F, shall be limited to the calendar year 2008.²

In all other respects, the petition to revoke the subpoena is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act.

² This Order is without prejudice to the Region issuing a new subpoena seeking documents from a broader time frame than that provided under the modification here if the information provided by the Employer under subpoena B-572295, as limited, proves insufficient. In addition, we note that the General Counsel has stated that paragraph 4 of the subpoena is an inadvertent duplication of paragraph 3, and that the General Counsel is not seeking the production of documents pursuant to paragraph 4.

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).

Dated, Washington D.C., March 19, 2009.

WILMA B. LIEBMAN,	CHAIRMAN
PETER C. SCHAUMBER,	MEMBER