

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

**CENTER CONSTRUCTION CO., INC. d/b/a
CENTER SERVICE SYSTEM**

and

Case 07-CA-060525

**LOCAL 370, UNITED ASSOCIATION OF
JOURNEYMEN AND APPRENTICES OF THE
PLUMBING AND PIPEFITTING INDUSTRY OF THE
UNITED STATES AND CANADA, AFL-CIO**

HOME SERVICE CENTER

and

Case 07-CA-067687

**LOCAL 370, UNITED ASSOCIATION OF
JOURNEYMEN AND APPRENTICES OF THE
PLUMBING AND PIPEFITTING INDUSTRY OF THE
UNITED STATES AND CANADA, AFL-CIO**

ORDER¹

Kristina Welsh's petition to revoke subpoena duces tecum B-644836 is denied as untimely. Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations requires that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoena at issue here was served on the subpoenaed party on May 30, 2012. Thus, the instant petition, which was filed June 8, 2012 is untimely.

In addition, even assuming that the petition was timely filed, it is lacking in merit. 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

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

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).² Accordingly, the petition is denied.

Dated, Washington, D.C., June 19, 2012

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK	MEMBER

² In considering the petition to revoke, we have evaluated subpoena B-644836 as clarified by the Contempt Litigation and Compliance Branch (CLCB) in its opposition brief. Thus, the CLCB has indicated that the telephone records for Kristina Welsh's private telephone number will not be disclosed to anyone outside the National Labor Relations Board unless it becomes necessary to introduce them in a formal legal proceeding. In addition, the CLCB has indicated that, to the extent that Kristina Welsh has provided some of the requested material, she is not required to produce that information again, provided that she accurately describes which documents under subpoena she has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.