

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

**AT&T EAST**

and

**Case 34-CA-12403**

**LOCAL 1298, COMMUNICATIONS  
WORKERS OF AMERICA, AFL-CIO**

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

AT&T East's petition to revoke subpoena duces tecum B-569320 is denied. The subpoena seeks information relevant to the matters 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 subpoenas.<sup>2</sup> See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9<sup>th</sup> Cir. 1996); *NLRB v.*

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<sup>1</sup> 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. See *Narricot Industries, L.P. v. NLRB*, \_\_\_ F.3d \_\_\_, 2009 WL 4016113 (4<sup>th</sup> Cir. Nov. 20, 2009); *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2<sup>d</sup> Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. Sept. 11, 2009) (No. 09-328); *New Process Steel v. NLRB*, 564 F.3d 840 (7<sup>th</sup> Cir. 2009), cert. granted \_\_\_ S.Ct. \_\_\_, 2009 WL 1468482 (U.S. Nov. 2, 2009); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1<sup>st</sup> Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. Aug. 18, 2009) (No. 09-213); *Teamsters Local 523 v. NLRB*, \_\_\_ F. 3d \_\_\_, 2009 WL 4912300 (10<sup>th</sup> Cir. Dec. 22, 2009). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed 78 U.S.L.W. 3185 (U.S. Sept. 29, 2009) (No. 09-377).

<sup>2</sup> To the extent that the Employer has already provided the Region with documents encompassed by this subpoena, it is not required to again provide them.

*Carolina Food Processors, Inc.*, 81 F.3d 507 (4<sup>th</sup> Cir. 1996).

Dated, Washington, D.C., January 6, 2010

WILMA B. LIEBMAN, CHAIRMAN

PETER C. SCHAUMBER, MEMBER