

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

GREIF PACKAGING, LLC

and

Case 32-CA-075985

**TEAMSTERS LOCAL UNION NO. 948
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS**

ORDER¹

The Petition to Revoke subpoena ad testificandum A-894458, addressed to Sergio Ochoa, is denied because the Petitioner, Greif Packaging, LLC does not have standing to file a petition to revoke a subpoena that is addressed to a third party except if it asserts that the requested information is protected by a privilege or a right of privacy.²

Dated, Washington, D.C., August 6, 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 “Ordinarily a party has no standing to seek to quash a subpoena issued to someone who is not a party to the action unless the party claims some personal right or privilege with regard to the documents sought.” *In re Grand Jury Subpoena John Doe, No. 05GJ1318*, 584 F.3d 175, 184 n. 14 (2009) citing 9A Wright & Miller, *Federal Practice and Procedure* §2459 (1995).

Chairman Pearce additionally would deny the petition to revoke on the bases that the subpoena seeks information relevant to the matters under investigation and the Petitioner 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).