

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

STRATEGIC TECHNOLOGY INSTITUTE, INC.

and

Case 15-CA-094893

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL-CIO**

ORDER

The Employer's petition to revoke the subpoena duces tecum B-709114 is denied.¹ 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 Employer 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., April 5, 2013.

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

¹ We strike the Acting General Counsel's "Opposition to the Respondent's Reply" as an improper surreply brief. It has been the Board's practice to follow *D. L. Baker Inc.*, 330 NLRB 521, 521 fn. 4 (2000), with regard to petitions to revoke investigative subpoenas and to allow the moving party to file a reply brief "just as a party filing exceptions under Section 102.46 is permitted to file such a brief . . . [H]owever, surreply briefs are generally not permitted[.]"