

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

**GUNDERSON RAIL SERVICES, LLC d/b/a
GREENBRIER RAIL SERVICES**

and

Case 28-CA-093183

**SHEET METAL WORKERS' INTERNATIONAL
ASSOCIATION, LOCAL UNION 359, AFL-CIO**

ORDER

The Employer's petition to revoke subpoena duces tecum B-712919 is denied. 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.¹ 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., May 3, 2013.

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

¹ In evaluating the subpoena, we have viewed it as modified by the Region's agreement to accept electronic production of the subpoenaed documents, as stated in its opposition to the petition to revoke, p. 11. Further, to the extent that the Employer has provided some of the requested material, the Employer is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.