

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

**H&M INTERNATIONAL
TRANSPORTATION, INC.**

and

Case 22-CA-095095

HARRY NEILAN

ORDER

The petition filed by Norfolk Southern Railway Company to revoke subpoena duces tecum B-705066 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 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).¹

Dated, Washington, D.C., May 20, 2013.

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

¹ In denying the petition to revoke, we note that the Region has stated that the Petitioner has complied with paragraph 3 of the subpoena. Further, to the extent that the Petitioner has provided material requested in the remaining subpoena paragraphs, it is not required to produce that information again, provided that the Petitioner 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.

The Petitioner argues that the Board lacks a quorum and therefore the subpoena is unenforceable as a matter of law. For the reasons stated in *Bloomington's, Inc.*, 359 NLRB No. 113 (2013), these arguments are rejected.