

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

**BLUEFIELD HOSPITAL COMPANY, LLC
d/b/a BLUEFIELD REGIONAL MEDICAL CENTER**

and

Case 10-CA-116246

**NATIONAL NURSES ORGANIZING
COMMITTEE, AFL-CIO (NNOC)**

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-708050 is denied as untimely. Section 11(1) of the Act and Sections 102.31(b) and 102.111 of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoena here was served on January 2, 2014. Thus, the petition, which was filed January 13, 2014, is untimely.

Moreover, even assuming that the petition was timely filed, it is lacking in merit. 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, and 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., March 10, 2014.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.