

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

DHSC, LLC, d/b/a AFFINITY MEDICAL CENTER

and

**Cases 08-CA-111260
08-CA-117890**

**NATIONAL NURSES ORGANIZING
COMMITTEE (NNOC)**

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-714547 and subpoenas ad testificandum A-952254, A-952255, A-952256, A-952257, and A-952258 is denied.²

The subpoenas seek information relevant to the matters under investigation and describe 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 subpoenas.³ 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 3, 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.

² Member Miscimarra would grant the Employer's petition as to the Subpoenas Ad Testificandum Nos. A-952254, A-952255 and A-952256, but only to the extent of directing the Region to schedule the appearances of the three subpoenaed patient-care managers so they each occur on separate days, which addresses the Employer's argument that requiring these appearances on the same day "puts patient care at risk."

³ The Region has indicated in its opposition brief that it is willing to modify the subpoena duces tecum by withdrawing paragraph 15. In considering the petition to revoke, we have evaluated the subpoena as modified in this manner.