

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

**CARIBBEAN RESTAURANTS, LLC d/b/a
BURGER KING**

and

Case 12-CA-125812

**COMITÉ ORGANIZADOR DE
TRABAJADORES DE COMIDA RÁPIDA**

ORDER¹

The Employer's motion to revoke subpoena duces tecum B-1-HR6BM3 is denied.² 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).

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

² The Region has indicated in its opposition brief that it is willing to withdraw paragraphs 1 through 3 of the subpoena if the Employer provides the Regional Director with a fully completed and signed Questionnaire on Commerce, or other evidence or a written stipulation setting forth facts sufficient for the Regional Director to determine whether it is an employer engaged in commerce within the meaning of Section 2(2), 2(6), and 2(7) of the National Labor Relations Act. The Region has also indicated that it is willing to modify paragraph 9 of the subpoena by limiting the requested time period to January 1, 2012 through June 13, 2014 (the return date of the subpoena), and to modify paragraphs 11, 12, and 13 of the subpoena by limiting the scope of the requested documents to the Employer's facilities located in San Juan and Isla Verde, Puerto Rico. In considering the petition to revoke, we have evaluated the subpoena as modified in this manner.

In addition, the Employer's request for costs, attorney fees, and additional relief is denied.

Dated, Washington, D.C., August 20, 2014

PHILIP A. MISCIMARRA,

MEMBER

KENT Y. HIROZAWA,

MEMBER

HARRY I. JOHNSON, III,

MEMBER