

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

**IMPREMEDIA AND ITS SUBSIDIARY,
EL DIARIO, LLC**

and

Case 29-CA-131066

**NEWSPAPER GUILD OF NEW YORK,
COMMUNICATIONS WORKERS OF
AMERICA LOCAL 31003, AFL-CIO**

ORDER¹

The Employer's petition to revoke Subpoena B-1-IPHG1T 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.² Further, the Employer has failed to establish any other legal basis for revoking the subpoena.³ See generally *NLRB v. North Bay*

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

² To the extent that the Employer's reference to a protective order can be construed as a request for a protective order, the Employer's request is denied because it has not demonstrated good cause under Rule 26, FRCP, or that disclosure would cause clearly defined and serious harm. In addition, to the extent the Employer's petition asserts confidentiality concerns, we observe that the instructions accompanying the subpoena specify a procedure by which the Employer may address those concerns with respect to particular documents.

³ Member Johnson agrees that the petition to revoke should be denied and joins in the order, with one exception. He notes that, contrary to the Employer's representation, the Region clearly limited the scope of the documents sought to less than a two-year period (Subpoena, ¶11). Concerning confidentiality, he further presumes the "instructions" referenced in footnote 2, *supra*, are the Region's offer to "enter into stipulations concerning the contents of the subpoenaed documents" (Subpoena at 7), and that this process will be used accordingly. He finds no general issue of burdensomeness, because many of the Region's requests are cabined to ask for "such documents" as would show a particular fact, rather than "all documents" related to that fact, and the Employer did not argue any particularized showing of burden. However, he would grant the petition on the ground of burdensomeness, in regard to paragraph 4 as applied to El Diario. Because that employer is a newspaper, he infers that showing the customer identities for "all customers" will be a burdensome undertaking, even though the request is relevant. He would have the parties attempt to work out an accommodation before ruling on a new subpoena request.

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., January 14, 2015

MARK GASTON PEARCE,	CHAIRMAN
HARRY I. JOHNSON, III,	MEMBER
LAUREN McFERRAN,	MEMBER