

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNIVERSITY OF FINDLAY

and

Case 08-CA-134862

STEVE JACKSON

ORDER<sup>1</sup>

The Employer's petition to revoke subpoena duces tecum B-1-JKYWQP 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 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).<sup>2</sup>

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

<sup>2</sup> The Employer argues that the subpoena should be revoked because it is a "fishing expedition" for records that are not relevant to any matter under investigation or in question. However, we find that the Region's explanation of potential relevance -- that the subpoenaed documents, correspondence, or communications relate to its assessment of whether the Employer acted with animus against the Charging Party based on his protected concerted activities, and its assessment of the merits of likely defenses -- warrants rejecting the Employer's argument. The Board has reasonable latitude to investigate alleged unfair labor practices in a manner that may go beyond "the precise particularizations of a charge." *NLRB v. Fant Milling Co.*, 360 U.S. 301, 308-309 (1959) (citation and footnote omitted). Therefore, the subpoenaed items meet the standard of relevance applicable to Board subpoenas. The Employer's remaining arguments in support of its petition to revoke -- that it has provided adequate information for the Region to evaluate the merits of the charge and, in any event, the subpoena is overly burdensome and oppressive -- likewise fail to warrant revocation of the subpoena. To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states

Dated, Washington, D.C., February 10, 2015.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER

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whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.