

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

**CENTURY MANAGEMENT, LLC, a  
McDONALD'S FRANCHISEE, and  
McDONALD'S USA, LLC**

**and**

**Case 15-CA-146662**

**MEMPHIS WORKERS ORGANIZING  
COMMITTEE**

**ORDER<sup>1</sup>**

The petition to revoke subpoena duces tecum B-1-M61ZQ1 filed by Petitioner Century Management, LLC is denied. The subpoena seeks information relevant to the matters under investigation<sup>2</sup> 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 Petitioner has failed to establish any other legal basis for revoking the subpoena.<sup>3</sup> See generally, *NLRB v. North Bay Plumbing, Inc.*,

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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> We reject the Respondent's contention that information about union activity and newly implemented or differently enforced rules is irrelevant. The charge alleges that the Respondent unlawfully told employee Laquita Jackson of possible action against her "due to her participation in union activities." Further, changes in rules or their enforcement, if any, may bear on the existence of antiunion animus and the likelihood that a manager told Jackson "they're trying to get rid of you but they can't find a way," as alleged.

<sup>3</sup> To the extent that the Petitioner has provided some of the requested material, it is not required to produce that information again, provided that the Petitioner accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the documents, and provides all of the information that was subpoenaed.

Further, to the extent that the subpoena encompasses some documents that the Petitioner believes in good faith to be subject to the attorney-client privilege or the attorney work product doctrine, this Order is without prejudice to the Petitioner's prompt submission of a more complete privilege log to the Region identifying and describing

102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., August 13, 2015.

MARK GASTON PEARCE,	CHAIRMAN
KENT Y. HIROZAWA,	MEMBER
LAUREN McFERRAN,	MEMBER

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each such document, and providing sufficient detail to permit an assessment of the Petitioner's claim of privilege or protection. The Petitioner is directed to produce all responsive documents not subject to any good-faith claim of privilege or protection.