

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

**LANDSCAPE FORMS, INC.**

**and**

**Case 07-CA-162398**

**BRYAN COLVER**

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

The petition to revoke subpoena duces tecum B-1-PJ5IJF is denied.<sup>2</sup> 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 Petitioner has failed to establish any other legal basis for revoking the subpoena.<sup>3</sup> 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., March 18, 2016

PHILIP A. MISCIMARRA,           MEMBER

KENT Y. HIROZAWA,           MEMBER

LAUREN McFERRAN,           MEMBER

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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 Petitioner's request that its petition to revoke and/or quash the subpoena be made part of the official record in this case is denied without prejudice to renewal at the appropriate time in a formal proceeding.

<sup>3</sup> We reject the Petitioner's contention that the subpoena should be revoked because the information requested is exempt from disclosure under Michigan state law. See *North Carolina License Plate Agency #18*, 346 NLRB 293, 294 fn. 5 (2006) (citing *EEOC v. Illinois Department of Employment Security*, 995 F.2d 106, 107 (7th Cir. 1993) (EEOC was entitled to enforcement of a subpoena seeking state agency's copy of a transcript from an unemployment compensation proceeding despite the agency's claim of privilege; "State privileges are honored in federal litigation only when state law supplies the rule of decision. When federal law governs, as it does here, only privileges recognized by the national government matter.")), enf. 243 Fed.Appx. 771 (4th Cir. 2007).