

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

**UPS GROUND FREIGHT, INC.
d/b/a UPS FREIGHT**

and

Case 15-CA-166828

LOTT JOHNSON

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-1-RWCDMZ 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 Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v.*

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

² In considering the petition to revoke, we have evaluated the subpoena in light of the Region's clarifications that the subpoena only seeks information regarding the Employer's Little Rock, Arkansas facility, and that the relevant time period for pars. 5 and 6 is calendar year 2016. (Opp. at 6, 20-21.) We have also evaluated the subpoena in light of the Region's withdrawal of pars. 9, 23, and 24, assuming that the Employer has provided all responsive documents. (Opp. at 23, 39.)

³ 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 whether those previously-provided documents constitute all of the requested documents, and provides all of the information that was subpoenaed. Further, insofar as the subpoena encompasses documents that the Employer 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 Employer's prompt submission of a privilege log to the Region identifying and describing each such document, and providing sufficient detail to permit an assessment of the Employer's claim of privilege or protection. The Employer is directed to produce all responsive documents in its possession not subject to any good-faith claim of privilege or protection.

Carolina Food Processors, Inc., 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., August 22, 2016

MARK GASTON PEARCE, CHAIRMAN

KENT Y. HIROZAWA, MEMBER

LAUREN McFERRAN, MEMBER