

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

**BFI WASTE SERVICES, LLC
d/b/a ALLIED WASTE SERVICES OF MEMPHIS**

and

Case 15-CA-174988

TEAMSTERS LOCAL 667

ORDER

The Employer's Petitions to Revoke subpoenas ad testificandum A-1-S79EFD and A-1-S79PCZ are denied as untimely. Section 11(1) of the Act and Sections 102.31(b) and 102.111 of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoenas here were served on June 17, 2016. Thus, the petitions, which were filed on July 11, 2016, are untimely.

In addition, even assuming that the petitions were timely filed, they are lacking in merit.¹ The subpoenas seek information relevant to the matters under investigation and describe 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 subpoenas. 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., September 13, 2016

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER

¹ Member Miscimarra would deny the petitions to revoke solely on the ground that they were untimely filed.