

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

**BROOKHAVEN MEDICAL, INC. AND FUTURE
MATRIX, INC., as Joint and/or Single Employers**

and

**Cases 15-CA-170531
15-CA-178256**

DAVID DePOYSTER

ORDER

The Employers' petition to revoke subpoena ad testificandum A-1-T29AFV 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. See *Postal Workers Local 64 (USPS)*, 340 NLRB 912 (2003); *Offshore Mariners United*, 338 NLRB 745 (2002).¹ 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).

Dated, Washington, D.C., November 3, 2016.

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

¹ Member Miscimarra agrees that the petition to revoke should be denied since the Employers have failed to raise any meritorious grounds for revocation. In Member Miscimarra's view, however, consistent with his position in *Christus St. Vincent Regional Medical Center*, 28-CA-149798 (Aug. 24, 2015), *CCR Fire Protection, LLC*, 15-CA-134356 (Feb. 23, 2015), and *International Union of Elevator Constructors (Otis Elevator)*, 29-CB-084077 (Aug. 29, 2014), the instant subpoena ad testificandum, which only identifies the case name and number, is deficient because it fails to state with sufficient particularity the evidence being sought. Nevertheless, he concurs in the denial of the petition to revoke in the absence of any objection to the subpoena on this basis.