

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

**TCT STAINLESS STEEL, INC.
AND ITS ALTER EGO
TEMPERED & SPECIALTY METALS**

and

Case 07-CA-179856

**LOCAL 283, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

ORDER

Employer TCT Stainless Steel, Inc.'s Petition to Revoke subpoenas ad testificandum A-1-T74IE9, A-1-T750PF, A-1-T75CDP, and A-1-T75GYF is denied. The subpoenas seek information relevant to the matter 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. See *Postal Workers Local 64 (USPS)*, 340 NLRB 912 (2003); *Offshore Mariners United*, 338 NLRB 745 (2002).¹ Further, the Petitioner has failed to establish any other legal basis for revoking the

¹ Member Miscimarra agrees that the petition to revoke should be denied since the Employer has 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 subpoenas ad testificandum, which only identify the case name and number, are deficient because they fail 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.

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., December 21, 2016

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

LAUREN McFERRAN, MEMBER