

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

**ACCOR NORTH AMERICA INC. d/b/a
SOFITEL LOS ANGELES AT BEVERLY HILLS**

and

**Cases 31-CA-176898
31-CA-181847
31-CA-181850**

UNITE HERE LOCAL 11

ORDER

The Employer's petition to revoke subpoena duces tecum B-1-TJV0Z7 is denied.¹ 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 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*

¹ In denying the petition to revoke, we have considered the subpoena as modified by the Region in its opposition brief, in which the Region withdrew pars. 4 and 8 in their entirety; partially withdrew par. 11 to the extent that the Employer provided copies of the Employer's policies regarding employees handling bloody sheets; and partially withdrew par. 13 to the extent that the Employer provided the full-name and job titles for Housekeeping Supervisor Melania Vieyra Sanchez and Talent and Culture Coordinator Paloma De Resende, and acknowledged that both are Section 2(11) supervisors and/or Section 2(13) agents under the Act.

The Region also partially withdrew par. 7(a) to the extent that the Employer provided documents showing wage increases granted by the Employer to room attendants and housemen from "July 1, 2016, through June 30, 2016." However, in light of the Region's typographical error, it is unclear for which time period the Employer has already provided responsive documents in response to par. 7(a). Accordingly, we acknowledge the partial withdrawal of par. 7(a), and find that to the extent that the Employer has provided some of the requested material, it is not required to produce that information again.

The Employer's request that its petition to revoke be made part of the official record in this case is denied without prejudice to renewal at the appropriate time in a formal proceeding.

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

Dated, Washington, D.C., January 12, 2017.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

LAUREN McFERRAN, MEMBER