

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

**MIDWEST TERMINALS OF TOLEDO
INTERNATIONAL, INC.**

and

Case 08-CA-152052

**INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, LOCAL 1982**

**MIDWEST TERMINALS OF TOLEDO
INTERNATIONAL, INC.**

and

Case 08-CA-158778

RAYMOND SIMS

ORDER

The Employer's petition to revoke subpoena duces tecum B-1-U14BWX and subpoena ad testificandum A-1-U13XSB is denied. 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 Employer 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).¹

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

PHILIP A. MISCIMARRA, ACTING CHAIRMAN

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

¹ We have evaluated the subpoena duces tecum in light of the Region's assertion that it seeks only the evidence identified in pars. 4 and 5 of the subpoena. (Opp. at 4, 5.) It is undisputed that the evidence sought in pars. 1, 2, and 3 of the subpoena has already been provided by the Employer to the Region pursuant to another subpoena in a separate unfair labor practice proceeding.