

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WELDED CONSTRUCTION L.P.

and

Case 08-CA-190649

GARY LANOUX

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 18

and

Case 08-CB-190652

GARY LANOUX

ORDER

International Union of Operating Engineers, Local 18's Petition to Revoke subpoena ad testificandum A-1-VWW4WF addressed to Charles Ledbetter is denied. The subpoena seeks information relevant to the matters 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 Petitioner has failed to establish any other legal basis for

¹ The disposition of the Union's petition to revoke is consistent with existing Board law as reflected in *Postal Workers* and *Offshore Mariners*, which find subpoenas identifying the case name and number to be sufficiently particular.

Chairman Miscimarra agrees that the petition to revoke should be denied since the Union has failed to raise any meritorious grounds for revocation. In Chairman Miscimarra's view, 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

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., June 28, 2017

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

the case name and numbers, is deficient on its face because it fails to state with sufficient particularity the evidence being sought. Nevertheless, the Region has described with sufficient particularity the evidence sought from Union steward Charles Ledbetter. The record establishes that the Region (1) attached to the subpoena a copy of the two charges upon which the subpoena is based (the charge in case 08-CB-190652 and amended charge in case 08-CA-190649), and (2) attached to the subpoena a statement identifying the allegations that will be the focus of the testimony it seeks.