

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

**NESTLE DREYER'S ICE CREAM COMPANY**

**and**

**Case 31-CA-190625**

**INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, LOCAL 87**

**ORDER<sup>1</sup>**

The Employer's Petition to Revoke subpoena duces tecum B-1-VJ2QBHY 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.<sup>2</sup> Further, the Employer has failed to establish any other legal basis for revoking the subpoena.

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> In considering the petition to revoke, we have evaluated the subpoena in light of the Region's clarification in its opposition brief that, both in general and for subpoena par. 3, it is narrowing the scope of requested information to only information concerning employees from the distribution side of the Employer's facility, as defined in the subpoena (i.e., the facility located at 7301 District Boulevard, Bakersfield, California); and that for subpoena par. 1, it is not seeking work rules or policies regarding safety and corresponding information to the extent that such policies were not in effect during the alleged discriminatee's employment.

To the extent that the subpoena encompasses some documents that the Employer believes in good faith to be subject to the attorney-client privilege or the attorney work product doctrine, this Order is without prejudice to the Employer's prompt submission of a privilege log to the Region identifying and describing each such document, and providing sufficient detail to permit an assessment of the Employer's claim of privilege or protection. The Employer is directed to produce all responsive documents in its possession not subject to any good-faith claim of privilege or protection.

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.

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., January 23, 2018.

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

WILLIAM J. EMANUEL, MEMBER