

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

**MICROSOFT CORPORATION**

**and**

**Cases 19-CA-189865  
19-CA-189881**

**TEMPORARY WORKERS OF AMERICA**

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

The petition to revoke subpoena duces tecum B-1-WEVXPB, filed by Microsoft Corporation, is denied.<sup>2</sup> 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.<sup>3</sup> Further, the Petitioner 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 v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., April 9, 2018.

MARVIN E. KAPLAN,                      CHAIRMAN

MARK GASTON PEARCE,                MEMBER

LAUREN McFERRAN,                    MEMBER

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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 denying the petition, we consider the subpoena as clarified by the Region's opposition, which states that pars. 2 and 8-19 only seek documents related to employees working on the Petitioner's App & Catalogue Operations (ACO) project.

<sup>3</sup> To the extent that the Petitioner asserts that no responsive documents exist for certain subpoena paragraphs, the Petitioner is not required to produce subpoenaed evidence that it does not possess, but the Petitioner is required to conduct a reasonable and diligent search for all requested evidence, and as to requested evidence that the Petitioner determines it does not possess, the Petitioner must affirmatively represent to the Region that no responsive evidence exists.