

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

NORTH STAR SEAFOOD, LLC

and

Case 12-CA-208362

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL UNION NO. 769**

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-1-ZEFO21 is denied.² 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 v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., April 30, 2018

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

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

² The Region asserts that the Employer's petition to revoke should be denied because it was not filed with the Regional Director, as required by Sec. 102.31(b) of the Board's Rules and Regulations ("A petition to revoke, if made prior to the hearing, must be filed with the Regional Director ..."). However, there is no dispute that the field attorney assigned to this case was served with a copy of the petition on the day it was erroneously filed with the Division of Judges. In light of the fact that no party has shown that it was prejudiced by the Employer's procedural error, we decline the Region's request to deny the petition on this basis. See, e.g., *Glass Fabricators, Inc.*, 365 NLRB No. 125, slip op. at 1, fn. 1 (2017) (order denying motion for summary judgment and finding that because no prejudice resulted from the respondent's error in filing the motion with the Division of Judges, it would be accepted as timely filed).