

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES  
NEW YORK BRANCH OFFICE**

**LIFETIME BRANDS, INC.**

and

**LOCAL 947, UNITED SERVICE WORKERS  
UNION, INTERNATIONAL UNION OF  
JOURNEYMEN AND ALLIED TRADES**

**Case Nos. 22-CA-203448  
22-CA-203710  
22-CA-204807  
22-CA-206597  
22-CA-207286**

**LIFETIME BRANDS, INC. and BRICKFORCE  
STAFFING SOLUTIONS, as joint employers**

and

**LOCAL 947, UNITED SERVICE WORKERS  
UNION, INTERNATIONAL UNION OF  
JOURNEYMEN AND ALLIED TRADES**

**Case No. 22-CA-206513**

**ORDER GRANTING THE UNION'S PETITION TO REVOKE  
AND TO PARTIALLY REVOKE SUBPOENAS**

The Consolidated Complaint and Notice of Hearing in this matter, issued on January 30, 2018, alleges that Lifetime Brands, Inc. (Lifetime) and Brickforce Staffing Solutions (Brickforce), as a joint employer, violated Sections 8(a)(1), (3), and (4) of the Act. The Consolidated Complaint alleges in relevant part that Lifetime offered Rafael Ordonez a supervisory position in order to dissuade him from union organizing, and imposed more onerous terms and conditions of employment by more strictly enforcing company policy regarding the parking of equipment. The Complaint alleges that Lifetime convinced employees Arsenio and Rafael Tapia, Juana Rodriguez, Gloria Layana and Virginia Colon to resign their employment in retaliation for their activities on behalf of the Union. The Complaint also alleges that Lifetime and Brickforce discharged Edgar Oseguera in retaliation for his concerted activities and because they believed that he intended to cooperate in a Board investigation. As part of the remedy, General Counsel seeks a bargaining order pursuant to *NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969).

On or about July 9, 2018, Lifetime served Jose Vega, an organizer with Local 947, United Service Workers Union, IUJAT (the Union), and alleged discriminatees Rafael Ordonez, Juan Mosquera, Luis Mauricio, Juana Rodriguez, Christian Cuenca, Arsenio Tapia Sanchez, and Rafael Tapia with Subpoenas *Duces Tecum*. On July 20,

2018, the Union filed a Petition to Revoke the Subpoena served on Vega, and to Revoke portions of the Subpoenas served on the alleged discriminatees. Lifetime apparently does not oppose the Union's Petition to Revoke.

As a result, the Union's Petition to Revoke is granted as follows. The Union's Petition to Revoke Subpoena *Duces Tecum* No. B-1-11UYP23 served upon Vega is granted. The Union's Petition to Revoke the portion of the Subpoenas *Duces Tecum* issued to Mosquera, Mauricio, Rodriguez, Cuenca, Sanchez, and Tapia requiring the production of "Communications from, to, or between yourself and any other person concerning union organizing, union activities, or union support or loss of union support at Lifetime's facility, including Lifetime's responses thereto," is also granted. The Union's Petition to Revoke Item 1(e) of the Rider to the Subpoena *Duces Tecum* issued to Ordonez, which requires the production of the same information, is granted as well. See *Chino Valley Medical Center*, 362 NLRB No. 32 at p. 1 (2015), enf'd. 871 F.3d 767 (9<sup>th</sup> Cir. 2017); *Veritas Health Services, Inc. v. NLRB*, 671 F.3d 1267, 1274 (D.C. Cir. 2012).

The Union further contends that Item 1(c) of the Rider to the Subpoena *Duces Tecum* issued to Ordonez should be revoked. This Item requires the production of documents showing or relating in any way to "Communications from, to, or between yourself and Edgar Oseguera regarding him operating a powered industrial truck." In the absence of any countervailing argument from Lifetime, the Union's Petition to Revoke this Item is also granted.

Dated: New York, New York  
August 6, 2018

  
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Lauren Esposito  
Administrative Law Judge