

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

**INTERNATIONAL UNION OF JOURNEYMEN &
ALLIED TRADES, LOCAL 726 (ALLE PROCESSING
CORP. D/B/A MEAL MART)**

and

Case 29-CB-216248

TRAVERSE JOEL WILSON

ORDER¹

The Union's Petition to Revoke investigative subpoena duces tecum B-1-11CQRNL 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. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.² 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., October 29, 2018.

JOHN F. RING, CHAIRMAN

MARVIN E. KAPLAN 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 Union's argument that the subpoena should be revoked because the unfair labor practice charge is barred by Sec. 10(b) is without merit. Issues regarding Sec. 10(b) are generally not addressed in an investigative subpoena context. See, e.g., *NLRB v. The Bakersfield Californian*, 128 F.3d 1339, 1341 (9th Cir. 1997) ("Like other defenses to an unfair labor practice complaint, a section 10(b) statute of limitations defense is not properly evaluated in a subpoena enforcement proceeding.").

To the extent that the Union has provided some of the requested information, it is not required to produce that information again, provided that it accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.