

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

**SOUTHERN MECHANIC & CONSTRUCTION;
TAKCO CONSTRUCTION; SMCORE;
SMART MECHATRONICS CORE; and
KODA LLC, as ALTER-EGOS, and/or
SINGLE INTEGRATED ENTERPRISE
and/or SINGLE EMPLOYER and/or
JOINT EMPLOYERS**

and

**Cases 25-CA-222876
25-CA-224112
25-CA-225424
25-CA-225425**

IRON WORKERS INTERNATIONAL UNION

ORDER

Petitioner Southern Mechanic & Construction's Petition to Revoke identical subpoenas duces tecum B-1-149JNAF, B-1-149KO7L, and B-1-149J6ON is denied as untimely.¹ Section 11(1) of the Act and Sections 102.31(b) and 102.2 of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. Subpoena B-1-149JNAF, the first of these identical subpoenas to be served, was served on March 4, 2019. Thus, the petition, which was filed on March 20, 2019, is untimely.

¹ The Region issued these three identical subpoenas duces tecum to the Petitioner on February 27, 2019, each to a different address. The evidence indicates that subpoena B-1-149JNAF was served on March 4, 2019; that subpoena B-1-149KO7L was served on March 12, 2019; and that subpoena B-1-149J6ON was unable to be successfully served and was returned to the sender. Although the Petitioner, in its Petition to Revoke, failed to specify the number of the subpoena which it sought to revoke, we are applying the petition to all three subpoenas since they are identical.

In addition, even assuming that the petition was timely filed, it is lacking in merit. 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. 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 15, 2020.

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER