

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES-SAN FRANCISCO BRANCH OFFICE**

**TRACY AUTO, L.P.
d/b/a TRACY TOYOTA**

**Cases 32-CA-260614
32-CA-262291
32-RC-260453**

and

**MACHINISTS AND MECHANICS LODGE
NO. 2182, DISTRICT LODGE 190,
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS, AFL-CIO**

**ORDER REGARDING DOCUMENTS PRODUCED BY
OCIEL SOLANO, JOSHUA VEGA, DEVIN FETUI AND CESAR CARO**

In response to subpoena duces tecum served by Respondent and in accordance with my December 29, 2020 order on petitions to revoke the same, the above-referenced individuals provided documents to Counsel for the General Counsel for his review. Counsel for the General Counsel subsequently provided me with a copy of these documents in unredacted form and additionally provided me with a copy of the same documents with proposed redactions aimed to protect individual employees' Section 7 rights, Charging Party's *Berbiglia* privilege and/or individual employees' confidential medical information.¹ I have reviewed the documents provided by Counsel for the General Counsel and find as follows:

1. The documents provided by Cesar Caro (Bates numbered 000001-000004) and Devin Fetui (Bates numbered 000001-000002) contain no proposed redactions and are to be provided to Respondent in full.
2. The documents provided by Joshua Vega (Bates numbered 000001-000004) contain redactions which appear to be aimed to protect confidential medical information. They are to be provided as redacted.
3. The documents provided by Ociel Solano (Solano) include what appears to be a group texting/messaging conversation (Bates numbered 000023-000217). I was able to review Counsel for the General Counsel's proposed redactions (which are indicated on the unredacted version), but it appears that the pages Bates numbered 000195-000217 are totally blank in the redacted version. Counsel for the General Counsel should correct this and provide a copy Respondent with the full document redacted to reflect the redactions indicated in the "clean" version.
4. The documents provided by Solano also contain numerous documents that are unresponsive to the subpoena served on him. These include the following Bates numbered documents: 000218, 000219, 000221, 000226-000267, 000269-000275, 000277, 000280, 000282-000300, 000302, 000305, 000341, 000343-000350, 000352-000422, 000424-000433, 000435-000493 and 000495-000544. These documents are not

¹ *Berbiglia, Inc.*, 233 NLRB 1476, 1495 (1977)

to be provided to Respondent. The remaining documents provided by Solano should be provided as redacted.

I note that the vast majority of redactions proposed by Counsel for the General Counsel excise names and individually identifying information of employees other than foremen, which I find appropriate. A far smaller number of redactions appear to be based on confidential medical information. To the extent that I have questions regarding redactions falling outside of these two categories, I will raise them with Counsel for the General Counsel upon resumption of the hearing later this week. The subpoena responses of Kevin Humeston and Tyrome Jackson, and proposed redactions thereto, will be addressed in a subsequent order.

So **ORDERED**.

Date: January 3, 2020, San Francisco, California.

A handwritten signature in black ink, appearing to read 'Mara-Louise Anzalone', written over a horizontal line.

Mara-Louise Anzalone
Administrative Law Judge

Served by email upon the following:

For the General Counsel:

Jason P. Wong, Esq. jason.wong@nlrb.gov

For Tracy Auto, L.P.:

John P. Boggs, Esq. jboggs@employerlawyers.com

For Machinists and Mechanics Lodge No. 2182:

Caren Sencer, Esq. csencer@unioncounsel.net

William T. Hanley, Esq. whanley@unioncounsel.net

DiCrocco, Brian

From: DiCrocco, Brian
Sent: Sunday, January 3, 2021 10:42 PM
To: Wong, Jason P; john boggs; caren sencer; whanley@unioncounsel.net
Cc: Gomez, Doreen E.; Lam, Ida
Subject: 32-CA-260614 - TRACY TOYOTA : ORDER REGARDING DOCUMENTS PRODUCED BY OCIEL SOLANO, JOSHUA VEGA, DEVIN FETUI AND CESAR CARO
Attachments: Order re Subpoena Responses by Solano et al. Tracy Toyota LP 32-CA-260614 et al_.pdf

Dear Counsel,

Please see the attached document.

Brian C. DiCrocco, Legal Tech.
NLRB Division of Judges San Francisco
628-221-8821