

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20

TRACY AUTO, L.P. dba TRACY TOYOTA

and

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

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

**Counsel for the General Counsel's Response to the Order Regarding Documents Produced
by Ociel Solano, Joshua Vega, Devin Fetui, and Cesar Caro**

Counsel for the General Counsel has received the Order Regarding Documents Produced by Ociel Solano, Joshua Vega, Devin Fetui, and Cesar Caro (the Order), issued by Administrative Law Judge Mara-Louise Anzalone on January 3, 2021. Counsel for the General Counsel will provide to Respondent the documents described in numbered paragraphs 1, 2, and 3 of the Order. However, Counsel for the General Counsel seeks clarification of the Judge's ruling, in numbered paragraph 3 of the Order, that documents provided by Ociel Solano (Solano) and Bates numbered 000195-000217 must be provided to Respondent. Specifically, paragraph 3 states:

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.

Counsel for the General Counsel completely redacted Bates numbered pages **000185-000217**, i.e. including the 10 pages preceding the pages indicated by the Judge's Order, because they consist of communications that fall outside the time period for which Solano was ordered to produce documents. The Judge's previous Order Granting in Part and Denying in Part the General Counsel and Charing Party's Petitions to Revoke Various Subpoena Duces Tecum dated December 29, 2020, explicitly limited responsive communications to those occurring during the time period January 1, 2020 to August 5, 2020. Specifically, the Judge's December 29, 2020 order, in numbered paragraph 4, required non-foremen, like Solano, to produce:

4. For the period of January 1, 2020 to August 5, 2020, all documents showing communications between you and Kevin Humeston or Tyrome Jackson related to the Union and or work at Tracy Toyota.

Bates numbered pages 000185-000217 consist entirely of communications that occurred after August 5, 2020. Thus, Counsel for the General Counsel redacted those pages completely.

Counsel for the General Counsel asserts that Bates numbered pages 000185-000217 among Solano's subpoenaed documents should remain completely redacted, as reflected in the redacted version provided to the Judge. Pursuant to the Judge's December 29 order, Solano is not obligated to provide Respondent with the communications in Bates numbered pages 000185-000217. Once a ruling has been made on this issue, Counsel for the General Counsel will produce Solano's subpoenaed documents to Respondent.

DATED AT San Francisco, California, this 4th day of January, 2021.

/s/ Jason Wong

Jason Wong, Field Attorney
National Labor Relations Board
Region 20
901 Market Street, Suite 400
San Francisco, California 94103-1735

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**AFFIDAVIT OF SERVICE OF Counsel for the General Counsel's Response to the Order
Regarding Documents Produced by Ociel Solano, Joshua Vega, Devin Fetui, and Cesar Caro**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **January 4, 2021**, I served the above-entitled document(s) by **electronic mail** upon the following persons, addressed to them at the following addresses:

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January 4, 2021

Date

Susie Louie, Designated Agent of NLRB

Name

/s/ Susie Louie

Signature