

**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 SUPPLEMENTAL DOCUMENT PRODUCTION

During testimony in this matter taken on January 7 and 8, 2021, the parties identified certain subpoenaed documents that were not included in the document production of witness Kevin Humeston (Humeston). These included full version of certain documents, additional chats on the WhatsApp platform, as well as photographs and videos referenced and included within those chats and chats already produced. Counsel for the General Counsel subsequently provided me with a copy of certain 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 (the supplemental documents).¹

I have reviewed the redactions contained within the supplemental documents and find the majority of them to be appropriate. As in the prior productions, 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. In this regard, I note that the document Bates numbered 000193 appears to contain the first name of a non-foreman employee, which should be redacted. To the extent that I have questions regarding individual redactions, I will raise them with Counsel for the General Counsel upon resumption of the hearing later this week.

Counsel for the General Counsel's cover email accompanying the transmission of these documents to me is attached as Exhibit A hereto. See NLRB Rules and Regulations, Sec. 102.132(a) and (b). Counsel for the General Counsel is to provide a redacted copy of the supplemental documents to Respondent's counsel.

So **ORDERED**.

Date: January 11, 2020, San Francisco, California.



Mara-Louise Anzalone
Administrative Law Judge

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

EXHIBIT A

Anzalone, Mara-Louise

From: Wong, Jason P
Sent: Sunday, January 10, 2021 9:00 PM
To: Anzalone, Mara-Louise
Subject: Tracy Toyota - Humeston SDT Docs - additional

Your Honor:

Please follow the link below to review the additional Humeston SDT docs. It appears that Jackson's and Humeston's versions of both WhatsApp chat groups (Toyota 100 and TTS Unionizing) match. Thus, as discussed during the hearing, I used Jackson's already redacted full versions in Humeston's WhatsApp docs. Humeston also provided the additional parts of his text message with Juarez, as discussed at hearing. Finally, Humeston discovered that he inadvertently failed to produce a brief WhatsApp chat he had with Juarez, which is now uploaded at the below link. Thanks.

Here's a OneDrive link to [For ALJ - Humeston additional](#).

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

-----Original Message-----

From: Lee, Vanise J.

Sent: Monday, January 11, 2021 2:29 PM

To: Wong, Jason P <Jason.Wong@nlrb.gov>; john boggs <jboggs@employerlawyers.com>; caren sencer <csencer@unioncounsel.net>; whanley@unioncounsel.net

Cc: Gomez, Doreen E. <Doreen.Gomez@nlrb.gov>; Lee, Vanise J. <Vanise.Lee@nlrb.gov>; DiCrocco, Brian <Brian.DiCrocco@nlrb.gov>

Subject: FW: Order re: Supplemental Subpoena Responses by Humeston, Tracy Toyota LP, 32-CA-260614, et al.

Importance: High

Good afternoon, please find attached an Order from Administrative Law Judge Mara-Louise Anzalone. Thank you.

Vanise J. Lee, Legal Tech.

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