

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 9

LOGMET, LLC

and

Case 09-CA-247369

LOCAL UNION NO. 780, MOTION  
PICTURE AND VIDEO LABORATORY  
TECHNICIANS, ALLIED CRAFTS  
AND GOVERNMENT EMPLOYEES, IATSE

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S MOTION TO  
QUASH SUBPOENA DUCES TECUM B-1-1BIQK3H**

Pursuant to Rule 102.31(b) of the Board's Rules and Regulations, Counsel for the Acting General Counsel requests that subpoena duces tecum B-1-1BIQK3H (the Subpoena), a copy of which is attached to this motion as Exhibit A, as requested by Logmet, LLC, and served upon Acting General Counsel Peter S. Ohr, be quashed because Respondent has failed to make a Section 102.118 request pursuant to the Board's Rules and Regulations and thus the subpoena seeks documents that are not subject to production.

**I. BACKGROUND**

On October 13, 2020, Region 9 of the National Labor Relations Board issued complaint in Case 09-CA-247369 alleging that Respondent had violated Section 8(a)(1) and (5) of the Act and Section 8(d) of the Act by failing to continue in effect all the terms and conditions of a predecessor employer it was a perfectly clear successor to, and by unilaterally implementing terms and conditions of employment of the bargaining unit, thereby failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees. Respondent filed an Answer

denying all material allegations of the Complaint. The Acting General Counsel received a copy of this subpoena on February 11, 2021, a mere 2 business days before the start of the hearing.

II. THE SUBPOENA MUST BE QUASHED BECAUSE RESPONDENT HAS FAILED TO COMPLY WITH SECTION 102.118(a) OF THE BOARD'S RULES AND REGULATIONS

The production of the documents subpoenaed by Respondent in subpoena duces tecum B-1-1BIQK3H is prohibited by the Board's Rules. Respondent has failed to comply with Section 102.118(a)(1) of the Board's Rules, prohibiting current or former Board employees from producing records absent written consent of the General Counsel. Specifically, Rule 102.118(a)(1) of the Board's Rules reads, in relevant part:

Except as provided in section 102.117 of these rules respecting requests cognizable under the Freedom of Information Act, **no present or former** Regional Director, field examiner, administrative law judge, attorney, specially designated agent, **General Counsel**, Member of the Board, **or other officer or employee of the Agency shall produce or present any files, documents, reports, memoranda, or records of the Board or of the General Counsel, whether in response to a subpoena duces tecum or otherwise, without the written consent of . . . the General Counsel** if the document is in a Regional Office of the Agency . . . [emphasis added]

Rule 102.118(a)(1) further states:

Whenever any subpoena ad testificandum or subpoena duces tecum, the purpose of which is to adduce testimony or require production of records as described hereinabove, shall have been served on any such person or other officer or employee of the Board, that person will, unless otherwise expressly directed by the . . . General Counsel . . ., move pursuant to the applicable procedure, whether by petition to revoke, motion to quash, or otherwise, to have such subpoena invalidated on the ground that the evidence sought is privileged against disclosure by this rule.

The appropriateness and validity of Section 102.118 is well settled and grounded in long-standing Board law. See, *J.E. Plastics Mfg. Corp.*, 131 NLRB 299 n. 2 (1961); *Davis v. Baswell Motor Freight Lines*, 363 F.2d 600 (5<sup>th</sup> Cir. 1966); see also NLRB

Division of Judges Bench Book, sec. 8-440. Moreover, “pretrial discovery in Board proceedings is neither constitutionally nor statutorily required.” *NLRB v. Washington Heights*, 897 F.2d 1238, 1245 (2d Cir. 1990). It is well established that a Respondent is not entitled to pretrial discovery under the Act. *Lyman Printing and Finishing Company*, 183 NLRB 1048, 1055 (1970), and cases cited therein. Respondent’s subpoena is an attempt to circumvent the Board’s prohibition on discovery.

Respondent’s subpoena to the Acting General Counsel, received 2 business days before the start of the hearing, is not a request for written consent of the Acting General Counsel to produce such documents. The Subpoena included no request for written consent, and it provided no explanation for why such consent should be granted. The Acting General Counsel has received no request for consent to produce the subpoenaed documents to date.

Because the Acting General Counsel has not consented to the production of any records in this case, such records may not be compelled by subpoena. See, *Touhy v. Ragen*, 340 U.S. 462, 464-65, 467-68 (1951); *Davis v. Braswell Motor Freight Lines*, 363 F.2d at 603; *United States v. Bizzard*, 674 F.2d 1381, 1387 (11<sup>th</sup> Cir. 1982); *Howard Johnson Co.*, 250 NLRB 1412 n. 2 (1980), enfd mem. 671 F.2d 1383 (11th Cir. 1982); *J.C. Penney Co.*, 205 NLRB 1043 1044 (1973), enfd. Mem. 493 F.2d 1400 (3d Cir. 1974). Respondent has not produced any evidence that it requested permission of the Acting General Counsel to disclose the information requested in the Subpoena. Because it failed to do so, and because no such consent has been granted, Respondent’s Subpoena should be quashed.

VI. CONCLUSION

Based on the foregoing reasons, the Subpoena should be quashed in its entirety.

Dated: February 12, 2021

/s/Zuzana Murarova

Zuzana Murarova

Counsel for the Acting General Counsel

Region 9, National Labor Relations Board

Room 3-111, John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3654

Facsimile: (513) 684-3946

Email: [zuzana.murarova@nlrb.gov](mailto:zuzana.murarova@nlrb.gov)

**SUBPOENA DUCES TECUM**

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

To Peter S. Ohr, Acting General Counsel, National Labor Relations Board, 1015 Half Street SE  
Washington, D.C. 20570-0001

As requested by Howard Cole, Lewis Roca Rothgerber Christie LLP, counsel for Logmet LLC

whose address is 3993 Howard Hughes Parkway #600 Las Vegas Nevada 89169  
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE an Administrative Law Judge  
of the National Labor Relations Board

at a hearing to be held at 3993 Howard Hughes Parkway #600, Las Vegas, Nevada 89169  
or by Zoom in a manner (including via video conference technology) or at a location otherwise  
in the City of ordered by the Administrative Law Judge

on Tuesday, February 16, 2021 at 9:00 a.m. or any adjourned

LOGMET, LLC  
or rescheduled date to testify in 09-CA-247369  
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

**SEE ATTACHMENT**

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

**B-1-1BIQK3H**

Issued at Cincinnati, OH

Dated: January 25, 2021



*Lauren McFerran*  
Lauren McFerran, Chairman

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

## ATTACHMENT

**The foregoing subpoena shall be considered a written request pursuant to 29 C.F.R. § 102.118(a) by Logmet, LLC to the Acting General Counsel of the National Labor Relations Board to provide written consent to the release of the following papers, books, records, documents and things described below from Region 9 of the National Labor Relations Board. This written request for documents is for purposes of the unfair labor practice hearing in Case No. 09-CA-247369 scheduled to take place on February 16, 2021.**

In lieu of personal appearance in the above-entitled matter before Administrative Law Judge Ira Sandron on the 16<sup>th</sup> day of February, 2021 at 9:00 a.m. at the law offices of Lewis Roca Rothgerber Christie, 3993 Howard Hughes Parkway, 6<sup>th</sup> Floor, Las Vegas, NV 89169 and to produce at said time and place the following papers, books, records, documents and things described below. Responsive records and documents may be e-mailed to hcole@lrrc.com. These requests are deemed to be continuing and require supplementation.

### **DEFINITIONS**

For purposes of the following requests for production, these terms have the meanings indicated:

1. “Communication(s)” means all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, notes, e-mails, facsimiles, or other forms of communication, including, but not limited to both oral and written communications.
2. “Complaint” means the Complaint and Notice of Hearing filed by Region 9 of the National Labor Relations Board in Case No. 09-CA-247369.
3. “Concerning” means consisting of, referring to, pertaining to, reflecting, evidencing or any way logically factually connected with the matter discussed.
4. “Document” or “Documentation” means any written, printed, typed, punched, taped, recorded, filmed or graphic material, however produced or reproduced. It includes all matters that relate or refer, in whole or in part, to the subject referred to in the Request. If copies of a document have been prepared and copies are not identical (or have undergone alterations by the addition or deletion of notations or other modifications) each non-identical copy is a separate “document.” The term “document” includes, but is not limited to, the following: reports, papers, books, letters, notes, memorandum, correspondence, e-mails, minutes, contracts, transcriptions of recordings, inter-office communications, microfilm, bulletins, circulars, pamphlets, studies, notices, summaries, analogies, statutes, rules, regulations, codes, text messages, teletype messages, worksheets, invoices, credit memoranda, sales slips, medical records, billing or credit statements, computer printouts, information stored in a computer, including electronic mail, CD ROMS, advertisements, posters, scripts and videotapes.
5. “Identify” or “identification” means:

(a) With reference to a “person,” to state his or her full name and his or her present or last known residence address and telephone number.

- (b) With reference to a "document," to state:
  - (i) the type of document (e.g., letter, e-mail, contract, memorandum, report, tape recording, etc.) or some other means of identification;
  - (ii) the document's title, if any;
  - (iii) a brief description of the document (e.g., letter from A to B, Re: X);
  - (iv) the date the document was prepared, signed, or executed;
  - (v) the document's present location by address;
  - (vi) the name of the document's custodian; and
  - (vii) if such document was, but no longer is, in your possession or subject to your control, state what happened to it.
- (c) With reference to a "communication," to identify both the initiator and recipient, and to identify any records constituting, referring or pertaining to the communication, including memoranda of communication or any other record arising from it.
  - 6. "Produce" or "provide" means to provide either a legible copy or the original of any writing, drawing, graphs, charts, photographs, sound recording, video recording, e-mail, text message, CD ROMS, electromagnetic records or other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form (i.e., typed in English prose).
  - 7. "Relate to" or "relating to" means to consist of, refer to, reflect on, arise out of, or be in any way or manner legally, factually or logically connected with the matter discussed.
  - 8. "Statement" means any oral, written, stenographic, audio or video recorded declaration of any kind or description.
  - 9. "You" or "your" means Region 9 of the National Labor Relations Board, its respective agents, employees, attorneys, and all other persons acting or purporting to act on his behalf.
  - 10. "IATSE 780" means Local Union No. 780, Motion Picture and Video Laboratory Technicians, Allied Crafts and Government Employees, IATSE,

## **INSTRUCTIONS**

In responding to these requests for production, please follow these instructions:

- A. If any document is held under claim of privilege, please identify the document for which there is a claim of privilege as follows:
  - (a) a full description thereof;
  - (b) the date it bears;

- (c) the name of each person who prepared it or who participated in any way in its preparation;
- (d) the name of each person who signed it;
- (e) the name of each person to whom it, or a copy of it was addressed;
- (f) the name of each person who presently has custody of it or a copy of it;
- (g) the subject matter and its substance; and
- (h) what factual basis there is for the claim of privilege.

B. In answering these discovery requests, you are requested to furnish all information available at the time the response is made, including information in the possession of your attorneys or investigators for your attorneys, not merely information known to your officers, directors, agents and employees.

C. You are requested to provide all documents within your possession, custody, or control. In the event that you provide only a portion of the documents called for by any particular document request, please state the reason(s) for your inability to provide the remainder of the documents requested and the identity of the document(s).

D. If any document requested to be produced was but is no longer in your possession or control, or is no longer in existence, state whether it is (1) missing or lost, (2) destroyed, (3) transferred voluntarily or involuntarily to others and if so to whom, or (4) otherwise disposed of; and in each instance explain the circumstances surrounding an authorization of such disposition thereof and state the approximate date thereof.

E. In the event that your response to a request for production is “do not know” or words of similar import, state where (location) the responses to that request for production might be found, and who (identify) might have any information concerning that request for production, and explain in detail all efforts made by you to obtain a response to that request for production.

F. If any document to which you refer in responding to any request for production was, but no longer is, in existence, please so state, specifying for each document (1) the type of document, (2) the types of information contained thereon, (3) the date upon which it ceased to exist, (4) the circumstances under which it ceased to exist, (5) the identity of all persons having knowledge of such circumstances, and (6) the identity of all persons having knowledge or who had knowledge of the contents thereof.

G. In the event that your response to any request for production is “not applicable” or any similar phrase, explain in detail why that request for production is not applicable.

H. The requests for production are deemed continuing ones and you are instructed pursuant to applicable Rules and Regulation that if after responding to the requests for production you obtain or become aware of facts or the identity of persons or make assumptions or contentions or reach any conclusions or opinions that are different from or in addition to those set forth in a response to a request for production, then such response shall be promptly amended so as to fully set forth

the differences or additional identities of persons, facts, assumptions, contents, conclusions, or opinions.

## **REQUEST FOR PRODUCTION OF DOCUMENTS**

### **REQUEST NO. 1:**

Documents used in or relied upon in the preparation of the Complaint and Notice of Hearing in Case 09-CA-247369 (“Complaint”).

### **REQUEST NO. 2:**

Documents that reference, concern, reflect, or relate to any communications you have had with Local Union No. 780, Motion Picture and Video Laboratory Technicians, Allied Crafts and Government Employees, IATSE, (“IATSE 780”) including without limitation, video or audio recordings, emails, correspondence, text messages, instant messages, social media comments/conversations, voicemails, photos exchanged, or facsimiles.

### **REQUEST NO. 3:**

Documents that reference, concern, reflect, or relate to any communications you have had with any current or former employee of (“Logmet”) regarding the allegations in the Complaint including without limitation, video or audio recordings, emails, correspondence, text messages, instant messages, social media comments/conversations, voicemails, photos exchanged, or facsimiles.

### **REQUEST NO. 4:**

Documents that reference, concern, reflect, or relate to any communications you have had with any current or former employee of Data Monitor Systems, Inc. (“DMS”) regarding the allegations in the Complaint including without limitation, video or audio recordings, emails, correspondence, text messages, instant messages, social media comments/conversations, voicemails, photos exchanged, or facsimiles.

### **REQUEST NO. 5:**

Documents, including without limitation, any statements, summaries, transcripts, audio or tape recordings, including any witness statements, which record, preserve or memorialize the substance or details of any communications by, between or among any persons concerning your allegations in the Complaint.

### **REQUEST NO. 6:**

Documents that support and/or evidence your claim that on or about July 21, 2019, (“Logmet”) issued offers of employment to all of the employees of Traiboss Enterprises, Inc. (“Trailboss”).

**REQUEST NO. 7:**

Documents that support and/or evidence your claim in paragraph 3(a) of the Complaint that on or about July 3, 2019, Logmet was awarded the subcontract for transportation services at Wright-Patterson Air Force Base (“WPAFB”).

**REQUEST NO. 8:**

Documents that support and/or evidence you claim in Paragraph 3(b) of the Complaint that Logmet issued offers of employment to individuals who were previously employees of Trailboss.

**REQUEST NO. 9:**

Documents that support and/or evidence you claim in Paragraph 3(c) of the Complaint that Logmet did not announce any change in terms and conditions of employment prior to July 21, 2019.

**REQUEST NO. 10:**

Documents that support and/or evidence you claim in Paragraph 3(c) of the Complaint that Logmet did not announce any change in terms and conditions of employment prior to August 1, 2019.

**REQUEST NO. 11:**

Documents that support and/or evidence your claim in paragraph 3(e) of the Complaint that Logmet was the successor to Trailboss.

**REQUEST NO. 12:**

Documents that support and/or evidence your claim in paragraph 3(f) of the Complaint that Logmet was the “perfectly clear successor to Trailboss.”

**REQUEST NO. 13:**

Documents that support and/or evidence your claim in paragraph 6(b) of the Complaint that IATSE 780 was the exclusive bargaining representative of the Unit described in paragraph 6(a) of the Complaint since at least February 1, 2015.

**REQUEST NO. 13:**

Documents that support and/or evidence your claim in paragraph 7(a)(i) of the Complaint that Logmet failed to continue in effect the shift premium of Trailboss.

**REQUEST NO. 14:**

Documents that support and/or evidence your claim in paragraph 7(a)(ii) of the Complaint that Logmet failed to continue in effect the payroll workweek and pay periods of Trailboss.

**REQUEST NO. 15:**

Documents that support and/or evidence your claim in paragraph 7(a)(iii) of the Complaint that Logmet failed to continue in effect notice for changes in scheduled shifts of Trailboss.

**REQUEST NO. 16:**

Documents that support and/or evidence your claim in paragraph 7(a)(iv) of the Complaint that Logmet failed to continue health care coverage, insurance coverage, and all related policies outlined in the collective bargaining agreement detailed in paragraph 6(b) of the Complaint.

**REQUEST NO. 17:**

Documents that support and/or evidence your claim in paragraph 7(b) of the Complaint that Logmet implemented changes to shift premium, payroll workweek and pay periods, notice of changes in scheduled shifts, health care coverage, insurance coverage, and all related policies outlined in the collective bargaining agreement detailed in paragraph 6(b) of the Complaint, and other terms and conditions known and “presently unknown” to Region 9 of the National Labor Relations Board.

**REQUEST NO. 18:**

Documents that support and/or evidence your claim in paragraph 7(d) of the Complaint that Logmet engaged in the conduct alleged in paragraphs 7(a) and 7(b) of the Complaint without first bargaining with IATSE 780.

**REQUEST NO. 19:**

Documents that support and/or evidence your claim in paragraph 7(d) of the Complaint that Logmet engaged in the conduct alleged in paragraphs 7(a) and 7(b) of the Complaint without first bargaining with IATSE 780 to an “overall good-faith impasse for a collective bargaining agreement.”

**REQUEST NO. 20:**

Documents evidencing the amount of compensation, expense, or damage that you claim that Logmet incurred as a result of the allegations in the Complaint.

CERTIFIED MAIL



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NEOPOST

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US POSTAGE \$



**Lewis Roca**  
**ROTHGERBER CHRISTIE**

Lewis Roca Rothgerber Christie LLP  
3993 Howard Hughes Parkway  
Suite 600  
Las Vegas, NV 89169

Peter S. Ohr, General Counsel  
NLRB  
1015 Half Street SE  
Washington, D.C. 20570-0001

CERTIFICATE OF SERVICE

February 12, 2021

I hereby certify that on this date I served the Counsel for the Acting General Counsel's Motion to Quash Subpoena Duces Tecum B-1-1BIQQDL on the following parties by electronic mail:

Counsel for Respondent:

Howard E. Cole, Attorney at Law  
Lewis, Roca, Rothgerber, Christie, LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Email: [hcole@lrrc.com](mailto:hcole@lrrc.com)

Counsel for Local Union No. 780, Motion Picture and Video Laboratory Technicians, Allied Crafts and Govt Employees, IATSE:

Nicholas Wolfmeyer Esq.  
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PO Box 2231  
Orlando, FL 32802-2231  
Email: [nwolfmeyer@eganlev.com](mailto:nwolfmeyer@eganlev.com)

/s/ Zuzana Murarova

\_\_\_\_\_  
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UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

LOGMET, LLC

and

Case 09-CA-247369

LOCAL UNION NO. 780, MOTION PICTURE  
AND VIDEO LABORATORY TECHNICIANS,  
ALLIED CRAFTS AND GOVERNMENT EMPLOYEES, IATSE

ORDER GRANTING IN PART THE MOTIONS OF THE GENERAL COUNSEL AND CHARGING PARTY UNION TO  
REVOKE RESPONDENT'S SUBPOENAS

On February 2, 2021, the General Counsel filed a motion to quash Respondent's subpoena to Region 9. The Charging Party Union filed an almost identical motion on February 5, 2021 regarding Respondent's subpoena to it. These motions are granted with the exceptions noted below.

Those documents which were obtained from Respondent need only be identified to the Respondent and not produced to it. If both the General Counsel and the Charging Party Union have documents that are required to be produced, only one need produce the document.

Generally, Respondent's subpoena requests many documents in the files of the General Counsel, including documents showing the deliberations that led to the issuance of the complaint and the affidavits of potential witnesses. Board law is crystal clear that Respondent is not entitled to obtain these documents via subpoena. Affidavits and other Jencks materials should be requested after each witness has testified. Such material should then be produced solely for purposes of cross-examination and then deleted from the computers of Respondent and Respondent's counsel.

The motion to quash Request #20 is granted because it asks for material that is irrelevant to a hearing on the merits of the complaint.

The exceptions to this Order with regard to which the General Counsel and the Charging Party Union must produce material are as follows. The General Counsel and the Union are required to produce these documents ONLY TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF **STATUTORY** EMPLOYEES (names and other identifying information of statutory employees may be redacted). For those documents required to be produced with respect to which the General Counsel and/or the Union claim a privilege, they must prepare a privilege log.

Subpoena B-1-1BIQQDL issued to the Regional Director on January 25, 2021

**REQUEST NO. 4:**

Documents that reference, concern, reflect, or relate to any communications you have had with any current or former employee of Data Monitor Systems, Inc. ("DMS") regarding the allegations in the Complaint including without limitation, video or audio recordings, emails, correspondence, text messages, instant messages, social media comments/conversations, voicemails, photos exchanged, or facsimiles TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUESTS NO. 6, 8, 10 and 11:**

Documents that support and/or evidence that Logmet issued offers of employment to individuals who were previously employees of Trailboss, and that Logmet was a perfectly clear successor to Trailboss-- TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES (i.e., offers of employment with names and other identifying information redacted).

**REQUEST NO. 7:**

Documents that support and/or evidence that on or about July 3, 2019, Logmet was awarded the subcontract for transportation services at Wright-Patterson Air Force Base ("WPAFB").

**There are 2 requests # 13:**

**REQUEST NO. 13 (first):**

Documents that support and/or evidence of your claim in paragraph 6(b) of the Complaint that IATSE 780 was the exclusive bargaining representative of the Unit described in paragraph 6(a) of the Complaint since at least February 1, 2015--TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES WHO WERE MEMBERS OF THE BARGAINING UNIT.

**REQUESTS NO. 13 (second), 14, 15, 16, 17:**

Documents that support and/or evidence of your claim in paragraph 7(a)(i) of the Complaint that Logmet failed to continue in effect the shift premium of Trailboss--TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES (i.e., names and other identifying information redacted).

**REQUEST NO. 14:**

Documents that support and/or evidence the claim in paragraph 7(a)(ii) of the Complaint that Logmet failed to continue in effect the payroll workweek and pay periods of Trailboss--TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES

**REQUEST NO. 15:**

Documents that support and/or evidence of the claim in paragraph 7(a)(iii) of the Complaint that Logmet failed to continue in effect notice for changes in scheduled shifts of Trailboss--TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 16:**

Documents that support and/or evidence of the claim in paragraph 7(a)(iv) of the Complaint that Logmet failed to continue health care coverage, insurance coverage, and all related policies outlined in the collective bargaining agreement detailed in paragraph 6(b) of the Complaint--TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 17:**

Documents that support and/or evidence of the claim in paragraph 7(b) of the Complaint that Logmet implemented changes to shift premium, payroll workweek and pay periods, notice of changes in scheduled shifts, health care coverage, insurance coverage, and all related policies outlined in the collective bargaining agreement detailed in paragraph 6(b) of the Complaint, and other terms and conditions known and “presently unknown” to Region 9 of the National Labor Relations Board-TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES

**REQUEST NO. 18:**

Documents that support and/or evidence of the claim in paragraph 7(d) of the Complaint that Logmet engaged in the conduct alleged in paragraphs 7(a) and 7(b) of the Complaint without first bargaining with IATSE 780-TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 19:**

Documents that support and/or evidence of the claim in paragraph 7(d) of the Complaint that Logmet engaged in the conduct alleged in paragraphs 7(a) and 7(b) of the Complaint without first bargaining with IATSE 780 to an “overall good-faith impasse for a collective bargaining agreement”-TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

Subpoena served on Union Counsel on February 1, 2021

As a general proposition, Respondent employer is not entitled to obtain from the Charging Party Union via subpoena, documents that it may not obtain from the General Counsel, *H.B. Zachry*, 310 NLRB 1037 (1993).

**REQUEST NO. 4:**

Documents that reference, concern, reflect, or relate to any communications you have had with any current or former employee of Data Monitor Systems, Inc. (“DMS”) regarding the allegations in the Complaint including without limitation, video or audio recordings, emails, correspondence, text messages, instant messages, social media comments/conversations, voicemails, photos exchanged, or facsimiles-TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 6, 8, 11, 12:**

Documents that support and/or evidence the claim that on or about July 21, 2019, (“Logmet”) issued offers of employment to all or any of the employees of Trailboss Enterprises, Inc. (“Trailboss”). - TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES (i. e., offers of employment with names and other identifying information redacted).

**REQUEST NO. 7:**

Documents that support and/or evidence the claim in paragraph 3(a) of the Complaint that on or about July 3, 2019, Logmet was awarded the subcontract for transportation services at Wright-Patterson Air Force Base (“WPAFB”).

**REQUEST NO. 13 (first):**

Documents that support and/or evidence the claim in paragraph 6(b) of the Complaint that IATSE 780 was the exclusive bargaining representative of the Unit described in paragraph 6(a) of the Complaint since at least February 1, 2015.- TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 13: (second)**

Documents that support and/or evidence the claim in paragraph 7(a)(i) of the Complaint that Logmet failed to continue in effect the shift premium of Trailboss-TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 14:**

Documents that support and/or evidence the claim in paragraph 7(a)(ii) of the Complaint that Logmet failed to continue in effect the payroll workweek and pay periods of Trailboss- TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 15:**

Documents that support and/or evidence the claim in paragraph 7(a)(iii) of the Complaint that Logmet failed to continue in effect notice for changes in scheduled shifts of Trailboss- TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 16:**

Documents that support and/or evidence the claim in paragraph 7(a)(iv) of the Complaint that Logmet failed to continue health care coverage, insurance coverage, and all related policies outlined in the collective bargaining agreement detailed in paragraph 6(b) of the Complaint-TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 17:**

Documents that support and/or evidence the claim in paragraph 7(b) of the Complaint that Logmet implemented changes to shift premium, payroll workweek and pay periods, notice of changes in scheduled shifts, health care coverage, insurance coverage, and all related policies outlined in the collective bargaining agreement detailed in paragraph 6(b) of the Complaint, and other terms and conditions known and “presently unknown” to Region 9 of the National Labor Relations Board- TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 18:**

Documents that support and/or evidence the claim in paragraph 7(d) of the Complaint that Logmet engaged in the conduct alleged in paragraphs 7(a) and 7(b) of the Complaint without first bargaining with IATSE 780- TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES.

**REQUEST NO. 19:**

Documents that support and/or evidence the claim in paragraph 7(d) of the Complaint that Logmet engaged in the conduct alleged in paragraphs 7(a) and 7(b) of the Complaint without first bargaining with IATSE 780 to an “overall good-faith impasse for a collective bargaining agreement”-TO THE EXTENT THAT SUCH DOCUMENTS DO NOT DISCLOSE THE IDENTITY OF EMPLOYEES

If any party has questions pertaining to this order, I am available for a conference call this entire week.

Dated: February 10, 2021  
Washington, D.C.

Handwritten signature of Arthur J. Amchan in cursive script.

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Arthur J. Amchan  
Administrative Law Judge