FORM NLRB-31

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Local Union No. 780, Motion Picture and Video Laboratory Technicians, Allied Crafts and Government Employees, IATSE, 6301 N. Northwest Highway, Chicago, IL 60631

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

whose address is 3993 Howard Hughes Parkway, #600 Las Vegas , NV 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

in the City of , or by Zoom in a manner (including via video conference technology) or at a location otherwise ordered by the Administrative Law Judge

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

or rescheduled date to testify in LOGMET, LLC 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.

B-1-1BIQMQH

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

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.

Case 09-CA-247369

B-1-1BIQMQH

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

_____

_____

_____

on the named person on

_____

(Month, day, and year)

_____

(Name of person making service)

_____

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

_____

on

(Month, day or days, and year)

_____

(Name of person certifying)

_____

(Official title)

ATTACHMENT

In lieu of personal appearance in the above-entitled matter before Administrative Law Judge Ira Sandron on the 16th day of February, 2021 at 9:00 a.m. at the law offices of Lewis Roca Rothgerber Christie, 3993 Howard Hughes Parkway, 6th 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 the 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 Local Union No. 780, Motion Picture and Video Laboratory Technicians, Allied Crafts and Government Employees, IATSE.

10. "Region 9" 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.

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 during investigation into the allegations of the unfair labor practice charge and/or in the preparation of the Complaint and Notice of Hearing by Region 9 in Case 09-CA-247369 ("Complaint").

REQUEST NO. 2:

Documents that reference, concern, reflect, or relate to any communications you have had with Region 9 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 the allegations in the Complaint.

REQUEST NO. 6:

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 Traiboss Enterprises, Inc. ("Trailboss").

REQUEST NO. 7:

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

REQUEST NO. 12:

Documents that support and/or evidence the 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 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.

REQUEST NO. 13:

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.

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.

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.

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.

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.

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.

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."

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.

REQUEST NO. 21:

Documents that you provided to any federal, state, and/or local administrative agencies, and any and all correspondence or other documents sent from the federal, state, and/or local administrative agencies concerning the allegations in the Complaint.

REQUEST NO. 22:

Documents that you provided to any and all correspondence or other documents provided by you to any other person or entity concerning the allegations in the Complaint.