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

ALAMILLO REBAR, INC.

              and   **Case 32-CA-068346**

SHOPMEN'S UNION LOCAL 790

ORDER[1]

The Employer's petition to revoke subpoena duces tecum B-616940 is denied.

The subpoena seeks information relevant to the matters under investigation and

describes with sufficient particularity the evidence sought, as required by Section 11(1)

of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the

Petitioner has failed to establish any other legal basis for revoking the subpoena. See

generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v.*

Carolina Food Processors, Inc., 81 F.3d 507 (4th Cir. 1996).[2]

With respect to the attorney-client privilege and the attorney work product

doctrine issues raised by the Employer, we observe that the subpoena on its face does

not seek any documents protected by privilege. Rather, the subpoena instructions

provide that if the Employer refuses to produce any documents, it should identify and

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[1] The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

[2] In considering the petition to revoke, we have evaluated the subpoena in light of the Region's statements that it does not object to the Employer's redaction of "delivery terms, pricing, and/or the composition of rebar" from documents responsive to subpoena paragraph 4, and to the redaction of sensitive personally identifiable information from documents responsive to subpoena paragraph 6.

provide certain information about those documents,[3] which the Employer has done.

Accordingly, there are no grounds for revocation of the subpoena in this regard.[4]

Dated, Washington, D.C., March 12, 2012.

BRIAN E. HAYES,   MEMBER

RICHARD F. GRIFFIN, JR.,   MEMBER

TERENCE F. FLYNN   MEMBER

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[3] See Subpoena Definitions and Instructions, par. (xii).
[4] To the extent that the parties are ultimately seeking a determination of whether the asserted attorney client privilege and attorney work product doctrine in fact apply to certain documents, that issue is not properly raised in this petition to revoke the subpoena.