

**Lindsay, Garey E.**

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**From:** Duffey, Jonathan D.  
**Sent:** Sunday, August 19, 2012 6:46 PM  
**To:** Lindsay, Garey E.  
**Subject:** FW: Voith Industrial Services, Inc.-Cases 9-CA-75496, 9-CA-78747 and 9-CA-82437

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From: Rosenstein, Bruce  
Sent: Sunday, August 19, 2012 8:55 AM  
To: Duffey, Jonathan D.; Taylor, Eric A.; gmarsack@lindner-marsack.com; stephen.richey@thompsonhine.com  
Subject: Voith Industrial Services, Inc.-Cases 9-CA-75496, 9-CA-78747 and 9-CA-82437

Counselors,

I received Respondent Voith's Petition to Quash the Acting General Counsel's Subpoena Duces Tecum (B-643335), and the Acting General Counsel's Memorandum in Opposition to Respondent Voith's Petition to Quash Subpoena Duces Tecum late on Friday afternoon, August 17, 2012.

The Subpoena Duces Tecum seeks the production of 23 items as set forth in the attachment.

In representations by the Acting General Counsel of its willingness to discuss stipulations regarding the materials sought, I direct the parties to discern whether the materials in Items 6, 7, 8, 9, 10, 14, 15, 16, 19, and 21 of the Subpoena Duces Tecum have previously been provided by Respondent Voith to the Acting General Counsel. If so, then Respondent Voith does not need to produce the identical information. If the above items or any portions thereof have not been provided or are not in the possession of the Acting General Counsel, the materials must be produced as being necessary and relevant to the complaint allegations.

Regarding Items 18 and 22 of the Subpoena Duces Tecum, I will hold in abeyance any ruling until the commencement of the hearing to address their relevancy.

With respect to the information sought in Item 23 of the Subpoena Duces Tecum, I note that the subject charges were filed in February, April, and June 2012, and the Amended Second Consolidated Complaint issued on August 3, 2012. Thus, the charges have been pending investigation for over a five month period. In agreement with Respondent Voith, I find that the Acting General Counsel's request for documents in Item 23 (October 1, 2011 to the present) while mailed on August 7, 2012 were not received by Respondent Voith until after that date. Accordingly, this did not permit sufficient time prior to the scheduled August 21, 2012 hearing for Respondent Voith to compile the information and prepare its Petition to Quash the Subpoena Duces Tecum. Additionally, the information sought is unduly burdensome by seeking all e-mails and other correspondence among and between Respondent Voith's managers and supervisors, agents, or employees of Aerotek, Ford, and/or the United Auto Workers pertaining to Teamsters Local 89 and the unionization of Aerotek's employees. Under these circumstances, I grant Respondent Voith's request to quash the Subpoena Duces Tecum regarding the documents sought in Item 23.

Lastly, all documents not subject to the Petition to Quash the Subpoena Duces Tecum must be produced and turned over to the Acting General Counsel (Items 1-5, 11-13, 17, and 20).

Judge Rosenstein

EXHIBIT 1