

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Erwin Gebhardt, Director of Labor Relations, Voith Industrial Services, Inc.,
9395 Kenwood Road, Suite 200, Cincinnati, Ohio 45242

As requested by Jonathan D. Duffey, Counsel for the Acting General Counsel
whose address is Room 3003, John Weld Peck Federal Building,
550 Main Street Cincinnati, Ohio 45202
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE an Administrative Law Judge
_____ of the National Labor Relations Board
at Room 47, Gene Snyder Courthouse, 601 West Broadway
in the City of Louisville, Kentucky

on the 20th day of August 2012 at 1:00 ~~PM~~ (p.m.) or any adjourned
VOITH INDUSTRIAL SERVICES, INC.
or rescheduled date to testify in Cases 9-CA-075496; 9-CA-078747; 9-CA-082437;
9-CB-075505; 9-CB-082805
(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

In accordance with the 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), objections to the subpoena must be made by a petition to revoke and must be filed as set forth therein. Petitions to revoke must be received within five days of your having received the subpoena. 29 C.F.R. Section 102.111(b) (3). Failure to follow these regulations may result in the loss of any ability to raise such objections in court.

B - 643335

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

Issued at Cincinnati, Ohio



this 6th day of August, 20 12

Lesfer A. Neltzer

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.

DEFINITIONS AND INSTRUCTIONS

- 1) When used in this subpoena, the word "document" or "documents" means any existing printed, typewritten, handwritten or otherwise record material of whatever character, including, but not limited to, letters, correspondence, memoranda, telegrams, mailgrams, minutes, notes, statements, affidavits, agreements, summaries, records of telephone conversations, telephone bills, recordations of personal conversations, interviews or meetings, transcripts, diaries, reports, charts, contracts, calendars, interoffice communications, books, records, tax records, bookkeeping and/or accounting work papers, canceled checks, accounts, account receivable records, ledgers, journals, purchase orders, invoices, bills of lading, billing slips, delivery records, receiving records, photographs, microfilm, audio or video tapes, voice mail messages, material existing on computer software or hardware, computer tapes or disks and electronic mail, and all data contained thereon that may be retrieved, including material stored on hard disks, an any carbon, photographic or other duplicate copy of such material in the possession of, control of, or available to the subpoenaed party or any attorney, agent, representative or other person acting in cooperation with, in concert with, or on behalf of the subpoenaed party.
- 2) Voith Industrial Services, Inc. shall be referred to as "Respondent."
- 3) General Drivers, Warehousemen & Helpers, Local Union 89, Affiliated with the International Brotherhood of Teamsters, shall be referred to as "Teamsters 89."
- 4) United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO and United Automobile, Aerospace and Agricultural Implement Workers of America, Local Union No. 862, AFL-CIO, shall be referred to independently and collectively as "UAW".
- 5) Aerotek, Inc. shall be referred to as "Aerotek"
- 6) The Ford Motor Company and any sub-divisions thereof shall be referred to as "Ford".
- 7) "Yard Work" shall refer to all work traditionally and commonly referred to as such at Ford's Louisville Assembly Plant (LAP), including, but not limited to, the batching and holding of vehicles intended for sale (units), shuttle operations, yard/inventory management, and rail loading and unloading.
- 8) The term "person" or "persons" means natural persons, corporations, partnerships, sole proprietorships, associations, organization, trust, joint venture, or group of natural persons or other organizations or any other kind of entity.
- 9) Whenever used in this subpoena, the singular shall be deemed to include the plural, and vice versa; the present tense shall be deemed to include the past tense, and vice versa; reference to parties shall be deemed to include any and all of their officers, agents and representatives; the masculine shall be deemed to include the feminine, and vice versa; the disjunctive "or" shall be deemed to include the conjunctive "and," and vice versa; and each of the words "each," "any," "every," and "all" shall be deemed to include each of the other words.
- 10) Unless otherwise stated, this subpoena covers the period from October 1, 2011 to

present.

11) Unless otherwise stated, the term "Respondent's facility" means the facilities where Respondent's employees work at Ford's Louisville Assembly Plant in Louisville, Kentucky (LAP).

12) Any copies of original documents which are different in any way from the original, whether by interlineation, receipt, stamp, notations, indication of copies sent or received, or otherwise, shall themselves be considered original documents and must be produced separately from the originals or copies of originals.

13) All documents produced pursuant to this subpoena should be organized by the subpoena paragraph to which each document or set of documents is responsive.

ATTACHMENT

The following documents and/or other items in the possession or control of either Respondent or its agents and attorneys:

Or, in lieu of the subpoenaed materials, a sworn affidavit by Respondent's officer having personal knowledge of facts relating to the information requested, but provided that said records and other documents will be made available at hearing for inspection by an authorized agent of the National Labor Relations Board, if requested, and said affiant will be available to testify with respect to the information sought at the hearing.

1. Any job descriptions for Respondent's employees who perform janitorial or custodial work at Ford's Louisville Assembly Plant facility (LAP).
2. Any job descriptions for Respondent's employees who perform yard work at LAP.
3. Any tests, physical fitness requirements and/or other standards that must be met by Respondent's employees who perform janitorial or custodial work at LAP.
4. Any tests, physical fitness requirements and/or other standards that must be met by Respondent's employees who perform yard work at LAP.
5. All communications, in any form, between Respondent and Aerotek regarding hiring for yard work at LAP.
6. For all of Respondent's employees who perform yard work at LAP, documents showing the date they were hired, the date they started work for Respondent in any capacity, and the date that they started performing yard work duties at LAP.
7. All job applications of Respondent's employees who performed yard work duties at LAP between January 1, 2012 and present, regardless of when the application was submitted to Respondent or what position was applied for.

8. Any notes taken in the hiring process for employees who applied for and/or were ultimately assigned to perform yard work duties at LAP
9. Any communications between Respondent and Teamsters 89 pertaining to whether Respondent had an obligation to recognize and bargain with Teamsters 89 on behalf of employees at LAP.
10. All collective bargaining agreements in effect between October 1, 2011 and present between Respondent and UAW covering employees at LAP.
11. All advertisements or postings for work for employees to perform yard work duties at LAP.
12. All contracts between Respondent and Ford defining the scope of Respondent's work at LAP in effect during the time period from October 1, 2011 to present, regardless of when the contracts were entered into.
13. Any and all communications, regardless of form, between Ford and Respondent about yard work at LAP from October 1, 2011 to present.
14. Any and all communications, regardless of form, between Respondent and UAW about yard work at LAP from October 1, 2011 to present.
15. Respondent's handbook(s) in effect at LAP from January 1, 2012 to present.
16. Respondent's policies pertaining to solicitation and distribution in effect at LAP from January 1, 2012 to present.
17. All union cards relied upon by Respondent in granting recognition to UAW.
18. Any documents showing vehicles damaged by Respondent's employees at LAP.
19. The personnel files of all of Respondent's employees at LAP who performed yard work from January 1, 2012 to present.
20. Any notes taken by or relied upon by Respondent in meetings held with Respondent's employees at LAP on or about June 1, 2012.
21. Any notes taken by or relied upon by Respondent in hiring employees to perform yard work duties at LAP.
22. Dennis Frank's cell phone records for any incoming or outgoing calls on April 11, 2012.
23. True copies of all emails and other correspondence among and between Respondent's managers and supervisors and/or between Respondent's managers and/or

supervisors and managers, supervisors, agents or employees of Aerotek, Ford, and/or UAW pertaining to Teamsters 89, the unionization of Respondent's employees performing yard work at LAP or the unionization of Aerotek's employees performing yard work at LAP during the period October 1, 2011 through the present. With regard to this item, please provide the following related information:

- **Whose email was searched?** A search of the email of all individuals ("custodians") who are most likely to possess communications covered by the subpoena is expected.
- **What email was searched?** For each custodian's mailbox, what folders, archives and document management systems were searched? Did the search include both email stored on the Respondent's server for its company email system, and email stored in personal folders and archives on individual computers? Did the search include email hosted on third-party service providers such as Google or Yahoo, including both company and personal accounts used by custodians for work-related communications?
- **How was the search conducted?** Who conducted the searches, and what search software and/or search terms were used to locate emails?