

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

FOUR POINTS BY SHERATON

and

Case 32-CA-085933

UNITE HERE LOCAL 19

ORDER¹

The Employer's petition to revoke subpoena ad testificandum A-879617 is denied. The subpoena seeks information relevant to the matter 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 Employer 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

Dated, Washington, D.C., November 6, 2012.

MARK GASTON PEARCE, CHAIRMAN

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER

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

² Member Hayes would hold the petition to revoke investigative subpoena ad testificandum in abeyance for thirty days to provide the Region an opportunity to file a supplemental opposition explaining what further evidence is necessary to determine if a complaint should issue, and why such evidence can only be obtained through the affidavit of the Employer's agent and/or supervisor.