From: (b) (6), (b) (7)(C)
To: Leslie, Linda M.; Cacaccio, Jessica; Basantes, Ruth; Lehmann, Gregory; Snelling, Abigail J.; SM-Region 3, Buffalo
Cc: Compton, Kayce R.; Dodds, Amy L.; Walters, Kimberly; Belin, Jeremy S.; Shorter, LaDonna
Subject: Starbucks Corp., 03-CA-310035 (case closing email)
Date: Friday, April 11, 2025 11:29:00 AM

The Region resubmitted this case for advice on a variety of issues related to overly broad subpoenas issued to employees in a Board proceeding, including, most pertinently, whether the charge is now mooted by present circumstances. We conclude that this charge should be dismissed, absent withdrawal, because issuing complaint would not effectuate the purposes and policies of the Act.

On May 19, 2022, Region 3 issued a consolidated complaint in (b) (7)(A) et al., alleging that the Employer committed almost 300 unfair labor practices. On or about July 8, 2022, the Employer served administrative trial subpoenas on seventeen individuals—all of whom were either current or former employees. The hearing began on July 11, 2022, and concluded on September 14, 2022. Over the course of the proceedings, the ALJ quashed nearly all the subpoenas in their entirety because they were overly broad and sought confidential information about Section 7 activities. On January 9, 2023, the charge in the instant case was filed, alleging that the Employer violated the Act during cross-examination of two witnesses and by issuing overly broad, coercive subpoenas to the aforementioned seventeen individuals. Advice held the case in abeyance until related litigation was resolved, after which the Advice memorandum in this case issued on November 13, 2024. Therein, we concluded that complaint should issue because the cross-examinations encroached on confidential Section 7 activity and, regardless of the ALJ quashing the subpoenas, the subpoenas still had a reasonable tendency to coerce the employees upon receipt; thus, a Board order was necessary to fully remedy these violations. On December 16, 2024, the Board affirmed and amended the ALJ's conclusions in the case-in-chief and, alongside a litany of remedies, ordered the Employer to post a voluminous notice. 374 NLRB No. 10 (2024).[1]

Based on the current circumstances, we conclude that pursuing complaint in this matter would not be an effective use of limited Agency resources. The coercive cross-examinations occurred in the context of soliciting just-and-proper evidence related to a parallel Section 10(j) proceeding within an administrative hearing—a rare event unlikely to reoccur—and both the underlying administrative case and the Section 10(j) case have concluded. Regarding the overbroad subpoena requests, nearly all the subpoenas were quashed within weeks after they were issued—over two years ago. (b) (5)

Furthermore, many of the remaining ten individuals no longer work for the Employer. Lastly, the Board's decision in the case-in-chief resolved almost 300 unfair labor practices, including coercively interrogating employees, and resulted in a wide variety of remedies, including a broad cease-and-desist order and notice posting/reading. Under these circumstances, we conclude it would not effectuate the purposes and policies of the Act to issue complaint. Therefore, this charge should be dismissed, absent withdrawal.

This email closes this case in Advice. Please do not hesitate to contact us with questions or concerns.

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[1] The Employer filed a petition for review, and the Board filed a cross-application for enforcement, which are before the United States Court of Appeals for the Fifth Circuit.

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National Labor Relations Board
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