

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GOODKIND GROUP & PARK LANE
HOTEL, as joint employers

and

Case 02-CA-372011

RESTAURANT WORKERS UNION, LOCAL 1

ORDER

Petitioner Park Lane Hotel's Petition to Revoke subpoena duces tecum B-1-1QPBNGT 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).¹

¹ In considering the petition to revoke, we have evaluated the subpoena in light of the modifications in the Region's opposition to the petition to revoke.

Furthermore, the Petitioner argues that the petition should be revoked to the extent that the Petition is required to produce documents "readily or more accessible from another source that is more convenient, less burdensome, or less expensive" and "requests information that is not in Park Lane's possession, custody, or control." The Petitioner is not required to produce evidence requested in the subpoena that it does not possess, but the Petitioner is required to conduct a reasonable and diligent search for all requested evidence. With respect to requested information not in the Petitioner's possession, custody, or control, the subpoena compels the Petitioner to obtain such information from other persons or companies, if necessary. If the information does not exist, or if the other persons or companies decline to provide the information, the Petitioner must affirmatively represent this fact to the Region. See *Clear Channel Outdoor, Inc.*, 346 NLRB 696, 702 fn. 10 (2006) ("In responding to a subpoena, an individual is required to produce documents not only in [their] possession, but any documents that [they] had a legal right to obtain[.]") (citing *Searock v. Stripling*, 736 F.2d 650, 653 (11th Cir. 1984)). Moreover, if the other persons or companies do not comply with a request for the information from the Petitioner, nothing would prevent the Region from seeking that information directly from the other persons or companies.

Dated, Washington, D.C. July 31, 2026.

JAMES R. MURPHY,	CHAIRMAN
DAVID M. PROUTY,	MEMBER
SCOTT A. MAYER,	MEMBER