

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
SAN FRANCISCO BRANCH**

RED ROCK RESORTS, INC.;

and

STATION HOLDCO LLC;

and

STATION CASINOS LLC;

and

**FP HOLDINGS, L.P. d/b/a
PALMS CASINO RESORT AND PALMS PLACE, and
FIESTA PARENTCO, L.L.C., General Partner;**

and

**NP BOULDER LLC d/b/a
BOULDER STATION HOTEL & CASINO;**

and

**NP FIESTA LLC d/b/a
FIESTA RANCHO HOTEL & CASINO;**

and

**NP LAKE MEAD LLC d/b/a
FIESTA HENDERSON CASINO HOTEL;**

and

**NP PALACE LLC d/b/a
PALACE STATION HOTEL & CASINO;**

and

**NP RED ROCK LLC d/b/a
RED ROCK CASINO, RESORT & SPA;**

and

**NP SANTA FE LLC d/b/a
SANTA FE STATION HOTEL & CASINO;**

and

**NP SUNSET LLC d/b/a
SUNSET STATION HOTEL & CASINO;**

and

**NP TEXAS LLC d/b/a
TEXAS STATION GAMBLING HALL AND HOTEL;**

and

**STATION GVR ACQUISITION, LLC d/b/a
GREEN VALLEY RANCH RESORT SPA CASINO;
collectively, a Single Employer and
Single Integrated Enterprise**

and

**LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS a/w
UNITE HERE INTERNATIONAL UNION**

and

**THOMAS STALLINGS, an Individual
Party in Interest**

**Cases 28-CA-228052
28-CA-228944
28-CA-247602
28-CA-248464
28-CA-249203
28-CA-249576
28-CA-251083
28-CA-251254
28-CA-251803
28-CA-252404
28-CA-252964
28-CA-256630
28-CA-257778
28-CA-260167
28-CA-260169
28-CA-260187
28-CA-260199
28-CA-260207
28-CA-260209
28-CA-260216
28-CA-261666
28-CA-262465
28-CA-262973
28-CA-262977**

28-CA-262980
28-CA-262982
28-CA-262987
28-CA-263582
28-CA-264135
28-CA-264297
28-CA-264465
28-CA-264469
28-CA-264476
28-CA-264612
28-CA-264619
28-CA-264626
28-CA-264631
28-CA-264638
28-CA-266556
28-CA-266987
28-CA-267067
28-CA-268930
28-CA-268957
28-CA-268958
28-CA-268960
28-CA-269516
28-CA-269517
28-CA-269519
28-CA-269520
28-CA-269959
28-CA-269962
28-CA-269965
28-CA-271251
28-CA-271608
28-CA-273812
28-CA-273936

RED ROCK RESORTS, INC.;

and

STATION HOLDCO LLC;

and

STATION CASINOS LLC;

and

NP SUNSET LLC d/b/a

SUNSET STATION HOTEL & CASINO;

and

**FP HOLDINGS, L.P. d/b/a
PALMS CASINO RESORT AND PALMS PLACE, and
FIESTA PARENTCO, L.L.C., General Partner;
collectively, a Single Employer and
Single Integrated Enterprise**

and

**INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 501, AFL-CIO**

**Cases 28-CA-239331
28-CA-247230
28-CA-260724**

and

**THOMAS STALLINGS, an Individual
Party in Interest**

RED ROCK RESORTS, INC.;

and

STATION HOLDCO LLC;

and

STATION CASINOS LLC;

and

**NP TEXAS STATION LLC d/b/a TEXAS STATION
GAMBLING HALL AND HOTEL;
collectively, a Single Employer and Single Integrated
Enterprise**

and

Case 28-CA-245467

MARIA SANJUANA ORTIZ, AN INDIVIDUAL

RED ROCK RESORTS, INC.;

and

STATION HOLDCO LLC

and

STATION CASINOS LLC;

and

**NP PALACE LLC d/b/a PALACE STATION HOTEL &
CASINO**

**collectively, a Single Employer and
Single Integrated Enterprise**

and

Case 28-CA-239376

BLAKE SAARI, AN INDIVIDUAL

**ORDER GRANTING GENERAL COUNSEL’S MOTION SEEKING A FINDING OF
CONTUMACY AND PERMISSION TO INITIATE SUBPOENA ENFORCEMENT
PROCEEDINGS**

On October 5, 2021, Counsel for the General Counsel (CGC) filed a motion seeking a finding of contumacy and permission to initiate subpoena enforcement proceedings.¹ On October 6, 2021, I issued an order to show cause with responses due on October 13, 2021.² On October 7, 2021, Counsel for the International Union of Operating Engineers, Local 501, AFL-CIO (IUOE Local 501) filed a joinder to the General Counsel’s October 5, 2021 motion.³ Respondents filed their opposition to the General Counsel’s October 5, 2021, motion on October 13, 2021.

¹ The subpoenas at issue herein are: B-1-1CYAOBJ (Station GVR); B-1-1CYAHH5 (Texas); B-1-1CYAG8F (Sunset); B-1-1CYAGDF (Santa Fe); B-1-1CYA9KZ (Red Rock); B-1-1CYA3Y7 (Palace); B-1-1CY9QEF (Fiesta Henderson); B-1-1CY9TCT (Fiesta Rancho); B-1-1CY9H2V (Boulder); B-1-1CY9ERJ (Palms); B-1-1CY9DVB (Station Holdco); B-1-1CY901J (Red Rock Resorts); and B-1-1CY8UNX (Station Casinos).

² On October 7, 2021, Respondents filed a request for extension of time from October 13, 2021 to October 18, 2021 to respond to my order. That same day CGC filed an opposition. I denied the request for an extension of time on October 13, 2021.

³ Counsel for IUOE Local 501 is cautioned from using inflammatory, personal attacks in this proceeding. Any proceeding before the National Labor Relations Board is not a criminal proceeding, and thus under no circumstances will “Respondents spend some time in federal prison” nor “may be appropriate to have their lawyers join them” as suggested in the joinder. Such comments simply will not be tolerated, and only serve to distract from the purpose behind this proceeding which is clearly set forth in the General Counsel’s consolidated complaint in this matter.

After reviewing the parties' arguments, I **GRANT** the General Counsel's motion seeking a finding of contumacy and permission to initiate subpoena enforcement proceedings.

Section 11(2) of the National Labor Relations Act (the Act) provides:

In case [of] contumacy or refusal to obey a subpoena issued to any person, any United States district court or the United States courts of any Territory or possession, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

29 U.S.C. Section 161(2). In an unpublished National Labor Relations Board (the Board) decision involving several of the same parties as this matter, the Board held that the trial judge is "in the best position to determine" if contumacious conduct has occurred. See *Stations Casinos, LLC*, 28-CA-22918, unpub. Board, March 3, 2011 (2011 WL 828422).

To summarize, CGC argues that despite my ruling on September 3, 2021 wherein I order Respondents to produce the responsive documents immediately since the hearing in this matter commenced on August 24, 2021, Respondents have failed to produce a significant number of responsive documents as of CGC's October 5, 2021 motion. In support of this motion, CGC provides a long recitation of meet and confer discussions between the parties since July 2021 as well emails between the parties.

To summarize, Respondents argue that the General Counsel's motion is premature. Respondents then proceed to argue that the documents have not been produced because the General Counsel did not issue all the subpoenas at once in early June 2021 as they had discussed, the scope of the subpoena are "excessive", CGC disregarded the impact of Hurricane Ida, CGC will not provide exact search terms for the electronically stored information, and the General Counsel issued additional subpoenas since the initial set. Despite my ruling to provide documents immediately unless otherwise agreed, Respondents state, "While the General Counsel may want to have the entire universe of possible documents in their possession prior to October 25, 2021, this does not appear to be a possibility or required in order to move forward with an efficient and effective hearing on all pending matters." As discussed below, Respondents arguments are rejected.

Based on my review of the entire record, Respondents have simply not complied with CGC's subpoena requests or my September 3, 2021 order regarding the petition to revoke which ordered the documents to be produced immediately unless otherwise agreed (which does not appear to have occurred here). This hearing opened on August 24, 2021. Prior to the hearing beginning as well as after the hearing commenced, I have granted delays in the start and resumption of the hearing precisely to avoid this motion. The purpose behind the granting of the

postponements, an even setting the initial trial date, which was fully discussed during our conference calls and my orders, was to allow Respondents time to provide the documents to CGC and time for CGC to review the documents so the hearing can resume in an orderly manner. Now with a little more than one week before the hearing resumes, it does not appear that Respondents have provided all (or even close to all) the documents sought by CGC for over 3 months ago despite my giving the benefit of the doubt to Respondents' counsel considering the breadth of these subpoena duces tecum requests. Moreover, rather than providing firm commitments to provide the documents by certain dates (and complying with these commitments), Respondents provide more excuses as to why the documents have not been provided. Nowhere in Respondents' opposition is an assertion that a certain portion of the request has been provided, and based on their opposition, Respondents have made clear that they will not be providing all documents when the hearing resumes. No matter if the hearing is one day or 100-days, subpoena documents must be provided to the requesting party when the hearing opens unless otherwise agreed. Despite the hearing opening and my September 3, 2021, order on the petition to revoke, Respondents have not complied. I can reach no further conclusion at this time other than that Respondents have engaged in contumacious conduct and refused to obey my September 3, 2021 order. To that end, the General Counsel may seek enforcement of all the subpoena duces tecum at issue in federal district court.

SO ORDERED.

Dated at San Francisco, California, this 15th day of October 2021.



Amita B. Tracy
Administrative Law Judge

PROOF OF SERVICE

I hereby certify that I have this 15th day of October 2021, caused copies of the foregoing document entitled, ORDER GRANTING GENERAL COUNSEL’S MOTION SEEKING A FINDING OF CONTUMACY AND PERMISSION TO INITIATE SUBPOENA ENFORCEMENT PROCEEDINGS, to be delivered by electronic mail upon the following:

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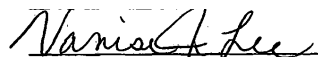
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Vanise J. Lee
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