

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

GARY W. MUFFLEY, Regional Director of the
Ninth Region of the National Labor Relations Board,
for and on Behalf of the NATIONAL LABOR
RELATIONS BOARD,

Applicant,

Case No.: 3:13-MC-12

vs.

GARY RODGERS and
KENTON BEATY,

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

Respondents.

ORDER

The National Labor Relations Board filed an application with this Court on September 16, 2013 for an Order requiring obedience to a subpoena *ad testificandum* properly served on Respondents Gary Rodgers and Kenton Beaty. Doc. 1. The Court issued an Order to Show Cause on October 8, 2013, ordering Respondents to personally appear before the undersigned on October 30, 2013 to show cause why they should not be compelled to comply with the subpoenas issued to them. Doc. 5. At the show cause hearing on October 30, 2013, counsel for Applicant advised the Court that Respondent Kenton Beaty has since fully complied with the subpoena. Respondent Gary Rodgers, on the other hand, failed to appear at the October 30, 2013 show cause hearing, and has failed to otherwise comply with the subpoena. It is therefore **ORDERED** that:

Respondent Gary Rodgers contact Field Examiner Michael Riggall at (513) 684-3686 and make arrangements to appear before an agent of the Regional Director of Region 9 of the

National Labor Relations Board at Room 3003, The John Weld Peck Federal Building, 550 Main St., Cincinnati, Ohio on or before **November 15, 2013** and give testimony as directed by the subpoena served on Respondent Gary Rodgers in conjunction with the proceeding in Case 9-CA-107530 now pending before the Board pursuant to Section 10 of the National Labor Relations Act, as amended (29 U.S.C. § 160).

The United States Marshal is **ORDERED** to personally serve this Order upon Respondent Gary Rodgers, whose home address is 6017 Crupton Avenue, Huber Heights, Ohio 45424.

Counsel for Applicant shall advise the Court, in writing, whether Mr. Rodgers has complied with this Order on or before **November 22, 2013**.

IT IS SO ORDERED.

October 31, 2013

s/ **Michael J. Newman**
United States Magistrate Judge

cc: United States Marshal