

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

To Troy Baxter, Human Resource Leader  
NPC International  
5217 Maryland Way, Suite 307, Brentwood, TN 37027

As requested by Linda M. Mohns, Board Agent  
whose address is 80 Monroe Avenue, Suite 350, Memphis, TN 38103  
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE an Agent  
\_\_\_\_\_ of the National Labor Relations Board  
at the Nashville Office of the NLRB, 810 Broadway, Suite 302  
in the City of Nashville, Tennessee  
on the 9th day of July 2013 at 9 :00 (a.m.) ~~(p.m.) or any adjourned~~  
or rescheduled date to testify in NPC International, Inc., d/b/a Pizza Hut, Case 15-CA-101501

(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

(See Attached)

In accordance with the Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings), objections to the subpoena must be made by a petition to revoke and must be filed as set forth therein. Petitions to revoke must be received within five days of your having received the subpoena. 29 C.F.R. Section 102.111(b) (3). Failure to follow these regulations may result in the loss of any ability to raise such objections in court.

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

**B - 709016**

Issued at Memphis, Tennessee

this 20th day of June 2013



*[Signature]*  
Chairman, National Labor Relations Board

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement in federal court.

**Exhibit D**

**RETURN OF SERVICE**

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- by person
- by certified mail
- by registered mail
- by telegraph
- by leaving copy at principal office or place of business at:

(Check method used.)

701A 2210 0001 4451 9263

on the named person on

6/20/13  
 (Month, day, and year)  
 Ann Baya  
 (Name of person making service)  
 RA Secretary  
 (Official title, if any)

**CERTIFICATION OF ATTENDANCE**

I certify that named person was in attendance as a witness at

on \_\_\_\_\_  
 (Month, day or days, and year)  
 \_\_\_\_\_  
 (Name of person certifying)  
 \_\_\_\_\_  
 (Official title)

This subpoena is intended to cover all documents that are available to NPC International, Inc. (hereafter referred to as "**NPC**" or "**Respondent**") or subject to NPC's reasonable acquisition, including but not limited to, documents in the possession of NPC's attorneys, accountants, advisors, investigators, or other persons directly or indirectly employed by or connected with NPC or its attorneys, or its parent, subsidiary, or other related companies, and anyone else otherwise subject to NPC's control.

1. As used in this request, the term "document" means, without limitation, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand: e-mails, text messages, correspondence, notes, memoranda, business records, lists, certificates, files, books, manuals, contracts, agreements, reports, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, journals, diaries, graphs, reports, notebooks, summaries or reports of investigations or negotiations, letters, data contained in computers, any marginal comments appearing on any document, tape recordings, and all other writings, figures, or symbols of any kind.
2. "Any," "each," and "all" shall be read to be all inclusive and to require the production of each and every document responsive to the request in which such terms appear.
3. "And" and "or" and any other conjunctions or disjunctions used herein shall be read both conjunctively and disjunctively, so as to make the request inclusive rather than exclusive, and to require the enumeration of all information responsive to all or any part of each request in which any conjunction or disjunction appears.
6. Whenever used herein, the singular shall be deemed to include the plural, and vice versa; the present tense shall be deemed to include the past tense and vice versa; the masculine shall be deemed to include the feminine and vice versa.
7. The term "person" means any natural person, corporation, partnership, proprietorship, association, organization, trust, joint venture, or group of natural persons or other organizations.
8. Documents subpoenaed shall include all documents in your physical possession, custody or control, your present or former supervisors, agents, attorneys, accountants, advisors, investigators, and any other persons and companies directly or indirectly employed by, or connected with you.
9. This request contemplates production of responsive documents in their entirety, without abbreviation, expurgation or redaction from the original.
10. If any document responsive to any request herein was withheld from production on the asserted ground that it is privileged, identify and describe the following:
  - a) author;
  - b) recipient;
  - c) date of the original document;



- d) subject matter of the document; and
  - e) nature of privilege asserted.
11. If any document responsive to any request herein was, but no longer is, in your possession, custody or control, identify the document (stating its date, author, subject, recipients and intended recipients); explain the circumstances by which the document ceased to be in your possession, custody or control, and identify (stating the person's name, employer title, business address and telephone number, and home address and telephone number) all persons known or believed to have the document or a copy thereof in their possession, custody or control.
  12. If any document responsive to any request herein was destroyed, discarded, or otherwise disposed of for whatever reasons, identify the document (stating its date, author, addressee(s), receipts and intended recipients, title and subject matter); explain the circumstances surrounding the destruction, discarding or disposal of the documents, including the timing of the destruction, discharging or disposal of the document, and identify all persons known or believed to have the document or a copy thereof in their possession, custody or control.
  13. All documents produced pursuant to this subpoena should be organized by the subpoena paragraph that each document or set of documents is responsive to, and labels referring to that subpoena paragraph should be affixed to each document or set of documents.
  14. This request is continuing in character and if additional responsive documents come to your attention following the date of production, such documents must be promptly produced.
  15. **For the purpose of reducing delay and expense, an agent of the National Labor Relations Board will be available to meet with you, or your designated or legal representative, at a mutually agreed-upon time and place, prior to the return date of the subpoena, for the purpose of examining and/or copying the documents subpoenaed, and/or to enter into stipulations concerning the contents of the subpoenaed documents.**

## **DOCUMENTS REQUESTED**

1. All documents Respondent submitted to or received from the Tennessee Department of Labor and Workforce Development regarding the workers' compensation benefit claim of NPC International, Inc. employee Tiffney Penley.
2. All documents reflecting the investigation of Tiffney Penley's workers' compensation claim and all findings and determinations made during the course of the investigation.
3. All documents reflecting communications relating in any way to Tiffney Penley's workers' compensation claim.
4. All documents relating to the February 14, 2013 release by Jeffrey M. Sorenson, MD authorizing Tiffney Penley to return to work without restrictions.
5. All documents that discuss or refer to Sorenson's medical release of Penley.