

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	Case No. 2007-MMC-01
)	
D'ARRIGO BROS. CO. OF CALIFORNIA,)	
)	
Employer,)	ORDER REFERRING
)	MOTION TO MEDIATOR
and)	
)	Admin. Order 2007-01
UNITED FARM WORKERS OF)	
AMERICA,)	
)	
<u>Petitioner.</u>)	

ORDER

PLEASE TAKE NOTICE THAT the Motion to Strike UFW's Identification of Issues in Dispute, filed by D'Arrigo Bros. Co. of California, is hereby referred to the mediator chosen by the parties. Board Regulation 20407, subdivision (a)(2)¹ provides that "the mediator shall preside at the mediation, shall rule on the admission and exclusion of evidence and on questions of procedure and shall exercise all powers relating to the conduct of the mediation." The import of this provision, along with the provisions of Regulation 20406, which gives the mediator the authority to rule on discovery matters, is to vest in the mediator the authority to control all aspects of the conduct of the mediation process within the parameters of the controlling statute and regulations. As the identification of issues is part and parcel of the mediation process

¹ Board Regulations are codified at Title 8, California Code of Regulations, section 20100, et seq.

itself, the motion to strike must be addressed to the mediator. Accordingly, a copy of the pleadings regarding the motion to strike shall be forwarded to the mediator along with this Order. In the future, the parties shall file such pleadings with the mediator.

By Direction of the Board.

DATED: February 14, 2007

JOSEPH A. WENDER
Acting Executive Secretary, ALRB