

**STATE OF CALIFORNIA**

**AGRICULTURAL LABOR RELATIONS BOARD**

In the Matter of: )  
)  
HESS COLLECTION WINERY, )  
) Case No. 2003-MMC-01  
) (29 ALRB No. 6)  
)  
) ORDER GRANTING  
) UNION'S REQUEST  
) TO FILE A LATE  
) SUBMISSION  
Employer, )  
)  
)  
and )  
) Admin. Order No. 2009-06  
)  
UNITED FOOD AND COMMERCIAL )  
WORKERS UNION, )  
LOCAL 5, )  
)  
Petitioner. )  
\_\_\_\_\_)

On March 5, 2009, the Agricultural Labor Relations Board (ALRB or Board) issued Administrative Order 2009-05 in the above-captioned matter setting forth a revised briefing schedule for the submission of briefs on several novel issues raised by a January 22, 2009 memo from ALRB Salinas Regional Director Freddie Capuyan and Assistant General Counsels Joseph Mendoza and Marvin Brenner from the Salinas Regional office.

Administrative Order 2009-05 instructed the Hess Collection Winery (Employer) and the United Food and Commercial Workers Union, Local 5 (Petitioner

or Union) to submit the opening briefs that were originally due on March 2, 2009, pursuant to Administrative Order 2009-03, on or before March 11, 2009.

On March 11, 2009, the Employer filed its opening brief with the Board. On March 12, 2009, the Union submitted its opening brief to the Board along with a request for leave to file a late submission. The Union explained that it inadvertently relied on the March 12, 2009 due date in Administrative Order 2009-03 which was the original date that replies to the opening briefs were due prior to the Board's revision of the briefing schedule in Administrative Order 2009-05. The Union indicated in its request that counsel for the Employer does not oppose the request for late filing.

As the revised due date for submitting opening briefs fell very close to the original due date for submitting reply briefs and could be cause for the Union's inadvertent error, the Board grants the Union's request, and will accept filing of its opening brief in this matter.

All parties, including the Salinas Regional Director and/ or the General Counsel, are reminded that they may submit replies to the Employer's and Union's opening briefs on or before March 23, 2009.

By Direction of the Board

Dated: March 13, 2009

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J. ANTONIO BARBOSA  
Executive Secretary, ALRB