

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

ACE TOMATO COMPANY, INC.,)	Case Nos.	93-CE-037-VI
A California Corporation, DELTA)		(20 ALRB No. 7)
PRE-PACK CO., A California)		
Company, BERENDA RANCH LLC,)		2012-CE-007-VIS
A Limited Liability Company,)		2012-CE-028-VIS
CHRISTOPHER G. LAGORIO)		2012-CE-029-VIS
TRUSTS, CREEKSIDE)		
VINEYARDS, INC., A California)		2012-CE-024-VIS
Corporation, DEAN JANSSEN,)		
An Individual, KATHLEEN)		(39-2012-00285778-CU-
LAGORIO JANSSEN, An Individual,)		PT-STK; C072330)
KATHLEEN LAGORIO JANSSEN)		
TRUST, K.L.J. LLC, Limited)		2012-MMC-001
Liability Company, K.L. JANSSEN)		(38 ALRB No. 6; 38
LIVING TRUST, JANSSEN & SONS)		ALRB No. 8; F065589;
LLC, Limited Liability Company,)		39-2012-00286876-CU-
LAGORIO FARMING CO., INC.,)		OE-STK; C072300)
A California Corporation, LAGORIO)		
FARMS, LLC, A Limited Liability)		39- 2012-00287876-
Company, LAGORIO LEASING CO.,)		CU-PT-STK
A California Company, LAGORIO)		
PROPERTIES LP, A Limited)		39-2013-00293857-CU-
Partnership, ROLLING HILLS)		PT-STK
VINEYARD LP, A Limited)		
Partnership,)		
)		ORDER DENYING MOTION FOR
)		RECONSIDERATION
Respondents,)		
)		
and)		
)		
UNITED FARM WORKERS OF)		
AMERICA,)		Admin. Order No. 2013-42
)		
)		
<u>Charging Party.</u>)		

On September 11, 2013, the General Counsel submitted a formal bilateral settlement agreement in the above-captioned matter for Board approval pursuant to Board regulations sections 20298(d)(2) and 20298(f)(1)(A). On September 24, 2013, the Board issued an Order Conditionally Approving Formal Bilateral Settlement Agreement. On October 7, 2013, Ace Tomato Company, Inc. (Ace) filed a Motion for Reconsideration of the Board's Order Conditionally Approving Formal Bilateral Settlement.

PLEASE TAKE NOTICE that Ace's Motion for Reconsideration of the Board's Order Conditionally Approving Formal Bilateral Settlement is DENIED, as it is untimely. Board regulation section 20286 subdivision (d) governs motions for reconsideration of non-final Board orders in ULP cases. That regulation states:

(d) A party to an unfair labor practice proceeding may, because of extraordinary circumstances, move for reconsideration of the record after issuance of any Board action other than a final decision and order, in accordance with the provisions set forth in section 20286(c), except that the motion and supporting documents must be filed within **five days** after service of the non-final Board action. (Emphasis added.)

Pursuant to Board regulation section 20170 subdivision (b) ("Computation of Time Periods"), any Motion for Reconsideration of the Board's

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Order Conditionally Approving Formal Bilateral Settlement was due October 4, 2013.¹

By Direction of the Board.

Dated: October 8, 2013

J. ANTONIO BARBOSA
Executive Secretary, ALRB

¹ On October 4, 2013, the Board issued an Order Granting a Request for an Extension of Time to File a Joint Motion for Reconsideration filed by the General Counsel. The Parties shall have until October 11, 2013, at 5:00 p.m. to file and serve their joint motion for reconsideration.