

**AGRICULTURAL LABOR RELATIONS BOARD**  
**CASE DIGEST SUPPLEMENT, VOLUME 30 (2004)**

- 101.03 ALRA provisions not present in NLRA intended to keep employer out of employee union selection process warrant strict limits on coercive employer solicitation of decertification petition signatures. GALLO VINEYARDS, INC., 30 ALRB No. 2
- 202.09 Foremen who assigned work, corrected employee errors, and whose reports on poor employee performance were relied on to discipline employees were supervisors and had apparent authority to speak for employer. GALLO VINEYARDS, INC., 30 ALRB No. 2
- 204.03 Foremen who assigned work, corrected employee errors, and whose reports on poor employee performance were relied on to discipline employees were supervisors and had apparent authority to speak for employer. GALLO VINEYARDS, INC., 30 ALRB No. 2
- 204.04 Foremen who assigned work, corrected employee errors, and whose reports on poor employee performance were relied on to discipline employees were supervisors and had apparent authority to speak for employer. GALLO VINEYARDS, INC., 30 ALRB No. 2
- 304.09 Employer's supervisors' coercion of substantial numbers of employees to sign decertification petition in presence of entire crews warrants invalidation of decertification petition. Dissemination may be presumed and impossible to determine how far it spread. GALLO VINEYARDS, INC., 30 ALRB No. 2
- 305.01 Employer's supervisors' coercion of substantial numbers of employees to sign decertification petition in presence of entire crews warrants invalidation of decertification petition. Dissemination may be presumed and impossible to determine how far it spread. GALLO VINEYARDS, INC., 30 ALRB No. 2
- 408.01 Employer's supervisors' coercion of substantial numbers of employees to sign decertification petition in presence of entire crews warrants invalidation of decertification petition. Dissemination may be presumed and impossible to determine how far it spread. GALLO VINEYARDS, INC., 30 ALRB No. 2

- 453.03 ALJ not disqualified; no disqualifying interest or appearance of bias shown. ALJ conduct of hearing and decision showed no bias against respondent.  
GALLO VINEYARDS, INC., 30 ALRB No. 2
- 453.11 Respondent’s application to the Board for special permission to appeal an oral ruling of the ALJ pursuant to Board regulation section 20242 was untimely when it was filed more than five days after the ALJ’s initial ruling.  
D’ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.
- 453.11 Under Board regulation section 20242, the five day period for seeking permission from the Board to file an interim appeal of an ALJ’s ruling runs from the date of the initial ruling of the ALJ, not from the date the ALJ denies the applicant’s motion for reconsideration of that ruling.  
D’ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.
- 456.01 Section 20262 (m) of the Board’s regulations gives an ALJ authority to grant a protective order with respect to a document that is subject to discovery “as may be appropriate and necessary.” As the regulations do not define “appropriate and necessary,” the Board will look to California and federal case law holding that protective orders may issue upon a showing of “good cause” in determining when a protective order is appropriate and necessary under the Board’s regulations.  
D’ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.
- 456.01 In order to demonstrate that good cause for the issuance of a protective order, a party must show that the documents in question are truly confidential, and that disclosure of the documents would cause a clearly defined and serious injury. Broad allegations of harm are not sufficient; the party must provide specific demonstrations of fact supported by affidavits and concrete examples.  
D’ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.
- 456.01 It is well established under California and federal case law that the party seeking a protective order bears the burden, for each particular document it seeks to protect, of showing the specific harm or prejudice will result if no protective order is granted.  
D’ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.

- 456.01 Respondent seeking a protective order for negotiation notes did not provide adequate support for its argument that the notes were confidential when it merely stated that its bargaining representatives did not contemplate that the notes would ever be disclosed to a third party.  
D'ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.
- 457.04 ALJ properly refused to find violation not pled in complaint because it was insufficiently litigated.  
GALLO VINEYARDS, INC., 30 ALRB No. 2
- 466.01 Employer's supervisors' coercion of substantial numbers of employees to sign decertification petition in presence of entire crews warrants invalidation of decertification petition. Dissemination may be presumed and impossible to determine how far it spread.  
GALLO VINEYARDS, INC., 30 ALRB No. 2
- 600.03 In order to demonstrate that good cause for the issuance of a protective order, a party must show that the documents in question are truly confidential, and that disclosure of the documents would cause a clearly defined and serious injury. Broad allegations of harm are not sufficient; the party must provide specific demonstrations of fact supported by affidavits and concrete examples.  
D'ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.
- 600.03 It is well established under California and federal case law that the party seeking a protective order bears the burden, for each particular document it seeks to protect, of showing the specific harm or prejudice will result if no protective order is granted.  
D'ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.
- 600.03 Respondent seeking a protective order for negotiation notes did not provide adequate support for its argument that the notes were confidential when it merely stated that its bargaining representatives did not contemplate that the notes would ever be disclosed to a third party.  
D'ARRIGO BROS. CO. OF CALIFORNIA, 30 ALRB NO. 1.
- 602.01 Foremen who assigned work, corrected employee errors, and whose reports on poor employee performance were relied on to discipline employees were supervisors and had apparent authority to speak for employer.  
GALLO VINEYARDS, INC., 30 ALRB No. 2