

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:) Case Nos. 79-CE-7-EC
) 79-CE-28-EC
) 79-CE-29-EC
LU-ETTE FARMS, INC., and)
D AND D FARMS, INC., and)
DERRICK RANCHES, INC., as a)
Single Integrated Enterprise) ORDER CONSOLIDATING CASES;
and as the Successors to or) ORDER GRANTING MOTION TO
Alter Egos of LU-ETTE FARMS,) CLOSE CASES
INC., and WILLIAM H. DANIELL,)
an Individual, and DERRICK DANIELL,) Admin Order No.: 2011-10
an Individual,)
)
Respondents,)
)
and)
)
UNITED FARM WORKERS)
OF AMERICA, AFL-CIO,)
)
Charging Party.)
_____)

In the Matter of:) Case Nos. 79-CE-48-EC
) 79-CE-218-EC
) 80-CE-22-EC
LU-ETTE FARMS, INC., and)
D AND D FARMS, INC., and)
DERRICK RANCHES, INC., as a)
Single Integrated Enterprise)
and as the Successors to or)
Alter Egos of LU-ETTE FARMS,)
Inc., and WILLIAM H. DANIELL,)
an Individual, and DERRICK DANIELL,)
an Individual,)
)
Respondents,)
)
and)
)
UNITED FARM WORKERS)
OF AMERICA, AFL-CIO,)
)
Charging Party.)
_____)

In the Matter of:)	
)	
LU-ETTE FARMS, INC., and)	Case No. 79-CE-4-EC
D AND D FARMS, INC., and)	
DERRICK RANCHES, INC., as a)	
Single Integrated Enterprise)	
and as the Successors to or)	
Alter Egos of LU-ETTE FARMS,)	
Inc., and WILLIAM H. DANIELL,)	
an Individual, and DERRICK DANIELL,)	
an Individual,)	
)	
Respondents,)	
)	
and)	
)	
UNITED FARM WORKERS)	
OF AMERICA, AFL-CIO,)	
)	
Charging Party.)	
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LU-ETTE FARMS, INC.,)	Case Nos. 79-CE-125-EC
)	79-CE-199-EC
Respondent,)	80-CE-38-EC
)	
and)	12 ALRB No. 3
)	(8 ALRB No. 91)
UNITED FARM WORKERS)	
OF AMERICA, AFL-CIO,)	
)	
Charging Party.)	
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LU-ETTE FARMS, INC.,)	Case Nos. 82-CE-29-EC
)	82-CE-38-EC
Respondent,)	82-CE-44-EC
)	
and)	10 ALRB No. 20
)	
UNITED FARM WORKERS)	
OF AMERICA, AFL-CIO,)	
)	
Charging Party.)	
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On February 14, 2011, the Visalia Regional Director filed a Motion to Close the above-captioned cases without full compliance.¹ Most of these cases were the subject of a consolidated complaint issued on August 19, 1980. In late 1980, some cases were severed and resulted in a settlement agreement without monetary remedies.² Cases that were not severed resulted in a Board decision and a modified Board decision that was ultimately without monetary remedies.³ The remaining cases the Regional Director seeks to close are 82-CE-29-EC, 82-CE-38-EC and 82-CE-44-EC, which resulted in Board decision 10 ALRB No. 20. In this decision, the Board ordered cease and desist remedies but no back pay. In all matters, full compliance with the Board's nonmonetary remedies was not achieved.

On March 30, 2011, the Board issued Administrative Order 2011-05 and requested that the Regional Director file supplemental information about collection and enforcement efforts between February 14, 1991 and September 15, 1992. The Board also requested detailed information regarding the Region's efforts to enforce derivative liability for the amounts owed and any additional information supporting the Regional Director's conclusion that full compliance with the Board's orders in these matters is not possible.

¹ As part of the same February 14, 2011 motion, the Regional Director also requested that a number of related cases in which monetary remedies had been ordered be made eligible for payout from the Agricultural Employee Relief Fund (AERF). The Board addressed these cases in Administrative Order 2011-09.

² 79-CE-4-EC, 79-CE-7-EC, 79-CE-28-EC, 79-CE-29-EC, 79-CE-48-EC, 79-CE-218-EC and 80-CE-22-EC.

³ 79-CE-125-EC, 79-CE-199-EC and 80-CE-38-EC. Board decision number 8 ALRB No. 91, modified by 12 ALRB No. 3.

On April 15, 2011, the Regional Director filed a supplemental response pursuant to the Board's order requesting additional information. This filing triggered an additional response period of 10 days pursuant to Board regulation section 20299(b).⁴ No response was filed.

In *John V. Borchard, et. al.* (2001) 27 ALRB No. 1, the Board established the procedures and standards for motions to close cases where full compliance has not been achieved. In *Borchard*, the Board found a motion to close will be supported when it contains a "detailed description of what has been done to achieve full compliance with the Board's order in the case...a chronological summary of key steps taken to achieve compliance, factors preventing full compliance, and the reasons why there is no reasonable likelihood that further efforts will be successful." The decision provided some specific examples of what the detailed description should include, such as efforts to settle, the result of bankruptcy proceedings, the possibility of derivative liability or the possibility of individual liability of corporate officers.

The Regional Director states that enforcement efforts over the years revealed that Respondent and all related entities are not operating, do not own real property and do not have any assets. Nor are there any other entities that could be held to be derivatively liable for the Board's orders. The information provided in the Regional Director's original February 14, 2011 motion and his April 15, 2011

⁴ The Board's regulations are codified at Title 8, California Code of Regulations, Section 20100, et. seq.

supplemental response support the conclusion that full compliance with the Board's orders in these matters is not possible.

PLEASE TAKE NOTICE that in order to facilitate the tracking of these matters in the agency's case tracking system, the Agricultural Labor Relations Board (ALRB or Board) hereby orders that the above-captioned cases be consolidated.

PLEASE TAKE NOTICE that the Agricultural Labor Relations Board (ALRB or Board) hereby GRANTS the Motion to Close the above-captioned cases filed by the Regional Director of the Visalia Regional office on February 14, 2011.

By Direction of the Board.

Dated: May 5, 2011

J. ANTONIO BARBOSA
Executive Secretary, ALRB