

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

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| ARNAUDO BROTHERS, INC., |) | Case No. 2012-CE-030-VIS |
| A California Corporation, |) | |
| |) | ORDER GRANTING THE |
| Respondent, |) | GENERAL COUNSEL'S REQUEST |
| |) | TO SEEK COURT ORDER |
| and |) | REQUIRING COMPLIANCE |
| |) | WITH INVESTIGATIVE |
| UNITED FARM WORKERS |) | SUBPOENA |
| OF AMERICA, |) | |
| |) | Admin. Order No. 2013-02 |
| <u>Charging Party.</u> |) | |

On December 28, 2013, the General Counsel of the Agricultural Labor Relations Board (General Counsel) filed a Request for Leave to Seek Court Order Requiring Compliance with its November 6, 2012 Investigative Subpoena in the above-captioned matter. On January 8, 2013, Arnaudo Brothers, Inc., a California Corporation, (Respondent) filed its opposition to the request.

The General Counsel alleges that Respondent has failed to provide any records sought by the subpoena and has failed to file a petition to revoke pursuant to subdivision (d) of section 20217 of the Agricultural Labor Relations Board's (Board) regulations. The General Counsel further requests that she be delegated the authority to seek court enforcement in this instance in lieu of the Board initiating its own court proceeding. Respondent does not deny that it has failed to provide the requested documents to the General Counsel, nor explained why it did not file a petition to

revoke. Respondent does maintain that it has provided one of the items sought to Charging Party United Farm Workers of America.

Section 20217, subdivision (b) of the Board's regulations requires that investigative subpoenas seek materials that are relevant to the subject matter of the investigation or reasonably calculated to lead to the discovery of admissible evidence. The Board has reviewed the subpoena and finds that it seeks materials consistent with the standard set forth in subdivision (b). Subdivision (d) of section 20217 provides that a petition to revoke an investigative subpoena be filed within five days after service of the subpoena.

PLEASE TAKEN NOTICE that the General Counsel's request is GRANTED pursuant to Board regulation section 20217 subsection (g).

PLEASE TAKE FURTHER NOTICE that in this matter the General Counsel is delegated the authority on behalf of the Board to initiate the appropriate court proceedings, as necessary.

By Direction of the Board.

Dated: January 10, 2013

J. ANTONIO BARBOSA
Executive Secretary, ALRB