

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

ACE TOMATO COMPANY,)	Case Nos.	93-CE-37-VI
INC.,)		2012-CE-007-VIS
)		2012-CE-028-VIS
Respondent,)		2012-CE-029-VIS
)		
and)		
)	ORDER REMANDING ISSUE OF	
UNITED FARM WORKERS)	LOCATION OF DEPOSITION TO	
OF AMERICA,)	ADMINISTRATIVE LAW JUDGE	
)		
<u>Charging Party.</u>)	Admin. Order 2013-03	

On January 17, 2013, the Executive Secretary received by facsimile Ace Tomato Company, Inc., Application for Special Permission to Appeal Administrative Law Judge's Order Setting Location of the Deposition of Dean Janssen. The Administrative Law Judge's (ALJ) ruling issued on January 16, 2013. The Respondent alleges that it was not permitted to file a response to the General Counsel's January 16, 2013 Request for Clarification Regarding the Deposition of Kathleen Lagorio Janssen prior to the Administrative Law Judge's ruling. Board regulation 20241, subsection (b), provides that "any party may respond to a written motion orally at the prehearing conference or hearing, or in writing so long as the response is made within five (5) days after filing of the motion..." (Cal. Code Regs, Tit. 8, § 20241, subsec. (b).)

PLEASE TAKE NOTICE that, on its own motion, the Agricultural Labor Relations Board hereby remands this matter to the ALJ so that he may consider Ace's

January 17, 2013 filing as a response to General Counsel's Request for Clarification and determine whether to affirm or modify his order of January 16, 2013.¹

Dated: January 18, 2013

By Order of the Board.

J. ANTONIO BARBOSA
Executive Secretary, ALRB

¹ In light of this action, the Respondent's Application for Special Permission to Appeal Administrative Law Judge's Order Setting Location of Deposition of Dean Janssen is dismissed as moot.