

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

ACE TOMATO COMPANY,	)	Case No.	93-CE-37-VI
INC., a California Corporation,	)		(20 ALRB No. 7)
DELTA PRE-PACK CO., a)		
California Company, BERENDA)		
RANCH LLC, A Limited Liability)		
Company, CHRISTOPHER G.)		
LAGORIA TRUSTS, CREEKSIDE	)	ORDER DENYING GENERAL	
VINEYARDS, INC., A California	)	COUNSEL'S APPLICATION FOR	
Corporation, DEAN JANSSEN, An	)	SPECIAL PERMISSION TO APPEAL	
Individual, KATHLEEN LAGORIO	)	ADMINISTRATIVE LAW JUDGE'S	
JANSSEN, An Individual,	)	JANUARY 25, 2013 ORDER	
KATHLEEN LAGORIO JANSSEN	)	REGARDING PETITION TO	
TRUST, K.L.J. LLC, Limited	)	REVOKE NOTICE IN LIEU OF	
Liability Company, K.L. JANSSEN	)	SUBPOENA	
LIVING TRUST, JANSSEN & SONS)		
LLC, Limited Liability Company,)		
LAGORIO FARMING CO., INC.,)		
A California, LAGORIO FARMS,)		
LLC, A Limited Liability Company,)		
LAGORIO LEASING CO., A)		
California Company, LAGORIO)		
PROPERTIES LP, A Limited)		
Partnership, ROLLING HILLS)		
VINEYARD LP, A Limited)		
Partnership,)		
)		
Respondents,)		
	)	Admin. Order No. 2013-09	
and)		
)		
UNITED FARM WORKERS)		
OF AMERICA,)		
)		
<u>Charging Party.</u>)		

On January 31, 2013, the General Counsel of the Agricultural Labor Relations Board (ALRB or Board) filed an Application for Special Permission to

Appeal Administrative Law Judge (ALJ) Mark Soble's January 25, 2013 Order Regarding General Counsel and United Farm Workers of America (UFW)'s Petitions to Revoke Respondent's Notices in Lieu of Subpoena. In his January 25, 2013 Order, the ALJ denied in part and granted in part the General Counsel's and the UFW's Petitions to Revoke.¹ On February 6, 2013, the Respondent, Ace Tomato Co. Inc. filed its Opposition to the General Counsel's Application for Special Permission to Appeal.

General Counsel's Application fails to adequately state the necessity for interim review as required by Board Regulation 20242(b). In *Premiere Raspberries, LLC dba Dutra Farms* (2012) 38 ALRB No. 11, the Board held it would review an interlocutory ruling sought pursuant to Regulation 20242(b) only where the ruling could not be addressed effectively through exceptions filed pursuant to Regulations 20282 or 20370(j). Inherent in that standard is the promotion of judicial economy. Pre-hearing discovery matters such as the one at issue here are left to the discretion of the ALJ to avoid unnecessary delays in the litigation process and are not appropriate for interim review.

PLEASE TAKE NOTICE that the General Counsel's application for special permission to appeal the ALJ's ruling is DENIED, without prejudice to raising

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¹ The UFW did not file a an application for special permission to appeal the ALJ's order as it related to the UFW's separate petition to revoke notice in lieu of subpoena served on Respondent by the UFW.

the subject of this application in exceptions to the ALJ's ultimate decision in the case in accordance with Regulation 20282.

By Direction of the Board.

Dated: February 13, 2013

J. ANTONIO BARBOSA
Executive Secretary, ALRB