

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

GEORGE AMARAL RANCHES, INC.,	)	Case Nos.	2012-CE-069-SAL
	)		2012-CE-072-SAL
	)		2013-CE-003-SAL
Respondent,	)		2013-CE-019-SAL
	)		2013-CE-020-SAL
And)		
)		
MODESTO LOPEZ, ADAN	)	ORDER GRANTING GENERAL	
COBAIN TOSCANO, ROSA	)	COUNSEL'S REQUEST FOR	
SANTOS CAMPOS, LUCIA	)	LEAVE TO SEEK COURT	
TORIBIO MENDOZA,	)	ORDERS REQUIRING	
ANTONIO CAMPOS	)	COMPLIANCE WITH	
SANTIAGO, AMELIA	)	INVESTIGATIVE SUBPOENAS	
DOLORES, RAUL LAZARO)		
SANTIAGO, AND THE UNITED)		
FARM WORKERS OF)		
AMERICA,)		
)		
<u>Charging Parties.</u>	)	Admin. Order No.	2013-25

On May 16, 2013, the General Counsel of the Agricultural Labor Relations Board (the "General Counsel") filed a Request for Leave to Seek Court Order Requiring Compliance With Investigative Subpoenas in the above-captioned matters.

The request relates to an investigative subpoena directed to "George Amaral, owner of George Amaral Ranches, Inc." and a second subpoena directed to "C & G Farms, Inc." each of which was issued on April 19, 2013 and required compliance by April 29, 2013.

Pursuant to the scheduling order issued by the Agricultural Labor Relations Board (the "Board"), George Amaral Ranches, Inc. ("Respondent") and C & G Farms, Inc. ("C&G") filed oppositions to the request on May 28, 2013.

Having considered the General Counsel's request, the oppositions filed thereto, and the supporting declarations, the Board has determined that the General Counsel's request should be GRANTED with respect to both subpoenas.

With respect to the subpoena issued to Respondent, Respondent asserts that Respondent has cooperated with and facilitated the General Counsel's investigation.¹ However, although Respondent claims to have held extended meetings with investigators during which it "shared a variety of information" and to have provided investigators with a tour of its operations, Respondent does not appear to deny the General Counsel's claim that it has not provided the information sought in the subpoena. To the contrary, Respondent states that it "presently intends to produce additional documents responsive to several of General Counsel's presently pending document requests" and "will work to meet and confer in good faith with General Counsel to narrow the remaining requests." (Respondent's Opposition at pp. 2-3.)

While we do expect Respondent and the General Counsel to continue to cooperate in an effort to achieve compliance with the subpoena without the necessity of court intervention, it appears that Respondent has had more than enough time to produce any responsive documents and to meet and confer with the General Counsel over the document requests. Accordingly, we will grant the General Counsel's request

¹ Respondent, however, did not submit a declaration or other evidence detailing its asserted efforts to cooperate with the General Counsel, relying solely on statements of counsel in its opposition.

for leave seek a court order requiring compliance with the subpoena issued to Respondent.

C&G similarly does not deny that, until very recently, it had not produced any documents in response to the subpoena directed to it. On May 21, 2013, C&G retained present counsel and on May 28, 2013, C&G sent some documents to the General Counsel. (Declaration of Ana Toledo in Support of C&G's Opposition ("Toledo Decl.") ¶ 3.) C&G states that it is "willing to discuss" providing further responsive documents. (Toledo Decl. ¶ 4.)

Again, to the extent that the parties can resolve their issues without court intervention, we expect them to do so. Nevertheless, we will grant the General Counsel's request for leave seek a court order requiring compliance with the subpoena issued to C&G.

PLEASE TAKE NOTICE that the General Counsel's Request for Leave to Seek Court Order Requiring Compliance with Investigative Subpoenas is GRANTED.

By Direction of the Board.

Dated: June 4, 2013

J. ANTONIO BARBOSA
Executive Secretary, ALRB