

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

ARNAUDO BROTHERS, INC.,)	Case No.	2013-MMC-001
A California Corporation,)		(39 ALRB No. 7)
)		
Employer,)		
)		
and)	ORDER VACATING STAY OF	
)	MANDATORY MEDIATION AND	
UNITED FARM WORKERS OF)	CONCILIATION PROCEEDINGS	
AMERICA,)		
)	Admin. Order No. 2013-33	
Petitioner.)		

On August 19, 2013, the Superior Court for the County of San Joaquin entered a temporary restraining order (“TRO”) sought by petitioner Francisco Napoles (“Napoles”) directing the Agricultural Labor Relations Board (the “Board”) to temporarily suspend the Mandatory Mediation and Conciliation (“MMC”) proceedings between Arnaudo Brothers, Inc. and the United Farm Workers of America pending further proceedings in the Superior Court. (*Napoles v. Agricultural Labor Relations Board*, Case No. 39-2013-00300664.) On August 20, 2013, the Board issued an administrative order staying the MMC proceedings until further notice. (Admin. Order No. 2013-29.) On September 9, 2013, the Superior Court heard Napoles’ application for a preliminary injunction and denied the injunction on the ground that the Court did not have jurisdiction over the matter. The Court’s order automatically terminated the TRO. (*Landmark Holding Group v. Superior Court (California Bell Club)* (1987))

193 Cal.App.3d 525, 529 (“A TRO is purely transitory in nature and terminates automatically when a preliminary injunction is issued or denied.”).)

Accordingly, the Board hereby vacates the stay of the MMC proceedings in Case No. 2013-MMC-001. The parties and the mediator are directed to resume the MMC process.

By Direction of the Board.

Dated: September 11, 2013

J. ANTONIO BARBOSA
Executive Secretary, ALRB