

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

GERAWAN FARMING, INC.,)	Case No. 2013-CE-027-VIS
)	
Respondent,)	CORRECTED
)	ORDER GRANTING THE
)	GENERAL COUNSEL'S
)	REQUEST TO SEEK
and)	COURT ORDER REQUIRING
)	COMPLIANCE WITH
UNITED FARM WORKERS OF)	SUBPOENA DUCES TECUM
AMERICA,)	
)	Admin. Order No. 2014-19
Charging Party.)	
_____)	

On December 2, 2013, the General Counsel of the Agricultural Labor Relations Board (General Counsel) issued a subpoena duces tecum (subpoena) in the above captioned matter. This subpoena was issued pursuant to section 20250, subdivision (a) of the regulations of the Agricultural Labor Relations Board (ALRB or Board).¹ The subpoenaed party, McCormick, Barstow, Sheppard, Wayte & Carruth LLP (McCormick Barstow), is a law firm representing an employee of Gerawan Farming, Inc., (Gerawan or Respondent) who seeks decertification of the United Farm Workers of America (UFW) as the certified bargaining representative for Gerawan's employees. McCormick Barstow filed a petition to revoke the subpoena (petition) on December 9, 2013, pursuant to section 20250, subdivision (f) of the Board's regulations. The responsible

¹ The Board's regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

Administrative Law Judge (ALJ), on January 2, 2014, issued an order narrowing the scope of the subpoena, yet still requiring McCormick Barstow to provide various documents.

On June 24, 2014, the General Counsel filed with the Board a Request for Leave to Seek Court Order Requiring Compliance with its subpoena (request). The Board's regulations do not provide for any sort of response to such a request, and McCormick Barstow has not filed any manner of opposition to the request. The General Counsel alleges that McCormick Barstow has failed to provide any of the records sought by the subpoena and has failed to comply with the ALJ's order. The General Counsel further requests that she be authorized to seek court enforcement in this instance in lieu of the Board initiating its own court proceeding. The declaration filed by the General Counsel with the request states that McCormick Barstow has not provided the requested documents to the General Counsel. Furthermore, McCormick Barstow has not appealed the ALJ's order.

Section 20250, subdivision (b) of the Board's regulations requires that subpoenas duces tecum seek information that is material to the issues involved in the case. The Board has reviewed the subpoena and the ALJ's order in the instant matter and finds that the materials sought and ordered to be produced are consistent with the standard set forth in subdivision (b). Section 20242, subdivision (b) of the Board's regulations provides that an application for special permission to appeal an ALJ's ruling must be filed within five days after the ruling is made. As stated previously, McCormick Barstow has not opposed the General

Counsel's request, nor has it filed any application for permission to appeal the ALJ's order of January 2, 2014.

PLEASE TAKE NOTICE that the General Counsel's request is GRANTED pursuant to Board regulation section 20250, subdivision (k).

PLEASE TAKE FURTHER NOTICE that the General Counsel is authorized by the Board to initiate the appropriate court proceedings, as necessary, in order to obtain compliance with her subpoena duces tecum in this matter. In connection with this authorization, the General Counsel shall timely provide the Board with copies of all pleadings filed with the court and responses thereto.

Dated: July 2, 2014

William B. Gould IV, Chairman

Genevieve A. Shiroma, Member

Cathryn Rivera-Hernandez, Member