

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

D'ARRIGO BROS. CO. OF CALIFORNIA,)	Case Nos. 2014-CE-005-SAL
)	
Respondent,)	
)	
and)	ORDER GRANTING THE
)	GENERAL COUNSEL'S
)	REQUEST TO SEEK COURT
)	ORDER ENFORCING
)	SUBPOENAS <i>AD</i>
CARLOS BERMUDEZ,)	<i>TESTIFICANDUM</i> AND
)	SUBPOENA DUCES TECUM
<u>Charging Party.</u>)	Admin. Order No. 2015-07

On April 10, 2015¹, the General Counsel of the Agricultural Labor Relations Board (ALRB/Board) issued three subpoenas *ad testificandum* and a subpoena duces tecum in the above captioned matter. The subpoenaed party, Respondent D'Arrigo Brothers Company of California (D'Arrigo) filed a petition to an ALRB Administrative Law Judge (ALJ) to revoke all the subpoenas on April 20, pursuant to subdivision (f) of section 20250 of the Board's regulations². On April 29, the ALJ denied the petition to revoke the three subpoenas *ad testificandum*, and ordered the General Counsel and D'Arrigo to arrange mutually agreeable dates by May 15 to complete the interviews of the persons named therein. Further, on May 7, the ALJ partially granted D'Arrigo's petition to

¹ All dates are for 2015 unless otherwise indicated.

² The Board's regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

revoke the subpoena duces tecum, but denied the majority of the petition. Of the 12 requests made by the General Counsel in the subpoena duces tecum, the ALJ revoked request 3, limited request 2, and granted the ten remaining requests. The ALJ ordered D'Arrigo to produce all the requested documents at least three working days prior to the witness interviews directed in his order of April 29.

On May 21, the General Counsel filed a Request for Subpoena Enforcement (Request) with the Board. The General Counsel alleges that D'Arrigo has failed to provide the records sought by the subpoena duces tecum and has failed to make the persons named in the subpoenas *ad testificandum* available for investigatory interviews. On May 22, D'Arrigo timely filed a response and opposition to the Request, stating that it did not receive the ALJ's May 7 ruling until May 14, apparently due to confusion over its counsel's new mailing address. D'Arrigo also asserted in its opposition that all documents required to be produced by the ALJ's May 7 order would be produced no later than May 26, that the interviews could be scheduled thereafter, and that it had made a good faith effort to comply with all the ALJ's orders.

The Board notes that court enforcement of the subpoenas may be unnecessary if D'Arrigo imminently complies or has complied with the ALJ's orders; however, the Board does not possess any information to this effect.

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

PLEASE TAKE FURTHER NOTICE that in this matter the General Counsel is delegated the authority on behalf of the Board to initiate the appropriate court proceedings, as necessary.

Dated: May 29, 2015

William B. Gould IV, Chairman

Genevieve A. Shiroma, Member

Cathryn Rivera-Hernandez, Member