

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

PREMIERE RASPBERRIES,)	Case No. 2018-CE-004-SAL
LLC,)	(44 ALRB No. 9)
)	(Admin. Order No. 2020-05-P)
Respondent,)	
)	ORDER DENYING CHARGING
and)	PARTY'S MOTION FOR
)	RECONSIDERATION
UNITED FARM WORKERS OF)	
AMERICA,)	
)	Admin. Order No. 2020-12
Charging Party.)	
)	(May 12, 2020)
)	

On March 6, 2020, the Agricultural Labor Relations Board (ALRB or Board) issued *Premiere Raspberries, LLC* (Mar. 6, 2020) ALRB Admin. Order No. 2020-05-P. Charging party United Farm Workers of America (UFW) filed a motion for reconsideration on March 27. Although conceding the mandatory mediation and conciliation (MMC) contract between the UFW and respondent *Premiere Raspberries, LLC* (*Premiere*) may provide the appropriate measure for determining the amount of bargaining makewhole relief due the employees during the time the unimplemented MMC contract was in effect, the UFW nonetheless seeks reconsideration and urges the Board to provide that, in some cases, an unimplemented MMC contract may not provide the full measure of economic relief due.

We issued an order on April 3 allowing *Premiere* an opportunity to respond to the UFW's motion. (*Premiere Raspberries, LLC* (Apr. 3, 2020) ALRB Admin. Order

No. 2020-09.) Premiere did not file any response.¹ We now DENY the UFW's motion.

A party moving for reconsideration must “show *extraordinary circumstances*, i.e., an intervening change in the law or evidence previously unavailable or newly discovered.” (*South Lakes Dairy Farm* (2013) 39 ALRB No. 2, p. 2, emphasis in original; see also *Mario Saikhon, Inc.* (1991) 17 ALRB No. 6, p. 5 [denying motion for reconsideration that “merely raised arguments previously addressed by the Board”].) Evidence is considered “newly discovered” when it was in existence previously but the party was “excusably ignorant” of it. (*Gerawan Farming, Inc.* (June 9, 2017) ALRB Admin. Order No. 2017-06, pp. 3-4.) A motion for reconsideration is not an opportunity for parties to have the Board consider new or additional arguments not raised in their prior filings. (*Gerawan Farming, Inc.* (Oct. 11, 2018) ALRB Admin. Order No. 2018-13, p. 2, citing *South Lakes Dairy Farm, supra*, 39 ALRB No. 2, p. 9.)

The UFW has not shown any intervening change in law since the Board issued the underlying order on March 6, nor has the UFW offered any newly discovered or previously unavailable facts warranting reconsideration of our prior order.

¹ We note the parties reached a tentative settlement agreement encompassing this matter, which the region submitted to the Board on April 10 with a “statement of non-opposition.” (See Board reg. 20298, subds. (b)(1), (f)(1)(A) [Cal. Code Regs., tit. 8, § 20298, subds. (b)(1), (f)(1)(A)].)

ORDER

For the foregoing reasons, the UFW's motion for reconsideration of our Administrative Order No. 2020-05-P is DENIED.

DATED: May 12, 2020

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

PROOF OF SERVICE
(Code Civ. Proc., §§ 1013a, 2015.5)

Case Name: PREMIERE RASPBERRIES, LLC, Respondent, and,
UNITED FARM WORKERS OF AMERICA, Charging Party.

Case No.: 2018-CE-004-SAL (44 ALRB No. 9) (Admin. Order No. 2020-05-P)

I am a citizen of the United States and a resident of the County of Yolo. I am over the age of eighteen years and not a party to the above-entitled action. My business address is 1325 J Street, Suite 1900-B, Sacramento, California 95814.

On **May 12, 2020**, I served the within **ORDER DENYING CHARGING PARTY'S MOTION FOR RECONSIDERATION (ADMIN. ORDER NO. 2020-12)** on the parties in the above-entitled action by **email** to the persons listed below and addressed as follows:

Ana C. Toledo, Esq.
Lindsey Berg-James, Esq.
Noland Hamerly Etienne & Hoss
A Professional Corporation
333 Salinas Street
Salinas, CA 93901

Email
atoledo@neh.com
lbergjames@neh.com

Mario G. Martinez, Esq.
Edgar I. Aguila-socho, Esq.
Martinez, Aguila-socho & Lynch
A Professional Law Corporation
1527 19th Street, Unit 332
Bakersfield, CA 93301

Email
mmartinez@farmworkerlaw.com
eaguila-socho@farmworkerlaw.com

Franchesca Herrera, Reg. Director
ALRB Salinas Regional Office
342 Pajaro Street
Salinas, CA 93901-3423

Email
Franchesca.Herrera@alrb.ca.gov

Julia L. Montgomery, Gen. Counsel
Silas Shawver, Deputy Gen. Counsel
ALRB General Counsel
1325 J Street, Suite 1900-A
Sacramento, CA 95814

Email
jmontgomery@alrb.ca.gov
sshawver@alrb.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **May 12, 2020**, at Sacramento, California.



Annamarie Argumedo
Senior Legal Typist