

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

GERAWAN FARMING, INC.,	)	Case Nos.	2012-CE-041-VIS
	)		2013-CE-007-VIS
Respondent,	)		2013-CE-010-VIS
	)		(44 ALRB No. 1)
)		
and,	)	ORDER DENYING REGIONAL	
	)	DIRECTOR'S MOTION TO	
	)	AMEND THE BARGAINING	
UNITED FARM WORKERS OF	)	MAKEWHOLE PERIOD	
AMERICA,)		
)		
Charging Party.	)	Administrative Order No. 2021-02	
)		
	)	(February 2, 2021)	
)		

On October 30 2020, the Executive Secretary released the above-captioned case for compliance with the Board's Decision and Order, *Gerawan Farming, Inc.* (2018) 44 ALRB No.1. On December 9, 2020, the Regional Director filed a motion to amend the end date of the makewhole period ordered by the Board. On December 21, 2020, Gerawan Farming, Inc. (Gerawan) filed its opposition to the Regional Director's motion. On January 12, 2021, the Regional Director filed a reply to the opposition filed by Gerawan.

ORDER

PLEASE TAKE NOTICE that the Regional Director's motion is DENIED. The Board lacks jurisdiction to modify a remedial order that has been enforced by a court of appeal. (*Abatti Farms* (1983) 9 ALRB No. 59, pp. 21-22, enfd. in relevant part (Jan. 24, 1986, 31333) 1986 Cal.App. LEXIS 2504; see *Royal Typewriter Co.* (1978) 239 NLRB 1,

1-2; cf. *High and Mighty Farms* (1982) 8 ALRB No. 100, pp. 13-14.) After granting Gerawan's petition for review of the Board's decision and order, the Fifth District Court of Appeal issued an opinion affirming the Board's decision and enforcing the Board's remedies, including the Board's makewhole order ending on June 30, 2013. (*Gerawan Farming, Inc. v. ALRB* (2020) 52 Cal.App.5th 141.) Thus, under the particular circumstances of this case, the Board must decline to extend the duration of the makewhole remedy.

DATED: February 2, 2021

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

Cinthia N. Flores, Member

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

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

Case Name: GERAWAN FARMING, INC., Respondent, and,
UNITED FARM WORKERS OF AMERICA, Charging Party.

Case No.: 2012-CE-041-VIS, et al.

I am a citizen of the United States and a resident of the County of Sacramento. 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 **February 2, 2021**, I served the within **ORDER DENYING REGIONAL DIRECTOR'S MOTION TO AMEND BARGAINING MAKEWHOLE PERIOD** on the parties in the above-entitled action as follows:

By Email and Certified Mail by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, with return receipt requested, in the United States mail at Sacramento, California, addressed as follows:

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By Email to the persons listed below and addressed as follows:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 2, 2021, at Sacramento, California.



Sharon Massie
Executive Support Analyst