STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

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UNITED FARM WORKERS OF AMERICA, Petitioner Labor Organization, and WONDERFUL NURSERIES, LLC, Employer. Case No. 2024-RM-002

ORDER GRANTING APPLICATION FOR SPECIAL PERMISSION TO APPEAL INVESTIGATIVE HEARING EXAMINER ORDER ON PETITION TO REVOKE NOTICE IN LIEU OF SUBPOENA

Admin. Order No. 2025-03

(May 16, 2025)

On April 15, 2025, Wonderful Nurseries, LLC (Wonderful) filed an application for special permission to appeal an order of Investigative Hearing Examiner Miles Locker (IHE) in this majority support petition matter involving Wonderful and the United Farm Workers of America (UFW).¹ The order from which Wonderful appeals is the IHE's April 8 order granting in part and denying in part Wonderful's petition to revoke the UFW's notice in lieu of subpoena (subpoena) seeking various categories of documents from Wonderful. The IHE made multiple rulings in that order, but the aspect of the order challenged in Wonderful's appeal is the IHE's application of the "crime/fraud" exception to the attorney-client privilege and attorney work product doctrine predicated on the IHE's finding of prima facie evidence that Wonderful engaged in an unfair labor practice in violation of the Agricultural Labor

¹ All further dates are in 2025 unless otherwise indicated.

Relations Act. The UFW filed an opposition to the appeal on April 22.

Wonderful previously raised this same issue in an appeal of a prior order of the IHE applying the same crime/fraud analysis. On May 16, the Board issued an administrative order in which it reversed the IHE on the crime/fraud issue. (ALRB Admin. Order No. 2025-02.) Given that the instant appeal raises the same issue, the Board's prior order controls the outcome of this appeal.

Accordingly, Wonderful's application for special permission to appeal is granted consistent with the Board's ruling in Administrative Order No.2025-02.

<u>ORDER</u>

PLEASE TAKE NOTICE that Wonderful's application for special

permission to appeal is GRANTED.

IT IS SO ORDERED.

DATED: May 16, 2025

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, 1013b, 2015.5)

Case Name: UNITED FARM WORKERS OF AMERICA, Petitioner Labor Organization, and. WONDERFUL NURSERIES, LLC, Employer

Case No.: 2024-RM-002

I am over the age of 18 years and not a party to this action. I am employed in the County of Sacramento. My business address is 1325 J Street, Suite 1900-B, Sacramento, California 95814.

On May 16, 2025, I served this ORDER GRANTING APPLICATION FOR SPECIAL PERMISSION TO APPEAL INVESTIGATIVE HEARING **EXAMINER ORDER ON PETITION TO REVOKE NOTICE IN LIEU OF** SUBPOENA (Administrative Order No. 2025-03) on the parties in this action as follows:

By Email to the parties pursuant to Board regulations 20164 and 20169 (Cal. Code Regs., tit. 8, §§ 20164, 20169) from my business email address angelica.fortin@alrb.ca.gov:

Ronald H. Barsamian, Esq. Patrick S. Moody, Esq. Barsamian & Moody Counsel for Employer Wonderful Nurseries, LLC Ronbarsamian@aol.com Pmoody@theemployerslawfirm.com Laborlaw@theemployerslawfirm.com

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• Courtesy Copy:

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Executed on May 16, 2025, at Sacramento, California. I certify under penalty of perjury that the foregoing is true and correct.

Angelica Fortin Angelica Fortin, Legal Secretary