

AGRICULTURAL LABOR RELATIONS BOARD

(September 5, 2025)

¹ All further dates are in 2025.

employees, having been certified on June 27 through the majority support petition (MSP) process. (Lab. Code, § 1156.37.) The unfair labor practice charges in these matters allege that, after the filing of the MSP, Respondent held mandatory meetings with employees during which Respondent threatened to close if the UFW were certified and, on June 23, announced that it would be closing. The General Counsel alleges that the anticipated closure date was August 22.

In late June and early July, the General Counsel issued informal documents to Respondent and received no response. On July 10, the General Counsel served Respondent with a subpoena seeking 41 categories of documents. Respondent petitioned to revoke the subpoena, asserting objections including relevance, overbreadth, and undue burden. Respondent argued, among other things, that, because it planned a total closure of its California agricultural operations, evidence concerning its motivation was not relevant. Respondent also argued that some of the responsive documents were confidential or proprietary business records. Respondent contended that, although it intended to close its California operations, a competitor could use the information to enter the California market and compete with Respondent's parent company. Respondent requested a protective order to preserve the confidentiality of this information.

In her opposition to the petition to revoke, the General Counsel agreed to limit the scope of some of the requests and stated that she would not object to the entry of a protective order.

On July 30, Administrative Law Judge Steven Wyllie (ALJ) issued an order denying Respondent's petition to revoke in part. Noting the General Counsel's limitation

of the subpoena, he denied Respondent's objections to the subpoena but agreed that Respondent had sufficiently shown an interest in safeguarding the confidentiality of proprietary financial information responsive to subpoena categories 36 and 38-41. The ALJ directed the parties to meet and confer to negotiate an appropriate protective order or confidentiality agreement. The ALJ ordered Respondent to comply with the subpoena by August 7.

After the issuance of the ALJ's order, the General Counsel agreed that Respondent could produce documents on a "rolling" basis. On August 7, the deadline set by the ALJ for compliance with the subpoena, Respondent produced documents responsive to two subpoena categories, 1 and 33. Since that time, Respondent has not produced any further documents. Pursuant to the ALJ's ruling, the parties have exchanged proposals concerning a protective order for the five categories subject to a protective order. However, to date, the parties have not reached agreement concerning the terms of the protective order.

DISCUSSION

The Agricultural Labor Relations Act (ALRA or Act) expressly grants the Board, and General Counsel, access to "any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question." (Lab. Code, § 1151, subd. (a); *D'Arrigo Bros. of California v. United Farmworkers of America* (2014) 224 Cal.App.4th 790, 803.) This includes the authority to issue subpoenas to aid in the investigation of unfair labor practice charges. Labor Code section 1151, subdivision (a) authorizes the Board to issue subpoenas requiring the testimony of witnesses or the production of evidence in ALRB

proceedings upon the request of any party to such proceedings. A subpoenaed person may assert objections to the subpoena by filing a petition to revoke. (Lab. Code, § 1151, subd. (a); Board reg. 20250, subd. (f); 20370, subd. (m).) Objections not raised in a petition to revoke are waived. (*King City Nursery, LLC*, (Jan 9, 2020) ALRB Admin. Order No. 2020-01-P at p. 11 [party that failed to assert privacy objection in petition to revoke to subpoena waived that objection].) The ALJ may revoke a subpoena in whole or in part on grounds set forth in the Board’s regulations. (Board reg. 20250, subd. (h).)

Judicial enforcement is available when a person fails to comply with an investigative subpoena. (Lab. Code, § 1151, subd. (b); Board regs. 20217, subd. (g), 20250, subd. (k).) In such circumstances, the Act contemplates the prompt enforcement of subpoenas through summary proceedings. (Lab. Code, § 1151, subd. (b).) Notably, like National Labor Relations Act (NLRA) Section 11(2) [29 U.S.C. § 161(2)], Labor Code section 1151, subdivision (b) vests jurisdiction in a superior court to enforce an ALRB subpoena upon “application” by the Board. (*Goodyear Tire & Rubber Co. v. NLRB* (6th Cir. 1941) 122 F.2d 450, 451; *Cudahy Packing Co. v. NLRB* (10th Cir. 1941) 117 F.2d 692, 694.) In such a proceeding, “a subpoena enforcement order should issue if it appears the administrative subpoena was regularly issued, and the records sought are relevant to the administrative inquiry and identified with sufficient particularity.” (*Laflin & Laflin* (1979) 89 Cal.App.3d at p. 664.)

In evaluating a request to enforce a subpoena, Board regulation 20250, subdivision (k) requires the Board to exercise its judgment concerning whether “the enforcement of such subpoena or notice would be inconsistent with law or the policies of the

Act.” In making this determination, the Board has considered whether the subpoena to be enforced “was regularly issued and the records sought are relevant to the administrative inquiry and identified with sufficient particularity.” (*Laflin & Laflin, supra*, 89 Cal.App.3d at pp. 663-664; *St. Supéry, Inc.* (Sept. 28, 2022) ALRB Admin. Order No. 2022-06-P, p. 6; *Tri-Fanucchi Farms* (Aug. 11, 2023) ALRB Admin. Order No. 2023-06, p. 3.)

The Subpoena Meets the Standard for Judicial Enforcement

The Board finds that the subpoena was regularly issued. Respondent has never contested the subpoena’s procedural validity. Likewise, the Board finds that the subpoena, as limited by the ALJ’s order, seeks records that are relevant to the General Counsel’s investigation and which are described with sufficient particularity.

While Respondent petitioned to revoke the subpoena, the ALJ denied Respondent’s objections. Respondent does not contest that the subpoena meets the standard for judicial enforcement. Rather, it contends that judicial enforcement is unnecessary because Respondent will comply with the subpoena in the near future. Respondent’s assurances that it will comply with the subpoena do not render the enforcement request moot. Respondent never objected to subpoena categories 1-16, 21-22, 27-31, 33, and 37. Yet, since being served with the subpoena on July 10, Respondent has not produced any documents responsive to those categories with the exception of one production responsive to categories 1 and 33. Likewise, since the ALJ’s order dismissing its objections, Respondent has not produced any documents with the exception of the single aforementioned production. If Respondent does comply with the subpoena, then judicial enforcement will not be necessary. However, given that the Respondent concedes such compliance has not yet occurred, the Board concludes that it is

appropriate at this time to authorize the General Counsel to judicially enforce the subpoena. Whether and when to bring a judicial enforcement action in light of Respondent's promised compliance and the status of the pending protective order are matters left to the General Counsel's discretion.

ORDER

PLEASE TAKE NOTICE that the General Counsel's request for judicial enforcement of the subpoena is GRANTED. Pursuant to Board regulation 20250, subdivision (k), the Board delegates to the General Counsel authority to seek judicial enforcement of the subpoena on behalf of the Board.

IT IS SO ORDERED.

DATED: September 5, 2025

BARRY D. BROAD, Acting Chair

ISADORE HALL, III, Member

RALPH LIGHTSTONE, Member

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

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

Case Name: **MUCCI FARMS, INC. AKA MUCCI TEHACHAPI, INC.**, Respondent, and
UNITED FARM WORKERS OF AMERICA, Charging Party.

Case Nos.: **2025-CE-035, 2025-CE-036**

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 September 5, 2025, I served the **ORDER DENYING RESPONDENT'S PETITION TO REVOKE, IN PART, GENERAL COUNSEL'S SUBPOENA DUCES TECUM (Administrative Order No.: 2025-13)** 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:

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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 **September 5, 2025**, at Sacramento California.

Angelica Fortin

Angelica Fortin, Legal Secretary