

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

GERAWAN FARMING, INC., *	)	Case Nos.	2013-CE-064-VIS
	)		2015-CE-007-VIS
Respondent,	)		2015-CE-008-VIS
	)		2015-CE-014-VIS
	)		(45 ALRB No. 7)
)		
and,	)	ORDER (1) FINDING CASE	
	)	EXEMPT FROM AUTOMATIC	
	)	BANKRUPTCY STAY; and (2)	
	)	DIRECTING REGIONAL STAFF	
UNITED FARM WORKERS OF	)	TO PROCEED WITH	
AMERICA,	)	COMPLIANCE	
)		
Charging Party.)		
	)	Administrative Order No. 2023-14	
)		
)		
	)	(November 14, 2023)	
)		

On November 1, 2023, attorneys for respondent Gerawan Farming, Inc. (Gerawan) filed in this matter a “Notice of Suggestion of Pendency of Bankruptcy for MVK FarmCo LLC and Automatic Stay of Proceedings.” According to Gerawan, all proceedings in this matter are subject to an automatic stay under 11 U.S.C. § 362(a) in light of the referenced bankruptcy proceedings. Gerawan further asserts “[n]o order has

* Although respondent has not provided notice to any party of any change in its corporate form, information available from the California Secretary of State suggests the correctly identified entity at this time is Gerawan Farming LLC. (See *Gerawan Farming, Inc.* (Nov. 14, 2023) ALRB Admin. Order No. 2023-12-P, pp. 2-3.)

been entered in the Chapter 11 Cases granting relief from the automatic stay with respect” to this case.

In this case, the Agricultural Labor Relations Board (ALRB or Board) found Gerawan committed an unfair labor practice in violation of the Agricultural Labor Relations Act (ALRA or Act), codified at Labor Code section 1140 et seq., when it failed to recall four agricultural employees in retaliation for engaging in activities protected under the Act. (*Gerawan Farming, Inc.* (2018) 45 ALRB No. 7, pp. 1-2.) Insofar as is relevant here, to remedy these violations the Board ordered Gerawan to make the employees whole for economic losses suffered as a result of its unlawful conduct, as well as its usual notice remedies, including posting at the worksite, mailing and reading to employees, and provision of the notice to employees hired after issuance of the Board’s decision. (*Id.* at pp. 32-35.) While the employees have been made whole, full effectuation of these notice remedies remains outstanding at this time.

In accordance with our administrative order issued today in *Gerawan Farming, Inc., supra*, ALRB Admin. Order No. 2023-12-P, any further efforts or proceedings that may be necessary to achieve full compliance with the notice remedies we ordered in 45 ALRB No. 7 are exempt from any automatic bankruptcy stay under 11 U.S.C. § 364(b)(4).

ORDER

To the extent respondent Gerawan Farming, Inc. requests this case be subject to an automatic stay under 11 U.S.C. § 362 by virtue of the pending bankruptcy proceedings commenced by MVK FarmCo LLC and its subsidiaries, including, but not

limited to, Gerawan Farming LLC, in the United States Bankruptcy Court for the District of Delaware, such request is DENIED.

Accordingly, we hereby DIRECT the Regional Director for the Visalia Regional Office of the Agricultural Labor Relations Board, where proceedings to effectuate the remedies ordered by the Board in *Gerawan Farming, Inc., supra*, 45 ALRB No. 7 are pending, to continue the processing of this matter, as well as any such efforts as may be necessary to effectuate fully the ordered notice remedies.

IT IS SO ORDERED.

DATED: November 14, 2023

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

Cinthia N. Flores, Member