STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

CATALINOS BERRY FARMS, LLC, Respondent, and **MIXTECO/INDIGENA COMMUNITY ORGANIZING PROJECT**, Charging Party.	)	Case No. **2023-CE-045-SAL** **ORDER DISMISSING AS MOOT GENERAL COUNSEL'S APPLICATOIN FOR SPECIAL PERMISSION TO APPEAL REGARDING ONE-DAY HEARING RECESS** **Admin. Order No.: 2026-13** (October 29, 2026)

On October 13, 2026, the General Counsel of the Agricultural Labor Relations Board filed an application for special permission to appeal an order of Administrative Law Judge Matthew Gauger (the "ALJ") in this unfair labor practice case involving Respondent Catalinos Berry Farms, LLC ("Catalinos").

The General Counsel's special appeal challenges the denial of a requested one-day recess that would have occurred on the second day of the hearing, October 21, 2026. Due to the meeting noticing requirements of the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120-11132) and Board regulations 20242, subdivision (b) and 20170, subdivision (b), which permit any party to file a response to an application for special permission to appeal within five business days, the Board was unable to consider the application prior to October 21, 2026. Additionally, on October 23, 2026, the ALJ issued a case management conference order reporting that the parties had reached an agreement to settle the unfair labor practice case. The

ALJ's formal approval of that agreement is pending.[1] (Board Reg. 20298, subd. (f)(2).)

Because the date of the General Counsel's requested one-day recess has passed, the application for special permission to appeal has been rendered moot. (*Woodward Park Homeowners Assn. v. Garreks, Inc*. (2000) 77 Cal.App.4th 880, 888 ["A case is moot when any ruling . . . can have no practical impact or provide the parties effectual relief"].) Additionally, if the settlement agreement is finalized and approved, the application will be rendered moot for this additional reason.

ORDER

PLEASE TAKE NOTICE that the General Counsel's October 13, 2026 application for special permission to appeal is DISMISSED AS MOOT.

IT IS SO ORDERED.

DATED: October 29, 2026

VICTORIA HASSID, Chair

BARRY D. BROAD, Member

RALPH LIGHTSTONE, Member

[1] According to the case management conference order, the parties read the terms of the settlement into the record and the ALJ conditionally approved the settlement pending submission of a written agreement that conforms to the terms stated at the hearing.