STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

GRIMMWAY ENTERPRISES, INC.,	)	Case No. **2025-CE-028**
Respondent,	)	
and	)	**ORDER DENYING GENERAL COUNSEL'S REQUEST FOR SPECIAL PERMISSION TO APPEAL AND EMERGENCY APPEAL ON THE MERITS OF ALJ'S ORDER CONTINUING HEARING AND NOTICE OF FURTHER PREHEARING CONFERENCE**
GERARDO SAAVEDRA,	)	
Charging Party.	)	**Admin. Order No.: 2026-15**
	)	(November 6, 2026)

On October 30, 2026, the General Counsel filed an application for special permission to appeal an order continuing hearing and notice of further prehearing conference order issued by the Administrative Law Judge (ALJ) in the above-captioned matter on

October 29, 2026. In his order, the ALJ continued the hearing, which was scheduled to commence on November 2, 2026, to a date to be determined at a November 4, 2026 prehearing conference, but sometime after November 16, 2026. Respondent, Grimmway Enterprises, Inc. (Grimmway) filed an opposition to the General Counsel's request on November 4, 2026.

The General Counsel asks the Board to "reinstate the hearing date of

Monday, November 2, 2026 or as soon thereafter as possible," and argues her request for special permission to appeal should be granted "because no extraordinary circumstances currently exist to warrant another continuance and a continuance mere days before commencement of hearing seriously disrupts the lives of agricultural worker witnesses." The General Counsel states neither party requested a continuance, and although the ALJ's order states the continuance is based on "good cause having been shown," the General Counsel argues the order fails to articulate what facts constitute good cause and how such facts constitute extraordinary circumstances required by Board regulation section 20190, subdivision (c).

We deny the General Counsel's application for the following reasons. First, to the extent the General Counsel opposes the movement of the November 2, 2026 hearing date, the Board cannot provide the relief requested. Moreover, given that a new hearing date is now required, the ALJ is in a far better position than the Board is to determine an appropriate hearing date. In fact, in its opposition to the General Counsel's application, Grimmway represents that the ALJ has, in fact, set a new hearing date after a case management conference with the parties. More fundamentally, the interlocutory appeal process set forth in Board regulation section 20242, subdivision (b) is generally not an appropriate or effective method to challenge ALJ orders concerning the scheduling and timing of a hearing.[1]

[1] We take this opportunity to remind the parties interlocutory review is the exception rather than the rule, and "judges, including the Board's ALJs, can best exercise their responsibility to issue rulings of law left to their discretion if the Board does not repeatedly intervene to second-guess their prejudgment rulings." (*Premiere Raspberries,*

Even if we were to reach the merits of the application, we would deny it. The General Counsel argues that the ALJ was precluded from continuing the hearing absent extraordinary circumstances. However, Board regulation section 20190, subdivision (c) requires a party seeking a continuance of a finalized hearing date to establish extraordinary circumstances for the continuance. This section does not obligate the ALJ to establish extraordinary circumstances when exercising the discretion to regulate the course of the hearing under Board regulation 20262.

Hearing delays should be avoided to the extent possible. The policy underlying Board regulation section 20190, subdivision (c) reflects the importance of adhering to established hearing dates to, among other things, avoid unnecessary disruption to the schedules of agricultural workers who participate in ALRB hearings. Nevertheless, the adjustment of hearing dates is sometimes necessary, and these matters lie within the discretion of the assigned ALJ. (See *People v. Roldan* (2005) 35 Cal.4th 646, 670 [A "trial court has broad discretion to determine whether good cause exists to grant a continuance of the trial"]; overruled in part on other grounds at *People v. Doolin* (2009) 45 Cal.4th 390, 431; *Taylor v. Bell* (1971) 21 Cal.App.3d 1002, 1007 ["The factors which influence the granting or denying of a continuance in any particular case are so varied that the trial judge must necessarily exercise a broad discretion"].) Under the circumstances of this case, we find no cause to interfere with the ALJ's discretion as he carries out the powers set forth in Board regulation section 20262.

LLC (2012) 38 ALRB No. 11, p. 7, citing *Mohawk Industries v. Carpenter* (2009) 558 U.S. 100, 1006-107.)

ORDER

PLEASE TAKE NOTICE that the General Counsel's application for special permission to appeal the Administrative Law Judge's October 29, 2026 order continuing hearing and notice of further prehearing conference order is DENIED.

IT IS SO ORDERED.

DATED: November 6, 2026

VICTORIA HASSID, Chair

BARRY D. BROAD, Member

RALPH LIGHTSTONE, Member