

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

ACE TOMATO COMPANY,)
INC., a California Corporation,)
DELTA PRE-PACK CO., a)
California Company, BERENDA)
RANCH LLC, A Limited Liability)
Company, CHRISTOPHER G.)
LAGORIA TRUSTS, CREEKSIDE)
VINEYARDS, INC., A California)
Corporation, DEAN JANSSEN, An)
Individual, KATHLEEN LAGORIO)
JANSSEN, An Individual,)
KATHLEEN LAGORIO JANSSEN)
TRUST, K.L.J. LLC, Limited)
Liability Company, K.L. JANSSEN)
LIVING TRUST, JANSSEN & SONS)
LLC, Limited Liability Company,)
LAGORIO FARMING CO., INC.,)
A California, LAGORIO FARMS,)
LLC, A Limited Liability Company,)
LAGORIO LEASING CO., A)
California Company, LAGORIO)
PROPERTIES LP, A Limited)
Partnership, ROLLING HILLS)
VINEYARD LP, A Limited)
Partnership, QUAIL CREEK)
VINEYARDS, JANSSEN)
PROPERTIES LLC, JANN)
JANSSEN, and CHRISTOPHER G.)
LAGORIO,)
)
Respondents,)
)
and)
)
UNITED FARM WORKERS)
OF AMERICA,)
)
Charging Party.)

Case No. 93-CE-37-VI
(20 ALRB No. 7)

ORDER GRANTING
RESPONDENT'S MOTION
FOR RECONSIDERATION
OF THE BOARD'S MARCH 21,
2013 ORDER DENYING
ACE'S REQUEST FOR
DEPOSITION OF DR. PHILIP
MARTIN

Admin. Order No. 2013-20

On March 7, 2013, Respondent, Ace Tomato Company, Inc.

(Respondent) filed with the Board an Application for Special Permission to Appeal Administrative Law Judge (ALJ) Mark Soble's March 4 and 7, 2013, Orders Denying Respondent's Request for Deposition of Dr. Philip Martin. On March 28, 2013, Respondent filed a Motion For Reconsideration of the Board's March 21, 2013 Order Denying Respondent's Appeal of ALJ's Order Denying Ace's Request for Deposition of Dr. Philip Martin.

Respondent asserts that the Board should reconsider its order pursuant to Board Regulation 20286, which requires that Respondent show "extraordinary circumstances" justifying reconsideration. Respondent argues that extraordinary circumstances exist and that the standard for reconsideration is met because it has newly discovered an "alleged absence of key documentary evidence," concerning Dr. Martin's development of the makewhole methodology used in the specification in the above-captioned case. After Respondent reviewed the documents provided to it by the Board and the General Counsel in response to Respondent's subpoenas, Respondent asserts that it found no documents reflecting communications between Dr. Martin and anyone at the ALRB regarding potential makewhole methodologies for the above-captioned case. Based upon this, Respondent argues that a deposition of Dr. Martin is the only way to discover this information.

Respondent's arguments do not set forth extraordinary circumstances warranting reconsideration of the Board's order. As the Board previously stated in its March 21, 2013 order, Respondent shall be given ample opportunity at the hearing to

cross-examine Dr. Martin on the subject matter areas set forth in Respondent's Request for Deposition.

PLEASE TAKE NOTICE THAT Respondent's Motion for Reconsideration of the Board's March 21, 2013 Order Denying Respondent's Appeal of ALJ's Order Denying Ace's Request for Deposition of Dr. Philip Martin is DENIED for the reasons set forth above.

By Direction of the Board.

Dated: April 2, 2013

J. ANTONIO BARBOSA
Executive Secretary, ALRB