

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

BUD ANTLE, INC.,	)	Case No. 2012-CE-007-SAL
	)	(39 ALRB No. 12)
)	
Respondent,	)	ORDER GRANTING THE
	)	GENERAL COUNSEL'S
	)	REQUEST TO SEEK
	)	COURT ORDER
and	)	ENFORCING SUBPOENA
	)	DUCES TECUM
TEAMSTERS UNION, LOCAL)	
NO. 890,)	
	)	Admin. Order No. 2015-14
Charging Party.	)	(October 6, 2015)
_____)	

On July 17, 2015,¹ the General Counsel of the Agricultural Labor Relations Board (ALRB or Board) issued a subpoena duces tecum (subpoena) in the above-captioned matter, requesting certain documents by July 28. On July 28, the subpoenaed party, Bud Antle, Inc. (Respondent), filed a petition to revoke the subpoena (Petition) with the Board's Executive Secretary, pursuant to subdivision (d) of section 20217 of the Board's regulations.² In its Petition, Respondent argued that the subpoena was vague, ambiguous, unintelligible, and overly broad.

On July 31, the General Counsel requested leave from the Executive Secretary to respond to Respondent's Petition. The General Counsel, inter alia, argued that subdivision (d) of section 20217 provides that a petition to revoke a subpoena issued

¹ All dates are for 2015 unless otherwise indicated.

² The Board's regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

pursuant to section 20217 must be filed within five days after service of the subpoena, and thus, Respondent's Petition was filed one day late. Through referral by the Executive Secretary, on August 3, an Administrative Law Judge (ALJ) assigned by the Board to consider the Petition ordered the General Counsel to show cause by August 10 why the Petition should not be granted. The General Counsel filed an opposition to the Petition on August 10. On August 28, the ALJ denied the Petition but limited the subpoena to production of documents dated after the filing of the initial charge in this matter. On August 31, the General Counsel sent a letter to Respondent asking that the subpoenaed documents be provided no later than September 10. Respondent did not produce any documents. On September 18, the General Counsel filed a request with the Board to enforce the subpoena in superior court (Request).

The Executive Secretary granted Respondent until September 29 to file a response to the Request, and Respondent timely filed its response (Response).

Respondent argued in its Response that the General Counsel already had the requested information, that the Request goes beyond the limits of what is appropriate, and that the matter can be resolved quickly and informally without the need for enforcement in the superior court.

DISCUSSION

Sections 20217, subdivision (e), and 20250, subdivision (b) of the Board's regulations require that subpoenas seek information that is material to the issues involved in the case. The Board has reviewed the subpoena in the instant matter and finds that it seeks materials consistent with the standard set forth in these regulations.

Respondent may raise its arguments against the subpoena, as stated in its Petition and its Response, during the enforcement proceedings before the superior court. Respondent may also seek an informal resolution of the matter with the General Counsel, as it proposed in its Response.

PLEASE TAKE NOTICE that the General Counsel's Request is GRANTED pursuant to Board regulations sections 20217, subdivision (g), and 20250, subdivision (k).

PLEASE TAKE FURTHER NOTICE that in this matter the General Counsel is delegated the authority on behalf of the Board to initiate the appropriate court proceedings, as necessary.

Dated: October 6, 2015

William B. Gould IV, Chairman

Genevieve A. Shiroma, Member

Cathryn Rivera-Hernandez, Member

Bud Antle Inc.
2012-CE-007-SAL

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

PROOF OF SERVICE BY MAIL
(1013a, 2015.5 C.C.P.)

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of eighteen years and not a party to the within entitled action. My business address is: 1325 J Street, Suite 1900-B, Sacramento, California 95814.

On October 6, 2015, I served the within ORDER GRANTING THE GENERAL COUNSEL'S REQUEST TO SEEK COURT ORDER ENFORCING SUBPOENA DUCES TECUM (Admin Order No. 2015-14) on the parties in said action, by fax at Sacramento, California addressed as follows:

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HAND DELIVERED

Mark Woo-Sam,
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ALRB
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Executed on October 6, 2015, at Sacramento, California. I certify (or declare), under penalty of perjury that the foregoing is true and correct.

Leslie Soule