

CALIFORNIA SUPREME COURT CASE SUMMARIES

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California Supreme Court Case Summaries

Belridge Farms v. Agricultural Labor Relations Board
(1978) 21 Cal.3d 551

Facts

Belridge Farms filed unfair labor practice charges against the United Farm Workers (“UFW”) with the regional director of the Agricultural Labor Relations Board (“board”). Belridge Farms alleged that UFW organizers entered its property and thereby violated the board’s access regulation by refusing to identify themselves, engaging in conduct coercive of petitioner’s employees, and interfering with the work performance of its employees. The board’s regional director refused to issue complaints and Belridge Farms sought review of the regional director’s decision with the board’s general counsel. The general counsel then refused to issue complaints on the ground that Labor Code section 1154, subdivision (a)(1), requires a showing that the union restrained or coerced employees as a condition precedent to the issuance of an unfair labor practice complaint. Also, the general counsel determined that a violation of the board’s access regulation does not per se rise to the level of unfair labor practice.

Procedural History

Belridge Farms filed the instant action seeking judicial review of the general counsel’s refusal to issue unfair labor practice complaints.

Issue

Whether the board’s general counsel erred in refusing to file unfair labor practice complaints on the ground that Labor Code section 1154 subdivision (a)(1) requires a showing that the union restrained or coerced employees as a condition precedent to the issuance of such complaints and that violation of the Board’s access regulation does not per se rise to the level of an unfair labor practice.

Holding

The board’s general counsel did not err in refusing to file unfair labor practice complaints, because (1) the general counsel’s decision not to issue the complaints is not a “final order” of the board subject to judicial review pursuant to Labor Code section 1160.8; (2) the general counsel has final authority on when to issue unfair labor practice complaints; (3) the general counsel was correct in determining that the statute at issue, Labor Code section 1149, subdivision (a)(1) requires a showing of union coercion and restraint as a condition precedent to the issuance of an unfair labor practice complaint; and (4) violation of the board’s access regulation is not per se violation of Labor Code section 1149, subdivision (a)(1).

Rationale

Generally any person aggrieved by a final order of the board may obtain review of such order under Labor Code section 1160.8. However, the decision of the general

counsel at issue in this case is not a “final order” of the board. Notwithstanding this fact, federal courts have exercised equitable powers to review determinations made by the board when the complaining party raises a “colorable” claim that the decision violates a constitutional right. Additionally, a refusal to issue a complaint based on erroneous construction of an applicable statute has been held reviewable under the court’s general equitable power.

Applying rules of statutory construction, the Court determined that the general counsel’s decision not to issue an unfair labor practice complaint is not a decision or order of the board. Labor Code section 1149 confers on the general counsel’s final authority over the issuing of complaints, establishing that in these matters he act independently of the board. Pursuant to Labor Code section 1149, the general counsel expressly has “final authority” to issue complaints.

Moreover, the Court found that the general counsel interpreted Labor Code section 1154, subdivision (a)(1) properly. That section provides, “It shall be an unfair labor practice for a labor organization or its agents to do any of the following: (P) (a) To restrain or coerce; (P) (1) Agricultural employees in the exercise of the rights guaranteed in section 1152.” The Court determined that this language clearly supports the general counsel’s interpretation of this statute as authorizing the issuance of an unfair labor practice complaint only on a finding of restraint or coercion. Moreover, the Court agreed with the general counsel that violation of the access regulation is not a per se violation of Labor Code section 1154. While employees have a right to refrain from organizational activities and to be free from undue organizational pressures, this right has not been sufficiently infringed to be legally cognizable under Labor Code section 1154, subdivision (a)(1), in the absence of restraint or coercion.

Bradley v. Bruce Church, Inc.
(1975) 45 Cal.App.3d 409

Facts

35 named plaintiffs represented by counsel for the UFW filed suit on behalf of themselves and those similarly situated for damages, injunctive and declaratory relief against the Western Conference of Teamsters, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (“Teamsters Union”), two Teamsters Union officials, and about 200 farm labor employers (“Growers”). The plaintiffs alleged that they and a substantial majority of other farm workers employed by the Growers wanted representation by the UFW. The plaintiffs also alleged, amongst other allegations, that the Growers engaged in a conspiracy with the Teamsters Union whereby the Teamsters Union and the Growers entered into a labor agreement with terms much more favorable to the Growers than that demanded by the UFW, and that such labor agreement recognized the Teamsters Union as the sole and exclusive bargaining agent for covered farm workers. The plaintiffs alleged that the agreement between the Growers and the Teamsters Union subjected the Growers to 5-year collective bargaining agreements that contained union security provisions requiring that covered workers

become and remain Teamsters Union members as a condition of employment. Additionally, the plaintiffs alleged that the Teamsters Union had not been authorized to bargain, that farm works subject to the collective bargaining agreements were given no notice of the negotiation of the agreements or given the opportunity to ratify and reject them, and that the farm workers were threatened and coerced with discharge or other economic reprisal unless they abandon their support for the UFW and become and remain dues-paying members of the Teamsters Union. The Growers demurred to the complaint on the ground that (1) it did not state facts sufficient to constitute a cause of action and (2) the named plaintiffs did not have the legal capacity to bring a class action.

Procedural History

The trial court sustained the Growers' demurrers on the ground that the plaintiffs failed to state facts sufficient to constitute a cause of action and did not have the legal capacity to bring a class action. The plaintiffs appealed the judgment.

Issue

Whether the trial court erred in sustaining the Growers' demurrers to the plaintiffs' complaint on the grounds that they failed to state facts sufficient to state a cause of action and did not have the legal capacity to bring a class action.

Holding

The Court ruled that the trial court did not err in sustaining the Growers' demurrers, because this case has upheld the right of employers to enter into union shop agreements with labor organizations, whether or not they are the collective bargaining representative of the employers' employees. The Court provided that any change in law must come from the Legislature.

Rationale

The Plaintiffs conceded that the complaint only states one cause of action for violation of rights secured by Labor Code Sections 920-923, which emphasize the necessity of workers' freedom of association, self-organization and designation of representatives of their own choosing. Plaintiffs claimed on appeal that, as the "substantial majority" of the Growers' workers, they had a right under Labor Code section 923 not to be compelled to forfeit their employment by the Growers, or in the alternative to join a labor organization not of their own choosing. However, the Court relied on California's rule of laissez-faire policy in the area of labor relations as expressed by the Court in *Petri Cleaners, Inc. v. Automotive Employees, etc.*, 53 Cal.2d 455 and reaffirmed in *Englund v. Chavez* 8 Cal.3d 572 in dismissing Plaintiffs' claims and refusing to interfere with the agreement entered into by the Growers and the non-representative union. Under these cases, the Court acknowledged that an employer's decision on whether or not to bargain with a labor organization has long been determined by the free interaction of economic forces. It is for the Legislature and not the Court to determine whether voluntary bargaining should be displaced by a rule compelling the employer to bargain with the representatives of a majority of its employees, since the courts are hardly labor relations boards. Unlike federal courts and other states, California

has never adopted a comprehensive, administrative regulatory system for resolving labor disputes.

Additionally, the Court dismissed the Plaintiffs' contention that the Growers' alleged solicitation of the Teamsters Union for a union shop agreement amounted to employer "interference" with a labor union, rendering the agreement illegal under California law. This contention is based on the Jurisdictional Strike Act codified in Labor Code sections 1115-1120, which declares the "jurisdictional strike" contrary to public policy and authorizes "injunctive relief" against such a strike "in a proper case." Part of the Jurisdictional Strike Act defines the labor organizations involved in the proscribed jurisdictional strike as those found "to be or to have been financed in whole or in part, interfered with, dominated or controlled by the employer or any employer association." The Court, however, found that there was no evident legislative intent that warranted extending the concept of "interference" as provided in the act to an employer's solicitation of a union shop agreement.

Moreover, the Court dismissed the Plaintiff's contention that the Growers' solicitation of the union shop agreement caused the Teamsters Union to become a "company union" and that the agreement was accordingly illegal under *Shafer v. Registered Pharmacists Union* 16 Cal.2d 379. *Shafer* defined "company unions" as "directly or indirectly sponsored company controlled unions having no members except their own employees." This argument was contrary to the UFW's concession in *Englund* that the large and powerful Teamsters Union could not be considered a company union in the traditional sense. Nor could the Court infer from the facts that the Teamsters Union was a company union. While the Teamsters Union may not have represented any substantial number of farm works in California or elsewhere, the negotiation of a union shop is a proper objective of concerted labor activities even where undertaken by a union that represents none of the employees of the employer against whom the activities are directed.

Englund v. Chavez
(1972) 8 Cal.3d 572

Facts

This proceeding arises from 9 separate actions involving union organizing activities in California's Salinas and Santa Maria Valleys. 8 of the actions are instituted by 27 growers from the Salinas Valley in the Superior Court of Monterey and one is instituted by a grower from the Santa Maria Valley.

The 27 Salinas Valley growers and shippers were all members of the Grower-Shipper Vegetable Association of Central California ("Vegetable Association" or "Growers"), an organization certified as a multi-employer bargaining unit by the National Labor Relations Board. The Western Conference of Teamsters ("Teamsters Union") represented truck drivers and packing shed workers employed by each of the growers. In the summer of 1970, affidavits presented by the Teamsters Union provide that the

Teamsters bargaining representative expressed interest in the Teamsters Union representing all field workers in and beyond the Salinas Valley in the midst of re-negotiating their existing contract, which was to expire on July 15. The Teamsters Union and the Vegetable Association were able to eventually agree on the terms of the new contract covering the truck workers and packing shed workers employed by each of the Growers, and later entered into negotiations for formal contracts regarding Teamsters Union representation of field workers employed by the Growers. The Growers conceded that during these negotiations the Teamsters Union did not claim to be authorized to represent any of their field workers. Field workers affected by these contracts were never consulted during the negotiations, never given a chance to examine the terms of the contracts or even indicate whether they wanted to be represented by the Teamsters Union.

Once advised of these collective bargaining agreements, most of the field workers refused to sign or ratify them. It was clear that at least a majority wanted representation by the UFW Organizing Committee (“UFW”) rather than the Teamsters Union. In August 1970, the Teamster Union and the UFW attempted to alleviate the developing inter-union dispute and executed a jurisdictional agreement providing that the UFW would not organize certain workers, that both unions could organize workers processing foods in the fields, and that the Teamsters Union would not attempt to organize other agricultural workers. Despite the jurisdictional agreement, the Growers stood by their contract with the Teamsters Union and in late August 1970, field workers commenced a recognition strike on behalf of the UFW. The 27 Growers sought an injunction in the Superior Court of Monterey to restrain all concerted activities of the UFW that interfered with their farm operations under the Jurisdictional Strike Act.

Another labor dispute also occurred in Santa Maria Valley during the Summer of 1970, and there the Teamsters Union also sought to represent the field workers employed by growers in that area. Although the demand of the Teamsters Union was initially rejected, the Growers ultimately acceded and agreed to recognize the Teamsters Union as the exclusive bargaining representative of their field workers. The superior court found that the Growers made no effort to ascertain the wishes of their field workers before agreeing to Teamsters Union’s terms. The UFW entered demands on most of the Growers in the Santa Maria Valley urging the Growers to recognize the UFW rather than the Teamsters Union. When these demands were denied, the UFW struck the Santa Maria Growers’ fields, interfering with the Growers’ harvesting operations. The Growers sought a preliminary injunction in the Superior Court of Santa Barbara.

Procedural History

The Monterey Superior Court concluded that the Growers involved in the dispute arising in the Salinas Valley established the existence of a jurisdictional strike within the meaning of Labor Code sections 115 and 118 and the court entered preliminary injunctions restraining all such concerted activity. The UFW and its members appeal from these preliminary injunctions. In contrast, the Superior Court of Santa Barbara declined to issue a preliminary injunction against the UFW’s peaceful strike activities in the Santa Maria Valley. Though the court agreed that UFW’s concerted activities arose out of a controversy with the Teamsters Union as to which union should have the right to

bargain collectively on behalf of the field workers in that area, the court concluded that the Growers were not entitled to relief under the Jurisdictional Strike Act, because the Growers' premature recognition of the Teamsters Union constituted an improper interference with the Teamsters Union within the meaning of Labor Code section 117. The Growers appealed this decision.

Issue

Whether an employer who grants exclusive bargaining status to a labor organization which he knows does not actually represent a substantial number of his workers may thereafter obtain injunctive relief against concerted activities of a competing union.

Holding

The Jurisdictional Strike Act ("the Act") does not authorize jurisdictional relief under these circumstances. Although the Act was generally intended to protect an employer caught between the conflicting demands of two competing unions, the Legislature was aware of the danger that an employer might attempt to convert the Act as a defensive shield against improper union rivalry into an affirmative weapon which could be utilized selectively to eliminate the less favored or more feared of the two competing unions. In order to obtain relief under the Act, an employer must maintain a strict neutrality between competing unions, and he can resort to the Act after recognizing one union as the exclusive bargaining agent of his employees only if, at the time of recognition, he entertained a reasonable, good faith belief that such union was in fact the desired representative of his employees.

Rationale

Despite the bitter hardships that regularly accompany the non-regulated status of labor-management relations in California, to date the Legislature has rejected all attempts to establish an administrative apparatus comparable to the National Labor Relations Board. California's policy in the area of labor relations has been one of laissez-faire, a posture generally left to the resolution of labor disputes to the free interaction of economic forces.

Though California generally has a non-interventionist policy in the labor field, the Jurisdictional Strike Act is one of the few areas where the Legislature has chosen to intervene. The Jurisdictional Strike Act ("the Act") declares "jurisdictional strikes" to be against the public policy of the state (§ 1115) and provides a state injunctive remedy against certain concerted activities utilized in a certain situation. The Act was intended to provide a remedy for the innocent employer besieged by the conflicting and irreconcilable demands of two competing unions, either one of which may have the potential for destroying his business.

Aware that employers might attempt to use the Act to stifle legitimate union activity and to further the employer's own interests in labor affairs, the Legislature carefully circumscribed the Act's application by including a number of provisions including limiting the situations in which the state's power could be resorted to by the

employer. For example, employers historically attempted to forestall independent union organizing activity by encouraging the formation of “company unions” over which the employers could maintain significant control. Labor Code section 117 is most directly aimed at limiting such traditional employer-dominated unions. Here, the superior courts found that the Growers met their burden of proving that the Teamsters Union was not a “company union” financed, dominated or controlled by the Growers.

In drafting section 1117, however, the Legislature also recognized that even when an employer does not undertake such blatant action as actually controlling or dominating a labor organization, there remains a substantial danger that the employer will use more subtle means to favor one of two competing unions. Under section 1117, the Legislature thus also prohibits employer “interference with” competing unions. A prime indicator of improper employer “interference” under section 1117 is conduct by which an employer illustrates his favoritism for one union over another. The Court concluded that an employer “interferes with” a union within the meaning of section 1117 when the employer fails to remain neutral and grants exclusive bargaining status to a union that he knows is not representative of his employees. Thus, the Court determined that an employer who grants exclusive bargaining status to a union that he knows does not have the support of his employees may not thereafter call upon the state to enjoin concerted activities by a competing union. Here, there was no good faith belief by the Growers that the Teamsters Union represented its employees. Thus, the Court reversed the Superior Court of Monterey’s issuance of a preliminary injunction and affirmed the Superior Court of Santa Barbara’s denial of preliminary injunction.

J.R. Norton Co., Inc. v. Agricultural Labor Relations Board
(1979) 26 Cal.3d 1

Facts

On January 30, 1976, the United Farm Workers (“UFW”) filed a petition with the Agricultural Labor Relations Board (“ALRB”) seeking certification as the bargaining representative of agricultural employees of the J.R. Norton Company (“Norton”). Shortly thereafter, an election was held and the UFW emerged as the clear winner. In an effort to set aside the election, Norton timely filed 17 objections with accompanying declarations pursuant to Labor Code section 1156.3 and the applicable ALRB regulation. The ALRB executive secretary reviewed the objections and declarations and summarily dismissed 15 of 17 objections for failure to satisfy administrative requirements for establishing a prima facie case. Norton appealed the executive secretary’s actions to the Board, but the Board affirmed the executive secretary’s dismissal of the 15 objections.

An evidentiary hearing was then held concerning the employer’s remaining 2 objections. Based on the evidence presented at the hearing, the examiner found that the employer’s remaining two objections were without merit and prepared an opinion recommending that the UFW be certified as the bargaining representative for Norton’s agricultural employees. Norton filed exceptions to the examiner’s conclusions and

recommendations to the Board, but the Board affirmed the examiner's conclusions and certified the UFW as the agricultural workers' collective bargaining representative.

Despite the certification, Norton refused to bargain with the UFW. The UFW filed an unfair labor practice charge against Norton for failure to bargain in good faith with a certified labor organization as required by the labor code. Norton responded by explaining that it had a good-faith doubt as to the validity of the election and wished to challenge the ALRB's decision in a judicial forum. The Board found Norton's refusal to bargain was an unfair labor practice in violation of Labor Code section 1153 and ordered Norton to take affirmative actions as remedial measures for its unlawful conduct, including an order that Norton make its employees whole for any losses of pay and economic benefits which they may have suffered as a result of Norton's refusal to bargain.

Procedural History

Norton urged the Court of Appeal to set aside the ALRB's decision on two grounds. First, Norton claimed that the ALRB's summary dismissal of its objections denied Norton its right to a full hearing as provided under Labor Code section 1156.3(c). Based on this denial, Norton argued that the certification of the UFW as the collective bargaining agent should be set aside and the case remanded back to the ALRB with directions to afford Norton a full evidentiary hearing on its objections. Regardless of the validity of the certification decision, Norton also alleged that the ALRB abused its discretion in applying the make-whole remedy in this case. The Court of Appeal summarily denied Norton's petition and the California Supreme Court granted review.

Issues

(1) Whether the ALRB denied Norton its right to a full evidentiary hearing under Labor Code section 1156.3(c) when it summarily dismissed 15 of 17 of Norton's objections in an election certifying the UFW as the collective bargaining representative of its agricultural employees for failure to meet administrative requirements for establishing a prima facie case.

(2) Whether the ALRB erred in forcing Norton to make employees whole for any losses of pay and economic benefits they have suffered as a result of Norton's unlawful refusal to bargain.

Holding

The Court held that the ALRB did not deny Norton its right to a full evidentiary hearing under Labor Code section 1156.3(c), because Labor Code section 1156.3(c) does not require the ALRB to hold a full evidentiary hearing in cases in which the objecting party fails to establish a prima facie case for setting aside an election. The Court also held that the ALRB did not abuse its discretion by summarily dismissing Norton's 15 objections. Moreover, the Court held that Labor Code section 1160.3 does not authorize the ALRB to impose a make-whole remedy as a matter of course in cases where an employer has refused to bargain in order to obtain judicial review of a dismissal of his challenge to an election certification.

Rationale

Labor Code section 1156.3 provides that a petition objecting to an election must “be accompanied by a declaration or declaration setting forth facts which, if uncontroverted or unexplained, would constitute sufficient grounds for the Board to refuse to certify the election.” If the declarations accompanying an objection do not establish a prima facie case with respect to some or all of the petition’s objections, the ALRB regulations governing the implementation of Labor Code section 1156.3 direct the executive secretary of the ALRB to dismiss the insufficient objections without a hearing. In the event of dismissal, the regulation permits the objecting party to appeal the executive secretary’s action to the Board. These regulations are clearly a permissible exercise of the ALRB’s authority to adopt rules and regulations necessary to carry out the provisions of the ALRB. Though the Labor Code does not condition the right to a hearing on the presentation of supporting declarations or compliance with other administrative procedures, it is well established that a statutory hearing requirement does not preclude an agency from setting reasonable threshold standards that must be met before such a right is invoked. Indeed, the purpose of the hearing is solely for the purpose of receiving evidence relevant and material to issues raised by the objections. In order for objections to necessitate the hearing requested, they must be legally adequate so that, if true, the order complained of could not prevail. The Legislature did not intend for its agencies to perform fruitless or useless acts.

The Court concluded that the executive secretary and the Board properly determined, in light of ALRB precedents, that the employer’s factual declarations, even if true, did not warrant overturning the election. In its objections, Norton claimed that the union was guilty of misconduct for engaging in electioneering, coercion or surveillance of the voting employees, that other disruptive events occurred in the polling area that undermined the integrity of the election and that the Board agent that supervised the election was guilty of misconduct in permitting these activities to occur. In support of these allegations, Norton submitted two declarations. A Norton supervisor authored the first declaration, providing that she observed union organizers on a number of occasions standing at the entrance of the parking lot of the voting location stopping vehicles, asking questions and then writing something down. The second declaration was signed by a voting employee who stated that, as he was going to vote, two people approached him, asked his name and asked how he was going to vote. The declaration did not identify the persons who approached the voter, nor did it declare that union organizers were polling the employees. The ALRB distinguished these circumstances from circumstances in previous NLRB cases, as there was no showing that extensive conversations took place or that union representatives were in the immediate polling area. Neither NLRB or ALRB precedent warrants the invalidation of an election as a result of conversations that occur with union representatives and voting employees at the parking lot of a voting location, absent information regarding the content of the information or evidence suggesting the activity had a potential for interfering with the employees’ free choice.

The Court also found Norton unable to show coercion with the second declaration as the declaration does not identify the source of the questioning imposed on the voter employee. Also, merely asking voters their names is insufficient grounds for invalidating

an election, absent a showing of coercion or intimidation such that voters would reasonably regard the questioning as pressure upon them to vote or not vote, constituting an implicit threat of surveillance. Here, no such showing was made.

The Court affirmed the ALRB's dismissal of Norton's other objections: The Court found that Norton's additional declarations which provided that the voting area was at a public place where shippers picked up and left off their men and that two drunk shippers at one point tried to vote are insufficient to suggest the shippers' men caused any disruption, or that they were in a position to do so. The Court similarly dismissed Norton's objection that the Board agent did not exercise adequate supervision at the election site on the ground that it was unsupported by any evidence. Norton's other objections related to access rule violations that were allegedly committed by the union the week preceding the election. However, the declarations supporting these objections do not prove that union representatives engaged in coercive or intimidating behavior, as one declaration only showed that an organizer asked everyone to quit at 4:00 to attend a union meeting (a request that was ignored) and another declaration only showed that an organizer stayed one hour over the time permitted by the access rule. Norton's final objection that the Board agent committed misconduct by changing a polling site at a time when it was impossible to inform employees of the change was also deemed lacking, and the Court found that no prejudicial error was shown by this action.

While the Court affirmed the summarily dismissal of the objections without a hearing, the Court ruled that the ALRB erred in applying a make-whole remedy to the instant facts. The ALRB derives its authority to impose this remedy from Labor Code section 1160.3 which provides that the ALRB may make employees whole when it finds such relief appropriate after determining that an employer is guilty of an unfair labor practice. Here, the ALRB imposed the make-whole remedy based on a technical refusal to bargain, without reference to whether the employer's actions were flagrant, willful, or a good faith desire to obtain judicial review of an administrative certification decision. While a make-whole remedy is warranted where it is found that the employer intentionally engaged in dilatory tactics in challenging an ALRB election ruling, the blanket imposition of a make whole remedy is invalid and discourages employers from seeking judicial review of administrative actions in good faith. The Court returned the case to the ALRB so that it could apply the proper standard for application of make-whole relief. The Court instructed the ALRB to determine from the totality of the employer's conduct whether it went through the motions of contesting the election results as an elaborate pretense to avoid bargaining or whether it litigated in a reasonable good faith belief that the union would not have been freely selected by the employees as their bargaining representative had the election been properly conducted.

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Kaplan's Fruit & Produce Co. v. Superior Court of Los Angeles County
(1979) 26 Cal.3d 60

Facts

In midst of a labor dispute, Kaplan's Fruit and Produce Co. ("Kaplan's") sought a preliminary injunction to restrain pickets of the UFW from obstructing ingress and egress to Kaplan's wholesale facility in Los Angeles. The superior court found that there was mass picketing which interfered with ingress and egress from Kaplan's property but that there was insufficient evidence of violence or threat of violence to support a preliminary injunction. Kaplan's also filed an unfair labor practice charge with the Agricultural Labor Relations Board ("ALRB"). The ALRB declined to issue a complaint, stating that its investigation revealed that the UFW did not conduct mass picketing or block access to Kaplan's store.

Procedural History

Kaplan's sought mandate from the Court of Appeal to compel the superior court to grant the preliminary injunction. The Court of Appeal issued an alternative writ, determining that Kaplan's appellate remedy was inadequate and subsequently issued a preemptory writ as prayed. The California Supreme Court granted petition for hearing.

Issue

Whether the lower court erred in denying injunctive relief prohibiting the union from engaging in picketing that interferes with ingress and egress to Kaplan's Los Angeles store on the basis that it lacked jurisdiction.

Holding

The Court found that the superior court had jurisdiction to issue an injunction prohibiting ingress and egress to Kaplan's store. However, since the record suggested that the lower court did not carefully weigh the evidence and decide whether the facts required injunctive relief because it believed it did not have jurisdiction, the Court ordered the lower court to vacate its order denying a preliminary injunction and permitted it to reconsider whether to grant the relief requested.

Rationale

Both U.S. Supreme Court and California case law establish the jurisdiction of local courts to enjoin interference with access in a suit by a private litigant. Although Labor Code section 1160.9 provides expressly that the procedures set forth in the Agricultural Labor Relations Act shall be the exclusive method of redressing unfair labor practices, binding case law has provided an exception to the general rule of preemption and affirmed the power of local courts and agencies to adjudicate matters of particular local concern, including the issuance of injunctive relief enjoining obstructions to access. Preemption is only invoked when the court is asked to regulate or enjoin conduct that arguably falls within the act's protection. Here, Kaplan's seeks only to enjoin obstruction of access, which is an activity not protected by the Agricultural Labor Relations Act. The Moscone Act, Code of Civil Procedure section 527.3, subdivision (b), bars injunctions "peaceful picketing", not the unlawful obstruction of ingress and egress. Thus, that act

does not divest the superior court of jurisdiction to enjoin such picketing. Moreover, there is no danger of conflicting adjudication because the controversy presented to the superior court and the ALRB differ. While picketing which obstructs access may be an unfair labor practice to the extent that it restrains or coerces non-striking employees in the exercise of their right to refrain from concerted activities, some evidence indicates that a principal objective of the pickets and of the alleged obstruction to access was to persuade prospective customers not to do business with Kaplan's. Such obstruction of customers was not in itself an unfair labor practice under the Agricultural Labor Relations Act. Additionally, the Moscone Act (Code Civ. Proc., § 527.3) does not divest the superior court of jurisdiction to enjoin obstructions to access. The express provisions and legislative intent associated with the Moscone Act provide that superior courts maintain jurisdiction to prohibit unlawful picketing that includes obstruction of access.

Murgia v. Municipal Court for Bakersfield
(1975) 15 Cal.3d 286

Facts

Members of the UFW alleged that the law enforcement authorities of the entire county have engaged in a deliberate and systematic practice of discriminatory enforcement of the criminal law against UFW members and supporters. When faced with misdemeanor charges, the UFW members argued that the equal protection clauses of the federal and state Constitutions safeguard individuals from "intentional and purposeful" invidious discrimination and authorize defendants to raise such prosecutorial discrimination as a defense to the misdemeanor charges pending against them. The UFW members therefore filed motions seeking the dismissal on these grounds, and filed a discovery motion seeking to obtain documentary and testimonial evidence from law enforcement officials that UFW members contend were related to their discriminatory prosecution claim. In support of this discovery motion, the UFW members introduced more than 100 affidavits detailing numerous incidents of alleged discriminatory conduct toward UFW members and supporters on the part of Kern County law enforcement agents during the summer of 1973.

Procedural History

After the discovery matter had been fully briefed and argued, the trial court explicitly found that the declarations submitted on behalf of the UFW members established a prima facie case of discriminatory enforcement of the laws. However, the trial court denied the members' discovery motion, apparently because it felt that existing California decisions did not clearly establish that a defense of discriminatory prosecution was available to the UFW members. The UFW members seek a writ of mandate challenging that ruling.

Issue

Whether the trial court erred in denying criminal defendants a discovery order directing the prosecutor to produce information relevant to the defendants' claim that various penal statutes are being discriminately enforced against them.

Holding

The Court ruled that the trial court erred in barring all access to information regarding the defendants' claim of prosecutorial discrimination and allowed a peremptory writ of mandate to issue. The Court thus directed the trial court to vacate its order denying discovery.

Rationale

Real Party in Interest, the People, contended that an individual who has violated a statute cannot raise the defense that the statute was discriminately enforced because no one has the right to commit a crime. The Court found this argument unpersuasive and interpreted the decision in *Yick Wo v. Hopkins* (1886) 118 U.S. 356 to provide the principle that law enforcement authorities may not enforce a facially neutral statute as if it was explicitly targeted at blacks. The People also contended that the principle in *Yick Wo* cannot be applied to criminal prosecutions because such application "could easily lead to a rule that if some guilty persons escape, others who are apprehended should not be prosecuted." However, the Court also found this contention unpersuasive, and held that an equal protection violation does not arise whenever officials prosecute one and not another for the same act. Instead, the equal protection guarantee simply prohibits prosecuting officials from purposefully and intentionally singling out individuals for disparate treatment on an individually discriminatory basis. Nor is an individual who has in fact committed a crime barred from raising this defense in a criminal proceeding because the victim of a discriminatory enforcement claim allegedly compromises only an abstract group of individuals who belong to the disfavored class, as U.S. Supreme Court precedent has already established that a criminal defendant may object, in the course of a criminal proceeding, to the maintenance of the prosecution on the ground of deliberate and invidious discrimination in the enforcement of the law.

Moreover, the Court found that conscious policy of selective enforcement directly against members or supporters of a particular labor organization is prima facie discrimination and invalid under the equal protection clause. The U.S. Supreme Court has previously explained that denial of equal protection is established if a defendant demonstrates that the prosecutorial authorities' selective enforcement decision was deliberately based upon an unjustifiable standard such as race, religion, or any other arbitrary classification. Considering the constitutional and statutory foundations of workers' freedom of association, the Court expressed no doubt that an administrative policy that singles out individuals for prosecution on the basis of the right to join the union of their choice is at least presumptively unjustifiable and invidious.

Finally, while the People maintained that the denial of discovery may be justified by the nature of the criminal conduct at issue, the Court reiterated its ruling that equal protection prohibits administrative officials from the deliberate and invidious enforcement of any criminal law.

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Safer v. Superior Court of Ventura County
(1975) 15 Cal.3d 230

Facts

In 1974, the UFW set up picket lines around the fields of several growers of strawberries in Ventura County. The growers alleged that the picketing constituted unlawful interference with their farming operations and filed a complaint seeking injunctive relief and both general and punitive damages. On the day the growers filed their complaint, the Ventura Superior Court issued a temporary restraining order that severely limited the spacing and number of pickets. The following day, Ventura County Sheriff arrested a number of union members and sympathizers who assembled at one of the growers' fields to picket and charged these persons with committing misdemeanors for violation of Penal Code section 166, subdivision 4, which is the willful disobedience of a lawful court order. Laura Safer and others charged pleaded not guilty and requested a jury trial within the time limits of Penal Code section 1382.

The district attorney, however, then served defendants with an order to show cause in contempt proceedings prosecuted under Code of Civil Procedure section 1209 and procured dismissals of the misdemeanor charges on the grounds that the defendants became subject to the contempt proceedings the district attorney had just instituted. The district attorney did this seeking to convert the defendants' misdemeanor proceeding, in which defendants had the protection of a jury trial and other statutory safeguards, into a contempt proceeding, in which defendants would be stripped of these protections.

Procedural History

The defendants demurred to the new contempt proceedings on the grounds that (1) the district attorney lacked the authority to institute them, (2) the underlying restraining order suffered from unconstitutional vagueness and (3) the facts stated did not constitute contempt. The defendants also moved for dismissal of the contempt proceedings under Penal Code section 1387, which bars a second prosecution of a dismissed offense previously charged as a misdemeanor. Moreover, the defendants argued that if their demurrer and motions for dismissal did not succeed, then they were entitled to a jury trial on the civil charges. The court decided adversely to defendants on each contention.

Issues

Whether the district attorney exceeded his authority by instituting contempt proceedings pursuant to Code of Civil Procedure section 1209 in an attempt to convert the defendants' misdemeanor proceeding into a contempt proceeding without the protection of a jury trial and other safeguards.

Holding

The Court held that there was no statutory support for the district attorney's prosecution of the farm workers under Code of Civil Procedure section 1209. The Court also ruled that neither the district attorney's status as an officer of the court nor his general interest in the administration of justice authorized such prosecution. The Court

thus held that the lower court exceeded its jurisdiction in denying the defendants' demurrers.

Rationale

First, the Court determined that neither statute nor case law empowers a district attorney to intervene in a contempt proceeding stemming from private civil litigation in order to enforce an injunctive order granted at the behest of one of the litigants. The legislature, by the specificity of its enactments, has manifested its concern that the district attorney exercise the power of his office only in such civil litigation as that lawmaking body has found essential. Although the Court noted statutes that specifically empowered a district attorney to bring a civil action, none of those statutes empower a district attorney to intervene at will in a civil case involving private parties in an economic dispute. Even in some of these specifically authorized matters, the Court noted that the district attorney does not enjoy plenary power or unbridled discretion as he may prosecute certain actions only upon the request of a designated supervisory body. The Court interpreted the absence of any statute empowering the district attorney to appear in private litigation such as the instant case as demonstrative of the legislature's awareness that our legal system has long depended upon the self-interested actions of parties to pursue a dispute to its conclusion, or to decide that further time-consuming litigation serves no one's best interests. The intervention of the district attorney in these proceedings is the inappropriate introduction of the government itself on one side of the litigation.

Moreover, in addressing the district attorney's argument that violation of a court order "represents an affront to the court and the people of the state" which the district attorney may prosecute, the Court found that the district attorney may attempt to vindicate a court order under Penal Code section 166. However, any proceeding commenced under this statute will afford defendants the rights of persons charged with crimes, including trial by jury. Further, the Court found that the district attorney's reliance on *Bridges v. Superior Court* (1939) 14 Cal.2d 464 as an example of the district attorney's powers to prosecute contempt under Code of Civil Procedure section 1209 is inapt, because (1) the assertion in *Bridges* concerning the irrelevance of the party bringing the alleged contempt to the attention of the court predicated itself on the condition that the accused not be prejudiced and (2) *Bridges* says nothing of a district attorney's active prosecution as a litigant of contempt. Since the ruling in *Bridges* was narrow and the defendants in this case suffered prejudice from the presence of the district attorney as a prosecutor and from the district attorney's ability to use the court and police in his service of process, the district attorney's reliance on that case was inapposite.

Second, the Court found that a writ of prohibition must issue because the superior court acted in excess of its jurisdiction in permitting the district attorney to prosecute these proceedings. The Superior Court of Ventura County, in permitting the district attorney to prosecute this case under the Code of Civil Procedure and contrary to statutorily authorized procedures for such proceedings in excess of the district attorney's authority, exceeded its authority. A writ of prohibition should issue as the legislature has

wisely refrained from empowering the district attorney with the authority in such disturbing intervention in a labor dispute.

United Farm Workers Organizing Committee, AFL-CIO v. Superior Ct. of Kern County (1967) 254 Cal.App.2d 768

Facts

Farm workers employed by various companies, including Giumarra Bros. Fruit Co., engaged in a major strike. The employers obtained a preliminary injunction that contained, amongst other restraints, a provision forbidding the use of any mechanical device for the purpose of amplifying the human voice and directing it toward the employers' current employees under any circumstances.

Procedural History

The United Farm Workers Organizing Committee ("petitioners") challenged this particular provision of the preliminary injunction. The petitioners emphasized that the injunction is not limited to a prohibition of "loud and raucous noises" by mechanical amplification, but is complete in its prevention of the use of the mechanical device. The petitioners assert that they seek to use the bullhorn for the purpose of making clear to the employees working in the vineyard their wish that they should become members of the union, without the emission of any "loud and raucous noise".

Issue

Whether the trial court erred in issuing an injunction against the use of any mechanical device for the purpose of amplifying the human voice and directing it to the employers' employees for any reason whatsoever.

Holding

The Court found that the trial court's restriction on the farm workers' use of the bullhorn and directing it at the employers' employees for any reason whatsoever violated the farm workers' right to free speech under the First Amendment to the U.S. Constitution.

Rationale

First, the Court reaffirmed the ruling in *Wollam v. City of Palm Springs* 59 Cal.2d 276 that the absolute prohibition of amplified speech contained within the preliminary injunction is a violation of the rights granted by the First Amendment of the U.S. Constitution. The court in *Wollam* noted the importance of the loud speaker in the context of a labor dispute, where prepared communication that is carefully scrutinized can best be used to express the union's position instead of extemporaneous and often inarticulate utterances conveyed during a picket. The court in *Wollam* concluded that "[t]he right of free speech necessarily embodies the means used for its dissemination because the right is worthless in the absence of a meaningful method of its expression."

Second, the Court relied on the U.S. Supreme Court ruling in *Saia v. New York*, (1948) 334 U.S. 558 where the Court ruled that a provision in an ordinance requiring individuals to obtain a permit to use a loudspeaker at the discretion of the Chief of Police is invalid on its face. Moreover, the Court in *Saia* characterized loudspeakers as indispensable instruments of effective public speech.

Third, the Court also relied on the U.S. Supreme Court ruling in *Kovacs v. Cooper* (1949) 336 U.S. 77 wherein the Court ruled that there may be a prohibition on “loud and raucous noise” by amplifiers and that the use of sound trucks or otherwise electrical devices could be otherwise reasonably restricted, but that these circumstances were not at issue here.

Fourth, the Court also placed strong reliance on *Schwartz-Torrance Investment Corp. v. Bakery & Confectionary Workers’ Union* (1964) 61 Cal.2d 766. In *Schwartz-Torrance*, the Court noted the integral component that picketing plays in the context of collective bargaining. By relying on *Schwartz-Torrance*, the Court reaffirmed the principle that picketing is a manifestation of free speech. When balancing the interests of the Union and a property owner, a union thus rests solidly on sound public policy when attempting to exercise its free speech rights. In light of previous state and U.S. Supreme court case law, the Court ordered that a peremptory writ of prohibition issue directing the trial court to refrain from enforcing by contempt proceedings or otherwise that portion of the preliminary injunction that absolutely prohibits the reasonable use of a loudspeaker by petitioners in connection with their peaceful picketing.

United Farm Workers of America, AFL-CIO v. Superior Court of Monterey
(1976) 16 Cal.3d 499

Facts

The United Farm Workers (“UFW”) was engaged in a labor dispute with E. & J. Gallo Corporation involving Gallo’s alleged failure to renegotiate collective bargaining agreements with the UFW. As a result of this labor dispute, the UFW engaged in concerted activity aimed at discouraging retailers from stocking and consumers from purchasing Gallo products. This concerted activity included the mass picketing of certain retail stores that sell Gallo products.

The California Retail Liquor Dealers Institute (“CRLDI”) filed a class action complaint on behalf its 2,000 members to obtain injunctive relief from UFW’s activities. CRLDI’s complaint alleged that the UFW threatened retail liquor stores with boycotts, picketing and other economic activity unless they ceased purchasing the disputed products. The complaint also alleged that the UFW threatened and has engaged in the mass picketing of CRLDI’s stores by obstructing ingress and egress, harassing customers and verbally assaulting customers. The complaint also alleged that the UFW threatened some customers with physical harm unless they stop doing business with CRLDI’s stores.

CLRDI's class action complaint sought an injunction against UFW to prevent the UFW from, among other things, "picketing, parading, massing, patrolling, marching, standing, or demonstrating upon or along the sidewalks, streets and parking lots surrounding said retail stores' premises or in front of or within said business premises".

Procedural History

Despite the UFW's contention that class relief was inappropriate in this case, the lower court issued a preliminary injunction in favor of the class represented by CLRDI enjoining UFW and its members from engaging in concerted activities, including that specified above, except that the UFW was permitted to place three pickets at each driveway and entrance of the stores, at a distance 6 feet therefrom and not directly in front of the driveway or entrance. The UFW moved unsuccessfully to decertify the class on the grounds that (1) the class lacks the requisite community of interest and (2) a class action is inappropriate to enjoin or restrain labor activity, which is "presumptively protected" by the First Amendment.

Issue

Whether the lower court erred in granting injunctive relief in favor of the class represented by CLRDI.

Holding

The Court ruled that the trial court erred in granting class relief.

Rationale

The Court recognized the well-established principles that "peaceful picketing is an activity subject to absolute constitutional protection in the absence of a valid state interest justifying limitation or restriction" and that an order affecting peaceful picketing "must be couched in the narrowest terms that will accomplish the pinpointed objective permitted by constitutional mandate and the essential needs of public order." Given the presumptively protected status of peaceful picketing activities, the Court warned that "courts should be cautious in entertaining actions to enjoin or restrain such conduct".

In this case, CLRDI's class action sought "across-the-board" restraints upon concerted activity at 2,500 different locations, notwithstanding the fact that the record indicated that only approximately 2% of CLRDI member stores were the target of actual picketing by the UFW. The Court also found that CLRDI failed to establish the requisite community of interest to support a class action, because of the large number of stores involved and the wide variety of physical conditions existing from store to store and because the complaint failed to allege that each of the member stores carried Gallo products. Since a class action cannot be maintained where each member's right to recover depends on facts peculiar to his case, the Court held that CLRDI failed to show a "community of interest". Considering the presumptively protected nature of peaceful picketing activity, the Court found that the restraints on such activity must be tailored with caution and precision and be reserved for those cases in which the threat of harm seems clear and imminent. The Court therefore ruled that the lower court erred in granting class relief to CLRDI.

United Farm Workers of America, AFL-CIO v. The Superior Court of Santa Cruz
(1975) 14 Cal.3d 902

Facts

On September 27, 1974, the William Buack Fruit Company (“fruit company”) filed a verified complaint for injunctive relief against UFW and certain UFW members, accompanied by 3 supporting declarations in Santa Cruz Superior Court. In its complaint, the fruit company alleged that (1) the defendants engaged in mass picketing on its property, (2) the defendants trespassed on its property for the purpose of coercing fruit company employees to stop working and (3) the defendants threatened or caused to be threatened workers who sought, accepted, or continued to do harvesting work at the fruit company’s orchards with bodily harm. None of the defendants were given notice and as a result none appeared before the trial judge. The fruit company made no showing that it had been unable to notify defendants or their counsel, nor did it allege that it attempted to do so. On September 30, 1974, the court issued a temporary restraining order, limited picketing at the apple ranch by members of the United Farm Workers, and restricted access to the migrant labor camp located on the fruit company’s property. The defendants were first notified of the proceedings when served later that day with the summons, complaint, temporary restraining order and order to show cause.

Procedural History

On October 3, 1974, the UFW moved to dissolve the temporary restraining order on the grounds that it had been issued ex parte and without notice to any defendants and was thus unconstitutional, and that the fruit company had not made a factual showing sufficient to justify injunctive relief. The lower court denied the motion and continued the order in effect. The UFW sought a writ of prohibition commanding the Santa Cruz Superior Court to refrain from enforcing or continuing to in effect the temporary restraining order.

Issue

Whether the lower court erred granting the ex parte issuance of a temporary restraining order affecting substantial free speech interests, without a showing the party seeking the injunction made a reasonable, good faith effort to afford the opposing party or counsel notice and an opportunity to be heard.

Holding

The Court ruled that the ex parte issuance of temporary restraining orders in such circumstances violates the freedom of speech guarantees of both the United States Constitution (1st and 14th amendments) and Article I, section 2 of the Constitution of the State of California.

Rationale

The Court found the U.S. Supreme Court’s unanimous ruling in *Carroll v. Princess Anne* (1968) 393 U.S. 175 instructive. In that case, the U.S. Supreme Court condemned the ex parte issuance of orders affecting First Amendment rights absent a showing that the moving party made a reasonable, good faith effort to afford the

defendants an opportunity to be heard. Although *Carroll* involved the ex parte issuance of a restraining order prohibiting the continuation of a rally and speeches advocating racial supremacy and this cases involved the issuance of a temporary restraining order limited labor picketing and access to migrant labor camps, the Court found the difficulties inherent in an ex parte proceeding were common to both situations.

The Court found two basic defects typical of ex parte proceedings: (1) the shortage of factual and legal contentions that are essential to the court's initial decision of whether or not the circumstances warrant a temporary restraining order and (2) the fact that the only party seeking to circumscribe First Amendment activity is present to assist in the drafting of the order, which may result in an injunction that sweeps more broadly than necessary and violates First Amendment liberties. When enjoining activities in the sensitive area of First Amendment Freedoms, the Court reiterated the principle articulated by the Court in *Carroll* that courts must draft temporary restraining orders "couched in the narrowest terms that will accomplish the pin-pointed objective permitted by constitutional mandate and the essential needs of the public order."

Here, the temporary restraining order affected First Amendment rights by (1) limiting access to the migrant labor camp on the fruit company's property and (2) by enjoining all but a restricted number of pickets, and requiring that number to be spaced at certain intervals. Although the company contended that the order curtailed on unlawful picketing rather than protected First Amendment speech, the Court found that this argument ignored the fact that the courts of this state have only denied free speech protection to picketing in instances which the court found acts of violence or physical intimidation after an adversary trial. Moreover, the Court noted the burden on a party seeking an order to curtail First Amendment activity is light compared to the importance of First Amendment involved, and that the fruit company is also afforded protection by criminal statutes, which are no less a deterrent to criminal conduct such as the type of violence complained of in the instant case than mere civil restraint. Thus, the Court found that "there is no place within the area of basic freedoms guaranteed by the First Amendment or, we hold, by article I, section 2 of the California Constitution, for ex parte restraining orders unless a showing is made that it was not reasonably possible to notify opposing parties or their counsel and afford them an opportunity to be heard.

Uribe v. Howie

(1971) 19 Cal.App.3d 194 (appellate court case included in list left via voicemail)

Facts

A farm worker with physical disorders that she attributed to crop pesticides was refused permission to inspect monthly pesticide spray reports submitted under Agriculture Code section 11733 by licensed commercial operators to the county agricultural commissioner. The inspection would permit the farm worker to take blood tests, by which she can be examined to see if she had been hurt by exposure to pesticides. The Agricultural Commissioner offered a copy of an annual summary report prepared by his office from reports received by commercial applicators. The summary showed the

total quantity of various pesticides used in Riverside County, and the type of crop and the total crop acreage upon which such pesticides were applied. However, the summary did not reveal the specific properties treated, the name of any pest control operator, or the name of the owner of any specific parcel of property treated.

The reports submitted to the Agricultural Commissioner by licensed commercial pest control operators (Intervenors) contain information which, if made available to other operators, would provide information from which each could determine the kind of equipment being used, the combinations of materials used and the dosages and strength of materials used by other operators. This will permit pesticide applicators to closely approach the services provided by others, but it is not sufficient to allow competitors to duplicate each other's techniques. Though pesticide applicators have developed equipment with special modifications, such equipment is generally open to public view when not in use. Also, while the Agricultural Commissioner maintains confidentiality of these reports under policy of the State Department of Agriculture, such policy does not compel the Agricultural Commissioner to maintain such reports in confidence as he has provided much information contained in the reports to various third parties.

Also, the information in the reports sought would help provide information valuable to the implementation of a proper preventative program or monitoring program to prevent illness in workers exposed to pesticides. The farm worker sought a writ of mandate from the trial court to compel disclosure of the records.

Procedural History

Although the trial court determined that the reports were public records in the hands of the Agricultural Commissioner, the trial court denied the farm worker's writ of mandate to compel disclosure of the records submitted by commercial applicators of agricultural pesticides to Agricultural Commissioner, on the basis that those records were exempt from disclosure by Government Code section 6254 in that they were trade secrets, records for law enforcement or licensing purposes and crop reports. The trial court also found that the Agricultural Commissioner justified nondisclosure pursuant to Government Code section 622 and specifically that the public interest served by not making the records public outweighs the public interest served by disclosure. Intervenor and Appellant, the People, appealed with the contention that the trial court erred in denying a petition of writ of mandate to compel disclosure of the reports because they do not constitute crop reports, are not used for licensing or law enforcement purposes, do not contain trade secrets, and that the public interest served by disclosure of the reports outweighs that served by nondisclosure.

Issue

Whether the lower court erred in denying a writ of mandate to compel disclosure of the pesticide records on the basis that the reports were trade secrets, records for law enforcement or licensing purposes and crop reports exempt from the requirement that public records be open for inspection under Government Code section 6254.

Holding

The lower court erred in its denial of writ of mandate to compel disclosure of the pesticide reports on the basis that the reports were trade secrets, records for law enforcement or licensing purposes and crop reports exempt from public disclosure under Government Code section 6254. The Court determined that these reports do not constitute trade secrets, records for law enforcement or crop reports under that statute and that the public interest served from disclosure of the reports outweighs interests served by nondisclosure.

Rationale

Applying the definitions of “trade secret” under the Restatement of Torts, volume 4, section 757 and Government Code section 6254.7, the Court found that the information contained in the reports do not constitute trade secrets. The definitions provided under the Restatement and the Government Code couch the term in the present sense, the reports in this case would only reveal a past decision, based on transitory conditions and thus also without the continuity of use envisioned by the Restatement definition. Also, while access to reports would permit competitors to determine the kind of equipment used amongst general types of commercially available equipment, there was no evidence that the applicator’s individual modifications could be discovered from the reports. Further, the information in the report is made available to other parties outside the pesticide application business. Further, the benefit of the information revealed by the reports, including the long range effects of pesticides on humans, must be weighed against the interest associated with nondisclosure. The Court concluded that the public interest is best served by requiring disclosure of the spray reports currently on hand.

Second, the Court determined that the reports are not crop reports within the meaning of Government Code section 6254, because crop reports under this section refer only to reports specifying the nature, extent, type or magnitude of crops being grown. The purpose of the exemption in this instance is to protect the financial confidentiality of the growers’ enterprises. Since the reports do not yield any financial data, and no indication of the probable price of the harvested crop or the paid price for the pesticide spraying service, the Court concluded these were not crop reports the legislature intended to be exempted from public disclosure under Government Code section 6245.

Nor did the Court conclude that the reports fit under an exemption under Government Code section 6245 because they were reports compiled for licensing purposes. While an exemption exists for investigatory files compiled for law enforcement purposes, the fact that the reports in the instant case are reviewed and may be used in a disciplinary proceeding if violations are found is insufficient grounds to apply the exemption. Moreover, in the instant case, review of licenses is not the primary reason the reports were compiled.

Finally, the Court determined that the trial court erred in determining that public interest is better served by granting the spray reports exemption from public inspection, considering the strong public interests served by disclosure.

Vargas v. Municipal Court for Riverside
(1978) 22 Cal.3d 902

Facts

Jose Vargas and his wife Azucenza Hernandez (“tenants”) were employed by McNally Enterprises, Inc. at a chicken ranch in Lakeview, California. The tenants lived with their three children in a house owned by their employer and provided rent-free as a benefit of their employment. Late in the summer of 1975, the UFW began organizing activities at the ranch. Hernandez was one of the most active union supporters. In September 1975, Hernandez was discharged by her employer. In October 1975, Vargas was similarly terminated. Soon thereafter, the employer served the tenants with a notice to vacate their home by October 31. On October 22, 1975, the UFW filed an unfair labor practice charge against McNally with the Agricultural Labor Relations Board (“the board”), alleging that the tenants’ discharge was committed in retaliation for union affiliation and protected union activities in violation of section 1153, subdivisions (a) and (c) of the Labor Code. Later, the union amended the charge to also allege that Hernandez was fired because of her union activities. While these charges were still pending before the board, the employer filed an unlawful detainer action against the tenants in municipal court, alleging that the tenants entered the premises as employees, that they ended their employment, and that the employer was not entitled to possession of the premises.

Vargas and Hernandez demurred to the complaint, contending that the employer’s pleading failed to allege the employment relationship had lawfully terminated as required by the applicable lawful detainer provision. The court granted the demurrer and the employer immediately amended its complaint to allege the lawful termination of the tenants. In the meantime, the board’s regional director determined through his investigation that the UFW’s unfair labor practice charges were true and issued a complaint against the employer. On November 24, 1975, a hearing took place before an administrative law judge but then the proceedings were continued until December 22, 1975.

On December 4, 1975, the tenants moved in the municipal court for a dismissal or stay of the unlawful detainer action on the ground that the lawfulness of the termination of employment was currently pending before the board. The municipal court denied these requests on December 22, 1975. On January 14, 1976, the board sought leave to file a complaint in intervention and the court granted such leave. The board filed its complaint in intervention and requested the court stay the unlawful detainer action pending the rendition of the board’s decision on the charges. A month later, the employer filed a demurrer to the complaint in intervention. On March 4, 1976, the court heard argument on the board’s request to postpone the trial in the unlawful detainer action until the board reached a decision on pending unfair labor practice charges. It was unclear when the board would be able to render such decision. The municipal court thus sustained the employer’s demurrer to the board’s complaint in intervention and ordered the unlawful detainer action to trial on March 11, 1976.

The unlawful detainer action was tried on March 11, 1976, and the tenants tried to introduce evidence to demonstrate that their termination from employment and the attempted eviction were unlawful under Labor Code section 1153 because the employer had undertaken such measures in retaliation to their statutorily-protected union activities. The employer, however, objected to the introduction of such evidence on the basis that the municipal court had jurisdiction to entertain the unlawful detainer action and only the board had jurisdiction to consider any defense of the tenants that relied on provisions of the Agricultural Labor Relations Act. The court agreed with the employer and refused to admit the tenants' evidence.

Procedural History

The court ruled in favor of the employer and awarded possession of the premises and damages. On appeal, the appellate department of the superior court affirmed the judgment and the Court of Appeal revised certification of the case. The tenants then initiated this proceeding seeking a writ of mandate and/or certiorari to compel the municipal court to vacate the judgment entered in the unlawful detainer action, contending that the municipal court acted in excess of its jurisdiction to dismiss the unlawful detainer proceedings or to stay such proceedings while the unfair labor practice charges were pending before the board. Alternatively, the tenants assert that the municipal court abused its discretion by excluding all evidence relating to the employer's retaliatory motives. This Court granted an alternative writ of mandate.

Issues

Whether the municipal court erred in dismissing or failing to stay the unlawful detainer action while unfair labor practice charges were still pending before the board.

Holding

The municipal court neither exceeded its jurisdiction nor abused its discretion in permitting the unlawful detainer action to go to trial while the related administrative proceeding was pending before the board.

Rationale

The facts demonstrate that the municipal court did not overlook the significance of the contemporaneous administrative proceedings nor the desirability of affording some measure of deference to the board, which is the expert administrative agency specially created by the legislature to regulate disputes relating to rights and responsibilities arising under the Agricultural Labor Relations Act. Acknowledging that the board was conducting an administrative hearing on one of the principle issues involved in the unlawful detainer action, the court proceeded deliberately and postponed the unlawful detainer trial on several occasions in order to presumably afford the board a reasonable period to resolve the related unfair labor practice charges. Subsequently, four months elapsed wherein the board failed to render a decision on the unlawful practice charges before it and after which the court could not reasonably anticipate the court to render such decision in the future. Unable to find federal precedent providing that the board's exclusive jurisdiction over charges of unfair labor practices bars a state court from adjudicating an unlawful detainer action in circumstances similar to the state case, the

Court dismissed the tenant's argument that preemption principles set forth in federal precedent precluded the municipal court from acting.

Also, the Court found nothing in the general statutory scheme of the Agricultural Labor Relations Act to suggest that the legislature intended to preclude municipal courts from adjudicating unlawful detainer actions arising out of agricultural labor disputes regardless of the circumstances. The Court noted that nothing in the Act grants the board jurisdiction as to all matters relevant to an unlawful detainer action. The Court accordingly concluded that the municipal court neither exceeded its jurisdiction, nor abused its discretion in permitting to the unlawful detainer action to proceed to trial before the board rendered its decision on the remaining unfair labor practice charges.

However, the Court also concluded that the municipal court erred in excluding the unlawful detainer action evidence that the employer's termination and eviction of the tenants was in retaliation for the tenant's exercise of rights guaranteed by the provisions of the Act. The tenants contend that the employer must prove, under the Civil Code, that an employment relationship is "lawfully terminated" in an unlawful detainer action and that they should be permitted to submit evidence that the Act was violated, as such violation would prove unlawful termination. Moreover, the tenants add that even without regard to the "lawful termination language" of the Civil Code, the evidence they proffered was properly admissible, because this Court has previously held that a landlord cannot lawfully evict a tenant in retaliation for the tenant's statutorily-protected rights. The Court dismissed the employer's suggestion that a municipal court's jurisdiction over an unlawful detainer action can somehow be severed from its jurisdiction over a tenant's defense to such an action. By preventing the tenant from submitting evidence related to their unlawful detainment, the municipal court denied the tenants the essential fairness and basic integrity required of a judicial proceeding by due process. Finally, there is nothing in the general purpose of the Act to suggest the legislature intended to deprive employees the right to raise a retaliatory eviction defense in an unlawful detainer action. The Court therefore concluded that the unlawful detainer judgment of the municipal court in favor of the employer could not stand. The Court let a peremptory writ of mandate issue directing the municipal court to vacate the judgment and to proceed with the trial in accordance with the Court's decision.