

IN THE SUPREME COURT OF CALIFORNIA

TRI-FANUCCHI FARMS,)	Case No. S227270
)	
Petitioner,)	(Fifth District Court of Appeal;
)	Case No. F069419)
v.)	
)	
AGRICULTURAL LABOR)	
RELATIONS BOARD,)	
)	
Respondent,)	
)	
and)	
)	
UNITED FARM WORKERS)	
OF AMERICA,)	
)	
Real Party in Interest.)	

NOTICE OF ERRATA RE: AGRICULTURAL LABOR RELATIONS BOARD'S REPLY BRIEF ON THE MERITS

J. ANTONIO BARBOSA, SBN 87829
Executive Secretary

PAUL M. STARKEY, SBN 109434
Special Board Counsel

SCOTT P. INCIARDI, SBN 228814
Senior Board Counsel

AGRICULTURAL LABOR
RELATIONS BOARD
1325 J Street, Suite 1900-B
Sacramento, CA 95814
Telephone: (916) 653-3741
Facsimile: (916) 653-8570

DATED: March 24, 2016
#1825

RECEIVED

MAR 25 2016

CLERK SUPREME COURT

**NOTICE OF ERRATA RE: AGRICULTURAL LABOR RELATIONS
BOARD'S REPLY BRIEF ON THE MERITS**

PLEASE TAKE NOTICE that Respondent Agricultural Labor Relations Board ("ALRB") hereby makes the following correction to its Reply Brief on the Merits, which was filed on March 14, 2016.

The ALRB's reply brief was inadvertently filed without a page "4" and, instead, page "5" appears twice. Page "4" of the reply brief is attached to this notice as Exhibit "A", and should be substituted for the first page "5."


Counsel apologizes to the Court and to other counsel for any inconvenience caused by this error.

DATED: March 24, 2016

Respectfully submitted,

J. ANTONIO BARBOSA
Executive Secretary

PAUL M. STARKEY
Special Board Counsel


SCOTT P. INCIARDI
Senior Board Counsel

Attorneys for Respondent
AGRICULTURAL LABOR
RELATIONS BOARD

NOTICE OF ERRATA RE:
AGRICULTURAL LABOR RELATIONS BOARD'S
REPLY BRIEF ON THE MERITS

EXHIBIT A

dependent on a “legal conclusion,” Tri-Fanucchi ignores the fact that the Board’s legal determinations and interpretations of the ALRA are entitled to deference must be upheld as long as they are reasonable – a standard the Board’s order easily meets. Tri-Fanucchi fails to justify the Court of Appeal’s decision to make its own determination on the appropriateness of makewhole. Finally, Tri-Fanucchi’s arguments that the Court of Appeal properly viewed the Board’s decisional precedent as being categorially incapable of settling the status of the “abandonment” defense are unconvincing. The Board’s prior decisions are entitled to great weight, and are supported by multiple appellate decisions upholding the principles applied by the Board.

For these reasons, and for the reasons set forth in the Board’s Opening Brief on the Merits, the Board respectfully submits that this Court should reverse the Court of Appeal’s decision to the extent it reverses the Board’s makewhole award.

ARGUMENT

I. THE COURT OF APPEAL DID NOT APPLY THE PROPER STANDARD OF REVIEW

In its opening brief, the Board demonstrated that the Court of Appeal did not apply the proper standard of limited review to the Board’s determination that

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 **March 24, 2016**, I served the within NOTICE OF ERRATA RE: AGRICULTURAL LABOR RELATIONS BOARD'S REPLY BRIEF ON THE MERITS on parties in said action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California, addressed as follows:

Via U.S. Mail

Howard A. Sagaser
Sagaser, Watkins & Weiland PC
7550 N. Palm Avenue, Suite 100
Fresno, CA 93711-5500

Mario G. Martinez
MARTINEZ AGUILASOCHO & LYNCH
P.O. Box 11208
Bakersfield, CA 93389-1208

Clerk of Court of Appeal
Fifth Appellate District
2424 Ventura Street
Fresno, California 93721


Via Hand Delivery

Mark Woo-Sam,
Acting General Counsel
1325 J Street, Suite 1900-A
Sacramento, California 95814

Via U.S. Mail

Kamala G. Harris, Attorney General
Office of the Attorney General
1300 I Street
Sacramento, California 95814-2919

Executed on **March 24, 2016**, at Sacramento, California. I certify (or declare), under penalty of perjury that the foregoing is true and correct.


Sonia Louie