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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

OLIVIA GARCIA, Regional Director)
of Region 21 of the National Labor)
Relations Board, for and on behalf of)
the NATIONAL LABOR)
RELATIONS BOARD,)
Petitioner,)
v.)
HIGH FLYING FOODS,)
Respondent.)

Case No. 15CV0039-GPC(JLB)
ORDER GRANTING JOINT
MOTION/STIPULATION OF
DISMISSAL
Judge: Hon. Gonzalo P. Curiel
Courtroom: 2D
No hearing requested or required

Background

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2 1. On January 8, 2015, Petitioner Olivia Garcia, Regional Director of
3 Region 21 of the National Labor Relations Board (NLRB), for and on behalf of the
4 NLRB, petitioned the Court for a temporary injunction in this matter under 29
5 U.S.C. Sec. 160(j), pending final determination of the charges filed with the
6 NLRB by UNITE HERE! Local 30 (Union), against High Flying Foods
7 (Respondent).

8 2. On February 12, 2015, the Court: (a) issued its Order granting the
9 petition (in part) for temporary injunction, and also (b) issued the temporary
10 injunction. The Court’s Order is reported at 2015 WL 773054 (S.D. Cal. 2015).

11 3. On September 30, 2016, the NLRB issued its Order on the unfair
12 labor practice complaint underlying the petition for injunction, adopting the
13 findings and conclusions of the Administrative Law Judge as contained in his
14 Decision.

15 4. The issuance of the NLRB’s Order renders the injunction proceeding
16 moot. *Johansen ex rel. NLRB v. Queen Mary Restaurant Corp.*, 522 F.2d 6 (9th
17 Cir. 1975). Accordingly, and pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules
18 of Civil Procedure, on October 19, 2016, the parties filed a Joint
19 Motion/Stipulation of Dismissal of this action with the Court.

20 5. Pursuant to Section 2(f)(4) of the Electronic Case Filing
21 Administrative Policies and Procedures Manual of the Southern District of
22 California, the parties’ Joint Motion/Stipulation of Dismissal was filed as a joint
23 motion, as it is subject to the Court’s approval.

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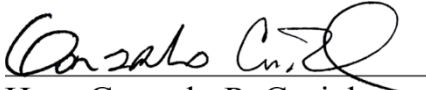
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Court approval

Based on the above, the Court hereby issues this Order approving the Joint Motion/Stipulation of Dismissal, under the terms as set forth in the Joint Motion/Stipulation of Dismissal.

IT IS SO ORDERED.

Dated: October 20, 2016


Hon. Gonzalo P. Curiel
United States District Judge

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