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**From:** Cayco, Marie V. <[mcayco@kirkland.com](mailto:mcayco@kirkland.com)> **On Behalf Of** McConnell, Michael W.  
**Sent:** Monday, April 9, 2018 1:46 PM  
**To:** Wake, Luke <[Luke.Wake@nfib.org](mailto:Luke.Wake@nfib.org)>  
**Cc:** Michael McConnell <[mccommel@law.stanford.edu](mailto:mccommel@law.stanford.edu)>; Lawrence, Andrew C. <[andrew.lawrence@kirkland.com](mailto:andrew.lawrence@kirkland.com)>  
**Subject:** RE: Gerawan Farming

A separate NFIB brief would be welcome.

Sent from my iPhone

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**From:** Wake, Luke <[Luke.Wake@nfib.org](mailto:Luke.Wake@nfib.org)>  
**Sent:** Monday, April 9, 2018 3:34 PM  
**To:** McConnell, Michael W. <[michael.mccommel@kirkland.com](mailto:michael.mccommel@kirkland.com)>  
**Subject:** FW: Gerawan Farming

Mr. McConnell:

I see you are counsel of record in the recently filed petition for certiorari in *Gerawan Farming*. As I am sure you know, we filed an amicus brief previously in this case in the Court of Appeal, and thereafter joined with Pacific Legal Foundation in an amicus brief before the California Supreme Court. Our COA brief is attached. As you see, we were particularly interested in the Wolf Packing line of argument, as well as the class of one issue.

We have the option to sign-on with PLF in support of your petition at this juncture. But I am also interested in the possibility of NFIB filing a stand-alone brief if that is something you would welcome. Would you like to discuss? Or what would be your preference?

Luke A. Wake  
Senior Staff Attorney  
**NFIB Small Business Legal Center**  
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Sacramento, CA 95814  
(916) 448-9904  
[luke.wake@nfib.org](mailto:luke.wake@nfib.org)

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**From:** Damien M. Schiff <[DSchiff@pacificlegal.org](mailto:DSchiff@pacificlegal.org)>  
**Sent:** Monday, April 9, 2018 11:21 AM  
**To:** Wake, Luke <[Luke.Wake@nfib.org](mailto:Luke.Wake@nfib.org)>  
**Subject:** RE: Gerawan Farming

Here is a link to their petition: [https://www.supremecourt.gov/DocketPDF/17/17-1375/40353/20180328130348710\\_Gerawan%20Farming%20v.%20ALRB%20-%20Petition--PDF.pdf](https://www.supremecourt.gov/DocketPDF/17/17-1375/40353/20180328130348710_Gerawan%20Farming%20v.%20ALRB%20-%20Petition--PDF.pdf)

**Damien M. Schiff** | Senior Attorney  
Pacific Legal Foundation  
930 G Street | Sacramento, CA 95814  
916.419.7111



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**From:** Wake, Luke [<mailto:Luke.Wake@nfib.org>]  
**Sent:** Monday, April 9, 2018 10:28 AM  
**To:** Damien M. Schiff <[DSchiff@pacifical.org](mailto:DSchiff@pacifical.org)>  
**Subject:** Gerawan Farming

Damien –

I still haven't seen the petition for certiorari in this case. Do you have a copy?

Luke A. Wake  
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**From:** Benjamin Glickman <Benjamin.Glickman@doj.ca.gov>  
**Sent:** Thursday, April 19, 2018 2:18 PM  
**To:** Wake, Luke  
**Subject:** RE: Request for Consent for Amicus Filing

The Board does not object to your filing an amicus brief in this matter.

**Benjamin M. Glickman**

Deputy Attorney General | Government Law Section  
California Department of Justice  
1300 I Street, 17th Floor | Sacramento, CA 95814  
Phone: 916.210.6054 | Fax: 916.324.8835  
[Benjamin.Glickman@doj.ca.gov](mailto:Benjamin.Glickman@doj.ca.gov)

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**From:** Wake, Luke [mailto:Luke.Wake@nfib.org]  
**Sent:** Wednesday, April 18, 2018 12:40 PM  
**To:** Benjamin Glickman <Benjamin.Glickman@doj.ca.gov>  
**Subject:** Request for Consent for Amicus Filing

Mr. Glickman:

I understand that you are counsel of record for the State in *Gerawan Farming, Inc. v. Agricultural Labor Relations Board*. As such, I am writing to request consent for NFIB Small Business Legal Center to file an amicus curiae brief in support of the petition for certiorari, currently pending before the U.S. Supreme Court in this matter.

Please let me know whether the Agricultural Labor Relations Board confers or withholds consent for this proposed amicus.

Best regards,

Luke A. Wake  
Senior Staff Attorney  
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**From:** Mario Martinez <mmartinez@farmworkerlaw.com>  
**Sent:** Wednesday, April 18, 2018 4:47 PM  
**To:** Wake, Luke  
**Subject:** Re: Request for Consent for Amicus Filing

UFW does not oppose your request to file the amicus brief.

Mario Martínez, Esq.  
MARTÍNEZ AGUILASOCHO & LYNCH, APLC  
Physical: 1527 19th St. #332, Bakersfield, CA 93301  
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Tel: (661) 859 - 1174  
Fax: (661) 840 - 6154  
[mmartinez@farmworkerlaw.com](mailto:mmartinez@farmworkerlaw.com)

[Sent from my phone]

On Wed, Apr 18, 2018, 12:41 PM Wake, Luke <[Luke.Wake@nfib.org](mailto:Luke.Wake@nfib.org)> wrote:

Mr. Martinez:

I understand that you are counsel of record for UFW in *Gerawan Farming, Inc. v. Agricultural Labor Relations Board*. As such, I am writing to request consent for NFIB Small Business Legal Center to file an amicus curiae brief in support of the petition for certiorari, currently pending before the U.S. Supreme Court in this matter.

Please let me know whether UFW confers or withholds consent for this proposed amicus.

Best regards,

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