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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAGIT

FAMILIAS UNIDAS POR LA JUSTICIA and  
FELIMON PINEDA,

Plaintiffs,

vs.

SAKUMA BROTHERS FARMS, INC.,

Defendant.

No. 17-2-01242-7

ORDER GRANTING PLAINTIFF'S  
MOTION FOR TEMPORARY  
RESTRAINING ORDER, WAIVING  
BOND, AND ORDER TO SHOW CAUSE

This matter came before the Court in a hearing on August 7, 2017 on Plaintiffs' application for a temporary restraining order. Defendant received notice of the motion by an email sent August 6, 2017 at 8:16 p.m. and the pleadings were emailed to Defendant's counsel on the morning of August 7, 2017.

The Court heard oral argument of counsel for the Plaintiffs and for the Defendant and considered the following pleadings:

1. The declaration of Ramon Torres
2. The declaration of Jose Ramirez Gonzalez
3. The declaration of Benito Lopez Torres
4. Plaintiffs' Complaint for Declaratory and Injunctive Relief,
5. Plaintiff's Motion for a Temporary Restraining Order and Waiver of Bond
6. Defendant's Motion to Compel Arbitration and exhibits thereto.

After hearing oral argument, the Court makes the following FINDINGS:

1. The parties collective bargaining agreement (CBA) provides for payment of \$4.25

ORDER GRANTING PLAINTIFFS' MOTION  
FOR TEMPORARY RESTRAINING ORDER - 1

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1 per tray (12 boxes per tray) of blackberries. Defendant has stated that it plans to  
2 increase the box size from 6 ounces to 12 ounces (or from 72 ounces per tray to 144  
3 ounces per tray;

4 2. ~~The CBA does not address this change.~~ <sup>SM</sup> If Defendant Sakuma paid \$4.25 for a 12  
5 ounce box of berries this would result in a lower payment to workers. The CBA  
6 requires the parties to utilize its grievance and arbitration process to discuss this  
7 change;

8 3. Plaintiff Familias Unidas por la Justicia have a well-grounded fear of being  
9 underpaid if the parties do not follow the grievance and arbitration process;

10 4. Familias Unidas por la Justicia will suffer irreparable injury and damage if  
11 Defendant's actions described are not restrained;

12 5. Irreparable injury, loss and damage may result to the Plaintiffs unless a Temporary  
13 Restraining Order is entered and that Plaintiffs will suffer more from the denial of  
14 this Temporary Restraining Order and Order to Show Cause than the Defendant  
15 will suffer from its issuance;

16 6. Plaintiffs are indigent and posting a bond would be a significant hardship.

17  
18 THEREFORE, IT IS ORDERED that Plaintiffs' Motion for a Temporary Restraining Order is  
19 Granted. Defendant Sakuma is restrained and enjoined:

- 20 a. ~~Threatening~~ <sup>being</sup> <sup>SM</sup> to implement a piece rate that is not consistent with \$4.25 per 72  
21 ounces of blackberries harvested pending resolution through the grievance and  
22 arbitration process provides in the parties' Collective Bargaining Agreement, ;  
23

ORDER GRANTING PLAINTIFFS' MOTION  
FOR TEMPORARY RESTRAINING ORDER - 2

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1           b. Paying any piece rate that is not consistent with \$4.25 per 72 ounces of  
2           blackberries harvested that pending resolution through the grievance and  
3           arbitration process provides in the parties' Collective Bargaining Agreement;

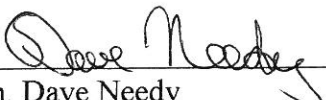
4  
5           The parties are ORDERED to resolve the CBA underlying dispute through the Grievance  
6 and Arbitration process as established by the parties' collective bargaining agreement.

7  
8           It is further ORDERED that because of indigence, Plaintiff is not required to post a bond.  
9 Defendant is ordered to put disputed amounts of workers' wages (calculated at the price per  
10 ounce resulting from a price of \$4.25 for 72 ounces) in excess of the \$4.25 for a tray of 72  
11 ounces (for example, for a tray of 12, 12 ounce boxes (144 ounces total), Defendant would put  
12 \$4.25 per tray into an escrow account of its choosing, pending agreement or resolution through  
13 arbitration. Sakuma will inform Familias of the escrow arrangements by August 10, 2017.


14           This ORDER is binding upon the parties to this action, their officers, agents, servants,  
15 employees and attorneys.

16           IT IS FURTHER ORDERED that this order shall remain in effect through August 21,  
17 2017 on which day the matter is scheduled for a hearing to show cause why a preliminary  
18 injunction should not issue on all violations alleged the complaint in the Superior Court of  
19 Washington for Skagit County on August 21, 2017.


1 SIGNED IN OPEN COURT this 7 day of August, 2017.

2  
3   
4 Hon. Dave Needy  
5 SKAGIT CO. SUPERIOR COURT JUDGE

6 Presented by:

7   
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14 *Attorneys for Sakuma Brothers Farms, Inc.*

15   
16 Kathleen Barnard  
17 Andrea Schmitt  
18 Counsel for families  
19 Approved as to form

20  
21  
22  
23 ORDER GRANTING PLAINTIFFS' MOTION  
FOR TEMPORARY RESTRAINING ORDER - 4

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