§ 807. Injunctions issued in labor disputes. 1. No court nor any judge or judges thereof shall have jurisdiction to issue any restraining order or a temporary or permanent injunction in any case involving or growing out of a labor dispute, as hereinafter defined, except after a hearing, and except after findings of all the following facts by the court or judge or judges thereof to be filed in the record of the case:

(a) That unlawful acts have or a breach of any contract not contrary to public policy has been threatened or committed and that such acts or breach will be executed or continued unless restrained;

(b) That substantial and irreparable injury to complainant's property will follow unless the relief requested is granted;

(c) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial thereof than will be inflicted upon defendants by the granting thereof;

(d) That complainant has no adequate remedy at law;

(e) That the public officers charged with the duty to protect complainant's property have failed or are unable to furnish adequate protection; and

(f) That no item of relief granted prohibits directly or indirectly any person or persons from doing, whether singly or in concert, any of the following acts:

(1) Ceasing or refusing to perform any work or to remain in any relation of employment;

(2) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any agreement, undertaking or promise;

(3) Paying or giving to, or withholding from, any person any strike or unemployment benefits or insurance or other moneys or things of value;

(4) By all lawful means aiding any person who is being proceeded against in, or is prosecuting any action or suit in any court of the United States or of any state;

(5) Giving publicity to and obtaining or communicating information regarding the existence of, or the facts involved in, any dispute, whether by advertising, speaking, picketing, patrolling any public street or any place where any person or persons may lawfully be, or by any other method not involving fraud, violence or breach of the peace;

(6) Ceasing to patronize or to employ any person or persons;

(7) Assembling peaceably to do or to organize to do any of the acts heretofore specified or to promote lawful interests;

(8) Advising or notifying any person or persons of any intention to do any of the acts heretofore specified;

(9) Agreeing with other persons to do or not to do any of the acts heretofore specified;

(10) Advising, urging or inducing without fraud, violence or threat thereof, others to do the acts heretofore specified;

(11) Doing in concert of any or all of the acts heretofore specified on the ground that the persons engaged therein constitute an unlawful combination or conspiracy or on any other grounds whatsoever.

2. Such hearings shall be held only after a verified complaint specifying in detail the time, place and the nature of the acts complained of and the names of the persons alleged to have committed the same or participated therein have been served and after due and personal notice, in such manner as the court shall direct, has been given to all known persons against whom relief is sought and also to the public officers charged with the duty to protect the complainant's property. The hearing shall consist of the taking of testimony in open court with opportunity for cross-examination and testimony in opposition thereto, if offered, and no affidavits shall be received in support of any of the allegations of the complaint.

Provided, however, that a court or a judge thereof may issue a restraining order without requiring a verified bill of particulars and only upon such notice as to the court or judge appears adequate to afford an opportunity to those who are to be affected by such restraining order to appear in opposition to the application therefor, if each of the following conditions is met:

(a) There is a labor dispute which directly and immediately involves:

(i) The production on a farm of milk, fruits, berries, vegetables or other farm produce; or

(ii) The shipment of any such product from the farm where it was produced; or

(iii) The first storage of any such product after shipment from the farm where it was produced; or

(iv) The first processing by canning or freezing of fruits, berries or vegetables; and

(b) The plaintiff is a producer of such product; and

(c) Such product is in a perishable condition; and

(d) The verified complaint and other testimony submitted by the plaintiff, under oath, if sustained, would be sufficient not only to justify the court in issuing a temporary injunction upon a hearing after notice in accordance with the provisions of this section, but also to show that the plaintiff will be irreparably damaged unless a restraining order is issued; and

(e) The court or judge, before issuing the restraining order, makes a decision to be filed in the record of the case in which he finds specifically that each of the facts called for by subdivision one above of this section has been established prima facie by the weight of the evidence submitted in support of the application for the restraining order and in opposition thereto.

Any such restraining order shall be effective for no longer than five days and shall become void and not be subject to renewal at the expiration of said five days.

3. No temporary injunction or restraining order shall be issued except on condition that plaintiff shall first file a minimum undertaking of one thousand dollars. Where an injunction or restraining order is sought against more than a single individual, the court on the hearing shall make a finding of the number of individuals sought to be enjoined and the undertaking shall be increased by the sum of twenty dollars for each additional member of a local or national body sought to be enjoined. The maximum undertaking which may be required shall not exceed ten thousand dollars. The undertaking shall be sufficient to recompense those enjoined for any loss, expense or damage caused by the improvident or improper issuance of such injunction, including all reasonable costs (together with reasonable attorney's fees), and expense against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court. The undertaking herein mentioned shall constitute an agreement on the part of the plaintiff and the surety upon which a judgment may be entered in the same action or proceeding against

said plaintiff and surety. The filing of the undertaking shall be deemed an appearance by the surety for that purpose. But nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

4. No injunctive relief shall be granted to any plaintiff who has failed to plead and prove compliance with all obligations imposed by law which are involved in the labor dispute in question, or who has failed to allege and prove that he has made every reasonable effort to settle such dispute either by negotiation or with the aid of any machinery of mediation or voluntary arbitration, provided for by law or contract between the parties.

5. No injunctive relief shall be granted except to prohibit such specific act or acts as may be expressly complained of in the complaint and the bill of particulars filed in such case and expressly included in the findings of fact made and filed by the court. Such injunctive relief shall be binding only upon the parties to the suit, their agents, servants, employees, or those in active concert or participation with them and who shall by personal service or otherwise have received actual notice of the same.

6. No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute (as these terms are herein defined) shall be held responsible or liable in any civil action at law or suit in equity, or in any criminal prosecution, for the unlawful acts of individual officers, members, or agents, except upon proof by the weight of evidence and without the aid of any presumptions of law or fact, of (a) the doing of such acts by persons who are officers, members or agents of any such association or organization, and (b) actual participation in, or actual authorization of, such acts, or ratification of such acts after actual knowledge thereof by such association or organization.

7. Every temporary injunction and restraining order shall by its terms expire within such time after entry as the court or judge may fix, not

to exceed ten days, unless the plaintiff is ready by the expiration of that period to proceed to trial and shall pay the necessary calendar and trial fees.

8. No permanent injunction shall remain in force for more than six months from the date on which the judgment is signed, provided, however, that the duration of the injunction may be extended for another six months, if after a further hearing initiated and conducted in the same manner as the original hearing the court shall determine that the injunction shall be continued or modified in accordance with the findings of facts on the subsequent hearing.

9. Whenever any court or judge or judges thereof shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute the stenographer shall furnish to the clerk within ten days the original transcript of the minutes after fees therefor have been paid. Immediately upon receiving such minutes the clerk shall cause notice of that fact to be sent to the attorney for the appellant, or to the appellant if he has not appeared by attorney. The appellant or his attorney shall then procure the case to be settled on written notice of at least three days to the clerk and to the attorney for the respondent or to the respondent if he has not appeared by attorney, returnable before the justice who tried the case. The clerk must thereupon make a return to the appellate court, which must contain the summons, pleadings, evidence and judgment or final order and all other necessary papers and proceedings and have annexed thereto the opinion of the court, if any, and the notice of appeal. The justice before whom the case was tried shall within five days from the date of the submission to him of the case on appeal, settle the case and endorse his settlement on the return. The clerk must thereupon cause the return to be filed with the clerk of the appellate court. After a justice is out of office he may settle the case in any action or proceeding tried before him and may be compelled by the appellate court to do so. Upon the filing of such record in the appropriate appellate court the appeal shall be heard with the greatest possible expedition, giving the proceeding precedence over all other matters except older matters of the same character.

10. When used in this section, and for the purpose of this section:

(a) A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in the same industry, trade, craft or occupation, or who are employees of one employer; or who are members of the same or an affiliated organization of employers or employees; whether such dispute is between one or more employers or associations of employers and one or more employees or associations of employees; between one or more employers or associations of employers and one or more employers or associations of employers; or between one or more employees or associations of employees and one or more employees or associations of employees; or when the case involves any conflicting or competing interests in a "labor dispute" (as hereinafter defined) of "persons participating or interested" therein (as hereinafter defined).

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it and if he or it is engaged in the industry, trade, craft or occupation in which such dispute occurs, or is a member, officer or agent of any association of employers or employees engaged in such industry, trade, craft or occupation.

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, or concerning employment relations, or any other controversy arising out of the respective interests of employer and employee, regardless of whether or not the disputants stand in the relation of employer and employee.