

No. 19-56271

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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Cara O'Callaghan and Jeneè Misraje,

*Plaintiffs-Appellants,*

v.

Janet Napolitano, in her official capacity as President of the  
University of California; Teamsters Local 2010; and Xavier Becerra,  
in his official capacity as Attorney General of California,

*Defendants-Appellees.*

On Appeal from the United States District Court  
for the Central District of California  
No. 2:19-CV-02289  
Honorable James V. Selna

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**APPELLEE TEAMSTERS LOCAL 2010'S MOTION TO STAY  
PROCEEDINGS PENDING THIS COURT'S DECISION IN *BELGAU V.*  
*INSLEE***

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*Attorneys for Teamsters Local 2010*

## MOTION TO STAY PROCEEDINGS

Defendant-Appellee Teamsters Local 2010 (“Local 2010”) respectfully moves to stay the briefing schedule in this appeal pending this Court’s decision in *Belgau v. Inslee*, No. 19-35137.

Defendant-Appellee Napolitano does not oppose this motion.

Defendant-Appellee the Attorney General of California takes no position on this motion. Plaintiffs-Appellants (“Plaintiffs”) oppose this motion.

This appeal presents the same legal issues that are presented in the appeal in *Belgau v. Inslee*, No. 19-35137, which was argued before the Ninth Circuit on December 10, 2019 and is currently under submission. The appellants in *Belgau*, like Plaintiffs in this case, are public sector employees who claim that their First Amendment rights were violated when their employers deducted union membership dues that the employees had agreed to pay by signing union membership and dues deduction authorization agreements. Like the district court here, the district court in *Belgau* rejected those claims. Other federal district courts have rejected similar claims, and plaintiffs in some of those cases have filed appeals.

This Court has stayed pending a decision in *Belgau* further appellate proceedings in at least six of those other cases that raise the same basic legal issues: *Quirarte v. United Domestic Workers of America*, No. 20-55266;

*Grossman v. Hawaii Government Employees' Assoc.*, No. 20-15356;  
*Mendez v. California Teachers Association*, No. 20-15394; *Hernandez v.*  
*AFSCME California*, No. 20-15076; *Seager v. United Teachers Los Angeles*,  
No. 19-55977; *Smith v. Teamsters Local 2010*, No. 19-56503; and *Smith v.*  
*Bieker*, No. 19-16381; . *See* Exhibit 1 (stay orders). Further proceedings in  
this case should similarly be stayed until the Court issues a decision in  
*Belgau*.

Plaintiffs filed their opening brief in this appeal on December 27, 2010.  
Dkt. 8. Defendants-Appellees Local 2010, the Attorney General of California,  
and Napolitano filed their answering briefs on March 3, 2020. Dkt. 15, Dkt. 17,  
Dkt. 19. Plaintiffs filed their reply brief on March 23, 2020. Dkt. 27. Plaintiffs'  
briefing in this appeal presents legal arguments that are largely identical to many  
of the arguments presented by the appellants in *Belgau*. This Court's decision in  
*Belgau* is thus likely to control the outcome of this appeal, and it will at least  
have significant implications for the resolution of this case.

To best utilize judicial and party resources and most efficiently resolve this  
appeal, the Court should stay further appellate proceedings until this Court issues  
its decision in *Belgau v. Inslee*, No. 19-35137.

## CERTIFICATE OF COMPLIANCE

I certify that this document complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2). The motion was prepared in 14-point Times New Roman, and it contains 361 words.

Dated: July 30, 2020

          /s/ Andrew H. Baker            
Andrew H. Baker

## CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2020, I electronically filed the forgoing Appellees' Motion to Stay Proceedings Pending this Court's Decision in *Belgau v. Inslee* of Appellant Teamsters Local 2010 with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: July 30, 2020

/s/ Andrew H. Baker  
Andrew H. Baker

# **EXHIBIT 1**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUL 27 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ALICIA QUIRARTE,

Plaintiff,

and

NORA MAYA, an individual; et al.,

Plaintiffs-Appellants,

v.

UNITED DOMESTIC WORKERS OF AMERICA, AFSCME LOCAL 3930, a labor organization; BETTY T. YEE, in her official capacity as State Controller of the State of California,

Defendants-Appellees,

XAVIER BECERRA, in his official capacity as Attorney General of of California,

Intervenor-Defendant-Appellee.

No. 20-55266

D.C. No. 3:19-cv-01287-CAB-KSC  
Southern District of California,  
San Diego

ORDER

Appellee United Domestic Workers of America, AFSCME Local 3930's ("United Domestic Workers of America") opposed motion (Docket Entry No. 13) to stay appellate proceedings is granted. The previously established briefing schedule is vacated.

Appellate proceedings are stayed until resolution of *Belgau v. Inslee*, No.

19-35137, or until further order of the court.

Appellee United Domestic Workers of America shall file a status report on October 26, 2020, and every 90 days thereafter while *Belgau v. Inslee* is pending.

Appellee United Domestic Workers of America shall notify the court within 7 days of the resolution of *Belgau v. Inslee*.

Failure to file a status report may terminate the stay of appellate proceedings.

The briefing schedule will be reset in a future order.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Lorela Bragado-Sevillena  
Deputy Clerk  
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 13 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

PATRICIA GROSSMAN,

Plaintiff-Appellant,

v.

HAWAII GOVERNMENT EMPLOYEES'  
ASSOCIATION, AFSCME LOCAL 152,  
AFL-CIO; et al.,

Defendants-Appellees,

and

RUSSELL A. SUZUKI, in his official  
capacity as Attorney General of Hawaii,

Defendant.

No. 20-15356

D.C. No. 1:18-cv-00493-DKW-RT  
District of Hawaii,  
Honolulu

ORDER

Appellee Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO's opposed motion (Docket Entry No. 6) to stay appellate proceedings is granted. The previously established briefing schedule is vacated.

Appellate proceedings are stayed pending the court's decision in *Belgau v. Inslee*, No. 19-35137, or until further order of the court.

Appellee Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO, shall file a status report on July 9, 2020 and every 90 days thereafter while *Belgau v. Inslee* is pending.

Appellee Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO, shall notify the court by filing a status report within 7 days of the decision in *Belgau v. Inslee*.

Failure to file a status report may terminate the stay of appellate proceedings.

The briefing schedule will be reset in a future order.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Terri Haugen  
Deputy Clerk  
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 1 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

BETHANY MENDEZ; et al.,  
  
Plaintiffs-Appellants,  
  
v.  
  
CALIFORNIA TEACHERS  
ASSOCIATION; et al.,  
  
Defendants-Appellees.

No. 20-15394

D.C. No. 4:19-cv-01290-YGR  
Northern District of California,  
Oakland

ORDER

The unopposed motion (Docket Entry No. 14) of appellees California Teachers Association, et al., to stay appellate proceedings is granted. The previously established briefing schedule is vacated.

Appellate proceedings are stayed pending resolution of *Belgau v. Inslee*, No. 19-35137, or until further order of the court.

Appellees shall file a status report on June 29, 2020 and every 90 days thereafter while resolution of *Belgau v. Inslee* is pending.

Appellees shall notify the court by filing a status report within 7 days after resolution of *Belgau v. Inslee*.

Failure to file a status report may terminate the stay of appellate proceedings.

The remaining briefing schedule will be reset in a future order.

Case: 20-15394, 04/01/2020, ID: 11649097, DktEntry: 15, Page 2 of 2

**FOR THE COURT:**

**MOLLY C. DWYER  
CLERK OF COURT**

**By: Linda K. King  
Deputy Clerk  
Ninth Circuit Rule 27-7**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 25 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

LILIANA HERNANDEZ; et al.,

Plaintiffs-Appellants,

v.

AFSCME CALIFORNIA; et al.,

Defendants-Appellees.

No. 20-15076

D.C. No.

2:18-cv-02419-WBS-EFB

Eastern District of California,  
Sacramento

ORDER

The parties' joint motion (Docket Entry No. 9) to stay appellate proceedings is granted.

Appellate proceedings are stayed pending disposition of *Belgau v. Inslee*, No. 19-35137, or until further order of this court.

The parties shall file a joint status report on March 31, 2020, and every 90 days thereafter while *Belgau v. Inslee* is pending.

The parties shall notify this court by filing a status report within 7 days of a decision in *Belgau v. Inslee*.

Failure to file a status report may terminate the stay of appellate proceedings.

The briefing schedule will be reset in a future order.

**FOR THE COURT:**

**MOLLY C. DWYER  
CLERK OF COURT**

**By: Lorela Bragado-Sevillena  
Deputy Clerk  
Ninth Circuit Rule 27-7**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

APR 28 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

IRENE SEAGER, individually and as  
representative of the requested classes,

Plaintiff-Appellant,

v.

UNITED TEACHERS LOS ANGELES; et  
al.,

Defendants-Appellees.

No. 19-55977

D.C. No. 2:19-cv-00469-JLS-DFM  
Central District of California,  
Los Angeles

ORDER

Appellee United Teachers Los Angeles's opposed motion (Docket Entry No. 33) to stay appellate proceedings is granted.

Appellate proceedings are stayed until resolution of *Belgau v. Inslee*, No. 19-35137, or until further order of the court.

Appellee United Teachers Los Angeles shall file a status report on July 27, 2020 and every 90 days thereafter while *Belgau v. Inslee* is pending.

Appellee United Teachers Los Angeles shall notify this court by filing a status report within 7 days of a decision in *Belgau v. Inslee*.

Failure to file a status report may terminate the stay of appellate proceedings.

**FOR THE COURT:**

**MOLLY C. DWYER  
CLERK OF COURT**

**By: Lorela Bragado-Sevillena  
Deputy Clerk  
Ninth Circuit Rule 27-7**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

MAR 19 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

DOUGLAS SMITH; PAUL HOMSTAD,

Plaintiffs-Appellants,

v.

TEAMSTERS LOCAL 2010, a labor  
organization; et al.,

Defendants-Appellees,

and

ADAM DAY, in his official capacity as  
Chairman of the Board of Trustees of The  
California State University,

Defendant.

No. 19-56503

D.C. No. 5:19-cv-00771-PA-FFM  
Central District of California,  
Riverside

ORDER

Appellee Teamsters Local 2010's opposed motion (Docket Entry No. 11) to stay appellate proceedings is granted. The previously established briefing schedule is vacated.

Appellate proceedings are stayed pending the court's decision in *Belgau v. Inslee*, No. 19-35137, or until further order of the court.

Teamsters Local 2010 shall file a status report on June 16, 2020 and every 90 days thereafter while *Belgau v. Inslee* is pending. Teamsters Local 2010 shall notify the court by filing a status report within 7 days of the decision in *Belgau v.*

*Inslee.* Failure to file a status report may terminate the stay of appellate proceedings. The briefing schedule will be reset in a future order.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Terri Haugen  
Deputy Clerk  
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 5 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MARK R. SMITH,

Plaintiff-Appellant,

v.

KATE BIEKER, Chief Executive Officer,  
Superior Court, County of Alameda;  
AFSCME LOCAL 2700,

Defendants-Appellees,

XAVIER BECCERA, Attorney General,

Intervenor-Defendant-  
Appellee.

No. 19-16381

D.C. No. 3:18-cv-05472-VC  
Northern District of California,  
San Francisco

ORDER

The court stays proceedings in this appeal pending the issuance of a decision in 19-35137, Belgau v. Inslee (arg. & sub. SE 12/10/19 MMM MBC Harpool); or upon further order of this court.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Halina Larman  
Deputy Clerk  
Ninth Circuit Rule 27-7