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15 **UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 Isaac Wolf,
18 Plaintiff,

19 v.

20 University Professional & Technical
21 Employees, Communications Workers of
22 America Local 9119; Janet Napolitano, in
23 her official capacity as President of the
24 University of California; and Xavier
25 Becerra, in his official capacity as Attorney
26 General of California,
27 Defendants.

Case No. 3:19-cv-02881-WHA

**JOINT MOTION AND [PROPOSED]
ORDER TO STAY**

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1 Plaintiff Isaac Wolf, Defendants University Professional & Technical Employees,
2 Communications Workers of America Local 9119 (“UPTE”), Janet Napolitano, and
3 Xavier Becerra (“the parties”), jointly move this court to stay all proceedings in this
4 matter pending the decision of the United States Court of Appeals for the Ninth Circuit in
5 *Belgau v. Inslee*, No. 19-35137.

- 6 1. Plaintiff Isaac Wolf is an employee of the University of California represented
7 by UPTE.
- 8 2. Wolf requested to withdraw his membership in UPTE and cease payroll
9 deductions, but was denied on the basis of language in his union membership
10 agreement that specified an annual window period for cancelling deductions.
- 11 3. Wolf brought this case claiming that UPTE’s membership revocation and dues
12 deduction policies violated his rights as recognized in *Janus v. AFSCME* 138
13 S.Ct. 2448 (2018).
- 14 4. *Belgau v. Inslee*, No. 19-35137, presents similar questions of law regarding the
15 rights recognized in *Janus*.
- 16 5. The Plaintiffs in *Belgau* are public employees who attempted to withdraw their
17 union membership after the *Janus* decision, but were required to continue
18 paying dues on the basis of signed membership agreements with window
19 periods.
- 20 6. On December 10, 2019 the Ninth Circuit heard oral argument in *Belgau*. No
21 decision has issued at this time.
- 22 7. The parties believe it is likely the Ninth Circuit’s decision in *Belgau* may
23 substantially inform the outcome of Wolf’s claims in this case.
- 24 8. As such, the parties believe that the interests of judicial economy and
25 conservation of resources are best served by staying this case until the issuance
26 of a decision by the Court of Appeal in *Belgau*. Other similar cases on appeal to
27 the Ninth Circuit have been stayed by that court pending the decision in *Belgau*,
28 e.g., *Smith v. Bieker*, Ninth Circuit Case No. 19-16381, N.D. Cal. Case No.

1 3:18-cv-05472; *Hernandez v. AFSCME California*, Ninth Circuit Case No. 20-
2 15076, E.D. Cal. Case No. 2:18-cv-02419-WBS-EFB.

3
4
5 Dated: February 25, 2020

6 Respectfully submitted,

7
8 /s/ Mark W. Bucher

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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I, Brian K. Kelsey, attest that concurrence in the filing of this document has been obtained.

/s/ Brian K. Kelsey
Brian K. Kelsey

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[PROPOSED] ORDER

Having reviewed and considered the foregoing joint motion to stay the case, the motion is granted. This case is hereby stayed and the stay will terminate as of the issuance of a final decision by the United States Court of Appeals for the Ninth Circuit in *Belgau v. Inslee*, No. 19-35137.

IT IS SO ORDERED.

Dated: _____

HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT JUDGE