

**No. 19-56271**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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Cara O’Callaghan and Jenée Misraje,

*Plaintiffs-Appellants,*

v.

Janet Napolitano et al.,

*Defendants-Appellees.*

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

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**OPPOSITON TO DEFENDANT-APPELLEE TEAMSTERS’ MOTION TO  
STAY BRIEFING & REQUEST FOR ORAL ARGUMENT**

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Appellants hereby opposes the motion of Defendant-Appellee Teamsters Local 2010 (“the Teamsters”) to stay this case (Dkt. 31). The Teamsters request that this case be stayed pending this Court’s resolution of *Belgau v. Inslee*, No. 19-35137, for which this Court held oral argument December 10, 2019.

Appellants oppose the motion to stay because, while there are similarities between the facts and underlying claims between their case and *Belgau*, the legal issues presented by the appeals are different in several significant ways. For instance, the plaintiffs in *Belgau* were subject to a one-year withdrawal restriction. *See Belgau v. Inslee*, 359 F. Supp. 3d 1000, 1006 (W.D. Wash. 2019). In this case, by contrast, Appellant O’Callaghan is prevented from withdrawing from the union for a period of nearly four years. *See O’Callaghan v. Regents of the Univ. of Cal.*, No. CV 19-2289 JVS (DFMx), 2019 U.S. Dist. LEXIS 208392, at \*3 (C.D. Cal. Sep. 30, 2019). Locking employees into union membership for such an extended time period raises significant concerns which go beyond simply whether any sort of lock-in is allowed in the first place. *See McCahon v. Pa. Tpk. Comm’n*, 491 F. Supp. 2d 522, 527 (M.D. Pa. 2007) (3-year membership concurrent with CBA violates rights of members who wish to resign after union decides on a strike action they oppose); *Debont v. City of Poway*, No. 98CV0502, 1998 WL 415844 (S.D. Cal. Apr. 14, 1998) (8-year membership concurrent with CBA violates right of member to resign when he changes his mind after several years in the union).

Since Appellants' appeal will necessarily involve legal questions that will not be answered in *Belgau*, Appellants do not believe it will conserve resources to stay the case at this time. Therefore, Appellants request that the motion be denied.

In addition, since briefing in this case was completed on March 23, 2020, Appellants feel the most useful approach would be to move forward with oral argument to resolve the case. Therefore, Appellants respectfully request the Court to schedule oral argument as soon as is practicable.

Dated: August 3, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2020, I served the foregoing document upon Appellee's counsel by electronically filing it with the appellate CM/ECF system.

/s/ Reilly Stephens