

FILED

UNITED STATES COURT OF APPEALS

JUL 5 2017

FOR THE NINTH CIRCUIT

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

DANIEL DEMETRIS; WILLIAM BURKE; DANIEL BURSTEIN; PATRICK COLLINS; RICHARD GORGAS; PAUL HERFEL; ROBERT MARINI; ABDUL MORANI; PAUL MORRONE; ROBERT PALACEK, individually and on behalf of all others similarly situated,

Plaintiffs-Appellants,

v.

TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO,

Defendant-Appellee.

No. 15-15229

D.C. No. 3:13-cv-05566-VC
Northern District of California,
San Francisco

ORDER

MARK LETBETTER; MIKE MCDONALD; RICK ARNEGARD; WILLIAM BELL; WILLIAM BLACK; LONNIE BRADBURY; JOHN BREEDEN; ROGER BROWN; SCOTT BROWN; JOHN BYNUM; MIKE CODY; JOHN CRAWFORD; BILLIE CUMMINS; GEORGE DANKER; DON DRAPER; MICHAEL ELMORE; WADE FAUST; JERRY FRAZIER; KEVIN GORREMANS; MARY GORREMANS; JAMES HAYDEN; BRENDA HIGLEY; RANDY HOLLAND; JIM BOB JACKSON; ALAN KEITH; EARL

No. 15-15529

D.C. No. 3:14-cv-04075-VC
Northern District of California,
San Francisco

KUPPINGER; SOREN LOHMAR;
DEBORAH MCDANIEL; JOHNNY
MCDANIEL; MIKE MCNAMARA;
STEVE NUNN; MIKE REYES; GEORGE
RODRIGUEZ; MIKE SHARP; JERRY
SHUPE; CURTIS SIMER; ROBERT
SOMMERS; RONALD SWAN;
TERRANCE THOMAS; BILL
THORSON; JIM TROSKEY; JAMES
WALL; LARRY WEBER; CHOKUSHIN
URASAKI; STEVE ABSHIER; RALPH
BACON; RONNIE BERTRANG;
TRAICE BRYANT; DAN BURKE;
KEVIN CALMAN; DONALD CAUDLE;
JERRY COLLARD; DOUG
CREEKMORE; HUGH COOPER;
BARBARA DEJEAR; BRYAN
DESHAZO; LIDIO A. DOBRICH;
DAVID ELDER; JOHN ELLER; MIKE
ELLER; NED ELZO; RON ENGLES;
DONALD FARRIS; ROBERT FLYNN;
RANDY FORRESTER; JESSE FOSTER;
STEVE FREGARA; PAUL GOULET;
MARION GREENWALT; PHIL
HALLMAN; MCKAYLA HARPER;
SCOTT HERMANSON; LARRY
HOLMES; ROGER KEMP; DANIEL
KITCHENS; LARRY LAWSON; JACK
LOFGREN; PATRICE MANNS;
EDWARD W. MARRACCINI; FARREN
MAYFIELD; GAIL MAYFIELD; GREG
MCBRIDE; FRANK MEFFORD; KEN
MILLER; DANNY MOORE; GERALD
MURRAY; JAMES POTTEBAUM;
JOHN REED; ABRAHAM REICHMAN;
SHARON RITTER; BEN ROUNDTREE;
GARY RUNYON; MARY RUNYON;

ROGER SCHULTZ; TIM SISNEY;
JOSEPH W. SMITH; RONALD SMITH;
STEVE ULLRICH; SUSAN VIRDELL;
MITCH WALLACE; TERRY WALLS;
KENNETH WARREN; ERIC WHALEY;
RAY WHITE; GLENDA WILKERSON;
MIKE WILLIAMS; DON WOODRICH;
JOHNNY YEARY; SAM YORK;
STEVEN JONES, on behalf of themselves
and all others similarly situated,

Plaintiffs-Appellants,

ROY HAILE,

Petitioner-Appellant,

v.

LOCAL 514, TRANSPORT WORKERS
UNION OF AMERICA; TRANSPORT
WORKERS UNION OF AMERICA,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of California
Vince G. Chhabria, District Judge, Presiding

Argued and Submitted December 13, 2016
San Francisco, California
Opinion Filed May 22, 2017

Amended Opinion Filed July 5, 2017

Before: O'SCANNLAIN, GOULD, and M. SMITH, Circuit Judges.

The opinion filed in this case on May 22, 2017, and reported at 857 F.3d 803, is hereby amended. An amended opinion is filed concurrently with this order. With this amendment, the panel has unanimously voted to deny the petition for rehearing. Judges Gould and M. Smith have voted to deny the petition for rehearing en banc, and Judge O'Scannlain has so recommended. The full court has been advised of the petition for rehearing en banc, and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing and the petition for rehearing en banc are DENIED. No subsequent petitions for rehearing and rehearing en banc may be filed.