

**General Docket**  
**United States Court of Appeals for the Ninth Circuit**

**Court of Appeals Docket #:** 13-35331 **Docketed:** 04/19/2013  
**Nature of Suit:** 3442 Jobs **Termed:** 06/12/2015  
Teamsters Local Union No 117 v. Washington Dept of Corrections, et al  
**Appeal From:** U.S. District Court for Western Washington, Tacoma  
**Fee Status:** Paid

**Case Type Information:**

- 1) civil
- 2) private
- 3) null

**Originating Court Information:**

**District:** 0981-3 : [3:11-cv-05760-BHS](#)  
**Trial Judge:** Benjamin H. Settle, District Judge  
**Date Filed:** 09/21/2011

<b>Date</b>	<b>Date Order/Judgment</b>	<b>Date NOA</b>	<b>Date Rec'd</b>
<b>Order/Judgment:</b> 04/08/2013	<b>EOD:</b> 04/08/2013	<b>Filed:</b> 04/19/2013	<b>COA:</b> 04/19/2013

**Prior Cases:**

None

**Current Cases:**

None

TEAMSTERS LOCAL UNION NO 117, a  
Washington corporation  
Plaintiff - Appellant,

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[COR NTC Retained]  
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[COR NTC Retained]  
TEAMSTERS LOCAL UNION 117  
14675 Interurban Avenue S  
Suite 307  
Tukwila, WA 98168

v.

WASHINGTON DEPARTMENT OF  
CORRECTIONS

Defendant - Appellee,

Peter B. Gonick  
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[COR NTC Dep State Atty Gen]  
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Olympia, WA 98504-0100

JANE DOE CLASS

Intervenor-Defendant - Appellee,

Melissa R. Lee, Attorney  
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TEAMSTERS LOCAL UNION NO 117, a Washington corporation,

Plaintiff - Appellant,

v.

WASHINGTON DEPARTMENT OF CORRECTIONS,

Defendant - Appellee,

JANE DOE CLASS,

Intervenor-Defendant - Appellee.

- 04/19/2013  [1](#)  
16 pg, 593.22 KB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 04/26/2013. Appellant Teamsters Local Union No 117 opening brief due 07/29/2013. Appellees Jane Doe Class and Washington Department of Corrections answering brief due 08/27/2013. Appellant's optional reply brief is due 14 days after service of the answering brief. [8596633] (KM) [Entered: 04/19/2013 01:33 PM]
- 04/24/2013  [2](#)  
5 pg, 186.24 KB Filed (ECF) Appellant Teamsters Local Union No 117 Mediation Questionnaire. Date of service: 04/24/2013. [8602260] (SNT) [Entered: 04/24/2013 09:31 AM]
- 04/24/2013  [3](#)  
4 pg, 70.71 KB Filed (ECF) Appellee Jane Doe Class Mediation Questionnaire. Date of service: 04/24/2013. [8603744] (MRL) [Entered: 04/24/2013 04:42 PM]
- 04/25/2013  [4](#)  
5 pg, 59.26 KB Filed order MEDIATION (LW): Case referred to Mediation for assessment conference only. Telephone conference to be on 05/21/2013 at 09:30 am. (Pacific Standard Time) [8605277] (KM) [Entered: 04/25/2013 02:54 PM]
- 06/05/2013  5  
Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Teamsters Local Union No 117. New requested due date is 08/28/2013 at 11:59 pm. [8655891] (SNT) [Entered: 06/05/2013 11:53 AM]
- 06/05/2013  6  
**Streamlined request [5] by Appellant Teamsters Local Union No 117 to extend time to file the brief is approved. Amended briefing schedule: Appellant Teamsters Local Union No 117 opening brief due 08/28/2013. Appellees Jane Doe Class and Washington Department of Corrections answering brief due 09/27/2013. The optional reply brief is due 14 days from the date of service of the answering brief.** [8656303] (SB) [Entered: 06/05/2013 02:28 PM]
- 07/08/2013  [7](#)  
2 pg, 35.76 KB Filed order MEDIATION (CG): There will be an in-person settlement conference in this matter on July 29, 2013, at 9:00 a.m. Pacific Time at the Tacoma Attorney General's office, 1250 Pacific Avenue, Tacoma, WA. Participants should report to Suite 105...[SEE ORDER] [8694923] (KM) [Entered: 07/08/2013 04:09 PM]

07/30/2013	<input type="checkbox"/> <a href="#">8</a> 1 pg, 31.9 KB	Filed order MEDIATION (CG): This case is released from the mediation program. Counsel are requested to contact the mediator should circumstances develop that might warrant further settlement discussions. The briefing schedule previously established by the court remains in effect. [8723721] (KM) [Entered: 07/30/2013 03:47 PM]
08/28/2013	<input type="checkbox"/> <a href="#">9</a> 298 pg, 52.33 MB	Submitted (ECF) Opening Brief and excerpts of record for review. Submitted by Appellant Teamsters Local Union No 117. Date of service: 08/28/2013. [8760426]--[COURT UPDATE: Attached corrected brief. Resent NDA. 09/06/2013 by RY] (SNT) [Entered: 08/28/2013 02:39 PM]
09/06/2013	<input type="checkbox"/> <a href="#">10</a> 2 pg, 86.17 KB	Filed clerk order: The opening brief <a href="#">[9]</a> submitted by Teamsters Local Union No 117 is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the excerpts of record <a href="#">[9]</a> submitted by Teamsters Local Union No 117. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [8772374] (WP) [Entered: 09/06/2013 01:59 PM]
09/12/2013	<input type="checkbox"/> 11	Filed Appellant Teamsters Local Union No 117 paper copies of excerpts of record <a href="#">[9]</a> in 4 volume(s). [8781107] (WP) [Entered: 09/13/2013 09:48 AM]
09/12/2013	<input type="checkbox"/> 12	Received 7 paper copies of Opening brief <a href="#">[9]</a> filed by Teamsters Local Union No 117. [8781636] (SD) [Entered: 09/13/2013 12:54 PM]
09/25/2013	<input type="checkbox"/> <a href="#">13</a> 39 pg, 1.02 MB	Filed (ECF) Appellees Jane Doe Class and Washington Department of Corrections Joint Motion to dismiss the case. Date of service: 09/25/2013. [8797188] (MRL) [Entered: 09/25/2013 05:40 PM]
09/26/2013	<input type="checkbox"/> <a href="#">14</a> 3 pg, 9.57 KB	Filed (ECF) notice of appearance of Dmitri Iglitzin for Appellant Teamsters Local Union No 117. Date of service: 09/26/2013. [8798799] (DI) [Entered: 09/26/2013 03:36 PM]
09/26/2013	<input type="checkbox"/> 15	Added attorney Dmitri Iglitzin for Teamsters Local Union No 117, in case 13-35331. [8798840] (MT) [Entered: 09/26/2013 03:43 PM]
09/27/2013	<input type="checkbox"/> <a href="#">16</a> 7 pg, 37.05 KB	Filed (ECF) Appellant Teamsters Local Union No 117 Motion to extend time to file a response until 10/21/2013. Date of service: 09/27/2013. [8800729] (DI) [Entered: 09/27/2013 03:39 PM]

- 10/02/2013  [17](#)  
1 pg, 32.5 KB Filed clerk order (Deputy Clerk: TSP): Appellant's unopposed motion for an extension of time to file a response to appellees' motion to dismiss this appeal is granted. Appellant's response is now due October 21, 2013. The optional reply is due within 7 days after service of the response. [8805778] (BJB) [Entered: 10/02/2013 08:22 AM]
- 10/21/2013  [18](#)  
163 pg, 13.8 MB Filed (ECF) Appellant Teamsters Local Union No 117 response opposing motion (,motion to dismiss the case). Date of service: 10/21/2013. [8830038] (DI) [Entered: 10/21/2013 04:33 PM]
- 10/23/2013  [19](#)  
4 pg, 91.83 KB Filed (ECF) Appellees Jane Doe Class and Washington Department of Corrections Joint Motion to extend time to file a reply until 11/04/2013 at 11:59 pm. Date of service: 10/23/2013. [8833324] (KAL) [Entered: 10/23/2013 01:43 PM]
- 10/25/2013  [20](#)  
1 pg, 32.8 KB Filed clerk order (Deputy Clerk: TSP): Appellees unopposed motion for an extension of time to file a reply to appellants opposition to appellees joint motion to dismiss this appeal is granted. The response is due November 4, 2013. Briefing remains suspended pending further court order. [8836820] (BJB) [Entered: 10/25/2013 10:28 AM]
- 11/04/2013  [21](#)  
38 pg, 617.76 KB Filed (ECF) Appellees Jane Doe Class and Washington Department of Corrections reply to response (,motion to dismiss the case, ). Date of service: 11/04/2013. [8849772] (NS) [Entered: 11/04/2013 05:01 PM]
- 01/16/2014  [22](#)  
2 pg, 45.8 KB Filed order (Appellate Commissioner): Appellees' motion to dismiss this appeal for lack of jurisdiction is denied without prejudice to renewing the arguments in the answering brief. See Nat'l Indus. v. Republic Nat'l Life Ins. Co., 677 F.2d 1258, 1262 (9th Cir. 1982) (stating that merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss). Appellant's motion for a remand to the district court for additional factfinding, contained in the opposition to the motion to dismiss, is denied. Appellant's motion for leave to supplement the record on appeal, contained in the opposition to the motion to dismiss, is referred to the panel assigned to decide the merits of this appeal for whatever consideration the panel deems appropriate. The opening brief has been filed. The answering brief is due within 30 days after the date of this order; and the optional reply brief is due within 14 days after service of the answering brief. (MOATT) [8941161] (IV) [Entered: 01/16/2014 11:04 AM]
- 02/14/2014  [23](#) Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Washington Department of Corrections. New requested due date is 03/04/2014 at 11:59 pm. [8979127] (OML) [Entered: 02/14/2014 10:36 AM]

- 02/14/2014  [24](#) Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Jane Doe Class. New requested due date is 03/04/2014 at 11:59 pm. [8979157] (MRL) [Entered: 02/14/2014 10:49 AM]
- 02/14/2014  [25](#) **Streamlined request [24], [23] by Appellees Jane Doe Class and Washington Department of Corrections to extend time to file the brief is approved. Amended briefing schedule: Appellees Jane Doe Class and Washington Department of Corrections answering brief due 03/04/2014. The optional reply brief is due 14 days from the date of service of the answering brief.** [8979387] (SB) [Entered: 02/14/2014 12:17 PM]
- 03/04/2014  [26](#)  
66 pg, 725.55 KB Submitted (ECF) Answering Brief for review. Submitted by Appellee Jane Doe Class. Date of service: 03/04/2014. [9001855] (MRL) [Entered: 03/04/2014 03:16 PM]
- 03/04/2014  [27](#)  
2 pg, 85.35 KB Filed clerk order: The answering brief [26] submitted by Jane Doe Class is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9001917] (CT) [Entered: 03/04/2014 03:40 PM]
- 03/04/2014  [28](#)  
2258 pg, 116.43 MB Submitted (ECF) Answering Brief and supplemental excerpts of record for review. Submitted by Appellee Washington Department of Corrections. Date of service: 03/04/2014. [9002030]--[COURT UPDATE: Attached corrected brief. Resent NDA. 03/05/2014 by RY] (OML) [Entered: 03/04/2014 04:19 PM]
- 03/05/2014  [29](#)  
2 pg, 85.82 KB Filed clerk order: The answering brief [28] submitted by Washington Department of Corrections is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the supplemental excerpts of record [28] submitted by Washington Department of Corrections. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9003761] (CT) [Entered: 03/05/2014 03:39 PM]

- 03/06/2014  30 Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellant Teamsters Local Union No 117. New requested due date is 04/18/2014. [9004294] (SNT) [Entered: 03/06/2014 09:04 AM]
- 03/06/2014  31 **Streamlined request [30] by Appellant Teamsters Local Union No 117 to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 04/18/14.** [9005418] (KM) [Entered: 03/06/2014 02:44 PM]
- 03/10/2014  32 Received 7 paper copies of Answering brief [26] filed by Jane Doe Class. [9009298] (SD) [Entered: 03/10/2014 02:19 PM]
- 03/11/2014  33 Filed Appellee Washington Department of Corrections paper copies of supplemental excerpts of record [28] in 8 volumes. [9011848] (CT) [Entered: 03/11/2014 04:54 PM]
- 03/11/2014  34 Received 7 paper copies of Answering brief [28] filed by Washington Department of Corrections. [9012204] (SD) [Entered: 03/12/2014 09:31 AM]
- 04/18/2014  [35](#)  
47 pg, 2.33 MB Submitted (ECF) Reply Brief and supplemental excerpts of record for review. Submitted by Appellant Teamsters Local Union No 117. Date of service: 04/18/2014. [9063616] (SNT) [Entered: 04/18/2014 11:32 AM]
- 04/18/2014  [36](#)  
2 pg, 86.22 KB Filed clerk order: The reply brief [35] submitted by Teamsters Local Union No 117 is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the supplemental excerpts of record [35] submitted by Teamsters Local Union No 117. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9063868] (CT) [Entered: 04/18/2014 01:29 PM]
- 04/25/2014  37 Received 7 paper copies of Reply brief [35] filed by Teamsters Local Union No 117. [9072850] (SD) [Entered: 04/25/2014 01:43 PM]
- 04/25/2014  38 Filed Appellant Teamsters Local Union No 117 paper copies of supplemental excerpts of record [35] in 1 volume. [9073175] (LA) [Entered: 04/25/2014 03:19 PM]

07/16/2014	<input type="checkbox"/> <a href="#">39</a> 33 pg, 212.14 KB	Filed (ECF) Appellant Teamsters Local Union No 117 citation of supplemental authorities. Date of service: 07/16/2014. [9171056] (DI) [Entered: 07/16/2014 11:03 AM]
07/25/2014	<input type="checkbox"/> <a href="#">40</a> 2 pg, 152.37 KB	Filed (ECF) Appellee Washington Department of Corrections citation of supplemental authorities. Date of service: 07/25/2014. [9181523] (KAL) [Entered: 07/25/2014 09:40 AM]
10/01/2014	<input type="checkbox"/> 41	Notice of Oral Argument on Tuesday, December 9, 2014 - 09:00 A.M. - SE 7th Flr Courtroom 2 - Seattle, WA.
View the Oral Argument Calendar for your case <a href="#">here</a> .		
When you have reviewed the calendar, download the <a href="#">ACKNOWLEDGMENT OF HEARING NOTICE form</a> , complete the form, and file it via Appellate ECF or return the completed form to: SEATTLE Office. [9261577] (SB) [Entered: 10/01/2014 01:31 PM]		
10/02/2014	<input type="checkbox"/> <a href="#">42</a> 1 pg, 75.53 KB	Filed (ECF) Acknowledgment of hearing notice. Location: Seattle. Filed by Attorney Spencer Nathan Thal for Appellant Teamsters Local Union No 117. [9262951] (SNT) [Entered: 10/02/2014 11:14 AM]
10/02/2014	<input type="checkbox"/> <a href="#">43</a> 1 pg, 83.5 KB	Filed (ECF) Acknowledgment of hearing notice. Location: Seattle. Filed by Attorney Ohad Michael Lowy for Appellee Washington Department of Corrections. [9263198] (OML) [Entered: 10/02/2014 11:56 AM]
10/02/2014	<input type="checkbox"/> <a href="#">44</a> 1 pg, 19.08 KB	Filed (ECF) Acknowledgment of hearing notice. Location: Seattle. Filed by Attorney Mr. Nicholas Straley for Appellee Jane Doe Class. [9263730] (NS) [Entered: 10/02/2014 03:15 PM]
11/03/2014	<input type="checkbox"/> <a href="#">45</a> 2 pg, 108.75 KB	Filed (ECF) notice of appearance of Peter B. Gonick for Appellee Washington Department of Corrections. Date of service: 11/03/2014. [9299852] [13-35331] (PBG) [Entered: 11/03/2014 03:29 PM]
11/03/2014	<input type="checkbox"/> 46	Added attorney Peter B. Gonick for Washington Department of Corrections, in case 13-35331. [9299937] (EL) [Entered: 11/03/2014 03:48 PM]
12/09/2014	<input type="checkbox"/> 47	ARGUED AND SUBMITTED TO MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and RICHARD C. TALLMAN. [9342000] (SB) [Entered: 12/09/2014 10:08 AM]
12/26/2014	<input type="checkbox"/> 48	Terminated Daniel Swedlow for Teamsters Local Union No 117 in 13-35331 (No longer with firm) [9362801] (TYL) [Entered: 12/26/2014 02:53 PM]
04/09/2015	<input type="checkbox"/> 49	Terminated Kara A. Larsen for Washington Department of Corrections in 13-35331 (csl no longer with Washington State



Attorney General's Office) [9490407] (ASW) [Entered: 04/09/2015 04:22 PM]

06/12/2015  [50](#)  
36 pg, 304.85 KB

FILED OPINION (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and RICHARD C. TALLMAN) AFFIRMED., Judge: MMM Authoring,. FILED AND ENTERED JUDGMENT. [9571947] (RP) [Entered: 06/12/2015 07:35 AM]

06/22/2015  [51](#)  
7 pg, 37.63 KB

Filed (ECF) Appellant Teamsters Local Union No 117 Unopposed Motion to extend time to file petition for rehearing until 07/06/2015. Date of service: 06/22/2015. [9583495] [13-35331] (DI) [Entered: 06/22/2015 04:48 PM]

06/23/2015  [52](#)  
1 pg, 31.48 KB

Filed order (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and RICHARD C. TALLMAN) Teamsters Local Union No. 117's motion for an extension of time to file its petition for rehearing en banc is GRANTED. The petition shall be filed on or before July 6, 2015. [9584647] (OC) [Entered: 06/23/2015 02:00 PM]