

**S275431**

**General Docket**

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

**Court of Appeals Docket #:** 21-16201

**Docketed:** 07/20/2021

**Nature of Suit:** 3720 Labor/Management Relations Act

**Termed:** 07/08/2022

George Huerta v. CSI Elec. Contractors, Inc, et al

**Appeal From:** U.S. District Court for Northern California, San Jose

**Fee Status:** Paid

**Case Type Information:**

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

**Originating Court Information:**

**District:** 0971-5 : 5:18-cv-06761-BLF

**Court Reporter:** Summer A. Fisher, Court Reporter

**Court Reporter:** Lee-Anne Marie Shortridge, Official Court

Reporter

**Trial Judge:** Beth Labson Freeman, District Judge

**Date Filed:** 11/07/2018

**Date Order/Judgment:**

07/14/2021

**Date Order/Judgment EOD:**

07/14/2021

**Date NOA Filed:**

07/19/2021

**Date Rec'd COA:**

07/19/2021

**Prior Cases:**

21-80029 **Date Filed:** 03/26/2021 **Date Disposed:** 03/31/2021 **Disposition:** FRAP 42b Dismissal – Clerk Order

**Current Cases:**

None

GEORGE HUERTA, an individual, on behalf of himself and  
all others similarly situated and as a representative plaintiff  
Plaintiff – Appellant,

Lonnie C. Blanchard, III, Esquire, Attorney  
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The Dion-Kindem Law Firm  
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Suite 200  
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v.

CSI ELECTRICAL CONTRACTORS, INC.  
Defendant – Appellee,

Daniel Benjamin Chammas, Esquire, Attorney  
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Suite 2300  
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FIRST SOLAR, INC.  
Defendant,

CALIFORNIA FLATS SOLAR LLC  
Defendant,

CA FLATS SOLAR 130, LLC  
Defendant,

CA FLATS SOLAR 150, LLC  
Defendant,

CAL FLATS SOLAR CEI, LLC  
Defendant,

CAL FLATS SOLAR HOLDCO, LLC  
Defendant,

MILCO NATIONAL CONSTRUCTORS, INC.  
Defendant,

CALIFORNIA COMPACTION CORPORATION  
Defendant,

GEORGE HUERTA, an individual, on behalf of himself and all others similarly situated and as a representative plaintiff,

Plaintiff – Appellant,

v.

CSI ELECTRICAL CONTRACTORS, INC.,

Defendant – Appellee,

and

FIRST SOLAR, INC.; CALIFORNIA FLATS SOLAR LLC; CA FLATS SOLAR 130, LLC; CA FLATS SOLAR 150, LLC; CAL FLATS SOLAR CEI, LLC; CAL FLATS SOLAR HOLDCO, LLC; MILCO NATIONAL CONSTRUCTORS, INC.; CALIFORNIA COMPACTION CORPORATION,

Defendants.

- 07/20/2021 1 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Appellant George Huerta Mediation Questionnaire due on 07/27/2021. Transcript ordered by 08/18/2021. Transcript due 09/17/2021. Appellant George Huerta opening brief due 10/27/2021. Appellee CSI Electrical Contractors, Inc. answering brief due 11/26/2021. Appellant's optional reply brief is due 21 days after service of the answering brief. [12177527] (JPD) [Entered: 07/20/2021 10:27 AM]
- 07/20/2021 2 Filed (ECF) Appellant George Huerta Mediation Questionnaire. Date of service: 07/20/2021. [12178098] [21-16201] (Dion-Kindem, Peter) [Entered: 07/20/2021 03:24 PM]
- 07/20/2021 3 The Mediation Questionnaire for this case was filed on 07/20/2021. To submit pertinent **confidential** information directly to the Circuit Mediators, please use the following **link**. Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12178340]. [21-16201] (AD) [Entered: 07/20/2021 06:44 PM]
- 07/30/2021 4 MEDIATION CONFERENCE SCHEDULED – DIAL-IN Assessment Conference, 09/08/2021, 10:00 a.m. PACIFIC Time. The briefing schedule previously set by the court remains in effect. See order for instructions and details. [12188287] (BLS) [Entered: 07/30/2021 02:56 PM]
- 09/08/2021 5 MEDIATION ORDER FILED: This case is RELEASED from the Mediation Program. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant settlement discussions while the appeal is pending. [12222773] (BLS) [Entered: 09/08/2021 10:37 AM]
- 10/27/2021 6 Submitted (ECF) Opening Brief for review. Submitted by Appellant George Huerta. Date of service: 10/27/2021. [12270002] [21-16201] (Dion-Kindem, Peter) [Entered: 10/27/2021 09:59 AM]
- 10/27/2021 7 Submitted (ECF) excerpts of record. Submitted by Appellant George Huerta. Date of service: 10/27/2021. [12270017] [21-16201] (Dion-Kindem, Peter) [Entered: 10/27/2021 10:04 AM]
- 10/27/2021 8 Filed clerk order: The opening brief [6] submitted by George Huerta is filed. Within 7 days of the filing of this order, filer is ordered to file 6 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 excerpts of record [7] submitted by George Huerta are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12270841] (LA) [Entered: 10/27/2021 03:17 PM]
- 11/02/2021 9 Received 6 paper copies of Opening Brief [6] filed by George Huerta. [12276485] (SD) [Entered: 11/02/2021 04:51 PM]
- 11/03/2021 10 Received 3 paper copies of excerpts of record [7] in 6 volume(s) and index volume filed by Appellant George Huerta. [12276784] (KWG) [Entered: 11/03/2021 09:53 AM]
- 11/16/2021 11 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee CSI Electrical Contractors, Inc.. New requested due date is 12/23/2021. [12288442] [21-16201] (Chammas, Daniel) [Entered: 11/16/2021 09:23 AM]
- 11/16/2021 12 **Streamlined request [11] by Appellee CSI Electrical Contractors, Inc. to extend time to file the brief is approved. Streamline requests allow for 30 day extensions. Amended briefing schedule: Appellee CSI Electrical Contractors, Inc. answering brief due 12/27/2021. The optional reply brief is due 21 days from the date of service of the answering brief.** [12289501] (DLM) [Entered: 11/16/2021 04:30 PM]
- 12/23/2021 13

- Submitted (ECF) Answering Brief for review. Submitted by Appellee CSI Electrical Contractors, Inc.. Date of service: 12/23/2021. [12323820] [21-16201]—[COURT UPDATE: Attached corrected PDF of the brief. 12/23/2021 by KWG] (Chammas, Daniel) [Entered: 12/23/2021 09:05 AM]
- 12/23/2021 14 Submitted (ECF) supplemental excerpts of record. Submitted by Appellee CSI Electrical Contractors, Inc.. Date of service: 12/23/2021. [12323905] [21-16201]—[COURT UPDATE: Attached corrected PDF of the excerpts. 12/23/2021 by KWG] (Chammas, Daniel) [Entered: 12/23/2021 10:08 AM]
- 12/23/2021 15 Filed clerk order: The answering brief [13] submitted by CSI Electrical Contractors, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 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 supplemental excerpts of record [14] submitted by CSI Electrical Contractors, Inc. are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12324296] (KWG) [Entered: 12/23/2021 03:03 PM]
- 12/29/2021 16 Received 3 paper copies of supplemental excerpts of record [14] in 1 volume(s) filed by Appellee CSI Electrical Contractors, Inc.. [12326929] (KWG) [Entered: 12/29/2021 10:40 AM]
- 12/29/2021 17 Received 6 paper copies of Answering Brief [13] filed by CSI Electrical Contractors, Inc.. [12327228] (SD) [Entered: 12/29/2021 02:06 PM]
- 01/13/2022 18 Submitted (ECF) Reply Brief for review. Submitted by Appellant George Huerta. Date of service: 01/13/2022. [12339882] [21-16201] (Dion-Kindem, Peter) [Entered: 01/13/2022 10:24 AM]
- 01/13/2022 19 Filed clerk order: The reply brief [18] submitted by George Huerta is filed. Within 7 days of the filing of this order, filer is ordered to file 6 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 submitted to the principal office of the Clerk. [12339935] (KWG) [Entered: 01/13/2022 10:50 AM]
- 01/18/2022 20 Received 6 paper copies of Reply Brief [18] filed by George Huerta. [12344616] (SD) [Entered: 01/19/2022 12:29 PM]
- 01/25/2022 21 This case is being considered for an upcoming oral argument calendar in Pasadena
- Please review the Pasadena sitting dates for May 2022 and the 2 subsequent sitting months in that location at [http://www.ca9.uscourts.gov/court\\_sessions](http://www.ca9.uscourts.gov/court_sessions). If you have an unavoidable conflict on any of the dates, please file **Form 32 within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's **instructions** carefully.
- When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.
- If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document:** Correspondence to Court; **Subject:** request for mediation).[12351041]. [21-16201] (KS) [Entered: 01/25/2022 04:01 PM]
- 01/25/2022 22 Filed (ECF) Attorney Peter R. Dion-Kindem for Appellant George Huerta response to notice for case being considered for oral argument. Date of service: 01/25/2022. [12351256] [21-16201] (Dion-Kindem, Peter) [Entered: 01/25/2022 05:00 PM]

- 01/26/2022 23 Filed (ECF) Attorney Mr. Daniel Benjamin Chammas, Esquire for Appellee CSI Electrical Contractors, Inc. response to notice for case being considered for oral argument. Date of service: 01/26/2022. [12352557] [21-16201] (Chammas, Daniel) [Entered: 01/26/2022 04:02 PM]
- 02/27/2022 24 Notice of Oral Argument on Friday, May 13, 2022 – 09:00 A.M. – Courtroom 1 – Scheduled Location: Pasadena CA.  
The hearing time is the local time zone at the scheduled hearing location.
- View the Oral Argument Calendar for your case [here](#).
- NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. *See* Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Check [here](#) for updates on the status of reopening as the hearing date approaches. At this time, even when in person hearings resume, an election to appear remotely by video will not require a motion, **and any attorney wishing to appear in person must provide proof of vaccination**. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.
- Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.
- Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).
- If you are the specific attorney or self-represented party who will be arguing, use the **ACKNOWLEDGMENT OF HEARING NOTICE** filing type in CM/ECF no later than 28 days before Friday, May 13, 2022. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12381051]. [21-16201] (KS) [Entered: 02/27/2022 06:09 AM]
- 03/07/2022 25 Filed (ECF) Acknowledgment of hearing notice by Attorney Peter R. Dion-Kindem for Appellant George Huerta. Hearing in Pasadena on 05/13/2022 at 09:00 A.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 15) Appearance in person or by video: I wish to appear by video. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/07/2022. [12388521] [21-16201] (Dion-Kindem, Peter) [Entered: 03/07/2022 04:26 PM]
- 03/31/2022 26 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Daniel Benjamin Chammas, Esquire for Appellee CSI Electrical Contractors, Inc.. Hearing in Pasadena on 05/13/2022 at 09:00 A.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 15) Appearance in person or by video: I wish to appear by video. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/31/2022. [12409599] [21-16201] (Chammas, Daniel) [Entered: 03/31/2022 09:46 AM]
- 05/13/2022 27 ARGUED AND SUBMITTED TO SANDRA S. IKUTA, JACQUELINE H. NGUYEN and JOHN B. OWENS. [12446362] (BG) [Entered: 05/13/2022 11:57 AM]
- 05/18/2022 28 Filed Audio recording of oral argument.  
**Note:** Video recordings of public argument calendars are available on the Court's website, at

<http://www.ca9.uscourts.gov/media/>

[12449605] (BG) [Entered: 05/18/2022 08:02 AM]

07/08/2022 29

Order filed for PUBLICATION (SANDRA S. IKUTA, JACQUELINE H. NGUYEN and JOHN B. OWENS) We certify to the Supreme Court of California the following three questions of state law that are now before us: (SEE ORDER FOR FULL TEXT). This case is withdrawn from submission. Further proceedings before us are stayed pending final action by the Supreme Court of California. The Clerk is directed to administratively close this docket, pending further order. The parties shall notify the clerk of this court within seven days after the Supreme Court of California accepts or rejects certification, and again within seven days if that Court accepts certification and subsequently renders an opinion. The panel retains jurisdiction over further proceedings. IT IS SO ORDERED. [12489129] (AKM) [Entered: 07/08/2022 08:24 AM]