

1 BENJAMIN B. WAGNER
United States Attorney
2 GLEN F. DORGAN
Assistant United States Attorney
3 United States Courthouse
2500 Tulare Street, Suite 4401
4 Fresno, California 93721
(559) 497-4080 (telephone)
5 (559) 497-4099 (facsimile)

6 Attorneys for Plaintiff SETH D. HARRIS, Acting Secretary of Labor, U.S. Dept. of Labor

7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 SETH D. HARRIS, Acting Secretary of Labor,
United States Department of Labor,
12
13 Plaintiff,

14 v.

15 NATIONAL EMERGENCY MEDICAL
SERVICES ASSOCIATION,
16
17 Defendant.

CASE NO. 1:11-cv-00529 AWI-GSA
**PLAINTIFF'S STATUS REPORT;
ORDER**

18
19
20 Status Report

21 1. On July 11, 2012, Plaintiff Seth D. Harris, Acting Secretary of Labor, United States
22 Department of Labor (“the Secretary”)¹ and Defendant National Emergency Medical Services Association
23 (“NEMSA”) filed a Stipulation of Settlement in the above matter (“NEMSA I”) and a related Stipulation
24 of Settlement in Case No. 1:11-cv-01929 (“NEMSA II”).

25 ///

26
27 ¹ Pursuant to FRCP 25(d), Plaintiff substitutes the Acting Secretary of Labor, Seth D. Harris, who has
28 been designated to fill the position held by Hilda L. Solis, who recently resigned from the position of
Secretary.

1 2. The Stipulation for Settlement in this case, NEMSA I, called for Defendant to hold an
2 election for the office of President in November 2012, supervised by Plaintiff. The Stipulation for
3 Settlement in NEMSA II called for Defendant to contemporaneously hold an election for the office of
4 Vice President, Treasurer, Valley Regional Director, Bay Area Regional Director 1, Bay Area Regional
5 Director 2, Eastern States Regional Director, and Southern California Regional Director.

6 3. By order dated August 1, 2012, entered in NEMSA I, the Court confirmed the settlement
7 and retained jurisdiction until the election is completed and judgment is entered.

8 4. On November 9, 2012, based on the parties' request and a showing of good cause, the
9 Court entered separate orders in NEMSA I and NEMSA II that continued the deadline for completion of
10 the election of officers through January 31, 2013, and directed Plaintiff to file a status report or a
11 certification of the election and a proposed judgment by February 28, 2013.

12 5. Prior to the January 31, 2013 deadline, the parties completed the supervised election of
13 officers. However, the Department of Labor is not yet able to certify that the election was conducted in
14 accordance with Title IV of the Labor-Management Reporting and Disclosure Act of 1959. Plaintiff
15 respectfully submits that good cause exists for continuing the deadline for filing a status report or a
16 certification of the election and a proposed judgment from February 28, 2013, to and including April 26,
17 2013, based on the following good cause:

18 5.A. The recent election was successfully completed for the positions of President,
19 Treasurer, Northern California Regional Director, and Eastern State Regional Director. These positions
20 were filled by acclamation as only one eligible member was nominated for each of these positions by the
21 December 20, 2012 deadline for submitting nominations.

22 5.B. Because no nominations for Vice President were received by the December 20,
23 2012, deadline for submitting nominations, that officer position remains vacant.

24 5.C. There were two candidates for the position of Southern California Regional
25 Director.

26 5.D. On January 7, 2013, ballots for the Southern California Regional Director position
27 were mailed to 1,203 members in that NEMSA region.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on Plaintiff's Status Report, demonstrating good cause,

IT IS HEREBY ORDERED as follows:

1. The deadline for completing the supervised election for the office of Southern California Regional Director is continued through and including April 5, 2013;
2. Plaintiff is directed to file a status report or a certification of the election and a proposed judgment by April 26, 2013.
3. The Court shall retain jurisdiction until the above process is completed and judgment is entered.

IT IS SO ORDERED.

Dated: March 1, 2013



SENIOR DISTRICT JUDGE