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

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11 SETH D. HARRIS, Acting Secretary of Labor,  
United States Department of Labor,

12 Plaintiff,

13 v.

14 NATIONAL EMERGENCY MEDICAL  
15 SERVICES ASSOCIATION,

16 Defendant.

CASE NO. 1:11-cv-01929 AWI-GSA

**PLAINTIFF'S STATUS REPORT;  
ORDER**

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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”)<sup>1</sup> and Defendant National Emergency Medical Services Association  
23 (“NEMSA”) filed a Stipulation of Settlement in the above matter (“NEMSA II”) and a related Stipulation  
24 of Settlement in Case No. 1:11-cv-00529 (“NEMSA I”).

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

6           3.       By minute order dated July 24, 2012, entered in NEMSA II, the Court confirmed the  
7 settlement 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.

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**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

  
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SENIOR DISTRICT JUDGE