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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16

17 KOUROSH KENNETH HAMIDI, et al., AND)
18 THE CLASS THEY SEEK TO REPRESENT)
19 Plaintiffs,)
20 v.)
21 SERVICE EMPLOYEES INTERNATIONAL)
UNION, LOCAL 1000, et al.;)
22 Defendants.)
23

No. 2:14-cv-00319-WBS-KJN

**STIPULATION RE: PLAINTIFFS'
ANSWERS TO DEFENDANT SEIU LOCAL
1000'S INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF
DOCUMENTS; ORDER THEREON**

Hearing Date: N/A
Time: N/A
Courtroom: N/A
Judge: Hon. William B. Shubb

1 **TO THE COURT:**

2 The parties to the above-captioned case hereby submit the following stipulations regarding
3 Plaintiffs' Answers to Defendant SEIU Local 1000's Second Set of Interrogatories and Second Set of
4 Requests for Production of Documents.

5 1. Plaintiffs' Amended Answer to SEIU Local 1000's Interrogatory No. 15 and Answers
6 to SEIU Local 1000's Interrogatories Nos. 16-33, all of which Interrogatories consist of questions
7 regarding Plaintiffs' legal contentions in the above-captioned action, were verified by Plaintiffs'
8 counsel W. James Young on Plaintiffs' behalf, rather than personally by each of the Plaintiffs. In order
9 to avoid unnecessary time and effort on the part of Plaintiffs and their counsel, the undersigned parties
10 hereby stipulate that Mr. Young's verification on behalf of Plaintiffs shall have the same effect as if
11 those Answers had been verified personally by each of the Plaintiffs, and that those Answers shall be
12 binding on each of the Plaintiffs to the same extent as if he or she had personally verified them under
13 penalty of perjury.

14 2. Plaintiffs hereby withdraw their objections to Interrogatories Nos. 26-33 based on
15 exceeding the number of permissible number of interrogatories, in light of the parties' stipulation in the
16 Revised Joint Status Report regarding the number of interrogatories permitted to each side. *See*
17 Docket No. 20 at 4:9-12.

18 3. Plaintiffs affirm and stipulate that they are not withholding any information subject to
19 any of the objections they have raised to Local 1000's Interrogatories or Requests for Production of
20 Documents.

21 4. Plaintiffs stipulate that they are pursuing two claims in this action: (1) that the "opt-
22 out" system under California law and Local 1000's June 2013 *Hudson* notice, which requires
23 nonmembers to notify Local 1000 of their objection to paying for non-chargeable expenses or else be
24 charged the full fair share fee, and to renew annually their objection, is unconstitutional under the First
25 Amendment; and (2) that Local 1000 unconstitutionally collected non-chargeable expenses from non-
26 members who had objected to paying for non-chargeable expenses in response to the Union's June
27 2013 *Hudson* notice by charging them for a proportional share of the Union's defense costs in *Knox v.*
28 *Service Employees Int'l Union, Local 1000*, Case No. 2:05-cv-02198 MCE KJM, and reported at 132

Stip. Re: Pls.' Answers to SEIU Local 1000's Interrogatories & Requests for Production of Documents; Order
Hamidi, et al. v. SEIU Local 1000, et al., Case No. 2:14-cv-00319-WBS-KJN

1 S. Ct. 2277 (2012), in violation of the First Amendment. Plaintiffs further stipulate that they are *not*
2 pursuing any other claims that the content of Local 1000's June 2013 *Hudson* notice was
3 constitutionally deficient under *Chicago Teachers Union, Local No. 1 v. Hudson*, 475 U.S. 292 (1986),
4 i.e., a so-called "*Hudson* notice claim."

5 5. Because Local 1000 provided Plaintiffs with several extensions of time to respond to
6 its Second Sets of Interrogatories and Requests for Production of Documents, it did not receive those
7 Answers until after it filed its Opposition to Plaintiffs' Motion for Class Certification ("Opposition"),
8 Docket No. 39, and therefore was not aware when it drafted and filed its Opposition that Plaintiffs
9 were not pursuing a *Hudson* notice claim. For that reason, it discussed a *Hudson* notice claim at
10 several points in that Opposition as though Plaintiffs were pursuing such a claim. So that the Court
11 may be fully and accurately informed as to Local 1000's arguments regarding the claims that Plaintiffs
12 are actually seeking to litigate and as to which they request class certification, the parties hereby
13 stipulate that Local 1000 may file a Supplemental Opposition of no more than three pages clarifying
14 and correcting the references to a *Hudson* notice claim in their Opposition.

15 The foregoing is so stipulated and agreed between the parties to the above-captioned action, by
16 among their undersigned counsel.

17 Dated: April 16, 2015

Respectfully submitted,

18 JEFFREY B. DEMAIN
19 EVE H. CERVANTEZ
20 P. CASEY PITTS
Altshuler Berzon LLP

21 YORK J. CHANG
22 ANNE M. GIESE
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23 By: /s/ Jeffrey B. Demain
24 Jeffrey B. Demain

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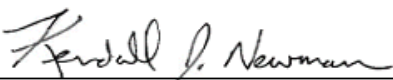
18 By: /s/W. James Young (as authorized on April 16, 2015)
19 W. James Young

20 Attorneys for Plaintiffs and the Class They Seek to Represent

21 **ORDER**

22 **IT IS SO ORDERED. The supplemental opposition referenced above shall be filed no**
23 **later than MAY 4, 2015.**

24
25 Dated: April 21, 2015

26 
27 KENDALL J. NEWMAN
28 UNITED STATES MAGISTRATE JUDGE