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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD E. ANDERSON,
Plaintiff,

No. C 08-04195 WHA

v.

AMERICAN AIRLINES, INC.,
Defendant.

**ORDER REFERRING PLAINTIFF'S
AFFIDAVIT TO ASSIGNMENT
COMMITTEE FOR REASSIGNMENT
OF AFFIDAVIT TO DISQUALIFY**

In this employment law action, plaintiff Edward E. Anderson filed an affidavit to disqualify the undersigned judge (Dkt. No. 39). This is the second action that plaintiff Anderson has brought against his employer, defendant American Airlines, Inc. Plaintiff works as a skycap for defendant at San Francisco International Airport. The first action alleged — and this action now alleges — that when defendant began assessing a \$2 per bag charge for curbside baggage check-in, plaintiff's compensation was reduced and his rights were violated. Plaintiff's first action came to a close in June 2008 when the undersigned granted summary judgment in favor of defendant (Case No. 3:07-CV-03527-WHA). Plaintiff subsequently filed this action, which was deemed related to his first action and reassigned to the undersigned in November 2008. Due to the similarities between the two actions, this case was stayed in December 2008 pending the resolution of plaintiff's appeal in the first action. On October 14, 2009, the Ninth Circuit affirmed summary judgment in the previous case. Plaintiff's affidavit to disqualify was not filed

United States District Court
For the Northern District of California

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until December 1, 2009 — two weeks after defendant filed a motion to dismiss on the basis of *res judicata* (scheduled to be heard on January 7, 2009).

The Court refers plaintiff's affidavit to disqualify to the Assignment Committee so that it might be handled by another judge. Only the affidavit need be reassigned. The rest of the case will stay with the undersigned unless there is a need for recusal.

IT IS SO ORDERED.

Dated: December 10, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE