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

AUTOMOTIVE INDUSTRIES PENSION
TRUST FUND, *et al.*,

No. C 11-00195 WHA

Plaintiffs,

v.

FITZPATRICK CHEVROLET INC., a
California corporation, FITZPATRICK
FAMILY LLC, a Nevada limited liability
company, and DOES 1–10,

Defendants.

**ORDER
CERTIFYING
NOTICE OF
CONSTITUTIONAL
CHALLENGE**


On June 30, 2011, defendant Fitzpatrick Family, LLC filed and served a notice of constitutional question. “The court must, under 28 U.S.C. § 2403, certify to the appropriate attorney general that a statute has been questioned.” FRCP 5.1(b).

This order **CERTIFIES** to the United States Attorney General and to the United States Attorney for the Northern District of California that a constitutional question has been raised in this action. Specifically, Fitzpatrick Family challenges the constitutionality of the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. 1001–1461, as an affirmative defense.

The clerk is directed to provide a copy of this order to the United States Attorney General and the United States Attorney for the Northern District of California. “[T]he attorney general may intervene within 60 days after the notice [was] filed.” FRCP 5.1(c).

IT IS SO ORDERED.

Dated: July 5, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE