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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
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10 GENERAL EMPLOYEES TRUST FUND
11 and BOARD OF TRUSTEES OF
12 GENERAL EMPLOYEES TRUST FUND,

13 Petitioners,

14 v.

15 YUL HERMES, an individual,

16 Respondent.

Case No. 14-cv-04054 NC

**ORDER RE: SUBJECT MATTER
JURISDICTION and CONTINUING
CASE MANAGEMENT
CONFERENCE**

Re: Dkt. No. 21

17 This action was commenced by the filing of a petition to confirm an arbitration
18 award. *See* Dkt. No. 1. The petition asserts that this Court has subject matter jurisdiction
19 over the action under Section 301(a) of the Labor Management Relations Act, as amended,
20 29 U.S.C. § 185(a), “as an action upon a contract between an employer and a labor
21 organization representing employees in an industry affecting commerce.” *Id.* ¶ 1.

22 In the joint case management statement submitted by the parties, respondent Yul
23 Hermes disputes the assertion that this Court has subject matter jurisdiction over the action,
24 arguing this is not “an action between a labor organization and an employer, but instead is
25 an action attempting to impose alter ego liability against individual defendant Hermes
26 [who] is not an ‘employer,’” Dkt. No. 21. Given the threshold nature of this issue, it
27 is appropriate to address it before proceeding with case management. Accordingly, by
28 December 10, 2014, petitioners must file a brief addressing the challenge to subject matter


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ORDER CONTINUING CASE
MANAGEMENT CONFERENCE

1 jurisdiction raised by Hermes. Hermes must file a response to petitioners' brief by
2 December 15, 2014.

3 The case management conference set for December 10, 2014, is continued to
4 December 17, 2014, at 10:00 a.m. in Courtroom A, 15th Floor, U.S. District Court, 450
5 Golden Gate Avenue, San Francisco, California.

6 IT IS SO ORDERED.

7 Date: December 5, 2014

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10 Nathanael M. Cousins
11 United States Magistrate Judge
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