

FILED
NOV - 6 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES (AFGE), LOCAL 1
& JOHN GAVELLO,

No. C 04-1274 CW

ORDER DENYING
DEFENDANT'S
MOTION TO DISMISS

Plaintiffs,

v.

DAVID STONE, Acting Administrator,
TRANSPORTATION SECURITY
ADMINISTRATION, U.S. DEPARTMENT OF
HOMELAND SECURITY,

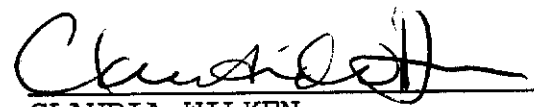
Defendant.

United States District Court
For the Northern District of California

On October 31, 2007, the Ninth Circuit issued its mandate in this case reversing the Court's October 2, 2004 order granting Defendant's motion to dismiss. The Ninth Circuit held that the Court has subject matter jurisdiction over Plaintiffs' action and that Plaintiff American Federation of Government Employees, Local 1 has standing. Therefore, the Court DENIES defendant's motion to dismiss (Docket No. 10). A case management conference will be held on Tuesday, November 27, 2007 at 2:00 PM.

IT IS SO ORDERED.

Dated: NOV 06 2007


CLAUDIA WILKEN
United States District Judge