

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 21-55757

Docketed: 07/20/2021

Nature of Suit: 3950 Constitutionality of State Statutes

Lydia Olson, et al v. State of California, et al

Appeal From: U.S. District Court for Central California, Los Angeles

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0973-2 : [2:19-cv-10956-DMG-RAO](#)

Trial Judge: Dolly M. Gee, District Judge

Date Filed: 12/30/2019

Date Order/Judgment:

07/16/2021

Date Order/Judgment EOD:

07/16/2021

Date NOA Filed:

07/19/2021

Date Rec'd COA:

07/19/2021

Prior Cases:

None

Current Cases:

None

LYDIA OLSON

Plaintiff - Appellant,

Theane Evangelis

Email: tevanangelis@gibsondunn.com

[COR NTC Retained]

Gibson, Dunn & Crutcher, LLP

333 S Grand Avenue

Los Angeles, CA 90071-3197

Blaine H. Evanson

Direct: 949-451-3805

Email: bevanson@gibsondunn.com

[COR NTC Retained]

Gibson, Dunn & Crutcher, LLP

3161 Michelson Drive

Suite 1200

Irvine, CA 92612-4412

Patrick James Fuster

Direct: 213-229-7117

Email: pfuster@gibsondunn.com

[COR NTC Retained]

Gibson, Dunn & Crutcher, LLP

333 S Grand Avenue

Los Angeles, CA 90071-3197

Dhananjay S. Manthripragada, AT

Direct: 213-229-7366

Email: dmanthripragada@gibsondunn.com

[COR NTC Retained]

Gibson, Dunn & Crutcher, LLP

333 S Grand Avenue

Los Angeles, CA 90071-3197

Heather Lynn Richardson

Direct: 213-229-7409

Email: hrichardson@gibsondunn.com

[COR NTC Retained]

Gibson, Dunn & Crutcher, LLP

333 S Grand Avenue

Los Angeles, CA 90071-3197

MIGUEL PEREZ

Plaintiff - Appellant,

Theane Evangelis
[COR NTC Retained]
(see above)

Blaine H. Evanson
Direct: 949-451-3805
[COR NTC Retained]
(see above)

Patrick James Fuster
Direct: 213-229-7117
[COR NTC Retained]
(see above)

Dhananjay S. Manthripragada, AT
Direct: 213-229-7366
[COR NTC Retained]
(see above)

Heather Lynn Richardson
Direct: 213-229-7409
[COR NTC Retained]
(see above)

POSTMATES, INC., (Successor Postmates LLC)
Plaintiff - Appellant,

Theane Evangelis
[COR NTC Retained]
(see above)

Blaine H. Evanson
Direct: 949-451-3805
[COR NTC Retained]
(see above)

Patrick James Fuster
Direct: 213-229-7117
[COR NTC Retained]
(see above)

Dhananjay S. Manthripragada, AT
Direct: 213-229-7366
[COR NTC Retained]
(see above)

Heather Lynn Richardson
Direct: 213-229-7409
[COR NTC Retained]
(see above)

UBER TECHNOLOGIES, INC.
Plaintiff - Appellant,

Theane Evangelis
[COR NTC Retained]
(see above)

Blaine H. Evanson
Direct: 949-451-3805
[COR NTC Retained]
(see above)

Patrick James Fuster
Direct: 213-229-7117
[COR NTC Retained]
(see above)

Dhananjay S. Manthripragada, AT
Direct: 213-229-7366
[COR NTC Retained]
(see above)

Heather Lynn Richardson
Direct: 213-229-7409
[COR NTC Retained]
(see above)

v.

STATE OF CALIFORNIA
Defendant - Appellee,

Samuel Thomas Harbourt
Direct: 415-510-3919
Email: samuel.harbourt@doj.ca.gov
[COR NTC Dep State Atty Gen]
AGCA - Office of the California Attorney General
Suite 11000
455 Golden Gate Avenue
San Francisco, CA 94102

Tamar Pachter, Supervising Deputy Attorney General
Email: tamar.pachter@doj.ca.gov
[COR NTC Dep State Atty Gen]
California Department of Justice
455 Golden Gate Avenue
Suite 11000
San Francisco, CA 94102

Jose Zelidon-Zepeda
Direct: 415-355-3312
Email: jose.zelidon-zepeda@sfcityatty.org
Fax: 415-554-3837
[COR NTC Dep State Atty Gen]
San Francisco City Attorney's Office
Fox Plaza
1390 Market Street
7th Floor
San Francisco, CA 94102

XAVIER BECERRA, in his capacity as Attorney General of the
State of California

Terminated: 03/17/2023

Defendant - Appellee,

ROB BONTA, in his capacity as Attorney General of the State of
California

Defendant - Appellee,

Samuel Thomas Harbourt
Direct: 415-510-3919
[COR NTC Dep State Atty Gen]
(see above)

Tamar Pachter, Supervising Deputy Attorney General
[COR NTC Dep State Atty Gen]
(see above)

Jose Zelidon-Zepeda
Direct: 415-355-3312

[COR NTC Dep State Atty Gen]
(see above)

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, SERVICE
EMPLOYEES INTERNATIONAL UNION CALIFORNIA STATE
COUNCIL, AND UNITED FOOD AND COMMERCIAL WORKERS
UNION WESTERN STATES COUNCIL
Amicus Curiae,

Scott A. Kronland
Email: skronland@altshulerberzon.com
[COR LD NTC Retained]
Altshuler Berzon, LLP
177 Post Street
Suite 300
San Francisco, CA 94108

STATE OF ARIZONA, WASHINGTON, CONNECTICUT, DISTRICT
OF COLUMBIA, HAWAII, ILLINOIS, MAINE, MARYLAND,
COMMONWEALTH OF MASSACHUSETTS, MICHIGAN,
MINNESOTA, NEW JERSEY, NEW YORK, NEVADA,
COMMONWEALTH of the NORTHERN MARIANA ISLANDS,
OREGON, and VERMONT
Amicus Curiae,

Hayleigh S. Crawford, Attorney
Direct: 602-542-8255
Email: hayleigh.crawford@azag.gov
[COR LD NTC Dep State Atty Gen]
Arizona Attorney General's Office
6th Floor
2005 N Central Avenue
Phoenix, AZ 85004

Anastasia R. Sandstrom, Assistant Attorney General
Direct: 206-464-6993
Email: Anastasia.Sandstrom@atg.wa.gov
Fax: 206-587-4290
[COR LD NTC Dep State Atty Gen]
AGWA - OFFICE OF THE WASHINGTON ATTORNEY GENERAL
(SEATTLE)
800 5th Avenue
Suite 2000
Seattle, WA 98104-3188

WORKER RIGHTS ORGANIZATIONS
Amicus Curiae,

Jonathan Miller, Director
Direct: 510-612-0851
Email: jon@publicrightsproject.org
[COR LD NTC Retained]
Public Rights Project
4096 Piedmont Avenue
Suite 149
Oakland, CA 94612

LOCAL GOVERNMENTS
Amicus Curiae,

Michael James Bostrom
Direct: 213-978-8068
Email: michael.bostrom@lacity.org
Fax: 213-978-8214
[COR LD NTC City Attorney]
Los Angeles Office of the City Attorney
700
200 N Main Street
Los Angeles, CA 90012

Divya Musinipally
Direct: 510-238-3446
Email: dmusinipally@oaklandcityattorney.org
[COR LD NTC City Attorney]
OFFICE OF THE CITY ATTORNEY
One Frank Ogawa Plaza
6th Floor
Oakland, CA 94612

CENTER FOR LAW AND WORK
Amicus Curiae,

Christina N. Chung, Attorney
Direct: 510-872-2203
Email: christinachung@berkeley.edu
[COR LD NTC Retained]
UC Berkeley School of Law
306 Law Building
Berkeley, CA 94720

LABOR AND CONSTITUTIONAL LAW SCHOLARS
Amicus Curiae,

Christina N. Chung, Attorney
Direct: 510-872-2203
[COR LD NTC Retained]
(see above)

LYDIA OLSON; MIGUEL PEREZ; POSTMATES, INC., (Successor Postmates LLC); UBER TECHNOLOGIES, INC.,

Plaintiffs - Appellants,

v.

STATE OF CALIFORNIA; ROB BONTA, in his capacity as Attorney General of the State of California,

Defendants - Appellees.

07/20/2021	<input type="checkbox"/> 1 28 pg, 982.93 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. Mediation Questionnaire due on 07/27/2021. Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. opening brief due 09/17/2021. Appellees Xavier Becerra and State of California answering brief due 10/18/2021. Appellant's optional reply brief is due 21 days after service of the answering brief. [12177605] (JBS) [Entered: 07/20/2021 10:57 AM]
07/20/2021	<input type="checkbox"/> 2 10 pg, 121.16 KB	Filed (ECF) Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. Motion to consolidate cases 20-55267. Date of service: 07/20/2021. [12177968] [21-55757] (Evangelis, Theane) [Entered: 07/20/2021 02:29 PM]
07/27/2021	<input type="checkbox"/> 3 2 pg, 176.83 KB	Filed (ECF) Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. Mediation Questionnaire. Date of service: 07/27/2021. [12183797] [21-55757] (Evangelis, Theane) [Entered: 07/27/2021 09:23 AM]
07/27/2021	<input type="checkbox"/> 4	The Mediation Questionnaire for this case was filed on 07/27/2021. To submit pertinent confidential information directly to the Circuit Mediators, please use the following link . Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12184193]. [21-55757] (AD) [Entered: 07/27/2021 12:44 PM]
08/02/2021	<input type="checkbox"/> 5 8 pg, 375.69 KB	Filed (ECF) Appellees Xavier Becerra and State of California response to motion ([2] Motion (ECF Filing), [2] Motion (ECF Filing)). Date of service: 08/02/2021. [12189032] [21-55757] (Zelidon-Zepeda, Jose) [Entered: 08/02/2021 10:46 AM]
08/02/2021	<input type="checkbox"/> 6 8 pg, 110.67 KB	Filed (ECF) Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. reply to response (. Date of service: 08/02/2021. [12189593] [21-55757] (Evangelis, Theane) [Entered: 08/02/2021 02:32 PM]
08/20/2021	<input type="checkbox"/> 7	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc.. New requested due date is 10/18/2021. [12207235] [21-55757] (Evangelis, Theane) [Entered: 08/20/2021 12:09 PM]
08/20/2021	<input type="checkbox"/> 8	Streamlined request [7] by Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. to extend time to file the brief is approved. Amended briefing schedule: Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. opening brief due 10/18/2021. Appellees Xavier Becerra and State of California answering brief due 11/17/2021. The optional reply brief is due 21 days from the date of service of the answering brief. [12207406] (JN) [Entered: 08/20/2021 01:43 PM]
09/14/2021	<input type="checkbox"/> 9 5 pg, 145.29 KB	Filed (ECF) Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. Motion to extend time to file Opening brief until 12/17/2021. Date of service: 09/14/2021. [12228098] [21-55757] (Evangelis, Theane) [Entered: 09/14/2021 01:57 PM]
09/16/2021	<input type="checkbox"/> 10 3 pg, 58.46 KB	Filed order (JOHNNIE B. RAWLINSON, DANIELLE J. FORREST and MORRISON C. ENGLAND, JR.) In Appeal No. 20-55267, Plaintiffs-Appellants, Lydia Olson, Miguel Perez, Postmates, Inc., and Uber Technologies, Inc., challenge the denial of their motion for a preliminary injunction, which sought to enjoin enforcement of California Assembly Bill 5 (2019). That appeal was argued and submitted for decision on November 18, 2020. On July 16, 2021, the district court dismissed Plaintiffs' Second Amended Complaint with prejudice. Appellants filed a timely appeal of the dismissal (Appeal No. 21-55757). Appellants now seek to consolidate the merits appeal with the preliminary injunction appeal and to limit briefing on the merits. Appellees, the State of California and Xavier Becerra, oppose consolidation and move to dismiss the preliminary injunction appeal as moot....Having consolidated the appeals, a majority of the panel has voted to grant the motion to dismiss as moot the separate preliminary injunction appeal. Judge Forrest would deny the motion to dismiss. If the district court's dismissal order is reversed, the panel will address the issue of whether the preliminary injunction was properly denied, in accordance with our precedent. See Nationwide Biweekly Admin., 873 F.3d at 731 (describing this procedure). IT IS SO ORDERED. (SEE ORDE FOR FULL TEXT) [12230428] (OC) [Entered: 09/16/2021 11:42 AM]
09/24/2021	<input type="checkbox"/> 11 4 pg, 12.23 KB	Filed (ECF) Appellees Xavier Becerra and State of California response opposing motion ([9] Motion (ECF Filing), [9] Motion (ECF Filing)). Date of service: 09/24/2021. [12238060] [21-55757] (Zelidon-Zepeda, Jose) [Entered: 09/24/2021 10:39 AM]
09/28/2021	<input type="checkbox"/> 12 3 pg, 75.76 KB	Filed (ECF) Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. reply to response (motion to extend time to file brief). Date of service: 09/28/2021. [12242030] [21-55757]--[COURT UPDATE: Updated docket text to reflect content of filing. 09/28/2021 by SLM] (Evangelis, Theane) [Entered: 09/28/2021 04:29 PM]
10/19/2021	<input type="checkbox"/> 13 1 pg, 101.2 KB	Filed clerk order (Deputy Clerk: SSR): Appellants' opposed motion (Docket Entry No. [9]) for an extension of time to file the opening brief is granted in part. The opening brief is now due November 17, 2021. The answering brief is due December 17, 2021. The optional reply brief is due within 21 days after service of the answering brief. [12261677] (OC) [Entered: 10/19/2021 01:51 PM]

11/17/2021 [14](#) Submitted (ECF) Opening Brief for review. Submitted by Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc.. Date of service: 11/17/2021. [12291020] [21-55757]--[COURT UPDATE: attached corrected PDF of opening brief. 11/18/2021 by KT] (Evangelis, Theane) [Entered: 11/17/2021 05:13 PM]
179 pg, 842.88 KB

11/17/2021 [15](#) Submitted (ECF) excerpts of record. Submitted by Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc.. Date of service: 11/17/2021. [12291032] [21-55757]--[COURT UPDATE: attached corrected PDFs of excerpts of record. 11/18/2021 by KT] (Evangelis, Theane) [Entered: 11/17/2021 05:20 PM]
725 pg, 18.05 MB

11/18/2021 [16](#) Filed clerk order: The opening brief [\[14\]](#) submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The excerpts of record [\[15\]](#) submitted by appellants are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12292271] (KT) [Entered: 11/18/2021 03:19 PM]
2 pg, 96.42 KB

11/18/2021 17 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees Xavier Becerra and State of California. New requested due date is 01/18/2022. [12292375] [21-55757] (Zelidon-Zepeda, Jose) [Entered: 11/18/2021 03:49 PM]

11/18/2021 18 **Streamlined request [17] by Appellees Xavier Becerra and State of California to extend time to file the brief is approved. Amended briefing schedule: Appellees Xavier Becerra and State of California answering brief due 01/18/2022. The optional reply brief is due 21 days from the date of service of the answering brief.** [12292458] (JN) [Entered: 11/18/2021 04:17 PM]

12/06/2021 19 Received 6 paper copies of Opening Brief [\[14\]](#) filed by Appellants. (sent to panel) [12307228] (SD) [Entered: 12/06/2021 03:16 PM]

12/06/2021 20 Received 3 paper copies of excerpts of record [\[15\]](#) in 4 volume(s) and index volume filed by Appellants. (sent to panel) [12307255] (LA) [Entered: 12/06/2021 03:24 PM]

01/04/2022 [21](#) Filed (ECF) Appellee Xavier Becerra Unopposed Motion to extend time to file Answering brief until 02/17/2022. Date of service: 01/04/2022. [12331354] [21-55757] (Zelidon-Zepeda, Jose) [Entered: 01/04/2022 05:19 PM]
9 pg, 721.2 KB

01/10/2022 [22](#) Filed clerk order (Deputy Clerk: WL): Defendant's Motion for Extension of Time to File Answering Brief, filed January 4, 2022, is GRANTED. Defendants shall file an answering brief no later than February 17, 2022. [12335650] (WL) [Entered: 01/10/2022 11:14 AM]
1 pg, 33.17 KB

02/17/2022 [23](#) Submitted (ECF) Answering Brief for review. Submitted by Appellee Xavier Becerra. Date of service: 02/17/2022. [12373970] [21-55757]--[COURT UPDATE: attached corrected PDF of answering brief. 02/24/2022 by KT] (Zelidon-Zepeda, Jose) [Entered: 02/17/2022 04:56 PM]
75 pg, 433.46 KB

02/23/2022 24 Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc.. New requested due date is 04/11/2022. [12377636] [21-55757] (Evangelis, Theane) [Entered: 02/23/2022 11:04 AM]

02/23/2022 25 **Streamlined request [24] by Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 04/11/2022.** [12378155] (JN) [Entered: 02/23/2022 03:03 PM]

02/24/2022 [26](#) Filed clerk order: The answering brief [\[23\]](#) submitted by Xavier Becerra is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be submitted to the principal office of the Clerk. [12378723] (KT) [Entered: 02/24/2022 09:26 AM]
2 pg, 95.94 KB

02/24/2022 [27](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by International Brotherhood of Teamsters, Service Employees International Union California State Council, and United Food and Commercial Workers Union Western States Council in Support of Appellees and Affirmance. Date of service: 02/24/2022. [12379545] [21-55757]--[COURT UPDATE: attached corrected PDF of amicus brief. 02/25/2022 by KT] (Kronland, Scott) [Entered: 02/24/2022 04:24 PM]
38 pg, 465.75 KB

02/25/2022 28 Entered appearance of Amici Curiae International Brotherhood of Teamsters, Service Employees International Union California State Council, and United Food and Commercial Workers Union Western States Council. [12380476] (KT) [Entered: 02/25/2022 02:23 PM]

02/25/2022 [29](#) Filed clerk order: The amicus brief [\[27\]](#) submitted by IBT, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12380623] (KT) [Entered: 02/25/2022 03:13 PM]
2 pg, 96.08 KB

- 03/01/2022 30 Received 6 paper copies of Amicus Brief [27] filed by IBT, et al. (sent to panel) [12383412] (SD) [Entered: 03/01/2022 02:30 PM]
- 03/02/2022 31 Received 6 paper copies of Answering Brief [23] filed by Xavier Becerra. (sent to panel) [12384800] (SD) [Entered: 03/02/2022 04:33 PM]
- 04/11/2022 32 Submitted (ECF) Reply Brief for review. Submitted by Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc.. Date of service: 04/11/2022. [12417992] [21-55757] (Evangelis, Theane) [Entered: 04/11/2022 06:32 PM]
39 pg, 351.98 KB
- 04/12/2022 33 Filed clerk order: The reply brief [32] submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [12418368] (SML) [Entered: 04/12/2022 10:18 AM]
2 pg, 95.94 KB
- 04/12/2022 34 Received 6 paper copies of Reply Brief [32] filed by Appellants. (sent to panel) [12419208] (SD) [Entered: 04/12/2022 04:12 PM]
- 04/19/2022 35 Filed order (JOHNNIE B. RAWLINSON, DANIELLE J. FORREST and MORRISON C. ENGLAND, JR.) Oral argument in this case will take place on Wednesday, July 13, 2022 at 1:00 p.m. in San Francisco, California. Counsel may appear in person or virtually. [12425862] (WL) [Entered: 04/19/2022 03:48 PM]
1 pg, 33.27 KB
- 05/01/2022 36 Notice of Oral Argument on Wednesday, July 13, 2022 - 1:00 P.M. - Courtroom 1 - Scheduled Location: San Francisco CA.
The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Check [here](#) for updates on the status of reopening as the hearing date approaches. At this time, even when in person hearings resume, an election to appear remotely by video will not require a motion, **and any attorney wishing to appear in person must provide proof of vaccination**. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING NOTICE](#) filing type in CM/ECF no later than 28 days before Wednesday, July 13, 2022. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12435358]. [21-55757] (KS) [Entered: 05/01/2022 06:09 AM]

- 06/13/2022 37 Filed (ECF) Acknowledgment of hearing notice by Attorney Ms. Theane Evangelis for Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc.. Hearing in San Francisco on 07/13/2022 at 1:00 P.M. (Courtroom: Courtroom 1, 3rd Floor Rm 338). Filer sharing argument time: No. (Argument minutes: 20) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 06/13/2022. [12469806] [21-55757] (Evangelis, Theane) [Entered: 06/13/2022 12:54 PM]
- 06/14/2022 38 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Jose Zelidon-Zepeda for Appellees Xavier Becerra and State of California. Hearing in San Francisco on 07/13/2022 at 1:00 P.M. (Courtroom: 1). Filer sharing argument time: No. (Argument minutes: 20) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 06/14/2022. [12470665] [21-55757] (Zelidon-Zepeda, Jose) [Entered: 06/14/2022 10:55 AM]
- 07/13/2022 39 ARGUED AND SUBMITTED TO JOHNNIE B. RAWLINSON, DANIELLE J. FORREST and MORRISON C. ENGLAND, JR.. [12493016] (AH) [Entered: 07/13/2022 02:07 PM]
- 07/26/2022 40 Filed Audio recording of oral argument.
Note: Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/> [12502820] (LW) [Entered: 07/26/2022 03:27 PM]
1 pg, 44.57 MB

03/17/2023 [41](#) Appellee Xavier Becerra in 21-55757 substituted by Appellee Rob Bonta in 21-55757 [12675962] (AKM) [Entered: 03/17/2023 08:59 AM]

03/17/2023 [42](#) FILED OPINION (JOHNNIE B. RAWLINSON, DANIELLE J. FORREST and MORRISON C. ENGLAND, JR.) REVERSED IN PART, AFFIRMED IN PART, and REMANDED. Judge: JBR Authoring. FILED AND ENTERED JUDGMENT. [12675970] (AKM) [Entered: 03/17/2023 09:03 AM]
51 pg, 1.64 MB

03/17/2023 [43](#) Filed clerk order (Deputy Clerk: AKM): At the direction of the Court, the parties shall bear their own costs. [12675976] (AKM) [Entered: 03/17/2023 09:05 AM]
1 pg, 89.45 KB

03/22/2023 [44](#) CORRECTED OPINION RE: [42](#) (JOHNNIE B. RAWLINSON, DANIELLE J. FORREST and MORRISON C. ENGLAND, JR.). Correction: formatting changes and typos corrected. [12679333] (AKM) [Entered: 03/22/2023 10:28 AM]
33 pg, 262.02 KB

03/23/2023 [45](#) Filed (ECF) Appellees State of California and Rob Bonta Unopposed Motion to extend time to file petition for rehearing until 04/28/2023. Date of service: 03/23/2023. [12680596] [21-55757] (Zelidon-Zepeda, Jose) [Entered: 03/23/2023 01:51 PM]
11 pg, 442.12 KB

03/27/2023 [46](#) Filed order (JOHNNIE B. RAWLINSON, DANIELLE J. FORREST and MORRISON C. ENGLAND, JR.) Appellees' Unopposed Motion for Extension of Time to File Petition for Rehearing/Rehearing En Banc, filed March 23, 2023, is GRANTED. Appellees shall file any petition no later than April 28, 2023. [12682880] (HH) [Entered: 03/27/2023 04:03 PM]
1 pg, 33.12 KB

04/21/2023 [47](#) Filed (ECF) notice of appearance of Samuel Thomas Harbourt, Deputy Solicitor General (Office of the California Attorney General, Suite 11000 455 Golden Gate Avenue San Francisco, CA 94102) for Appellees Rob Bonta and State of California. Date of service: 04/21/2023. (Party was previously proceeding with counsel.) [12700723] [21-55757] (Harbourt, Samuel) [Entered: 04/21/2023 03:21 PM]

04/21/2023 [48](#) Added Attorney(s) Samuel Thomas Harbourt for party(s) Appellee Rob Bonta Appellee State of California. [12700763] (RL) [Entered: 04/21/2023 03:36 PM]

04/28/2023 [49](#) Filed (ECF) Appellees Rob Bonta and State of California petition for panel rehearing and petition for rehearing en banc (from 03/22/2023 opinion). Date of service: 04/28/2023. [12704748] [21-55757] (Harbourt, Samuel) [Entered: 04/28/2023 08:38 AM]
62 pg, 410.51 KB

05/05/2023 [50](#) Filed order (JOHNNIE B. RAWLINSON, DANIELLE J. FORREST and MORRISON C. ENGLAND, JR.) Appellants are directed to file a response to Appellees' Petition for Panel Rehearing or Rehearing En Banc. The response shall not exceed 15 pages or 4200 words and shall be filed within 21 days of the date of this order. [12709659] (WL) [Entered: 05/05/2023 10:02 AM]
1 pg, 32.97 KB

05/08/2023 [51](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by States of Arizona Washington, Connecticut, District of Columbia, Hawaii, Illinois, Maine, Maryland, Commonwealth of Massachusetts, Michigan, Minnesota, New Jersey, New York, Nevada, Commonwealth of the Northern Mariana Islands, Oregon, Vermont. Date of service: 05/08/2023. [12710888] [21-55757]-- [COURT UPDATE: Attached corrected brief. 05/08/2023 by SML] (Crawford, Hayleigh) [Entered: 05/08/2023 12:48 PM]
24 pg, 287.65 KB

05/08/2023 [52](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Worker Rights Organizations. Date of service: 05/08/2023. [12711173] [21-55757] (Miller, Jonathan) [Entered: 05/08/2023 02:58 PM]
27 pg, 446.8 KB

05/08/2023 [53](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by California Labor Federation, International Brotherhood of Teamsters, SEIU California State Council, UFCW Western States Council, and State Building and Construction Trades Council of California. Date of service: 05/08/2023. [12711232] [21-55757] (Kronland, Scott) [Entered: 05/08/2023 03:25 PM]
24 pg, 245.38 KB

05/08/2023 [54](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by AMICUS CURIAE BRIEF OF LOCAL GOVERNMENTS IN SUPPORT OF APPELLEES' PETITION FOR PANEL REHEARING OR REHEARING EN BANC. Date of service: 05/08/2023. [12711390] [21-55757] (Musinipally, Divya) [Entered: 05/08/2023 04:31 PM]
28 pg, 296.6 KB

05/08/2023 [55](#) Entered appearance of Amici Curiae States of Arizona; et al., and Worker Rights Organizations. [12711397] (SML) [Entered: 05/08/2023 04:33 PM]

05/08/2023 [56](#) Filed clerk order: The amicus brief [51](#) submitted by Amici Curiae State of Arizona; et al., is filed. The amicus brief [52](#) submitted by Amicus Curiae Worker Rights Organizations is filed. The amicus brief [53](#) submitted by Amici Curiae IBT; et al., is filed. No paper copies are required. [12711418] (SML) [Entered: 05/08/2023 04:40 PM]
1 pg, 91.4 KB

05/08/2023 [57](#) Entered appearance of Amicus Curiae Local Governments. [12711432] (SML) [Entered: 05/08/2023 04:47 PM]

05/08/2023 [58](#) Filed clerk order: The amicus brief [54](#) submitted by Local Governments is filed. No paper copies are required. [12711436] (SML) [Entered: 05/08/2023 04:49 PM]
1 pg, 89.89 KB

05/08/2023	<input type="checkbox"/> 59 29 pg, 323.18 KB	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Brief of Amici Curiae Center for Law and Work and Labor and Constitutional Law Scholars In Support of Defendants-Appellees' Petition for Panel Rehearing or Rehearing En Banc. Date of service: 05/08/2023. [12711500] [21-55757] (Chung, Christina) [Entered: 05/08/2023 05:53 PM]
05/09/2023	<input type="checkbox"/> 60	Entered appearance of Amici Curiae Center for Law and Work and Labor and Constitutional Law Scholars. [12711745] (SML) [Entered: 05/09/2023 09:36 AM]
05/09/2023	<input type="checkbox"/> 61 1 pg, 91.67 KB	Filed clerk order: The amicus brief [59] submitted by Center for Law and Work and Labor and Constitutional Law Scholars is filed. No paper copies are required. [12711784] (SML) [Entered: 05/09/2023 09:52 AM]
05/25/2023	<input type="checkbox"/> 62	Filed (ECF) notice of appearance of Patrick James Fuster (GIBSON, DUNN & CRUTCHER LLP 333 South Grand Avenue Los Angeles, CA 90071-3197) for Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc.. Date of service: 05/25/2023. (Party was previously proceeding with counsel.) [12722746] [21-55757] (Fuster, Patrick) [Entered: 05/25/2023 01:22 PM]
05/25/2023	<input type="checkbox"/> 63	Added Attorney(s) Patrick James Fuster for party(s) Appellant Miguel Perez Appellant Uber Technologies, Inc. Appellant Postmates, Inc. Appellant Lydia Olson. [12722764] (RL) [Entered: 05/25/2023 01:38 PM]
05/25/2023	<input type="checkbox"/> 64 27 pg, 224.76 KB	Filed (ECF) Appellants Lydia Olson, Miguel Perez, Postmates, Inc. and Uber Technologies, Inc. response to Combo PFR Panel and En Banc (ECF Filing), Combo PFR Panel and En Banc (ECF Filing). Date of service: 05/25/2023. [12722810]. [21-55757] (Evangelis, Theane) [Entered: 05/25/2023 01:55 PM]
08/17/2023	<input type="checkbox"/> 65 7 pg, 233.77 KB	Filed (ECF) Amicus Curiae State of Arizona Motion for 46-5 exemption. Date of service: 08/17/2023. [12776418] [21-55757] (Crawford, Hayleigh) [Entered: 08/17/2023 04:20 PM]
08/21/2023	<input type="checkbox"/> 66 1 pg, 32.76 KB	Filed order (JOHNNIE B. RAWLINSON, DANIELLE J. FORREST and MORRISON C. ENGLAND, JR.) The Application for Exemption Under Ninth Circuit Rule 46-5, filed August 17, 2023, is GRANTED. [12777689] (WL) [Entered: 08/21/2023 11:42 AM]
12/18/2023	<input type="checkbox"/> 67 1 pg, 126.48 KB	Filed Order for PUBLICATION (MARY H. MURGUIA) Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion is vacated. [12838536] (MM) [Entered: 12/18/2023 09:07 AM]
12/18/2023	<input type="checkbox"/> 68 2 pg, 136.47 KB	Filed order (MARY H. MURGUIA) En banc oral argument will take place during the week of March 18, 2024, in San Francisco, California. The date and time will be determined by separate order. For further information or special requests regarding scheduling, please contact Deputy Clerk Paul Keller at paul_keller@ca9.uscourts.gov or (206) 224-2236. Within seven days from the date of this order, the parties shall forward to the Clerk of Court eighteen additional paper copies of the original briefs and ten additional paper copies of the excerpts of record. The paper copies must be accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. The Form 18 certificate is available on the Court's website at http://www.ca9.uscourts.gov/forms/ [12838615] (WL) [Entered: 12/18/2023 10:02 AM]

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