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13 *International Longshore and Warehouse Union, Local 13*

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 ERIC ALDAPE,

17 Plaintiff,

18 v.

19 INTERNATIONAL LONGSHORE  
20 AND WAREHOUSE UNION, *et al.*

21 Defendants

Case No. 2:18-cv-00624 AB(SKx)  
[Assigned for All Purposes to the Honorable  
André Birotte Jr.]

**DEFENDANT INTERNATIONAL  
LONGSHORE AND WAREHOUSE  
UNION, LOCAL 13’S NOTICE OF  
MOTION AND MOTION FOR  
SUMMARY JUDGMENT**

Date: August 30, 2019  
Time: 10:00 a.m.  
Court Room: 7B

Trial Date: October 15, 2019  
Date Action Filed: January 24, 2018

22 **TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that on August 30, 2019, at 10:00 a.m., or as soon  
24 thereafter as this motion may be heard by the Honorable André Birotte, in the above-  
25 entitled Court located at 350 West First Street, Courtroom 7B, Los Angeles,  
26 California, 90012, Defendant International Longshore and Warehouse Union, Local  
27 13 (“Local 13”) will and hereby does move the Court for summary judgment, or in  
28

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1 the alternative, summary adjudication, on all of Plaintiff’s claims against Local 13.

2 Specifically, Local 13 moves for summary judgment, or in the alternative,  
3 summary adjudication, on Plaintiff’s breach of the duty of fair representation claim  
4 for the following reason: there is no evidence that Local 13 acted arbitrarily,  
5 discriminatorily, or in bad faith. Likewise, Local 13 moves for summary judgement,  
6 or in the alternative, summary adjudication, on Plaintiff’s claim under Labor  
7 Management Reporting and Disclosure Act (“LMRDA”) Section 101(a)(2) for the  
8 following reason: there is no evidence that Local 13 violated Plaintiff’s free speech  
9 rights protected under the LMRDA. Local 13 also moves for summary judgment, or  
10 in the alternative, summary adjudication, on Plaintiff’s breach of contract claim for  
11 the following reason: there is no evidence of a violation of the collective bargaining  
12 agreement.

13 This Motion is based on this Notice, the following Memorandum of Points and  
14 Authorities, the Declarations of Michael Dimon and Steven Holguin, and all exhibits  
15 thereto, all documents filed in this action, oral argument of counsel, any other matters  
16 presented to the Court at the time of the hearing, and any other matter the Court  
17 deems appropriate for consideration. A proposed order has been lodged herewith.

18 This Motion was made following the conference of counsel pursuant to Local  
19 Rule 7-3 that took place on June 20, 2019.

20 Respectfully submitted,

21 Dated: July 24, 2019

22 /s/  
23 \_\_\_\_\_  
24 Marisa R. Holguin  
25 Attorney for Defendant  
26 INTERNATIONAL LONGSHORE AND  
27 WAREHOUSE UNION, LOCAL 13  
28

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