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Attorneys for Defendants
 INTERNATIONAL BROTHERHOOD OF TEAMSTERS, JAMES HOFFA, PETER FINN,
 CHRISTOPHER GRISWOLD, PAUL STRIPLING, and GEORGE MIRANDA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
AT SAN FRANCISCO

KEVIN E. BYBEE, JOHN R. SCHOLZ,
 VICTOR DRUMHELLER, and SALLY A.
 DILL, as individuals and plan participants in The
 Continental Retirement Plan; on behalf of
 themselves and all others similarly situated; and
 on behalf of the Continental Retirement Plan,

Plaintiffs,

v.

INTERNATIONAL BROTHERHOOD OF
 TEAMSTERS, a labor organization; JAMES
 HOFFA, in his official capacity as General
 President of the International Brotherhood of
 Teamsters; PETER FINN, in his official capacity
 as Principal Officer of Teamsters Local 856;
 CHRISTOPHER GRISWOLD, in his official
 capacity as the Principal Officer of Teamsters
 Local 986; PAUL STRIPLING, in his official
 capacity as Principal Officer of Teamsters Local
 781; GEORGE MIRANDA, in his official
 capacity as Principal Officer of Teamsters Local
 210; UNITED AIR LINES, INC., a Delaware
 corporation; UNITED AIRLINES HOLDINGS,
 INC., a Delaware corporation; the UNITED
 AIRLINES HOLDINGS' ADMINISTRATIVE
 COMMITTEE, named fiduciary of The
 Continental Retirement Plan,

Defendants.

Case No. 3:18-CV-06632-JD

**DEFENDANTS STRIPLING'S AND
 MIRANDA'S NOTICE OF MOTION AND
 MOTION TO DISMISS FOR LACK OF
 PERSONAL JURISDICTION**

[F.R.C.P. § 12(b)(2)]

Hearing Date:	February 4, 2021
Hearing Time:	10:00 a.m.
Courtroom:	11, 19 th Floor
Judge:	Hon. James Donato
Complaint Filed:	October 31, 2018
Trial Date:	Not set.

NOTICE OF MOTION AND MOTION TO DISMISS

TO: PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on February 4, 2021, at 10:00 a.m., or as soon thereafter as counsel may be heard in Courtroom 11, 19th Floor, of the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California 94102, Defendants PAUL STRIPLING and GEORGE MIRANDA will move this Court for an order dismissing Plaintiffs' claims with prejudice pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure. This Motion is based upon this Notice of Motion, Motion and Memorandum of Points and Authorities, the Declarations of Paul Stripling and George Miranda filed herewith and all other pleadings and papers presently on file with the Court, and any other evidence that the Court may allow before or at hearing.

Dated: November 20, 2020

BEESON, TAYER & BODINE, APC

By: /s/ Susan K. Garea
SUSAN K. GAREA

Attorneys for Defendants INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, JAMES
HOFFA, PETER FINN, CHRISTOPHER
GRISWOLD, PAUL STRIPLING, and GEORGE
MIRANDA

I. INTRODUCTION

Defendants Paul Stripling and George Miranda file this Motion to dismiss for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2). Mr. Stripling and Mr. Miranda do not reside in California and do not transact any business in California. Mr. Stripling and Mr. Miranda are principal officers of Local Union affiliates of the International Brotherhood of Teamsters located in Illinois and New York respectively. The local unions have no jurisdiction to represent workers in California and do not do so. Mr. Stripling and Mr. Miranda do not have sufficient minimum contacts with the state of California for this Court to exercise personal jurisdiction over them.

II. STATEMENT OF FACTS

In the Second Amended Complaint (“SAC”), Plaintiffs include two individual non-resident defendants. Mr. Stripling resides in Illinois. Mr. Miranda resides in New York. (Declarations of Stripling and Miranda.)

The Second Amended Complaint (“SAC”) alleges that Paul Stripling is the principal officer of Teamsters Local 781, located in Chicago, Illinois. (SAC ¶ 39.) Mr. Stripling’s office is located in Elmhurst, Illinois. (Id.) Local 781 represents United employees at the Chicago-O’Hare Airport. (Id.) Indeed, Mr. Stripling is the principal officer of Teamsters Local 781, a labor organization located in Illinois. Local 781 represents United employees at Chicago-O’Hare Airport. The Local has no jurisdiction to represent workers in California and does not represent any workers in California. (Stripling Declaration.)

The SAC alleges that George Miranda is the principal officer of Local 210 which represents United employees at the Dulles Airport. (SAC ¶ 40.) The SAC alleges that Mr. Miranda maintains an office in New York, New York. (SAC ¶ 40.) Mr. Miranda is the principal officer of Local 210. Local 210 represents United employees at Dulles Airport. Local 210 has no jurisdiction to represent workers in California and does not represent any workers in California. (Miranda Declaration.)

The SAC does not allege that Mr. Stripling or Mr. Miranda maintain any office in California. The SAC does not allege that Mr. Stripling or Mr. Miranda represent any United employees, or any other employees, in California. The SAC does not allege that Mr. Stripling or Mr. Miranda conduct any business in California whatsoever.

III. ARGUMENT

Plaintiffs bear the burden of establishing personal jurisdiction over the defendants. This Court has no personal jurisdiction over Mr. Miranda or Mr. Stripling. Neither of these defendants have conducted any activities in California.

A. The Court Has No General Jurisdiction Over Mr. Miranda or Mr. Stripling

To be subject to the personal jurisdiction of a federal court, a nonresident defendant must have at least “minimum contacts” with the court's forum state such that “the exercise of jurisdiction ‘does not offend traditional notions of fair play and substantial justice.’” *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 801 (9th Cir. 2004) (citation omitted). The paradigmatic forum for the exercise of general jurisdiction is the individual’s domicile. Neither Mr. Stripling nor Mr. Miranda are domiciled in California.

In order to establish general jurisdiction over a non-resident defendant, the contacts must be sufficiently continuous and systematic that the defendant is “essentially at home” in the forum state. *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011); *Schwarzenegger*, 374 F.3d at 801. “This is an exacting standard, as it should be, because a finding of general jurisdiction permits a defendant to be hauled into court in the forum state to answer for any of its activities anywhere in the world.” *Schwarzenegger*, 374 F.3d at 801 citing *Brand v. Menlove Dodge*, 796 F.2d 1070, 1073 (9th Cir. 1986) (collecting cases where general jurisdiction was denied despite defendants’ significant contacts with forum).

In this case, Plaintiffs have alleged no contact whatsoever between Mr. Stripling and Mr. Miranda and California, much less “continuous and systematic” contact. Mr. Stripling and Mr. Miranda simply do not transact any business in this State.

B. The Court Has No Specific Jurisdiction Over Mr. Miranda or Mr. Stripling

Specific jurisdiction may be established where there was “some act by which the defendant purposefully avail[ed] itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws.” *Hanson v. Denckla*, 357 U.S. 235, 253, 78 S. Ct. 1228, 2 L. Ed. 2d 1283 (1958). The Ninth Circuit applies a three-part test for determining whether the exercise of specific personal jurisdiction over a nonresident defendant is appropriate:

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;

(2) the claim must be one which arises out of or relates to the defendant's forum-related activities; and

(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

Schwarzenegger, 374 F.3d at 802. None of these prongs are met here.

The SAC does not allege any actions taken by Mr. Miranda or Mr. Stripling in California or any injuries caused by Mr. Miranda and Mr. Stripling in California. Mr. Miranda and Mr. Stripling have no relationship to the plaintiffs that reside in California and do not represent those plaintiffs and did not represent them in connection with any allegations in this case.

In sum, the minimum contacts with California requisite for due process in this forum is lacking. *International Shoe Co. v. Washington*, 326 U.S. 310, 90 L. Ed. 95, 66 S. Ct. 154 (1945).

IV. CONCLUSION

For the foregoing reasons, Defendants Mr. Stripling and Mr. Miranda should be dismissed from this lawsuit.

Dated: November 20, 2020

BEESON, TAYER & BODINE, APC

By: /s/ Susan K. Garea

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