

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Pitpit v. Teamsters Local No. 150 and Dale Wentz

Pitpit · No. 2:24-cv-00321-KJM-CSK · Decided June 24, 2025

OPINION

Pitpit v. Teamsters Local 150

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 Kelli Pitpit, No. 2:24-cv-00321-KJM-CSK 12 Plaintiff, ORDER 13 v. Teamsters Local No.
150 and Dale Wentz, 15 Defendants. 16 17 The court previously dismissed plaintiff Kelli Pitpit's
complaint with leave to amend. See 18 | generally Prev. Order (Feb. 6, 2025), ECF No. 22. Pitpit
has now amended her complaint, ECF 19 | No. 23, and defendants Teamsters Local No. 150 (the
Union) and Dale Wentz move once more to 20 | dismiss. See generally Mot., ECF No. 24. The
motion is fully briefed. See generally Opp'n, 21 | ECF No. 27; Reply, ECF No. 28. The court took
it under submission without holding a hearing. 22 | Min. Order, ECF No. 29. 23 This case is
related to case No. 2:23-cv-03043-KJM-CSK, Crandall v. Teamsters Local 24 | No. 150. The court
summarizes the two cases' overlapping history and allegations in an order 25 | filed concurrently
in the Crandall case. The court incorporates that summary into this order 26 | without repeating it.
Pitpit is represented by the same attorney who represents Crandall in Case 27 | No. 23-3043; the
Union and Wentz are represented by the same counsel in both cases as well. 28 | The Union and
Wentz have filed similar motions in both cases under Rules 12(b)(6) and (c). This 1 court
evaluates those motions under the same legal standard. See Gregg v. Hawaii, Dep't Public 2
Safety, 870 F.3d 883, 887 (9th Cir. 2017). In short, Pitpit must support each claim for relief with 3
factual allegations that, assumed true, allow a plausible inference of the defendants' potential 4
liability. See Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 5
544, 570 (2007). 6 Pitpit advances substantively the same arguments in opposition to the
defendants' motion 7 in this action as Crandall advances in opposition to the motion for judgment
on the pleadings in 8 his action. Those arguments fall short for the same reasons in both cases:
allegations show 9 neither that she was denied a right the Union had "accorded to other
members," Ackley v. W. 10 Conf. of Teamsters, 958 F.2d 1463, 1474 (9th Cir. 1992), nor that
defendants subjected her to the 11 sort of "retaliatory action" that can support a claim under
section 101(a), Casumpang v. Int'l 12 Longshoremen's & Warehousemen's Union, Loc. 142, 269
F.3d 1042, 1057 (9th Cir. 2001). 13 Pitpit's arguments and amendments do not remedy the

shortcomings this court identified 14 in its previous order in her case. The court can conceive of no amendments that would permit her 15 to pursue a viable claim, Pitpit does not identify any allegations she could add, and she does not 16 request leave to amend. For these reasons, the court grants the motion to dismiss without leave 17 to amend. The Clerk's office is instructed to close this case. 18 IT IS SO ORDERED. 19 DATED: June 18, 2025.