

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

Marty W. Crandall v. Teamsters Local No. 150 and Dale Wentz

Crandall v. Teamsters Local No. 150 · No. 2:23-cv-03043-KJM-CSK · Decided June 24, 2025

OPINION

Crandall v. Teamsters Local No. 150

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 | Marty W. Crandall, No. 2:23-cv-03043-KJM-CSK 12 Plaintiff, ORDER 13 v. 14 Teamsters
Local No. 150 and Dale Wentz, 15 Defendants. 16 17 Marty W. Crandall, the plaintiff in this
action, alleges Teamsters Local No. 150 (the 18 | Union) and Dale Wentz, the Union’s principal
officer, ousted him from his position as an elected 19 | Union business agent in violation of federal
and California law. Wentz and the Union argue 20 | Crandall’s claims are legally defective and
seek judgment on the pleadings. As explained in this 21 | order, the court agrees and grants the
motion.

22 | I. BACKGROUND

23 As summarized in a previous order, Crandall alleges he served as an elected Union 24 |
business agent until November 2023, when Wentz told him the Union was dropping him from the
25 | “slate” of candidates running together for reelection the next month. See Prev. Order (Aug.
20, 26 | 2024) at 2, ECF No. 18. Wentz told Crandall he was “moving in a different direction.”
□□ 27 | (quoting Compl. § 25, ECF No. 1). Crandall believes Wentz was retaliating against him
because 28 | Crandall had complained about misconduct by another business agent, Perry Hogan,
who Wentz 1 wanted to protect from any investigations or allegations of wrongdoing. See id. at 2–
3. 2 According to Crandall’s complaint, Wentz waited to surprise him with his exclusion from the
3 slate until just a month before the election, which virtually guaranteed Crandall would not be 4
elected; he would have no time to build support, raise money and otherwise compete before 5
voting began. See id. at 2. Crandall decided not to run. See id. 6 Crandall claims Wentz ousted
another business agent as well—his friend Kelli Pitpit—by 7 similarly excluding her from the
slate at the last minute, again because Wentz wanted to protect 8 Hogan. See, e.g., Compl. ¶¶ 26,
50. She, like Crandall, did not seek reelection. See id. 9 Crandall filed this lawsuit against the
Union and Wentz in December 2023. See generally 10 id. He alleged they violated the Labor
Management Reporting and Disclosure Act of 1959 11 (LMRDA), California and federal laws
prohibiting age discrimination, and California laws 12 prohibiting retaliation against

whistleblowers and terminations in violation of public policy. See 13 Prev. Order at 3. Pitpit filed a similar complaint about a month later. See Pitpit Compl., Case 14 No. 24-321, ECF No. 1.1 The court found the two cases were related and formally related them 15 by court order. See Related Case Order, ECF No. 12. Both cases are pending. 16 In August 2024, the court granted Wentz's and the Union's motion to dismiss Crandall's 17 complaint in part. See Prev. Order at 9–10. The court partially dismissed Crandall's first claim, 18 under the LMRDA, to the extent he was relying on section 609 of that law. See id. at 6–7. The 19 court did not decide whether Crandall had stated a claim under sections 101(a)(1) and (2) of the 20 LMRDA because the parties' briefs did not address those sections. See id. at 7. As for the age 21 discrimination claims, it was impossible to infer from Crandall's allegations that he had been 22 discharged or faced some other "adverse employment action," so the court dismissed those claims 23 as well. See id. at 8. Crandall did not address his whistleblower and wrongful termination 24 claims, so the court dismissed those claims as abandoned. See id. at 9. Finally, the court 25 permitted Crandall to file an amended complaint, but he has not done so, which means his case at 26 this point is proceeding solely on his first claim, under section 101(a) of the LMRDA. 1 Unless otherwise noted, record citations refer to documents filed in Crandall's case, No. 23-3043. 1 In the related case by Kelli Pitpit, Wentz and the Union also moved to dismiss the 2 complaint. The court granted that motion in February 2025. See Pitpit Order, Case No. 24-321, 3 ECF No. 22. As was true of Crandall's complaint, Pitpit's complaint did not permit the court to 4 infer she had been discharged or had suffered an "adverse employment action." See id. at 8–9. 5 This meant she could not assert viable claims of age discrimination, whistleblower retaliation or 6 wrongful termination. See id. at 8–11. In contrast with Crandall's case, however, the parties in 7 Pitpit's case did address sections 101(a)(1) and (2), so the court reached their dispute about those 8 sections. See id. at 7–8. The court dismissed the claim. Pitpit's exclusion from the slate of 9 electors was not an "adverse action" under the LMRDA; the court could not conclude otherwise 10 without deviating "from the LMRDA's text as well as applicable caselaw." Id. at 8. And 11 although Pitpit's exclusion from the slate of candidates "likely diminished her chances of re- 12 election," the court concluded that union members' "LMRDA rights do not include the right to 13 hold or be re-elected to office," but rather the "right to run, period." Id. (citing *Local 115, United 14 Bhd. of Carpenters and Joiners of America v. United Bhd. of Carpenters and Joiners of America*, 15 247 F. Supp. 660, 662 (D. Conn. 1965)). The court permitted Pitpit to amend her complaint, 16 which she has now done. See generally Pitpit First Am. Compl., Case No. 24-321, ECF No. 23. 17 Wentz and the Union now seek judgment on the pleadings in Crandall's case and move to 18 dismiss in Pitpit's case. See Mot., ECF No. 25; Mot. Dismiss, Case No. 24-321, ECF No. 24. 19 The court addresses the defendants' motion to dismiss in the Pitpit case in a concurrently filed 20 order and addresses only Crandall's complaint in this order. As summarized above, the only 21 claim remaining in this case is Crandall's first claim, under section 101(a)(1) and (2) of the 22 LMRDA. Wentz and the Union argue the court's reasoning and its order in Pitpit's case apply 23 just as well

in this one. See Mot. at 8–10. Crandall opposes the motion, ECF No. 27, and 24 defendants have replied, ECF No. 28. The court took the matter under submission without 25 holding a hearing. See Min. Order, ECF No. 33.

26 II. DISCUSSION

27 “After the pleadings are closed—but early enough not to delay trial—a party may move 28 for judgment on the pleadings.” Fed. R. Civ. P. 12(c). A Rule 12(c) motion is in many 1 circumstances “functionally identical” to a motion to dismiss for failure to state a claim under

2 Rule 12(b)(6); when it is, as is true in this case, the same standard of review applies. *Gregg v.*

3 *Hawaii, Dep’t Public Safety*, 870 F.3d 883, 887 (9th Cir. 2017) (quoting *Cafasso v. Gen. 4 Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1054 n.4 (9th Cir. 2011)). Under that standard, a plaintiff 5 must support each claim for relief with factual allegations that, assumed true, allow a plausible 6 inference of the defendant’s potential liability. See *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009); 7 *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). 8 A. Subject Matter Jurisdiction 9 As was true when the court issued its previous order, it is necessary to begin by carefully 10 distinguishing Titles I and IV of the LMRDA. Title I “provides union members with an 11 exhaustive ‘Bill of Rights’ enforceable in federal court.” *Loc. No. 82, Furniture & Piano 12 Moving, Furniture Store Drivers, Helpers, Warehousemen & Packers v. Crowley*, 467 U.S. 526, 13 536 (1984). “Title IV, in contrast, provides an elaborate postelection procedure aimed solely at 14 protecting union democracy through free and democratic elections, with primary responsibility 15 for enforcement lodged with the Secretary of Labor.” *Id.* at 528. Congress intended “to 16 consolidate challenges to union elections with the Secretary of Labor, and to have the Secretary 17 supervise any new elections necessitated by violations of the Act.” *Id.* at 543. But Title IV does 18 not preempt post-election Title I claims if they “do not directly challenge the validity of an 19 election already conducted.” *Id.* at 541 n.16. A claim is preempted when the plaintiff requests 20 relief that will “interfere with the operation of a union pursuant to an already-conducted election” 21 and the plaintiff can obtain relief “for the type of injury he or she claims to have suffered” under 22 Title IV. *Casumpang v. Int’l Longshoremen’s & Warehousemen’s Union*, *Loc. 142*, 269 F.3d 23 1042, 1057 (9th Cir. 2001). For deciding whether a claim is preempted, “the crucial inquiry is 24 whether a union member has been discriminated against in the exercise of his Title I rights.” 25 *Kupau v. Yamamoto*, 622 F.2d 449, 455 (9th Cir. 1980). 26 The distinction between preempted and permissible claims is sometimes difficult to 27 discern. A few cases illustrate the distinction in practice. *Davis v. Turner* is an example of a 28 preempted claim. See generally 395 F.2d 671 (9th Cir. 1968). In *Davis*, the plaintiff was 1 nominated as a delegate to a union convention. *Id.* at 672. His eligibility to serve as an elected 2 delegate was challenged, and after the union sustained this challenge, the plaintiff’s name was 3 removed from the election ballot. *Id.* The plaintiff claimed the union had violated his Title I 4 rights, and he brought a federal complaint in which he asked the district court to invalidate 5 ensuing election. *Id.* The Ninth Circuit affirmed the district court’s order granting summary 6 judgment to the defense in a short and

straightforward application of the preemption rule. Id. 7 Once a union election has concluded, “[n]o individual suit to set aside a union election may be 8 maintained.” Id. 9 But not all post-election claims are preempted. Kupau is an example of a proper post- 10 election claim under Title I. 622 F.2d at 451–52. In Kupau, a union’s election committee 11 determined the plaintiff was eligible to run for a union office. Id. at 452. He won against the 12 incumbent officer. Id. But soon after the election, the incumbent challenged the plaintiff’s 13 eligibility to run. Id. The union reconsidered the plaintiff’s eligibility and decided to disqualify 14 him. Id. The plaintiff and then sued the union, alleging Title I violations and requesting an 15 “injunction order requiring [his] installation” in the office he had won. Id. at 452–53. The Ninth 16 Circuit held this claim was not preempted because the plaintiff’s “Title I claim rest[ed] upon the 17 alleged inconsistency between the union’s conduct before and after the election,” rather than the 18 conduct of the election itself. Id. at 456. The circuit affirmed the district court’s preliminary 19 injunction ordering the plaintiff’s installation. Id. at 451–52. 20 Casumpang is another example of a proper Title I post-election claim. See 269 F.3d at 21 1063. After the plaintiff won an election to be a business agent, the union told him it would need 22 to hold a new election based on its findings about his employment history. Id. at 1045–46. The 23 union also suspended the plaintiff’s status as a member in good standing, which prevented him 24 from running in the new election. Id. at 1047–49. The plaintiff decried the union’s actions as “an 25 attempt to selectively prosecute [him] as a result of [his] election.” Id. at 1047. In his federal 26 lawsuit, he alleged the union had “removed him from his elected position as Business Agent and 27 suspended his membership . . . in retaliation for his exercise of his free-speech activity contrary to 28 the protection guaranteed to union members by Title I.” Id. at 1050 (citation and quotation marks 1 omitted). He requested to be reinstated as a member of the union. Id. at 1051–52. The Ninth 2 Circuit found that Title IV did not preempt the plaintiff’s claims because he did not “seek 3 reinstatement to the position of Maui Division Director, nor declaratory or injunctive relief 4 related to the validity of the 1998 rerun election.” Id. at 1057. Because the requested relief 5 would “not interfere with the operation of the Local pursuant to the outcome of the 1998 rerun 6 election,” the district court had subject matter jurisdiction to hear his claim under Title I. Id. 7 To summarize, the plaintiff’s claims were preempted in Davis because he alleged the 8 union’s actions were erroneous, not discriminatory, and because he sought to overturn the 9 election directly. But the holding in Davis does not show every post-election claim is preempted, 10 as the court’s opinions in Kupau and Casumpang show. Kupau further shows federal district 11 courts have jurisdiction to preserve a plaintiff’s past appointment to a specific position—but only 12 insofar as that plaintiff is actually alleging a discriminatory removal from that position, rather 13 than challenging the election procedure itself. Casumpang shows a plaintiff can avoid 14 preemption by limiting his requests for relief, such as by asking the court to reinstate him as a 15 union member and not to invalidate the union election itself. 16 Applying the lessons from these cases, this court may consider Crandall’s claims only 17 insofar as he alleges discrimination, and only insofar as he asks this court to remedy that 18

discrimination without overturning the election results. See, e.g., *Schonfeld v. Penza*, 477 F.2d 19 899, 904 (2d Cir. 1973) (federal courts have jurisdiction over cases “abridging both Title I and 20 Title IV” where the alleged union action was “part of a purposeful and deliberate attempt . . . to 21 suppress dissent within the union.”). Other claims and allegations—such as Crandall’s 22 allegations about the difficulties of mounting an independent campaign, the practical challenge of 23 getting his name on the ballot or the election-related effects of his removal from the slate of 24 candidates—are preempted by Title IV; any claim making these challenges targets the Union’s 25 election procedures, not discrimination, even if framed by allegations of Wentz’s retaliatory 26 motives. See generally, e.g., *Reich v. Loc. 396, Int’l Bhd. of Teamsters, Chauffeurs, 27 Warehousemen & Helpers of Am., AFL-CIO*, 97 F.3d 1269 (9th Cir. 1996) (adjudicating under 28 Title IV a dispute about a slate of independent candidates and their access to information about 1 union members); see also, e.g., *Bradley v. Am. Postal Workers Union, AFL-CIO*, 962 F.2d 800, 2 802 (8th Cir. 1992) (finding retaliation claims “clearly” preempted because plaintiff alleged he 3 was “deprived of the right to a fair election and the right of participation”). 4 B. Judgment on the Pleadings 5 Crandall relies on two subsections of the LMRDA: 101(a)(1) and (a)(2). Under 6 subsection (a)(1), union members “have equal rights and privileges” within the organization “to 7 nominate candidates, to vote in elections or referendums of the labor organization, to attend 8 membership meetings, and to participate in the deliberations and voting upon the business of such 9 meetings, subject to reasonable rules and regulations in such organization’s constitution and 10 bylaws.” 29 U.S.C. § 411(a)(1). Union members can state a claim under this subsection by 11 alleging they were denied a right “accorded to other members.” *Ackley v. W. Conf. of Teamsters*, 12 958 F.2d 1463, 1474 (9th Cir. 1992) (collecting cases). 13 Subsection (a)(2) grants union members several specific rights, including “the right to 14 meet and assemble freely with other members,” the right “to express any views, arguments, or 15 opinions” and the right “to express at meetings of the labor organization [their] views, upon 16 candidates in an election of the labor organization or upon any business properly before the 17 meeting,” but again in each instance “subject to the organization’s established and reasonable 18 rules pertaining to the conduct of meetings.” 29 U.S.C. § 411(a)(2). Union members can state a 19 claim under this subsection by alleging (1) they “exercised the right to oppose union policies,” 20 (2) were “subjected to retaliatory action” and (3) “the retaliatory action was ‘a direct result of 21 [their] decision to express disagreement’ with the union’s leadership.” *Casumpang*, 269 F.3d 22 at 1058 (quoting *Sheet Metal Workers’ Intern. Ass’n v. Lynn*, 488 U.S. 347, 354 (1989)). 23 To the extent Crandall’s complaint can be interpreted as asserting a discrimination claim, 24 there are only two plausible ways to read it. On the one hand, his complaint can be read as 25 alleging he was wrongly deprived of an elected position before the election had even occurred. 26 See, e.g., *Compl.* ¶ 55 (alleging competing for election was “hopeless and futile” after Crandall 27 was dropped from the slate). As discussed in this court’s order dismissing Pitpit’s similar claims 28 in the related case, the language of subsections (a)(1) and (2) does not imply a union member has 1 a

right to be elected to a particular position within the union's leadership. See Order (Feb. 6, 2025) at 8, Case No. 24-321, ECF No. 22. Cases interpreting subsections 101(a)(1) and (2) show 3 those sections deal instead with direct harms and demotions enacted by the union, such as fines, 4 revocations and suspensions of union memberships, and removals from elected positions after the 5 fact. See *id.* at 7–8 (citing *Lynn*, 488 U.S. at 354; *Casumpang*, 269 F.3d at 1059; and *Salzhandler v. Caputo*, 316 F.2d 445, 448 (2d Cir. 1963)). Crandall could have run for reelection, but did not. 7 His claims about a “hopeless and futile” campaign are preempted challenges to the union's 8 election procedures and rules. 9 On the other hand, Crandall's complaint could be read as alleging he was deprived of a 10 right to be affiliated with the winning slate of candidates. See, e.g., Compl. ¶ 542 (alleging 11 defendants “violated LMRDA by dropping Plaintiff from a nominating slate of Business Agent 12 candidates”). Subsections (a)(1) and (2) do not imply any one union member has a right to be 13 affiliated with other union members who object to that affiliation. See Order (Feb. 6, 2025) at 8, 14 Case No. 24-321, ECF No. 22. Crandall cites no cases interpreting the LMRDA in this way. 15 This court's own searches also have yielded none. The Supreme Court has instead written that 16 the LMRDA allows union leaders to choose who they will work with to manage the union's 17 affairs, even if the choice can sometimes pose “a dilemma for some union employees” who find 18 themselves on the opposite side of a political divide. See *Finnegan*, 456 U.S. at 442. For these 19 reasons, Crandall does not state a claim under subsection 101(a)(1) or (2). 20 Crandall advances two arguments to the contrary. First, he contends the Ninth Circuit has 21 interpreted a different part of section 101, subsection (a)(4), as permitting union members to file 22 lawsuits challenging “a wide array of disadvantageous changes in the workplace.” Opp'n at 7 23 (quoting *Ray v. Henderson*, 217 F.3d 1234 (2000)). The decision he cites, however, was not 24 about union elections or the LMRDA, but rather Title VII of the Civil Rights Act of 1964 and 25 whether an employer had subjected its employee to an “adverse employment action” under that 26 law. See *Ray*, 217 F.3d at 1240 (citing 42 U.S.C. § 2000e-3(a)). The circuit held in *Ray* that the 27 defendants had in fact taken an adverse employment action against the plaintiff: his supervisors 2 The language quoted here is found in the first of the two paragraphs numbered 54. 1 had (1) halted a program that allowed employees to bring concerns to the attention of 2 management, (2) eliminated a flexible start-time policy that had allowed him to start work half an 3 hour early, which had given him time to care for his ailing wife, (3) instituted an arbitrary, 4 burdensome and inconvenient lock-down procedure and (4) reduced the plaintiff's pay. *Id.* at 5 1237–38, 1243–44 & nn.1–2. Crandall makes no similar allegations here. 6 Second, Crandall argues Wentz's actions deprived union members of a “meaningful vote” 7 in the upcoming election in violation of the LMRDA, citing an opinion by the District of 8 Columbia Circuit. Opp'n at 8 (quoting *Bunz v. Moving Picture Mach. Operators' Prot. Union* 9 Loc. 224, 567 F.2d 1117, 1122 (D.C. Cir. 1977)). In *Bunz*, the circuit court interpreted section 10 101(a)(1) as requiring more than “the mere naked right to cast a ballot.” 567 F.2d at 1121 11 (citation and quotation marks omitted). Each member must have not only a vote, but a 12

“meaningful” vote. *Id.* (citation omitted). The circuit held the union had not ensured its 13 members’ votes were “meaningful” because it had conveniently and frivolously reinterpreted its 14 voting rules after the votes had been cast. See *id.* at 1122 (“Like other members who opposed the 15 assessment, [the plaintiff] was allowed to cast a ballot; yet the minority’s ballots were deprived of 16 their effectiveness when the union, by issuing a patently frivolous interpretation of its 17 constitution, raised the percentage of votes required to defeat the assessment from 34% to 51%.”). 18 Crandall does not accuse the Union in this case of any similarly discriminatory action. Even 19 when his allegations are viewed in a favorable light, as they must be in the context of the instant 20 motion, they convey instead that Wentz changed his allegiances at an advantageous moment in an 21 effort to protect his friend, Hogan. The Union’s leadership did not manipulate a vote or take 22 another discriminatory action, unlike the defendants in *Bunz*. 23 Crandall’s arguments about the circuit court’s opinion in *Bunz*—as well as other portions 24 of his opposition—imply he interprets that decision as permitting broad challenges to union 25 election procedures under section 101(a). See, e.g., *Opp’n* at 5 (criticizing use of candidate 26 slates); *id.* at 9 (arguing Union “cleverly avoided collecting emails or text numbers for its 27 members” and “maintained antiquated and error-infested mailing lists”). The court declines to 28 read *Bunz* or section 101(a) so broadly. Doing so would lead to an order beyond this court’s 1 jurisdiction to issue, as explained in the previous section and in this court’s previous order. See 2 *Prev. Order* at 5 (“To the extent plaintiff challenges the Union’s election procedures and the 3 election itself, the court does not have jurisdiction.” (citing *Trbovich v. United Mine Workers of 4 Am.*, 404 U.S. 528, 532 (1972))). 5 Finally, in support of his arguments about “meaningful” votes, Crandall cites the Seventh 6 Circuit’s opinion in *McGinnis v. Local Union 710, International Brotherhood of Teamsters*, a 7 case about a union bylaw provision that forced out-of-town members to vote in person rather than 8 by mail. See *Opp’n* at 10 (citing 774 F.2d 196 (7th Cir. 1985)). “The practical effect” of this 9 bylaw was “similar to the imposition of a graduated poll tax upon Union members living outside 10 the Chicago area.” *Id.* at 201. In the Seventh Circuit’s view, the bylaw provision violated section 11 101(a)(1). See *id.* at 201–03. Crandall does not explain why an in-person voting rule is similar to 12 Wentz’s decision to knock Crandall off his slate. Nor does Crandall explain how Wentz’s actions 13 were “discriminatory” in the relevant sense. *McGinnis* does not offer any insights about the 14 potential viability of Crandall’s claims. 15 In sum, Crandall’s allegations show neither that he was denied a right the Union had 16 “accorded to other members,” *Ackley*, 958 F.2d at 1474, nor that defendants subjected him to the 17 sort of “retaliatory action” that can support a claim under section 101(a), *Casumpang*, 269 F.3d 18 at 1058.

19 III. CONCLUSION

20 The motion for judgment on the pleadings (ECF No. 25) is granted. The Clerk’s office is 21 instructed to close the case. 22 IT IS SO ORDERED. 23 DATED: June 18, 2025.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-cal/2025/marty-w-crandall-v-teamsters-local-no-150-and-dale-wentz-dahb30is>