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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

KEVIN E. BYBEE, JOHN R. SCHOLZ,
SALLY A. DILL, and VICTOR H.
DRUMHELLER, 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,

vs.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, a labor organization; JAMES
HOFFA, in his official capacity as the General
President of the International Brotherhood of
Teamsters; PETER FINN, in his official
capacity as the 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 AIRLINES,
INC., a Delaware corporation; UNITED
AIRLINES HOLDINGS, INC., a Delaware
corp.; the UNITED AIRLINES HOLDINGS'
ADMINISTRATIVE COMMITTEE, named
fiduciary of The Continental Retirement Plan.

Defendants.

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

**NOTICE OF APPEAL AND F.R.A.P. R. 3.2
REPRESENTATION STATEMENT**

Judge: The Honorable James Donato
Courtroom 11, 19th Floor

NOTICE OF APPEAL

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2 Notice is hereby given that all Plaintiffs in the above-entitled case, Kevin E. Bybee, John
3 R. Scholz, Sally A. Dill, and Victor H. Drumheller, as individuals and plan participants in The
4 Continental Retirement Plan, on behalf of themselves and all others similarly situated and on
5 behalf of The Continental Retirement Plan, appeal to the United States Court of Appeals for the
6 Ninth Circuit from the Final Judgment entered by the United States District Court (“District
7 Court”) in this action on August 2, 2022, ECF Docket #149, and all interlocutory orders prior to
8 entry of such judgment, including but not limited to the District Court’s Order Granting
9 Defendants’ Motion to Dismiss Plaintiffs’ Second Amended Complaint entered on August 1,
10 2022, ECF Docket # 148.
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13 The District Court case was filed on October 31, 2018 and assigned District Court case
14 number 3:18-cv-06632. This appeal is not a cross appeal and there have not been any previous
15 appeals in this case.
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17 A Federal Rule of Appellate Procedure Rule 3-2 Representation Statement is attached.

18 Date: August 22, 2022

Respectfully submitted,

19 By: /s/ Jane C. Mariani
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Attorney for All Appellants-Plaintiffs

F.R.A.P. RULE 3-2 REPRESENTATION STATEMENT

1
2 1. Appellants are all Plaintiffs, Kevin E. Bybee, John R. Scholz, Sally A. Dill, and Victor H.
3 Drumheller, and all Appellants are represented by:

4 Jane C. Mariani, State Bar No. 313666 Telephone No.: (415) 203-2453
5 LAW OFFICE OF JANE C. MARIANI Email: jcm@marianiadvocacy.com
6 584 Castro Street, #687
San Francisco, CA 94114

7 2. Appellee Defendants UNITED AIRLINES, INC., a Delaware corporation; UNITED
8 AIRLINES HOLDINGS, INC., a Delaware corp.; UNITED AIRLINES HOLDINGS'
9 ADMINISTRATIVE COMMITTEE, named fiduciary of The Continental Retirement
Plan, are represented by:

10 Chris A. Hollinger, State Bar No. 147637 Telephone No.: (415) 984-8700
11 O'MELVENY & MYERS LLP Facsimile: (415) 984-8701
12 Two Embarcadero Center, 28th Floor Email: chollinger@omm.com
San Francisco, California 94111

13 Robert A. Siegel, State Bar No. 64604 Telephone No.: (213) 430-6000
14 O'MELVENY & MYERS LLP Facsimile: (213) 430-6407
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Los Angeles, CA 90071

15 Karen L. Gillen, N.Y. SBN 2963338. Telephone No.: (212) 728-5866
16 O'MELVENY & MYERS LLP Email: kgillen@omm.com
7 Times Square, N.Y., N.Y. 10036

17 3. Appellees Defendants INTERNATIONAL BROTHERHOOD OF TEAMSTERS, a labor
18 organization; JAMES HOFFA, in his official capacity as the General President of the
19 International Brotherhood of Teamsters; PETER FINN, in his official capacity as the
20 Principal Officer of Teamsters Local 856; CHRISTOPHER GRISWOLD, in his official
21 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, are represented by:

22 Susan K. Garea, State Bar No. 260407 Telephone No.: (510) 625-9700
23 BEESON, TAYER & BODINE, APC Facsimile: (510) 625-8275
24 483 Ninth Street, 2nd Floor Email: SGarea@beesontayer.com
Oakland, CA 94607-4051

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