

APPENDIX A

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 20-22190-Civ-COOKE

EDWARD SHANE WEST-EL,

Plaintiff,

vs.

ARMANDO VASQUEZ,
Assistant Vice President,

Defendant.

ORDER DISMISSING CASE WITHOUT PREJUDICE

THIS MATTER is before me on a *sua sponte* review of the record. Plaintiff Edward Shane West-El filed this *pro se* action on May 26, 2020. On June 10, 2020, the Court Ordered Plaintiff to execute and return an Application to Proceed in District Court Without Prepaying Fees or Costs by June 24, 2020. ECF No. 8. On the same day, the Clerk of Court mailed the financial form and a copy of the Court's Order to Plaintiff. ECF No. 9. Plaintiff was advised that failure pay the fee or submit the required application will result in dismissal of this action. ECF No. 8. Rather than submit the filing fee or the financial form, Plaintiff filed a notice of appeal and a variety of affidavits contesting the Court's Order. On July 21, 2020, the United States Court of Appeals for the Eleventh Circuit dismissed Plaintiff's appeal for want of prosecution because Plaintiff did not pay the filing fee to the district court.

Considering the procedural history noted above and Plaintiff's failures to pay the filing fee and comply with the Court's Order, the Court finds dismissal of this action without prejudice is appropriate.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), this case is **DISMISSED *without prejudice***. The Clerk is directed to **CLOSE** this case. All pending motions, if any are **DENIED *as moot***.

APPENDIX B

PAGE 1 (CON'T NEXT PAGE) 1153-0001
ELLER ITO STEVEDORING COMPANY LLC
1007 N. AMERICA WAY STE 501
MIAMI FL 33132

Earnings Statement



Period Beginning: 01/16/2020
Period Ending: 01/22/2020
Pay Date: 01/24/2020

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 0
FL: No State Income Tax

EDWARD WEST
17701 NW 32ND AVE
MIAMI GARDENS FL 33056

Earnings	rate	hours	this period	year to date
Overtime	41.2500	1.00	41.25	963.00
Overtime	42.0000	1.00	42.00	
Overtime	54.0000	14.00	756.00	
Double Prm	70.0000	1.00	70.00	413.75
Premium	34.3750	9.00	309.38	2,050.31
Premium	35.0000	8.00	280.00	
Regular				806.50
Double Regular				166.00
Gross Pay			\$1,498.63	4,399.56

Net Check **\$975.69**

Your federal taxable wages this period are
\$1,498.63

Deductions	Statutory		
	Federal Income Tax	-232.66	627.45
	Social Security Tax	-92.91	272.77
	Medicare Tax	-21.73	63.79
	Other		
	Ila Cope	-1.10	3.50
	Ila National	-9.93	31.46
	Local Dues 1416	-104.91	281.52
	Pan American	-49.40	150.82
	Transamerica	-10.30	41.20
	Garnishment		494.03
	Local Dues 1526		30.25
	Local 1526 Strk		37.82
	LOCAL 1416 STRK		126.15
	Misc		-1,533.62
Net Pay		\$975.69	

Other Benefits and Information

	this period	total to date
Union Dues	115.94	510.70
All Hours		266.50

Important Notes

SHORTCUTS CUT LIFE SHORT, SAFETY KEEPS LIFE
MOVINGFORWARD

SAFETY MESSAGE: YOUR LIFE IS OUR HIGHEST PRIORITY

Temp Cost Number /

Earnings Desc	rate	hours	this period
1103 1 -20-2020			
Overtime	0.0000	14.00	756.00
1303 1 -19-2020			
Overtime	0.0000	1.00	41.25
1303 1 -19-2020			
Premium	0.0000	9.00	309.38
1306 1 -18-2020			
Double Prm	0.0000	1.00	70.00
1306 1 -18-2020			
Overtime	0.0000	1.00	42.00

APPENDIX C

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call.uscourts.gov

July 21, 2020

Clerk - Southern District of Florida
U.S. District Court
400 N MIAMI AVE
MIAMI, FL 33128-1810

Appeal Number: 20-12237-A
Case Style: Edward West-El v. Armando Vasquez
District Court Docket No: 1:20-cv-22190-MGC

The enclosed copy of the Clerk's Entry of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Denise E. O'Guin, A
Phone #: (404) 335-6188

Enclosure(s)

DIS-2 Letter and Entry of Dismissal

APPENDIX D

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-12237-A

EDWARD SHANE WEST-EL,

Plaintiff - Appellant,

versus

ARMANDO VASQUEZ,
Assistant Vice President,

Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of Florida

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Edward Shane West-El has failed to pay the filing and docketing fees to the district court within the time fixed by the rules., effective July 21, 2020.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Denise E. O'Guin, A, Deputy Clerk

FOR THE COURT - BY DIRECTION

APPENDIX E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 20-22190-Civ-COOKE

EDWARD SHANE WEST-EL,

Plaintiff,

vs.

ARMANDO VASQUEZ,
Assistant Vice President,

Defendant.

ORDER OF INSTRUCTIONS TO PRO SE LITIGANTS

THIS MATTER is before the Court upon an independent review of the record. *Pro se* litigants, like all litigants, must comply with the rules of civil procedure and the Court's orders. It is therefore **ORDERED** that the *pro se* Plaintiff shall comply with all Federal Rules of Civil Procedure and Local Rules for the Southern District of Florida. The Local Rules can be obtained from the Clerk of the Court. Failure to comply with the federal and local rules may result in sanctions being imposed against the *pro se* litigant. Some of the requirements of these rules are as follows:

1. Every pleading, motion, memorandum or other paper required and/or permitted to be filed with the Court must be filed directly to the Clerk of the Court. No letters, pleadings, motions or other documents may be sent directly to the District Judge or Magistrate Judge's chambers. Any papers improperly delivered directly to chambers will be returned and disregarded by the Court.

2. All papers filed must include the case style, case number, and appropriate title in the format required by the Local Rules. *See Sample Form Following Local Rule 5.1*. The signature block of each pleading must also contain the *pro se* litigant's name, address and telephone number.

3. All papers filed with the Clerk of Court must also be served on the opposing counsel, or the opposing side if the opposing side is not represented by counsel. Each filing must include a certificate of service indicating the name and address of the attorney served.

APPENDIX F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 20-22190-Civ-COOKE

EDWARD SHANE WEST-EL,

Plaintiff,

vs.

ARMANDO VASQUEZ,
Assistant Vice President,

Defendant.

ORDER OF INSTRUCTIONS TO *PRO SE* LITIGANTS

THIS MATTER is before the Court upon an independent review of the record. *Pro se* litigants, like all litigants, must comply with the rules of civil procedure and the Court's orders. It is therefore **ORDERED** that the *pro se* Plaintiff shall comply with all Federal Rules of Civil Procedure and Local Rules for the Southern District of Florida. The Local Rules can be obtained from the Clerk of the Court. Failure to comply with the federal and local rules may result in sanctions being imposed against the *pro se* litigant. Some of the requirements of these rules are as follows:

1. Every pleading, motion, memorandum or other paper required and/or permitted to be filed with the Court must be filed directly to the Clerk of the Court. No letters, pleadings, motions or other documents may be sent directly to the District Judge or Magistrate Judge's chambers. Any papers improperly delivered directly to chambers will be returned and disregarded by the Court.

2. All papers filed must include the case style, case number, and appropriate title in the format required by the Local Rules. *See Sample Form Following Local Rule 5.1.* The signature block of each pleading must also contain the *pro se* litigant's name, address and telephone number.

3. All papers filed with the Clerk of Court must also be served on the opposing counsel, or the opposing side if the opposing side is not represented by counsel. Each filing must include a certificate of service indicating the name and address of the attorney served.

APPENDIX G

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 20-22190-Civ-COOKE

EDWARD SHANE WEST-EL,

Plaintiff,

vs.

ARMANDO VASQUEZ,
Assistant Vice President,

Defendant.

ORDER REQUIRING FILING OF
APPLICATION TO PROCEED *IN FORMA PAUPERIS*

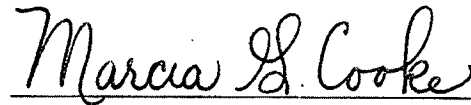
THIS MATTER is before me on a *sua sponte* review of the record. Plaintiff Edward Shane West-El filed this *pro se* action on May 26, 2020. Without passing judgment on the ultimate determination of the merits of Plaintiff's claims, the Court observes that Plaintiff has not submitted the initial filing fee of \$400.00 or an Application to Proceed in District Court Without Prepaying Fees or Costs (Form AO 240)¹.

Accordingly, Plaintiff is hereby **ORDERED** to execute and return an Application to Proceed in District Court Without Prepaying Fees or Costs. Plaintiff shall have until **June 24, 2020**, to submit the application. **Petitioner is advised that failure pay the fee or submit the required application will result in dismissal of this action.** There shall be NO SERVICE OF PROCESS until further order of the Court.

The Clerk of Court is **DIRECTED** to forward the appropriate financial form to the Plaintiff together with a copy of this Order.

¹ The Court acknowledges that Plaintiff has submitted an affidavit affirming that he does "not have, or possess, any gold or silver coins." ECF No. 3.

DONE and ORDERED in chambers at Miami, Florida, this 10th day of June 2020.

A handwritten signature in cursive script, reading "Marcia G. Cooke", written in black ink.

MARCIA G. COOKE

United States District Judge

Copies furnished to:
Edward Shane West-El, pro se

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call1.uscourts.gov

July 08, 2020

Edward Shane West-El
17701 NW 32ND AVE
MIAMI GARDENS, FL 33056

Appeal Number: 20-12237-A
Case Style: Edward West-El v. Armando Vasquez
District Court Docket No: 1:20-cv-22190-MGC

You are receiving this notice because you have not completed the below required filing(s)
pursuant to 11th Cir. Rule 26.1-1:

Certificate of Interested Persons and Corporate Disclosure Statement (CIP) pursuant to 11th Cir.
R. 26.1-1(a)

Pursuant to 11th Cir. R. 26.1-5(c), failure to comply with these Rules may result in dismissal of
the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or
other sanctions on counsel, the party, or both.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Denise E. O'Guin, A/ so
Phone #: (404) 335-6188

Enclosure(s)

CIP Deficiency Letter

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT (CIP)

_____ vs. _____ Appeal No. _____
11th Cir. R. 26.1-1(a) (enclosed) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

(please type or print legibly):

11th Cir. R. 26.1-1 Certificate of Interested Persons and Corporate Disclosure Statement (CIP): Filing Requirements.

(a) Paper or E-Filed CIPs.

- (1) Every party and amicus curiae (“filers”) must include a certificate of interested persons and corporate disclosure statement (“CIP”) within every motion, petition, brief, answer, response, and reply filed.
- (2) In addition, appellants and petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court.
- (3) Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court, regardless of whether appellants and petitioners have filed a CIP. If appellants and petitioners have already filed a CIP, appellees, intervenors, respondents, and all other parties may file a notice either indicating that the CIP is correct and complete, or adding any interested persons or entities omitted from the CIP.

(b) Web-based CIP. On the same day any filer represented by counsel first files its paper or e-filed CIP, that filer must also complete the court’s web-based CIP at www.ca11.uscourts.gov. At the website, counsel for filers will log into the web-based CIP where they will enter stock (“ticker”) symbol information for publicly traded corporations to be used by the court in electronically checking for recusals. If there is no publicly traded corporation involved, and thus no stock ticker symbol to enter, the filer still must complete the web-based CIP by entering “nothing to declare.”

Failure to complete the web-based CIP will delay processing of the motion, case, or appeal, and may result in other sanctions under 11th Cir. R. 26.1-5(c).

The e-filing of a CIP by an attorney registered to use the ECF system does not relieve that attorney of the requirement to complete and keep updated the web-based CIP. Pro se filers (except attorneys appearing in particular cases as pro se parties) are not required or authorized to complete the web-based CIP.

11th Cir. R. 26.1-2 CIP: Contents.

(a) General. A CIP must contain a complete list of all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of the particular case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party’s stock, and other identifiable legal entities related to a party.

In criminal and criminal-related appeals, the CIP must also disclose the identity of any victims. In bankruptcy appeals, the CIP must also identify each debtor, the members of the creditor’s committee, any entity which is an active participant in the proceedings, and other entities whose stock or equity value may be substantially affected by the outcome of the proceedings.

- must clearly identify the person or entity that has been added, deleted, corrected, or otherwise changed; and
- if represented by counsel, must update the web-based CIP to reflect the amendments on the same day the amended CIP is filed.

If an amended CIP that deletes a person or entity is filed, every other party must, within 10 days after the filing of the amended CIP, file a notice indicating whether or not it agrees that the deletion is proper.

11th Cir. R. 26.1-5 Failure to Submit a CIP or Complete the Web-based CIP.

(a) The court will not act upon any papers requiring a CIP, including emergency filings, until the CIP is filed and the web-based CIP is completed, except to prevent manifest injustice.

(b) The clerk is not authorized to submit to the court any brief, petition, answer, motion, response, or reply that does not contain the CIP, or any of those papers in a case or appeal where the web-based CIP has not been completed, but may receive and retain the papers pending supplementation of the papers with the required CIP and pending completion of the web-based CIP.

(c) The failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both.

Cross-Reference: FRAP 5, 5.1, 21, 27, 28, 29, 35

APPENDIX H

Eller I.T.O.

Form W-4 (2019)

Future developments. For the latest information about any future developments related to Form W-4, such as legislation enacted after it was published, go to www.irs.gov/FormW4.

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. You may claim exemption from withholding for 2019 if both of the following apply.

- For 2018 you had a right to a refund of all federal income tax withheld because you had no tax liability, and
- For 2019 you expect a refund of all federal income tax withheld because you expect to have no tax liability.

If you're exempt, complete only lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2019 expires February 17, 2020. See Pub. 505, Tax Withholding and Estimated Tax, to learn more about whether you qualify for exemption from withholding.

General Instructions

If you aren't exempt, follow the rest of these instructions to determine the number of withholding allowances you should claim for withholding for 2019 and any additional amount of tax to have withheld. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

You can also use the calculator at www.irs.gov/W4App to determine your tax withholding more accurately. Consider

using this calculator if you have a more complicated tax situation, such as if you have a working spouse, more than one job, or a large amount of nonwage income not subject to withholding outside of your job. After your Form W-4 takes effect, you can also use this calculator to see how the amount of tax you're having withheld compares to your projected total tax for 2019. If you use the calculator, you don't need to complete any of the worksheets for Form W-4.

Note that if you have too much tax withheld, you will receive a refund when you file your tax return. If you have too little tax withheld, you will owe tax when you file your tax return, and you might owe a penalty.

Filers with multiple jobs or working spouses. If you have more than one job at a time, or if you're married filing jointly and your spouse is also working, read all of the instructions including the instructions for the Two-Earners/Multiple Jobs Worksheet before beginning.

Nonwage income. If you have a large amount of nonwage income not subject to withholding, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you might owe additional tax. Or, you can use the Deductions, Adjustments, and Additional Income Worksheet on page 3 or the calculator at www.irs.gov/W4App to make sure you have enough tax withheld from your paycheck. If you have pension or annuity income, see Pub. 505 or use the calculator at www.irs.gov/W4App to find out if you should adjust your withholding on Form W-4 or W-4P.

Nonresident alien. If you're a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

Specific Instructions

Personal Allowances Worksheet

Complete this worksheet on page 3 first to determine the number of withholding allowances to claim.

Line C. Head of household please note: Generally, you may claim head of household filing status on your tax return only if you're unmarried and pay more than 50% of the costs of keeping up a home for yourself and a qualifying individual. See Pub. 501 for more information about filing status.

Line E. Child tax credit. When you file your tax return, you may be eligible to claim a child tax credit for each of your eligible children. To qualify, the child must be under age 17 as of December 31, must be your dependent who lives with you for more than half the year, and must have a valid social security number. To learn more about this credit, see Pub. 972, Child Tax Credit. To reduce the tax withheld from your pay by taking this credit into account, follow the instructions on line E of the worksheet. On the worksheet you will be asked about your total income. For this purpose, total income includes all of your wages and other income, including income earned by a spouse if you are filing a joint return.

Line F. Credit for other dependents. When you file your tax return, you may be eligible to claim a credit for other dependents for whom a child tax credit can't be claimed, such as a qualifying child who doesn't meet the age or social security number requirement for the child tax credit, or a qualifying relative. To learn more about this credit, see Pub. 972. To reduce the tax withheld from your pay by taking this credit into account, follow the instructions on line F of the worksheet. On the worksheet, you will be asked about your total income. For this purpose, total

Separate here and give Form W-4 to your employer. Keep the worksheet(s) for your records.

Form W-4 Department of the Treasury Internal Revenue Service		Employee's Withholding Allowance Certificate Whether you're entitled to claim a certain number of allowances or exemption from withholding is subject to review by the IRS. Your employer may be required to send a copy of this form to the IRS.		OMB No. 1545-0074 2019
1 Your first name and middle initial Edward S		Last name West		2 Your social security number 595-14-6190
Home address (number and street or rural route) c/o 17701 NW 32 Ave		3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. Note: If married filing separately, check "Married, but withhold at higher Single rate."		
City or town, state, and ZIP code Miami, FL 33056		4 If your last name differs from that shown on your social security card, check here. You must call 800-772-1213 for a replacement card. <input type="checkbox"/>		
5 Total number of allowances you're claiming (from the applicable worksheet on the following pages)		6 \$		
7 I claim exemption from withholding for 2019, and I certify that I meet both of the following conditions for exemption. <ul style="list-style-type: none"> • Last year I had a right to a refund of all federal income tax withheld because I had no tax liability, and • This year I expect a refund of all federal income tax withheld because I expect to have no tax liability. If you meet both conditions, write "Exempt" here.				
Under penalties of perjury, I declare that I have examined this certificate and, to the best of my knowledge and belief, it is true, correct, and complete.				
Employee's signature (This form is not valid unless you sign it.)		Date		
8 Employer's name and address (Employer: Complete boxes 8 and 10 if sending to IRS and complete boxes 8, 9, and 10 if sending to State Directory of New Hires.)		9 First date of employment		10 Employer identification number (EIN)

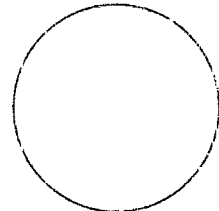
APPENDIX I

122.2
627.98
376.79
125.50
125.59

1255.90
1387.56
392.00
472
197.13

18
16

32
1255.90
387.56 (7/5) 10.5 = 42.5
392.00 (7/12) 11+8 = 19
472 (7/19) 14+9+8 = 31
197.13 (7/26) 8+14 = 22
193.18
304.13
14



HOLD AT AN ANGLE TO VIEW
ADP WATERMARKS

☐ THIS SIDE OF DOCUMENT CONTAINS ADP WATERMARKS. HOLD AT AN ANGLE TO VIEW. ☐

11:00 P.M. is an 8 hour guarantee to apply to a pay scale of 6 hours overtime a 2 hours double overtime until 8:00 A.M. Overtime rate shall apply past 8:00 A.M. Meal hours set at 3:00 A.M. to 4:00 A.M. If the 11:00 PM start breaks at 8:00 AM on a holiday or Sunday there will be an 8 hour guarantee.

Starts with applicable guarantees and wage rates thereafter the 9:00 P.M. start and the 11:00 P.M. start time on Master Contract Vessels are stand alone times which will stay on overtime until completion except for Sundays and holidays.

5. (B) Gangs ordered for 7:00 A.M. through 3:00 P.M. starts must be ordered by 5:00 P.M. the previous day. Gangs for 7:00 P.M. 9:00 P.M. and 11:00 P.M. starts must be ordered by 1:00 P.M. the same day.

In the event weather or mechanical failure after 7:00 P.M. makes it impossible for night gangs to finish a ship scheduled to complete before 8:00 A.M., the night gangs may be released and ordered back to shipside for a subsequent daytime start for work on that ship only and the Union is to be notified as soon as the hall opens. Gangs ordered for 7:00 A.M. through 10:00 A.M. starts may be cancelled or modified no later than 5:00 P.M. the previous day.

Gangs ordered for 1:00 P.M. starts may be modified no later than 7:00 A.M. Gangs ordered for 3:00 P.M. starts may be modified or cancelled no later than 6:00 A.M. Gangs ordered for 7:00 P.M., 9:00 P.M. or 11:00 P.M. starts may be cancelled no later than 1:00 P.M., but no reduction in the number of gangs so ordered for a particular ship may be made.

5. (B) (1) Roll gang ship to ship to be able to roll from line to line when there is a vessel sharing alliance. This is based on a two (2) ship maximum. Seaboard would have a maximum of a three (3) vessel roll.

5. (C) Provided full gangs remain subject to the call of their employer, labor ordered to work in gangs for work on Sundays and Holidays shall be paid a minimum of eight (8) hours time. Gangs ordered to work at other times shall receive four (4) hours pay in the morning and after any meal hour, shall be guaranteed four (4) hours except small boat.

5. (D) Stripping and Stuffing and labor working in container trailer lots shall be guaranteed eight (8) hours except those working against a ship.

5. (E) Gangs ordered to work for 7:00 A.M., 8:00 A.M. or 10:00 A.M. starts may be modified no later than 6:00 A.M. Gangs ordered to work 1:00 P.M. starts may be modified no later than 7:00 A.M. Gangs ordered for 3:00 P.M. starts may be modified or cancelled no later than 6:00 A.M. when it appears that weather conditions will prevent commencement of work as planned. Such modifications to 1:00 P.M. and 3:00 P.M. shall be a firm non-changeable order.

5. (F) The phrase "laborers/gang ordered" as used herein is understood to apply only to new orders. It is not considered a new order when employment is interrupted solely do to meal periods or when men are shifted between job classifications or job locations by an employer. In the event gang/laborers are not kept on the payroll but are released by an employer and ordered back for a subsequent starting time, it is considered a new order.

5. (G) Excluding 9:00 P.M. and 11:00 P.M. start, any work remaining to be done at 7:00 A.M. after gangs worked through the night from 7:00 P.M. the previous evening, shall normally be done by fresh gangs called out to start work at 8:00 A.M. as replacements for the night gangs. However, the night gang shall continue to work beyond 7:00 A.M. whenever:

a) Qualified fresh gangs are not available or the work remaining to be done at 7:00 A.M. is less than four (4) hours.

b) When night gangs continue past 7:00 A.M. they shall be guaranteed four (4) hours, except on Sundays and Holidays, they shall be guaranteed eight (8) hours starting at 8:00 A.M.

The Law of void Judgments and Decisions

Supreme Court Decisions on Void Orders

A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally required due process notice and an opportunity to be heard. **Earle v. McVeigh**, 91 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). **Prather vLoyd**, 86 Idaho 45, 382 P2d 910.

The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. **Hanson v Denckla**, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment are themselves regarded as invalid. **30A Am Jur Judgments " 44, 45.**

It is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court, and an opportunity to be heard. **Renaud v. Abbott**, 116 US 277, 29 L Ed 629, 6 S Ct 1194.

Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. **Earle v McVeigh**, 91 US 503, 23 L Ed 398.

No Opportunity to Be Heard

A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. **Sabariego v Maverick**, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal.

"A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include **Kalb v. Feuerstein** (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; **Ex parte Rowland** (1882) 104 U.S. 604, 26 L.Ed. 861:

"A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its want of vitality is a dead limb upon the judicial tree, which should be lopped off, if the power to do so exists." **People v. Greene**, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448]. "If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1Freeman on Judgments, 120c.) An illegal order is forever void.