

No. 24-643

In the Supreme Court of the United States

UNION PACIFIC RAILROAD COMPANY,
Petitioner,

v.

ROBERT ANTHONY ZARAGOZA,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

RESPONDENT'S BRIEF IN OPPOSITION

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February 12, 2025

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QUESTION PRESENTED

Is *American Pipe* tolling limited to actual members of the putative or certified class, or does it extend to non-class members so long as they were not “unambiguously excluded” from the class?

REASONS FOR DENYING THE PETITION

Union Pacific's petition in this case mirrors that of its petition in two other cases. *See* Pet. for Writ of Cert., *Union Pac. R.R. Co. v. DeFries*, No. 24-630 (Dec. 12, 2024); Pet. for Writ of Cert., *Union Pac. R.R. Co. v. DeGeer*, No. 24-610 (Dec. 2, 2024). All three petitions arise from the decertification of the same underlying class action. *See Harris v. Union Pac. R.R. Co.*, 953 F.3d 1030 (8th Cir. 2020). And each petition presents the same issue: whether *American Pipe* tolling extends to color-vision class members' individual claims. The respondents have filed one consolidated brief in opposition to the three petitions, which is being filed on the docket in the lead case—*DeFries*. *See* No. 24-630.

CONCLUSION

This Court should deny the petition for certiorari.

February 12, 2025

Respectfully submitted,

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