

No. 24-643

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**In the Supreme Court of the United States**

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UNION PACIFIC RAILROAD COMPANY,  
*Petitioner,*

v.

ROBERT ANTHONY ZARAGOZA,  
*Respondent.*

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

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**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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