

No. 26-_____

IN THE
Supreme Court of the United States

DANIEL B. MARTIN,
Petitioner,

v.

MASTERS MATES & PILOTS ET AL.,
Respondents.

**On Petition for Writ of Certiorari to the
United States Court of Appeals for the Ninth
Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The questions presented are:

When 42 U.S. Code § 1985(3) provides protection to, “any person or class of persons” against a conspiracy against his rights, does it include the Petitioner, a merchant mariner who declined a COVID-19 vaccine?

Are this Court’s methods of determining who falls within the sweeping language of, “any person or class of persons” found in 42 U.S. Code § 1985(3) outdated and in need of revision?

Does the National Labor Relations Act preclude a claim of assault under the state of California’s tort laws?

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below:

- Daniel B. Martin

Respondents and Defendants-Appellees below:

- International Organization of
Masters, Mates & Pilots
- Matson Navigation Company, Inc.

CORPORATE DISCLOSURE STATEMENT

The Petitioner is an individual. There are no corporate petitioners.

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

Daniel B. Martin, v. International Organization of Masters, Mates, & Pilots, et al., No. 25-6043 (9th Cir.)(opinion issued June 10, 2026).

Daniel B. Martin, v. Masters, Mates, & Pilots, et al., No. 25-cv-04382-RFL (N. D. California)(opinion issued August 25, 2025).

Daniel B. Martin, v. International Organization of Masters, Mates, & Pilots, et al., No. 25-829 (9th Cir.)(opinion issued June 10, 2026).

Daniel B. Martin, v. Masters, Mates, & Pilots, et al., No. 25-cv-04859-RFL (N. D. California)(opinion issued January 7, 2025).

There are no additional proceedings in any court that are directly related to this case within the meaning of this Court's Rule 14.1(b)(iii).

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Daniel B. Martin respectfully requests of this Court a writ of certiorari to the United States Court of Appeals for the Ninth Circuit.

OPINIONS BELOW

The Ninth Circuit's Opinions (Pet.App.24a, 37a) are unpublished but are available at *Martin v. Int'l Org. of Masters, Mates & Pilots*, No. 25-6043, 2026 LX 262945 (9th Cir. June 10, 2026) and *Martin v. Int'l Org. of Masters*, No. 25-829, 2026 LX 352283 (9th Cir. June 10, 2026).

The District Court for the Northern District of California's January 7, 2025, decision below is available at *Martin v. Masters*, 761 F. Supp. 3d 1236 (N.D. Cal. 2025). Its subsequent opinion is unpublished, but is available at *Martin v. Masters, Mates, & Pilots*, No. 25-cv-04382-RFL, 2025 LX 342616 (N.D. Cal. Aug. 25, 2025).

JURISDICTION

The Court of Appeals entered judgment on June 10, 2026. (Pet.App.24a, 37a). This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

Section 9(a) of the Labor Management Relations Act (LMRA), 29 U.S.C. § 159(a) states:

**(a)Exclusive representatives;
employees' adjustment of
grievances directly with employer**

Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: Provided, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: Provided further, That the bargaining representative has been given opportunity to be present at such adjustment.

42 U.S. Code § 1985(3) states:

(3)Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person

or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

STATEMENT OF THE CASE

A. Factual Background

Petitioner Daniel Martin is a United States Coast Guard-licensed Deck Officer with United States Merchant Marine who was available for work on union-contracted vessels out of the Port of Oakland. Pet.App.3a. As a merchant mariner, he depended on the income from a single deployment which could last for several months as income for the entire year. Pet.App.4a. Petitioner had an established relationship with Respondent Matson Navigation Company, Inc. (“Matson”) which operated merchant vessels under contract with Respondent Masters, Mates and Pilots (“MM&P”), a maritime union. Pet.App.3a.

Petitioner was eligible for at least six voyages dispatching between April and May of 2022 and was next in line for eligibility according to standard operating procedures. Pet.App.4a. He was eligible for retirement after one more voyage, which he planned to take. *Id.*

Respondents together agreed to implement a policy that no MM&P member could dispatch to a Matson vessel in any capacity unless that member had received one of the available COVID-19 vaccines. Pet.App.4a-5a.

Petitioner objected in writing and requested a religious accommodation, which Matson rejected without explanation. He grieved his exclusion from work, and MM&P denied his grievance. Pet.App.5a-6a.

Petitioner was unable to dispatch on any Matson vessel as he had in the past, amounting to the loss of at least a year's worth of income. Pet.App.4a.

Other members of Matson's operations who worked in close proximity to one another and to MM&P on the same ships and ports were able to work without receiving a vaccination. Pet.App.8a. It was, furthermore, common knowledge at the time of the implementation of the requirement that the vaccines available could not reliably prevent infection and spread of COVID-19. *Id.* Given the lack of a legitimate health justification for the vaccination requirement in the first place and its uneven enforcement among those working on Matson's ships, the only remaining explanation for the vaccination requirement was animus toward those who had not taken the vaccine. Pet.App.9a.

B. Proceedings in the District Court

Petitioner brought his complaint in the Northern District of California on September 22, 2023 against Matson and the MM&P. His Third Amended Complaint alleged medical battery under state law and conspiracy against rights under 42 U.S.C. § 1985(3). Pet.App.1a.

District Court Judge Rita F. Lin granted in part and denied in part as moot the motions to dismiss the conspiracy against rights claim. She dismissed the medical battery claim without prejudice for refile in state court. Pet.App.13a.

Regarding the federal conspiracy against rights claim, Judge Lin found that “[w]hile the Supreme

Court has not defined the parameters of a ‘class’ beyond race[...]lower courts must [...] exercise restraint in extending § 1985(3) beyond racial prejudice[.]” Pet.App.17a-18a. (citations omitted). She continued, “under Ninth Circuit precedent, § 1985(3) is extended beyond race only when the class in question can show that there has been a governmental determination that its members require and warrant special federal assistance in protecting their civil rights [...] Applying that rule here, unvaccinated people are not a protected class under § 1985(3).” Pet.App.18 - 19a. (citations omitted).

Petitioner appealed the District Court’s decision to the Ninth Circuit for review of its decision on the federal claims. Pet.App.24a.

On February 6, 2025, Petitioner filed an action in the Superior Court of California, County of Monterey, for assault. Defendants removed the case to the Northern District of California on May 22, 2025. Pet.App.30a - 31a.

Judge Lin granted defendant MM&P’s motion to dismiss and remanded the remaining state law claim against Matson. Pet.App.28a. Judge Lin found that it was proper to re-categorize Petitioner’s claim as a failure of the duty of fair representation under Section 9 of the National Labor Relations Act, 29 U.S.C. § 159(a), “because his claim arises from the union’s duty of representation.” Pet.App.33a.

Petitioner appealed for review of the District Court’s decision on the federal claims. Pet.App.37a.

C. Proceedings in the Ninth Circuit

On appeal, a three-judge panel (Gould, Nguyen, and VanDyke) of the Ninth Circuit affirmed both district court decisions on June 10, 2026, adopting the reasoning of the Court below.

REASONS FOR GRANTING THE PETITION

I. The Lower Courts' Interpretation of 42 U.S.C. § 1985(3) is Inconsistent With its Text and is Based on a Flawed Approach to Statutory Construction.

Over the years, this Court has repeatedly sounded the theme of analyzing a matter according to what a statute says: “Our analysis begins, as always, with the statutory text.” *United States v. Gonzales*, 520 U.S. 1, 2 (1997).

This Court has provided further context regarding what it means by the preceding:

Our first step in interpreting a statute is to determine whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case. Our inquiry must cease if the statutory language is unambiguous and the statutory scheme is coherent and consistent.

The plainness or ambiguity of statutory language is determined by reference to the language itself, the specific context in which that language is used, and the broader context of the statute as a

whole. *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997) (cleaned up; citations omitted).

The Court continued with this theme 16 years later: “We start, of course, with the statutory text, and proceed from the understanding that unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning.” *Sebelius v. Cloer*, 569 U.S. 369, 372 (2013)(cleaned up; citations omitted).

It picked it up again seven years later in *Bostock v. Clayton Cnty.*, 590 U.S. 644, 654 (2020), where the Court noted:

This Court normally interprets a statute in accord with the ordinary public meaning of its terms at the time of its enactment. After all, only the words on the page constitute the law adopted by Congress and approved by the President. If judges could add to, remodel, update, or detract from old statutory terms inspired only by extratextual sources and our own imaginations, we would risk amending statutes outside the legislative process reserved for the people’s representatives. And we would deny the people the right to continue relying on the original meaning of the law they have counted on to settle their rights and obligations.

Courts over time, however, have deviated from the text when interpreting 42 U.S.C. § 1985(3) conspiracy against rights, including the courts below in this case.

42 U.S.C. § 1985(3) states in relevant part that,

[i]f two or more persons in any State or Territory conspire [...] either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws [...] the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

Congress was aware at the time it passed the statute how broad the language is and what the implications of such broad language might be: “At least one informed Republican Senator acknowledged that the Act would have to be applied to conspiracies against a man ‘because he was a Democrat . . . or . . . a Catholic, . . . or . . . a Methodist, . . . or . . . a Vermonter.’ Cong. Globe, 42nd Cong., 1st Sess. 567, col. 2 (1871) (remarks of Senator Edmunds of Vermont),” quoted in *Keating v. Carey*, 706 F.2d 377, 387-388 (2d Cir. 1983).

So far, courts have acknowledged that the broad language found in the text of 42 U.S.C. §1985(3) protects a variety of classes of individuals:

Political affiliation: *Keating v. Carey*, 706 F.2d 377 (2d Cir. 1983), *Means v. Wilson*, 522 F.2d 833 (8th Cir. 1975), *Glasson v. City of Louisville*, 518 F.2d 899 (6th Cir. 1975), *Cameron v. Brock*, 473 F.2d 608 (6th Cir. 1973), *Conklin v. Lovely*, 834 F.2d 543 (6th Cir. 1987), *McLean v. International Harvester Co.*, 817 F.2d 1214 (5th Cir. 1987), *Aulson v. Blanchard*, 83 F.3d 1 (1st Cir. 1996).

Sex: *NY State Nat'l Org for Women v. Terry*, 886 F.2d 1339 (2d Cir. 1989), *Life Ins. Co. of North America v. Reichardt*, 591 F.2d 499 (9th Cir. 1979).

Religion: *Marlowe v. Fisher Body*, 498 F.2d 1057 (6th Cir. 1973), *Volk v. Coler*, 845 F.2d 1422 (7th Cir. 1988) (dicta), *Munson v. Friske*, 754 F.2d 683 (7th Cir. 1985) (dicta).

Petition for bankruptcy: *McLellan v. Mississippi Power & Light Co.*, 526 F.2d 870 (5th Cir. 1976).

Handicap: *Lake v. Arnold*, 112 F.3d 682 (3rd Cir. 1997).

Yet, despite Congress' use of the terms "any person or class of persons," and despite the many classes of persons that courts have already recognized, we find that courts are unwilling to give the statute the meaning found in its words. And so rather than the statute protecting "any person or class of persons," courts have, for example, limited its purpose to protecting "primarily blacks," *Sever v.*

Alaska Pulp Corp., 978 F.2d 1529, 1536 (9th Cir. 1992).

Interpreting the legislative history, this Court has required as, “an element of the cause of action, the kind of invidiously discriminatory motivation stressed by the sponsors of the limiting amendment.” *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971).

This precedent raises two questions for this case: 1) whether the defendants in this case acted with the sort of “invidiously discriminatory motivation” necessary for the statute to apply to the facts at hand under the *Griffin v. Breckenridge* framework, and 2) whether identifying “invidiously discriminatory motivation” is an extra-textual requirement that warrants continued consideration in light of this Court’s emphasis on textual analysis that has emerged as touchstone of its statutory interpretation in the years since *Griffin*.

Regarding the first question, Petitioner has identified the invidiously discriminatory motivation. His Third Amended Complaint included the following allegations for this purpose:

35. Other members of Matson’s operations, who worked in close proximity to Deck Officers on the same ships and ports, were not subject to the same requirement.

36. None of the vaccines available prevented infection with and transmission of COVID-19.

37. This information was publicly available at the time of the MOU[...]

39. Without any genuine health justification, and without any genuine option for religious accommodation, the only explanation remaining for Matson and MM&P's coercive vaccinated [sic] requirement is animus toward the unvaccinated and / or those with religious beliefs opposing the COVID-19 vaccinations as separate and discrete classes. Pet.App.8a - 9a.

The second part of this analysis, according to precedent, is to ask, "whether the [alleged tortfeasors] aimed at interfering with rights that are protected against private, as well as official, encroachment," *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 266 (1993)(citations omitted). "[T]he 'intent to deprive of a right' requirement demands that the defendant do more than merely be aware of a deprivation of right that he causes, and more than merely accept it; he must act at least in part for the very purpose of producing it." *Id* at 763.

This is what happened here—the purpose of the mandate was to coerce people who were otherwise inclined to exercise their constitutionally protected right to be free from unwanted medical treatment (see, *Cruzan v. Dir., Mo. Dep't of Health*, 497 U.S. 261, 278 (1990)) into giving up that right to protect their livelihoods.

Regarding the second question—the emphasis on the text of a statute, as opposed to its legislative history—it is necessary for the purpose of this case and beyond to reconcile the approach found in *Griffin*, which relies explicitly on legislative history, with the Court’s subsequent emphasis on interpreting the text as opposed to other adjacent sources. (“The greatest defect of legislative history is its illegitimacy. We are governed by laws, not by the intentions of legislators [...] But not the least of the defects of legislative history is its indeterminacy. If one were to search for an interpretive technique that, on the whole, was more likely to confuse than to clarify, one could hardly find a more promising candidate than legislative history.” *Conroy v. Aniskoff*, 507 U.S. 511, 519 (1993)(Scalia, J. concurring in the judgment)).

Courts over the years—including this Court—have imposed limiting principles and analytical frameworks into § 1985(3) where there is none in the text. Although Petitioner here fits within these analytical frameworks so that § 1985(3) applies to his case despite these extra-textual constraints, the fact that the courts below found that he did not begs the question of whether these requirements belong as part of the analysis at all. They are not part of the text, and the constraints that courts have imposed on the broad language of the statute work to exclude those who otherwise might enjoy its protection, despite the fact that it is the legislature, not the courts, who must add constraints and restrictions to a statute by modifying its text.

This case presents an opportunity for this Court to clarify when its precedent applies to a person seeking protection under 42 U.S. Code § 1985(3) and to update its approach to the statute in light of its emphasis on the importance of the text of a statute when applying it to new sets of facts.

II. A Claim that a Labor Union Committed a Tort is not Properly Re-Categorized as a Failure to Represent Claim

Not all claims against a labor union are claims involving a failure of the duty to represent. The Courts below found that the Petitioner’s tort claims against MM&P were properly re-categorized as failure of the duty to represent claims under the National Labor Relations Act (NLRA). Courts, however,—including those in the 9th Circuit, where this case originates—have recognized that claims under state tort law may proceed against a labor union:

NLRA does not preempt member's [sic] claim for [a tort] against his union, even though such claims might interfere with federal prohibitions against union discrimination, *i.e.*, the duty of fair representation. [*Farmer v. United Brotherhood of Carpenters & Joiners*, 430 U.S. 290 (1977)] makes clear the fact that union members may, in certain situations which do not strongly implicate federal labor law interests, maintain state law actions against their unions.” *Phillips v. Int’l*

Union of Operating Eng'rs, No. C-96-0363-VRW, 1996 U.S. Dist. LEXIS 12008, at *16 (N.D. Cal. Aug. 7, 1996).

The Ninth Circuit explained in *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1540 (9th Cir. 1992):

[T]he Supreme Court has held that the key to determining the scope of preemption is not how the complaint is cast, but whether the claims can be resolved only by referring to the terms of the collective bargaining agreement. Where state-court tort actions can be adjudicated without resolution of the 'merits' of the underlying labor dispute, the state court actions are not preempted by the NLRA. Thus, not every dispute concerning employment or tangentially involving a collective bargaining agreement is preempted. (citations omitted).

As mentioned above, in *Farmer v. United Brotherhood of Carpenters & Joiners*, 430 U.S. 290 (1977), this Court found that a labor union could be held liable in tort for intentional infliction of emotional distress for the abuse and harassment that its agents inflicted on one of its members. "Nothing in the federal labor statutes protects or immunizes from state action violence or the threat of violence in a labor dispute." *Id.* at 299.

Similarly here, Petitioner's complaint was not fundamentally about whether MM&P represented

him properly. His complaint claims that its actions constituted assault under state law. This would be the case whether its representation was adequate or not. Where a labor union commits a tort, the National Labor Relations Act does not control.

This case presents an opportunity for this Court to provide another reminder that not all actions against a labor union ought to be shunted off to a failure of representation analysis that has nothing to do with the actual claims at hand.

CONCLUSION

By issuing a writ of certiorari, this Court could clarify and update its approach to interpreting the sweeping language of 42 U.S. Code § 1985(3). It could also clarify that not all cases against a labor union are inherently within the purview of the National Labor Relations Act, particularly when, as here, a party is accusing the labor union of committing a tort under state law.

For the foregoing reasons, this Court should grant the Petitioner's writ of certiorari.

Respectfully submitted,

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APPENDIX A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[Filed 05/06/2024]

Case No. 23-cv-04859-RFL

DANIEL B. MARTIN

Plaintiff,

vs.

MASTERS, MATES, & PILOTS

AND

MATSON NAVIGATION CO.,

Defendants.

THIRD AMENDED COMPLAINT

Plaintiff DANIEL B. MARTIN, (“Plaintiff”), by and through his attorneys, pursuant to Federal Rule of Civil Procedure 15(a)(2), submits this Third Amended Complaint, and states the following in support of his Third Amended Complaint and Jury

Demand against MASTERS, MATES, & PILOTS
and MATSON NAVIGATION CO., (“Defendants”):

JURISDICTION AND VENUE

1. This Court has jurisdiction over this case pursuant to 28 U.S.C. §1331 and 42 U.S.C. § 1981, as well as under nonstatutory equitable jurisdiction.

2. Venue for this action properly lies in this District pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events, actions, or omissions giving rise to the claim occurred in this judicial district, where the Plaintiff’s Employment occurred and Defendants are principally located.

3. This Court may also issue declaratory relief pursuant to 28 U.S.C. § 2201. Additionally, “[f]urther necessary or proper relief based on a declaratory judgment may [also] be granted ...,” including via injunction. See *Powell v. McCormack*, 395 U.S. 486, 499 (1969) (“A declaratory judgment can then be used as a predicate to further relief, including an injunction. 28 U.S.C. § 2202 ...”).

4. This Court also has concurrent jurisdiction over the state claims pursuant to 28 U.S.C. § 1367.

PARTIES

5. Plaintiff DANIEL B. MARTIN is a United States Coast Guard- licensed Deck Officer and

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Member of the International Organization of Master's, Mates, & Pilots ("MM&P"), a maritime union, available for work on union contracted vessels both at the Port of Oakland as well as on union contracted vessels operating out of the Port of Oakland or other union halls.

6. Defendant MASTERS, MATES, & PILOTS ("MM&P") is a maritime union with headquarters at Linthicum Heights, Maryland. The membership consists primarily of Deck Officers licensed by the United States Coast Guard. MM&P operates two union dispatch halls in California located at Wilmington, California, and Oakland, California.

7. Defendant MATSON NAVIGATION CO ("Matson") is an owner / operator of ocean-going U.S. flagged merchant vessels under contract with MM&P, with Corporate Headquarters at Honolulu, Hawaii and operational offices located at Oakland, CA.

STATEMENT OF FACTS

8. As a Deck Officer, Mr. Martin had established a relationship with Matson, deploying several times on merchant voyages on behalf of Matson.

9. He intended to work on Matson vessels in port and at sea with an assignment from MM&P Dispatch Hall.

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10. He would have earned \$5,700 for his work as a Port Relief Officer from October 1, 2021 to December 31, 2021.

11. He would have earned \$90,500 at sea for a standard 120-day dispatch on a Matson vessel on the West Coast to Honolulu during 2022.

12. According to the standard operating procedures for acquiring jobs at the nearby Ports, Mr. Martin was eligible for at least six voyages dispatching in April and May of 2022.

13. He would have obtained any of these jobs, because he would have been next in line for eligibility based on the dispatch's standard operating procedures.

14. He was only one deployment away from retirement as of October 1, 2021, and was planning to deploy with Matson.

15. Merchant marines count on the income from a single deployment, which can last several months, for income for the entire year, so they are able to maintain a somewhat normal life when not at sea, without the need to spend the majority of time away from home.

16. MM&P and Matson, without consulting the membership, together instituted a Requirement effective October 1, 2021, that no Member could be

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dispatched to a Matson vessel in any capacity unless that Member had received one of three proffered vaccines for COVID-19.

17. A notice titled "Memorandum of Understanding" dated August 26, 2021, was posted at the MM&P dispatch hall at Oakland, California.

18. The practical effect of this Memorandum of Understanding was that as of October 1, 2021, no Member could be dispatched to work on a vessel operated by Matson either in port or at sea unless the Member provided proof of having accepted a vaccination for COVID-19.

19. Mr. Martin timely objected to this requirement in a Notice / Demand dated September 20, 2021, on these and other grounds:

- a. Each of the listed vaccines at the time were available to the public solely under Emergency Use Authorization (EUA) as investigational vaccines not licensed for any indication.
- b. The listed vaccines were in fact investigational "medical treatments."
- c. Plaintiff asserted a religious right to refuse an EUA medical product / treatment

20. In response, Matson requested that Mr. Martin submit a request for religious exemption.

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21. Mr. Martin submitted a request for religious exemption.

22. Matson rejected the request without explanation. Matson did not respond to any of the other elements or objections in the September 20, 2021, Notice / Demand.

23. On December 22, 2021, Mr. Martin requested a grievance hearing with MM&P.

24. MM&P denied the grievance on February 14, 2022, after a telephonic hearing.

25. On January 04, 2022, Mr. Martin submitted a letter titled "Notice & 14 Day Demand" to MM&P and Matson.

26. Mr. Martin received no response to his January 4, 2022, letter.

27. Because of the MOU, Mr. Martin was barred from working on a Matson vessel as he had in the past.

28. Given the nature of his profession, this amounted to the loss of both a year's income and his planned retirement.

29. Both Matson and MM&P were aware that Mr. Martin objected to his taking the COVID-19 vaccine.

30. Upon information and belief, and upon information subject to judicial notice pursuant to Rule 22 of the Federal Rules of Evidence, both Matson and MM&P were aware that Mr. Martin has a right to bodily integrity rooted in the U.S. Constitution, the California Constitution, and state common law.

31. Upon information and belief, and upon information subject to judicial notice pursuant to Rule 22 of the Federal Rules of Evidence, both Matson and MM&P were aware that Mr. Martin has a right to refuse unwanted medical treatment rooted in the California Constitution and state common law.

32. Matson and MM&P failed to recognize and protect Mr. Martin's rights to bodily integrity and to refuse unwanted medical treatment.

33. Matson and MM&P, through their negotiations and institution of their MOU, conspired to coerce Mr. Martin to violate his rights to bodily integrity and to refuse unwanted medical treatment by taking a COVID-19 vaccine that he did not want.

34. Matson and MM&P, through their negotiations and institution of their MOU, conspired to exert coercive pressure on Mr. Martin to violate his rights to bodily integrity and to refuse

unwanted medical treatment by threatening his livelihood.

35. Other members of Matson's operations, who worked in close proximity to Deck Officers on the same ships and ports, were not subject to the same requirement.

36. None of the vaccines available prevented infection with and transmission of COVID-19.

37. This information was publicly available at the time of the MOU.¹

38. Upon information and belief, and upon information subject to judicial notice pursuant to Rule 22 of the Federal Rules of Evidence, Matson and MM&P were aware that none of the vaccines

¹ Holcombe and Maxouris, CDC head says COVID-19 vaccines prevent severe illness and death, but they can't prevent transmission, CNN.COM, (August 16, 2021), at https://www.cnn.com/us/live-news/coronaviruspandemic-vaccine-updates-08-06-21/h_61de1502e86060f5faf4477339928e33. See also, Singanayagam, Ankia, PhD, et al., *Community transmission and viral load kinetics of the SARS-CoV-2 delta (B.1.617.2) variant in vaccinated and unvaccinated individuals in the UK: a prospective, longitudinal, cohort study*, The Lancet, Infectious Diseases, October 29, 2021, [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(21\)00648-4/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(21)00648-4/fulltext) (British study finding that "fully vaccinated individuals with breakthrough infections have peak viral load similar to unvaccinated cases and can efficiently transmit infection in household settings, including to fully vaccinated contacts").

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prevented transmission of COVID-19 at the time they instituted the MOU.

39. Without any genuine health justification, and without any genuine option for religious accommodation, the only explanation remaining for Matson and MM&P's coercive vaccinated requirement is animus toward the unvaccinated and / or those with religious beliefs opposing the COVID-19 vaccinations as separate and discrete classes.

40. Mr. Martin struggled to find legal representation to bring forth his claims, as he was also seeking employment at the same time.

COUNT I

Medical Battery

41. Californians have a constitutional privacy right that protects against receiving unwanted medical treatment. [The California] Supreme Court has stated that a competent adult has the right to refuse medical treatment, even treatment necessary to sustain life. This right is grounded both in state constitutional and common law. The right of privacy guaranteed by the California Constitution, article I, section 1 'guarantees to the individual the freedom to choose to reject, or refuse to consent to, intrusions of his bodily integrity. *In re Terrazas*, 73 Cal. App.

5th 960, 966-67, 288 Cal. Rptr. 3d 801, 805 (2022)(citations omitted).

42. Matson and MM&P conspired to exert coercive pressure upon Mr. Martin to accept unwanted medical treatment by threatening his livelihood.

COUNT II

42 U.S.C. §1985: Conspiracy Against Rights

43. 42 U.S.C. §1985 states in relevant part:

If two or more persons in any State or Territory conspire [...]for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws [...] or if two or more persons conspire to prevent by force, intimidation, or threat [...] to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so

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injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. 42 U.S.C.S. § 1985(3).

44. Matson and MM&P conspired to deprive Mr. Martin of the right to the enjoyment of his profession, and of the compensation available to him for the exercise of his profession, because he was unvaccinated against COVID-19 and / or because he held religious beliefs against COVID-19, without any genuine health justification for its actions.

45. Because Matson and MM&P acted any health justification for their requirements, it is clear that the only justification remaining for their actions are animus for those who remained unvaccinated against COVID-19 and / or those who held religious beliefs against COVID-19 vaccination.

WHEREFORE, Plaintiff prays for relief as set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter a judgment:

1. Declaring the actions of Matson and MM&P unlawful.

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2. Awarding compensatory relief, punitive damages, and attorney's fees.

3. For such other, further or different relief as the Court may deem just and proper.

JURY TRIAL DEMANDED:

Plaintiffs hereby demand a jury trial.

Dated: May 6, 2024

By: /s/ E. Scott Lloyd
**Admitted Pro Hac Vice*

/s/ Jennifer W. Kennedy
Local Counsel

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APPENDIX B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[Filed 01/07/2025]

Case No. 23-cv-04859-RFL

DANIEL B. MARTIN

Plaintiff,

v.

MASTERS, MATES, & PILOTS, ET AL.,

Defendants.

ORDER GRANTING IN PART AND DENYING
IN PART AS MOOT MOTIONS TO DISMISS

Re: Dkt. Nos. 67, 69

Plaintiff Daniel Martin alleges that Defendant Matson Navigation Co. conspired with his union, Defendant Masters, Mates, & Pilots, to deprive him of his civil rights based on his unvaccinated status, in violation of 42 U.S.C. § 1985(3). Because unvaccinated people are not a protected class under § 1985(3), the motions to dismiss that claim are granted. The Court declines to exercise

supplemental jurisdiction over the remaining state law claim for medical battery, which is dismissed without prejudice to being refiled in state court.

I. BACKGROUND

The following is a recitation of the allegations of the Third Amended Complaint, which must be taken as true at this stage of the proceedings.

Martin is a licensed deck officer who has worked aboard merchant vessels, including those operated by Matson Navigation Co. (“Matson”). (Dkt. No. 66 (“TAC”) ¶¶ 5, 8.) He is also a member of Masters, Mates, & Pilots (“the Union”), a maritime union. (*Id.* ¶ 6.) Beginning in October 2021, Matson and the Union required that all union members be vaccinated against COVID-19 to be employed on Matson’s vessels. (*Id.* ¶¶ 16-18.) Martin objected to this requirement and submitted a request for religious exemption, which Matson rejected. (*Id.* ¶¶ 19-22.) Subsequently, Martin requested a grievance hearing with the Union, after which it denied the grievance. (*Id.* ¶¶ 23-24.) Martin then sent a demand notice letter to Matson and the Union, but received no response. (*Id.* ¶¶ 25-26.) Because Martin ultimately refused to receive a COVID-19 vaccine, he was unable to work aboard a Matson vessel, resulting in a loss of income and his planned retirement. (*Id.* ¶¶ 27-28.)

Based on the above allegations, Martin asserts a claim under 42 U.S.C. § 1985(3), as well as a state law claim for medical battery. (*Id.* ¶¶ 41-45.)

II. LEGAL STANDARD

Federal Rule of Civil Procedure 8(a)(2) requires a complaint to include “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). A complaint that fails to meet this standard may be dismissed pursuant to Rule 12(b)(6). *See* Fed. R. Civ. P. 12(b)(6). To overcome a Rule 12(b)(6) motion to dismiss, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* “Plausibility requires pleading facts, as opposed to conclusory allegations or the formulaic recitation of the elements of a cause of action, and must rise above the mere conceivability or possibility of unlawful conduct that entitles the pleader to relief.” *Somers v. Apple, Inc.*, 729 F.3d 953, 959-60 (9th Cir. 2013) (cleaned up). “Factual allegations must be enough to raise a

right to relief above the speculative level.” *Twombly*, 550 U.S. at 555.

In ruling on a Rule 12(b)(6) motion, the court “accept[s] all factual allegations in the complaint as true and construe[s] the pleadings in the light most favorable to the nonmoving party.” *Rowe v. Educ. Credit Mgmt. Corp.*, 559 F.3d 1028, 1029-30 (9th Cir. 2009) (citation omitted). But “allegations that are merely conclusory, unwarranted deductions of fact, or unreasonable inferences” need not be accepted. *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049, 1055 (9th Cir. 2008) (citation omitted). “Dismissal is appropriate when the complaint lacks a cognizable legal theory or sufficient factual allegations to support a cognizable legal theory.” *Saloojas, Inc. v. Aetna Health of Cal., Inc.*, 80 F.4th 1011, 1014 (9th Cir. 2023) (cleaned up).

III. DISCUSSION

A. 42 U.S.C. § 1985(3)

Martin asserts a claim under § 1985(3), which proscribes private conspiracies “to deny equal protection of the laws.” *Bretz v. Kelman*, 773 F.2d 1026, 1027 n.3 (9th Cir. 1985) (en banc). As part of the Reconstruction-era Ku Klux Klan Act of 1871, now codified as 42 U.S.C. § 1985(3), Congress created a private cause of action “to protect individuals—primarily blacks—from conspiracies to

deprive them of their legally protected rights.” *See Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1536 (9th Cir. 1992). Section 1985(3) provides a damages action “[i]f two or more persons in any State or Territory conspire . . . for the purpose of depriving . . . any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws.” 42 U.S.C. § 1985(3). Under that section, “a plaintiff must show, *inter alia*, (1) that some racial, or perhaps otherwise class-based, invidiously discriminatory animus lay behind the conspirators’ action, and (2) that the conspiracy aimed at interfering with rights that are protected against private, as well as official, encroachment.” *Butler v. Elle*, 281 F.3d 1014, 1028 (9th Cir. 2002) (per curiam) (cleaned up) (quoting *Bray v. Alexandria Women’s Health Clinic*, 506 U.S. 263, 267-68 (1993)).

It is also well-settled that § 1985(3) “should not be extended to every class which the artful pleader can contrive.” *Id.* (cleaned up). While the Supreme Court “has not defined the parameters of a ‘class’ beyond race,” it has made clear that “‘the term unquestionably connotes something more than a group of individuals who share a desire to engage in conduct that the § 1985(3) disfavors.’” *Id.* (quoting *Bray*, 506 U.S. at 269). Lower courts must therefore “exercise restraint in extending § 1985(3) beyond

racial prejudice,” *id.*, ensuring not to transform the section into “a generalized federal tort law to be invoked for any private tortious conspiracy,” *Bretz*, 773 F.2d at 1028.

In this case, there are no allegations that Matson and the Union acted with discriminatory animus based on Martin’s membership in a protected class. Martin argues that unvaccinated people are a protected class under § 1985(3). (*See* Dkt. No. 74 at 4; Dkt. No. 75 at 7.)² But Martin concedes, as he must, that no precedent extends § 1985 protection to unvaccinated status.

Nor does Martin offer a legally viable basis for his novel expansion of § 1985(3). To be sure, § 1985(3) applies beyond the “historical circumstances of reconstruction America,” and the Ninth Circuit has recognized that this section protects groups beyond “southern blacks and their allies . . . against the Ku Klux Klan,” such as women. *DeSantis v. Pac. Tel. & Tel. Co.*, 608 F.2d 327, 332-33 (9th Cir. 1979), *abrogated on other grounds by Nichols v. Azteca Rest. Enters., Inc.*, 256 F.3d 864 (9th Cir. 2001). But under Ninth Circuit precedent, “[§] 1985(3) is extended beyond race ‘only when the class in question can show that there has been a governmental determination that its members

² Citations to page numbers refer to the ECF pagination.

require and warrant special federal assistance in protecting their civil rights.” *Sever*, 978 F.2d at 1536 (quoting *Schultz v. Sundberg*, 759 F.2d 714, 718 (9th Cir. 1985)). This means that “the courts have designated the class in question a suspect or quasi-suspect classification requiring more exacting scrutiny or that Congress has indicated through legislation that the class required special protection.” *Id.* (quoting *Schultz*, 759 F.2d at 718).

Applying that rule here, unvaccinated people are not a protected class under § 1985(3). Unlike racial minorities or women, unvaccinated people have not been “singled out for special federal protection,” whether “legislative [] or judicially crafted,” and Martin identifies no indication to the contrary. *See id.* at 1537; *see also Behringer v. Cal. Polytechnic State Univ. San Luis Obispo*, No. 523CV00934, 2023 WL 6811813, at *6 (C.D. Cal. Sept. 15, 2023), *report and recommendation adopted*, No. 523CV00934, 2023 WL 6810244 (C.D. Cal. Oct. 16, 2023) (group opposed to COVID-19 public health measures is not a protected class under § 1985(3) because it “neither implicates even a quasi-suspect classification nor qualifies as membership in a congressionally protected group”); *cf. Ford v. Northam*, No. 7:22-CV-00122, 2023 WL2767780, at *9 (W.D. Va. Mar. 31, 2023), *aff’d*, No. 23-6410, 2023 WL 6057493 (4th Cir. Sept. 18, 2023).

(vaccination status cannot support “class-based, invidiously discriminatory animus” under § 1985(3), as it “is not a discrete, insular, and immutable characteristic comparable to those characterizing classes such as race, national origin, and sex” (cleaned up)).

Accordingly, the motions to dismiss the § 1985(3) claim are granted. Amendment would be futile because Martin’s theory of § 1985(3) liability fails as a matter of law for the reasons explained above. *See Kroessler v. CVS Health Corp.*, 977 F.3d 803, 815 (9th Cir. 2020). Nor does Martin “state what additional facts [he] would plead if given leave to amend.” *Kendall v. Visa U.S.A., Inc.*, 518 F.3d 1042, 1052 (9th Cir. 2008); *see also Salameh v. Tarsadia*, 726 F.3d 1124, 1133 (9th Cir. 2013) (“A plaintiff may not in substance say ‘trust me’ and thereby gain a license for further amendment when prior opportunity to amend has been given.”). Moreover, Martin has already amended his complaint three times and was on sufficient notice that further amendments would likely not be entertained.³ In granting Martin’s motion for leave to file the Third Amended Complaint, the Court cautioned Martin that it “is unlikely to grant any further leave to

³ While Martin was proceeding *pro se* when he filed suit and the First Amended Complaint, both the Second and Third Amended Complaints were filed with the benefit of counsel.

amend if the claims do not survive a motion to dismiss” given his multiple opportunities for amendment (Dkt. No. 65 at 1). *See United States ex rel. Cafasso v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1058 (9th Cir. 2011) (“The district court’s discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint.” (cleaned up)). The § 1985(3) claim is therefore dismissed without leave to amend and with prejudice.⁴

⁴ To the extent the Third Amended Complaint asserts a § 1985(3) claim based on Martin’s religious beliefs concerning COVID-19, Martin concedes dismissal of that claim by failing to address the motions to dismiss it in his opposition briefs. *See Roy v. Contra Costa County*, No. 15-CV-02672-TEH, 2015 WL 5698743, at *3 n.7 (N.D. Cal. Sept. 29, 2015) (“When a non-moving party’s opposition to a motion to dismiss fails to address the moving party’s arguments regarding certain claims, the non-moving party has conceded that those claims fail.”); *see also V.V.V. & Sons Edible Oils Ltd. v. Meenakshi Overseas, LLC*, 946 F.3d 542, 547 (9th Cir. 2019) (explaining that “claims can be abandoned if their dismissal is unopposed”). Indeed, Martin essentially acknowledges as much, stating that he only “focuses on the class of unvaccinated.” (*See* Dkt. Nos. 74 at 4, 75 at 7.) In any event, Martin does not allege sufficient facts to support a plausible inference that Defendants conspired against him because of his religion by instituting a vaccination requirement for employment. *See Sever*, 978 F.2d at 1538; *cf. Ford*, 2023 WL 2767780, at *10 (dismissing § 1985(3) claim where plaintiff “acknowledge[d] that the reason he was not permitted to work in the library was because he was not vaccinated, not because of his race”). As Martin identifies no reason to believe that he

B. Jurisdiction Over State Law Claim

Martin's § 1985(3) claim is the only federal claim asserted in the Third Amended Complaint. As that claim has been dismissed, thus depriving the Court of federal question jurisdiction, and there is also no basis for diversity jurisdiction, the Court declines to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c)(3) over the remaining state law claim for medical battery. *See Foster v. Wilson*, 504 F.3d 1046, 1051-52 (9th Cir. 2007). This case is at an early stage of the proceedings, and concerns over “judicial economy, convenience, fairness, and comity” weigh against exercising supplemental jurisdiction. *Sanford v. MemberWorks, Inc.*, 625 F.3d 550, 561 (9th Cir. 2010) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988)). Accordingly, the medical battery claim is dismissed without prejudice for lack of subject matter jurisdiction, and the motions to dismiss that claim are denied as moot.

IV. CONCLUSION

Based on the foregoing, the § 1985(3) claim is **DISMISSED WITH PREJUDICE**, and the medical battery claim is **DISMISSED WITHOUT PREJUDICE** to refiling in state court. The Clerk of

would be able to cure this defect, leave to amend would be futile. *See Kendall*, 518 F.3d at 1052.

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the Court shall enter judgment in favor of
Defendants and against Martin, and close the case.

IT IS SO ORDERED.

Dated: January 7, 2025

/s/ Ria F. Lin
RITA F. LIN
United States District Judge

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APPENDIX C

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

[Filed 06/10/2026]

No. 25-829

D.C. No. 3:23-cv-04859-RFL

DANIEL B. MARTIN,

Plaintiff – Appellant,

v.

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES & PILOTS; MATSON
NAVIGATION COMPANY, INC.,

Defendants – Appellees.

Appeal from the United States District Court for
the Northern District of California

Rita F. Lin, District Judge, Presiding

25a
Submitted: June 10, 2026**5
San Francisco, California

Before GOULD, NGUYEN, and VANDYKE, Circuit
Judges

MEMORANDUM*6

Daniel Martin appeals from the district court’s judgment dismissing his claim under 42 U.S.C. § 1985(3) against the International Organization of Masters, Mates & Pilots (“the Union”) and Matson Navigation Company, Inc., for failure to state a claim. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

We review de novo an order granting a motion to dismiss. *D’Augusta v. Am. Petroleum Inst.*, 117 F.4th 1094, 1100 (9th Cir. 2024) (citing *Palm v. L.A. Dep’t of Water & Power*, 889 F.3d 1081, 1085 (9th Cir. 2018)). “When conducting this review, we accept all nonconclusory factual allegations in the complaint as true.” *Id.*

⁵ ** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

⁶ * This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

“To state a claim for conspiracy” under § 1985(3), “a plaintiff must show, *inter alia*, (1) that some racial, or perhaps otherwise class-based, invidiously discriminatory animus lay behind the conspirators’ action, and (2) that the conspiracy aimed at interfering with rights that are protected against private, as well as official, encroachment.” *Butler v. Elle*, 281 F.3d 1014, 1028 (9th Cir. 2002) (*per curiam*) (citation modified). A “class” is cognizable under § 1985(3) “only when the class in question can show that there has been a governmental determination that its members require and warrant special federal assistance in protecting their civil rights.” *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1536 (9th Cir. 1992) (internal quotation marks omitted) (quoting *Schultz v. Sundberg*, 759 F.2d 714, 718 (9th Cir. 1985)). That means that the class must have received either (a) a designation by the courts that the class is “a suspect or quasi-suspect classification requiring more exacting scrutiny” or (b) federal legislation indicating that the class requires “special protection.” *Id.* (quoting *Schultz*, 759 F.2d at 718).

Martin has failed to establish the existence of any right protected against private encroachment. Even assuming a fundamental constitutional right to refuse vaccination, Martin points to no authority—and we have found none—suggesting

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that such a right is protected against both private and official encroachment. That failure is fatal to Martin's claim. *See Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 277-78 (1993).

AFFIRMED.

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APPENDIX D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[Filed 08/25/2025]

Case No. 25-CV-04382-RFL

DANIEL B. MARTIN,

Plaintiff,

v.

MASTERS, MATES, & PILOTS, ET AL.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO
REMAND;

GRANTING DEFENDANT INTERNATIONAL
ORGANIZATION OF MASTERS, MATES, AND
PILOT'S MOTION TO DISMISS;

REMANDING THE CASE AFTER DECLINING
JURISDICTION OVER REMAINING STATE LAW
CLAIM AGAINST DEFENDANT MATSON
NAVIGATION COMPANY INC.; AND

DENYING AS MOOT DEFENDANT MATSON
NAVIGATION COMPANY INC.'S MOTION TO
DISMISS

Re: Dkt. Nos. 23, 24, 30, 31, 32

Plaintiff Daniel Martin brings a single claim of assault, alleging that Defendant Matson Navigation Co. (“Matson”) conspired with his union, Defendant Masters, Mates, & Pilots (“MM&P”), in attempting to coerce Martin to violate his right to bodily integrity by receiving a COVID-19 vaccination that he did not want. (Dkt. No. 25 (“FAC”) ¶ 33.) Martin is a licensed deck officer who has worked aboard merchant vessels, including those operated by Matson, and is a member of maritime union MM&P. (*Id.* ¶¶ 4, 8.) Beginning in October 2021, Matson and MM&P required that all union members be vaccinated against COVID-19 to be employed on Matson’s vessels. (*Id.* ¶ 16.) Martin objected to this requirement and submitted a request for religious exemption, which Matson rejected. (*Id.* ¶¶ 21, 22.) Subsequently, Martin requested a grievance hearing with MM&P, but his grievance was denied on February 14, 2022. (*Id.* ¶¶ 23-24.) Due to this policy, Martin was unable to work aboard a Matson vessel, resulting in a loss of income and his planned retirement. (*Id.* ¶¶ 27-28.)

Martin previously filed a lawsuit related to the same alleged misconduct, against the same Defendants, on September 22, 2023, asserting a federal claim under 42 U.S.C. § 1985(3) and a state law claim for medical battery. *Martin v. Masters, Mates, & Pilots et al.*, 3:23-cv-04859-RFL, Dkt. No. 1. Defendants’ motion to dismiss was granted as to the Section 1985(3) claim. *Martin v. Masters, Mates, & Pilots*, 761 F. Supp. 3d 1236, 1242 (N.D. Cal. 2025) (“*Martin I*”). In Martin’s opposition to dismissal, he stated that he was not pursuing a medical battery claim against MM&P, “acknowledg[ing] case law indicating that the federal duty of fair representation preempts a tort claim . . . , and that such a claim in [] Martin’s case would be untimely.” *Martin v. Masters, Mates, & Pilots et al.*, 3:23-cv-04859-RFL, Dkt. No. 74, at 3.⁷ However, Martin continued to assert a medical battery claim against Matson. After dismissing the sole federal claim, *Martin I* declined to exercise supplemental jurisdiction over the medical battery claim, dismissing it without prejudice to refiling in state court.

On February 6, 2025, Martin filed suit in the Superior Court of California for the County of Monterey asserting one claim of “Assault /

⁷ All citations to page numbers refer to ECF pagination.

Attempted Battery / Medical Battery” against both Matson and MM&P. (Dkt. No. 1-1.) Defendants removed the action. (Dkt. No. 1.) Martin amended his complaint and now moves to remand (Dkt. No. 23), and Defendants each move to dismiss (Dkt. Nos. 30, 32). Because Martin’s claim against MM&P is preempted by federal law, Martin’s Motion to Remand is DENIED. MM&P’s Motion to Dismiss is GRANTED WITHOUT LEAVE TO AMEND AND WITH PREJUDICE because Martin’s claim is time-barred. That leaves only Martin’s state law claim against Matson. Therefore, the Court again exercises its discretion to decline supplemental jurisdiction over the remaining state law claim, and REMANDS the case to state court.

Plaintiff’s Motion to Remand. Defendants assert federal question jurisdiction on the basis that Martin’s state law claim against MM&P must be recharacterized as a federal claim stemming from MM&P’s duty of fair representation under Section 9 of the National Labor Relations Act. *See* 29 U.S.C. § 159(a). Generally, a claim “arises under” federal law only if a federal question appears on the face of plaintiff’s complaint. However, under the “artful pleading” doctrine, a plaintiff cannot defeat removal of a federal claim by disguising it as a state claim. *Schroeder v. Trans World Airlines, Inc.*, 702 F.2d 189, 191 (9th Cir.1983). Such an artfully pled claim

will be recharacterized as a federal claim and removal will be upheld. *Id.* The First Circuit has held that, in light of Congress’s intent that “federal law completely governs the duties owed by an exclusive collective bargaining representative to those within the bargaining unit,” state law claims challenging a union’s representational activities must be recharacterized under the artful pleading doctrine as arising under federal law. *See, e.g., BIW Deceived v. Local S6, Ind. Union of Marine and Shipbuilding Workers of Am.*, 132 F.3d 824 (1st Cir. 1997). Many district courts in the Ninth Circuit have followed the same approach. *See, e.g., Madison v. Motion Picture Set Painters & Sign Writers Loc. 729*, 132 F. Supp. 2d 1244, 1257 (C.D. Cal. 2000) (collecting cases); *James v. United Furniture Workers Local 89262*, No. 21-cv-03893-JCS, 2021 WL 3616776, at *7 (N.D. Cal. Aug. 16, 2021); *cf. Adkins v. Mireles*, 526 F.3d 531, 539-40 & n. 4 (9th Cir. 2008) (“Appellants may not escape federal labor law preemption by ‘artfully’ pleading their claims, avoiding references to preemptive federal law.”). The Court likewise follows this well-reasoned approach.

To determine whether Martin’s state law claim is a federal fair representation claim in disguise, the test is whether Martin’s claim is based on the union’s failure to pursue a grievance on his behalf

or to otherwise represent his interests. “The vast majority of duty of fair representation claims arise in the grievance procedure context: the employee claims that a union failed to process a grievance or mishandled its presentation.” *Galindo v. Stooddy Co.*, 793 F.2d 1502, 1509 (9th Cir. 1986). “To bring a successful state law action, aggrieved workers must make a showing of additional duties, if they exist, beyond the normal incidents of the union-employee relationship.” *Adkins*, 526 F.3d at 539 (citation omitted). “Such duties must derive from sources other than the union’s status as its members’ exclusive collective bargaining representative, such as an express provision of the collective bargaining agreement or a collateral contract.” *Id.* 539-40. “Courts have routinely held that the duty of fair representation preempts generic state-law claims that are based on a union’s failure to pursue a grievance or otherwise represent its members’ interests.” *James*, 2021 WL 3616776, at *7 (collecting cases).

Martin’s assault claim against MM&P is properly characterized as a federal claim under Section 9 because his claim arises from the union’s duty of representation. Martin alleges that MM&P failed to consult with its union members prior to entering into a vaccination-related agreement with Matson, improperly denied his grievance, and as a result

“Matson barred [] Martin from working on a Matson vessel.” (FAC ¶¶ 16, 23-24, 27). These allegations turn on MM&P’s duty to represent Martin. *See James*, 2021 WL 3616776, at *7 (dismissing claims as preempted where “all of those theories appear to turn solely on the Union’s failure to pursue a grievance and prevent James’s termination”). Martin does not identify any duty that MM&P owed him outside of its duty to represent him. Under the circumstances, Martin’s cause of action is properly recharacterized as a federal duty of fair representation claim. *Kingi v. Screen Actors Guild - Am. Fed’n of TV & Radio Artists*, No. 24-5306, 2025 WL 1937450, at *2 (9th Cir. July 15, 2025) (finding that plaintiffs’ state law claims against the union—which arose from mandatory vaccination policies adopted pursuant to the union’s return-to-work agreement—were preempted by the duty of fair representation). Therefore, Martin’s claim against MM&P is preempted by the duty of fair representation, subject matter jurisdiction exists under 28 U.S. C. § 1331, and Martin’s motion to remand is denied.

MM&P’s Motion to Dismiss. MM&P moves to dismiss on the basis that, once Martin’s claim is properly recharacterized as a federal claim under Section 9, the claim is time-barred. The statute of limitations for a claim for breach of the NLRA’s

duty of fair representation is six months. *Kalombo v. Hughes Market, Inc.*, 886 F.2d 258, 259 (9th Cir. 1989). “[T]he six-month period generally begins to run when an employee knows or should know of the alleged breach of duty of fair representation by a union.” *Galindo*, 793 F.2d at 1509. Martin alleges that MM&P denied his grievance on February 14, 2022. At this point, Martin knew the facts that gave rise to his duty of fair representation claim, and the six-month statute of limitations began to run. However, Martin waited more than 19 months before he filed suit on September 22, 2023. In opposition, Martin does not argue that the statute of limitations should be extended or tolled, nor does he argue that he can allege new facts to avoid the statutory bar. Therefore, the claim is dismissed as barred by the statute of limitations. Dismissal is without leave to amend and with prejudice, because further amendment would be futile. *See Kingi*, 2025 WL 1937450, at *2 (affirming dismissal with prejudice of plaintiffs’ preempted claims as untimely where “[p]laintiffs have not explained how amendment could remedy the defects identified”).

Conclusion. Martin’s Motion to Remand (Dkt. No. 23) is DENIED, and MM&P’s Motion to Dismiss (Dkt. No. 32) is GRANTED WITHOUT LEAVE TO AMEND AND WITH PREJUDICE. Because the sole federal claim has been dismissed, the Court

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declines to exercise supplemental jurisdiction over the remaining state law claim against Matson, for the same reasons as in *Matson I*. See 28 U.S.C. § 1367(c)(3). Matson's Motion to Dismiss (Dkt. No. 30) and Request for Judicial Notice (Dkt. No. 31) are thus DENIED AS MOOT. Martin's Motion to Stay (Dkt. No. 24) is likewise DENIED AS MOOT. The case is REMANDED. See *Contest Promotions, LLC v. City & Cnty. of San Francisco*, No. 15-cv-04365-SI, 2016 WL 1055261, at *5 (N.D. Cal. Mar. 16, 2016). The Clerk is directed to remand this action to the Superior Court of California for the County of Monterey.

IT IS SO ORDERED.

Dated: August 25, 2025

/s/ Rita F. Lin
RITA F. LIN
United States District Judge

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APPENDIX E

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

[Filed 06/10/2026]

No. 25-6043

D.C. No. 3:25-cv-04382-RFL

DANIEL B. MARTIN,
Plaintiff – Appellant,

v.

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES & PILOTS; MATSON
NAVIGATION COMPANY, INC.,
Defendants – Appellees.

Appeal from the United States District Court for
the Northern District of California

Rita F. Lin, District Judge, Presiding

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Submitted: June 10, 2026**8
San Francisco, California

Before GOULD, NGUYEN, and VANDYKE, Circuit
Judges

MEMORANDUM*9

Daniel Martin appeals the district court’s order denying his motion to remand to state court his putative state-law assault claim against International Organization of Masters, Mates & Pilots (“the Union”). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

We review de novo “issues of subject matter jurisdiction and denials of motions to remand removed cases.” *Ritchey v. Upjohn Drug Co.*, 139 F.3d 1313, 1315 (9th Cir. 1998). “[W]e have an independent obligation to ensure that both the district court and this court have subject-matter jurisdiction.” *Moe v. GEICO Indem. Co.*, 73 F.4th 757, 761 (9th Cir. 2023).

⁸ ** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

⁹ * This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Federal district courts have removal jurisdiction over cases over which federal district courts “have original jurisdiction.” 28 U.S.C. § 1441. In general, “a cause of action arises under federal law only when the plaintiff’s well-pleaded complaint raises issues of federal law.” *Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58, 63 (1987). “One corollary of the well-pleaded complaint rule developed in the case law, however, is that Congress may so completely preempt a particular area that any civil complaint raising this select group of claims is necessarily federal in character.” *Id.* at 63-64. Our precedent holds that “complete preemption applies when Congress ‘(1) intended to displace a state-law cause of action, and (2) provided a substitute cause of action.’” *Cnty. of San Mateo v. Chevron Corp.*, 32 F.4th 733, 748 (9th Cir. 2022) (quoting *City of Oakland v. BP PLC*, 969 F.3d 895, 906 (9th Cir. 2020)).

1. Through section 9(a) of the Labor Management Relations Act (LMRA), 29 U.S.C. § 159(a), Congress intended to displace state-law causes of action alleging breaches of a labor union’s representative duties owed to its members. Claims under section 301 of the LMRA are completely preempted because any claim “for violation of contracts between an employer and a labor organization” is “purely a creature of federal law.” *Franchise Tax Bd. of Cal.*

v. Const. Laborers Vacation Tr. for S. Cal., 463 U.S. 1, 23-24 (1983); *see also Avco Corp. v. Aero Lodge No. 735, Int’l Ass’n of Machinists and Aerospace Workers*, 390 U.S. 557, 560 (1968). The Supreme Court has held that breach-of-duty-of-fair-representation claims are similarly defined by federal law. *See Vaca v. Sipes*, 386 U.S. 171, 188-89, 193 (1967). And it has observed that rules for duty-of-fair-representation claims should be influenced by the policy goals of federal labor law. *See DelCostello v. Int’l Bhd. of Teamsters*, 462 U.S. 151, 161 (noting that “state statutes of limitations can be unsatisfactory vehicles for the enforcement of federal law”). Additionally, considering the close relationship between duty-of-fair-representation claims and claims for breach of a collective bargaining agreement under section 301, especially in the context of hybrid claims, it makes sense that Congress would treat them identically for purposes of federal jurisdiction. *See id.* at 164-65.

2. Through the duty of fair representation, Congress “provided a substitute cause of action” for preempted state-law claims alleging breaches of labor unions’ representative duties. *Cnty. of San Mateo*, 32 F.4th at 748 (citation omitted). Here, Martin alleged that the Union deliberately “conspired” with Matson Navigation Company, Inc. (“Matson”) “to coerce ... Martin to violate his rights

to bodily integrity” by instituting the vaccination requirement. If this allegation is true, then Martin would likely have a cause of action for breach of the duty of fair representation. *See Beck v. United Food & Com. Workers Union, Loc. 99*, 506 F.3d 874, 879 (9th Cir. 2007) (“A union breaches its duty of fair representation when its ‘conduct toward a member of the collective bargaining unit is arbitrary, discriminatory, or in bad faith.’” (quoting *Vaca*, 386 U.S. at 190)). And courts have power to remedy such breaches. *See Vaca*, 386 U.S. at 196. Thus, Congress has supplied Martin with a “substitute cause of action,” and both elements of the *County of San Mateo* test for complete preemption are satisfied. 32 F.4th at 748 (citation omitted); *cf. City of Oakland*, 969 F.3d at 908 (finding no substitute cause of action where there was no “federal claim or cause of action” for the state-law claim and where the federal statute did not allow for the “compensatory damages” allowed under state law).

3. The district court did not err in determining that Martin’s state-law claim against the Union, as alleged in both the state-court complaint and the amended complaint, was preempted by the duty of fair representation. “The federal statutory duty which unions owe their members to represent them fairly ... displaces state law that would impose duties upon unions by virtue of their status as the

workers' exclusive collective bargaining representative." *Adkins v. Mireles*, 526 F.3d 531, 539 (9th Cir. 2008). "To bring a successful state law action, aggrieved workers must make a showing of additional duties, if they exist, beyond the normal incidents of the union-employee relationship." *Id.* (citing *United Steelworkers of Am. v. Rawson*, 495 U.S. 362, 374 (1990)). Here, the gravamen of Martin's claim against the Union is that the Union "exerted coercive pressure upon ... Martin to accept unwanted medical treatment by threatening his livelihood." The Union was in a *position* to exert this pressure only because Martin was a Union member and the Union, on behalf of its membership, negotiated with Matson to "institute[] a [r]equirement ... that no [m]ember could be dispatched to a Matson vessel" without being vaccinated. Like the plaintiffs in *Adkins*, who also sought to level an intentional-tort claim against their union, Martin takes issue with how the Union "carrie[d] out its representational functions" and seeks redress through a state-law intentional-tort claim. *Id.* at 541-42.

AFFIRMED.