

1 The Supreme Court of the United States granted certiorari. 131 S. Ct. 3061 (2011). The
2 Supreme Court reversed and remanded the Ninth Circuit's decision. 132 S. Ct. 2277,
3 2284 (2012). The Ninth Circuit then vacated this Court's decision in its entirety, and
4 remanded the case to this Court "for further proceedings consistent with the Supreme
5 Court's opinion." (ECF No. 183.)

6 On October 15, 2012, Plaintiffs filed the instant motion, requesting that the Court
7 enter amended judgment on remand. (ECF No. 184.) Defendants do not oppose the
8 motion, but request that the Court order that Defendants have 120 days to comply.
9 (ECF No. 186.) Plaintiffs state that they agree that SEIU should be accorded "a
10 sufficient time within which to provide these refunds" and that the proposed 120-day
11 period seems reasonable under the circumstances. (ECF No. 187.) Plaintiffs also
12 request that the Court direct SEIU to make monthly reports to Plaintiffs' counsel on
13 SEIU's progress in complying with the Court's Judgment, providing the names of each
14 class member to which a refund has been made, the State bargaining unit by which
15 each class member is employer, the dates of those payments, and the total amount
16 refunded to each class member. Plaintiffs further request that a letter explaining the
17 purpose of the refund be distributed with the refunds issued by SEIU.

18 The facts and analysis relevant to the instant motion are fully set forth in the
19 opinion of the United States Supreme Court. 132 S. Ct. 2277. In accordance with that
20 opinion, it is hereby ordered that:

- 21 1. Judgment is entered for Plaintiffs.
- 22 2. Defendant SEIU shall refund to Plaintiffs all monies exacted for the
23 "Emergency Temporary Assessment to Build a Political Fight-Back Fund," for the entirety
24 of the period during which the assessment was exacted, plus interest.
- 25 3. Plaintiffs are awarded nominal damages in the amount of one dollar
26 (\$1.00). See Cummings v. Connell, 402 F.3d 936, 944 (9th Cir. 2005).
- 27 4. Defendant SEIU shall refund Plaintiffs and pay nominal damages within
28 one hundred twenty (120) days from the date this judgment is entered.

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5. Defendant SEIU shall make reports every thirty (30) days to the Court, providing:

- a) The names of each class member to whom a refund has been made;
- b) The State bargaining unit by which each class member is employed;
- c) The date(s) of the payments; and
- d) The total amount refunded to each class member.

6. Defendant SEIU shall include with each refund sent to each Plaintiff a letter explaining the purpose of the refund, over the signature of Plaintiffs' counsel, in a form mutually agreeable to the parties.

IT IS SO ORDERED.

Dated: December 4, 2012


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE