

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 21 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CECILE WILLIAMS,

Plaintiff - Appellee,

v.

UNITED ELECTRICAL RADIO AND
MACHINE WORKERS OF AMERICA,
UE Local 1018,

Defendant - Appellant,

No. 25-3486

D.C. No.

2:20-cv-09957-SSS-MBK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Sunshine Suzanne Sykes, District Judge, Presiding

Submitted October 19, 2026**
Pasadena, California

Before: BUMATAY, VANDYKE, and MENDOZA, JR., Circuit Judges.

Defendant-Appellant United Electrical Radio and Machine Workers of
America, UE Local 1018 (“Union”), appeals the district court’s entry of judgment

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

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

for Plaintiff-Appellee Cecile Williams (“Williams”). We have jurisdiction under 28 U.S.C. § 1291, and we reverse.

“We review de novo the district court’s application of the law to the facts.” *True Health Chiropractic, Inc. v. McKesson Corp.*, 896 F.3d 923, 928 (9th Cir. 2018). Thus, we must accept the district court’s factual findings unless they are clearly erroneous, FED. R. CIV. P. 52(a), but we independently determine whether those findings satisfy the governing legal standard for establishing a breach of the duty of fair representation. *Patrick v. Running Warehouse, LLC*, 93 F.4th 468, 475 (9th Cir. 2024).

A union breaches its duty of fair representation when it fails to carry out a procedural or ministerial task—one that does not “require the exercise of judgment”—without substantial or rational reasons. *Peterson v. Kennedy*, 771 F.2d 1244, 1254 (9th Cir. 1985). This requires unions to conduct at least a minimal investigation that allows them to make an informed judgment. *Demetris v. Transp. Workers Union of Am.*, 862 F.3d 799, 805 (9th Cir. 2017); *see also Banks v. Bethlehem Steel Corp.*, 870 F.2d 1438, 1443 (9th Cir. 1989).

Once a Union exercises its informed judgment, however, a plaintiff “may prevail only if the union’s conduct was discriminatory or in bad faith.” *Demetris*, 862 F.3d at 805 (citation modified). Unions are afforded wide discretion “in deciding how best to handle grievances,” and only conduct displaying “an egregious

discard for the right of union members constitutes a breach of the duty of fair representation.” *Tenorio v. NLRB*, 680 F.2d 598, 601 (9th Cir. 1982); *see also Banks*, 870 F.2d at 1443. “[M]ere negligent conduct on the part of a union does not constitute a breach of the union’s duty,” nor may a union’s conduct be deemed arbitrary “simply because of an error in evaluating the merits of a grievance.” *Peterson*, 771 F.2d at 1254–55.

Here, the Union investigated Williams’ claim sufficiently to make an informed judgment requiring deference. While the district court identified aspects of the Union representative’s investigation that could have been more thorough and may have involved error, the Union’s actions did not rise to the level of being “irrational” or “without a rational basis or explanation.” *Demetris*, 862 F.3d at 805. Union representative Stephen Cutty attended the May 2019 meeting where Williams was given a formal improvement plan, reviewed the charges against her, and asked Williams for information regarding the parental complaints against her. He provided a good-faith reason for not investigating the complaints by contacting the parents. This is sufficient to satisfy the Union’s duty of fair representation. *See, e.g., Evangelista v. Inlandboatmen’s Union of the Pac.*, 777 F.2d 1390, 1395 (9th Cir. 1985) (reading the grievance, reviewing internal records, and reviewing collective bargaining agreement is sufficient to satisfy the Union’s duty). The Union’s Executive Board reviewed the charges against her and decided not to arbitrate, as

did the Union's membership after Williams herself presented her claim. No evidence shows these decisions were in bad faith or discriminatory. The decisions not to pursue Williams's grievance were exercises of judgment requiring deference. *Tenorio*, 680 F.2d at 601. Because "[i]t is for the union, not the courts, to decide whether and in what manner a particular grievance should be pursued[,]" *Peterson*, 771 F.2d at 1254, and the Union's decisions did not display egregious disregard for Williams' rights, *Tenorio*, 680 F.2d at 601, the district court erred in finding the Union's conduct arbitrary.

REVERSED.