



Court Tosses Lawsuit by Drivers Challenging Seattle Ridesharing Union Ordinance

Insights

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On August 9, the Ninth Circuit Court of Appeals dismissed a lawsuit filed by a group of independent drivers challenging a 2015 ordinance by the City of Seattle that allows ridesharing drivers to organize.

As we have covered extensively in our [Gig Employers Blog](#), the Seattle ordinance has been the subject of intense legal action and a flurry of activity by the courts. Back in May, the same Ninth Circuit revived an antitrust challenge to the ordinance filed by the U.S. Chamber of Commerce, sending the case back down to the lower court for further action. That case is ongoing.

This week's action involved a separate lawsuit filed by a group of independent drivers represented by the National Right to Work Legal Defense Foundation.

By way of background, the City of Seattle became the first jurisdiction to pass a law aimed at unionizing ride-sharing drivers in 2015. This is significant because these workers are typically classified as independent contractors (and therefore excluded from the right to organize under federal labor law). The controversial ordinance has been embroiled in legal challenges for several years now.

Court Rules Drivers' Lawsuit is "Unripe"

This lawsuit was filed by 11 drivers who claimed that the Seattle ordinance was preempted by the federal National Labor Relations Act (NLRA) and violated their First Amendment rights by transferring their speech rights to an "unwanted representative." However, the district court dismissed the drivers' lawsuit as "unripe." In order for a case in federal court to be "ripe," it must present issues that are definite and concrete, not hypothetical or abstract.

On appeal, the Ninth Circuit agreed with the district court, holding that the injuries the drivers claimed they would immediately suffer were the ordinance to go into effect were "too speculative." Specifically, the Court noted that no contract or agreement is imminent, no union has successfully procured the support of the drivers, and it is speculative whether the local Teamsters union (or any other union) will become the certified representative of the drivers under the ordinance.

"The drivers' actual injuries hinge on a prospective chain of events that have not yet occurred, and may never occur," the Court stated. "Because the drivers' claims are unripe, we lack jurisdiction to

consider the merits.”

What’s Next?

This likely is not the end of the debate over Seattle’s landmark ridesharing ordinance. As discussed above, the separate antitrust lawsuit challenging the ordinance is still ongoing.

And the drivers may appeal this ruling to an *en banc* hearing before the full Ninth Circuit, and ultimately to the United States Supreme Court. Moreover, the Court did not reach or rule on the merits of the underlying claims. Rather, the Court merely ruled that the lawsuit was premature as the drivers could not show any imminent harm – setting up a potential future challenge if the ordinance is implemented and a union organizes the drivers.

This is just the latest salvo in a long-running dispute over this issue and the future of work in the gig economy. The judicial back-and-firth is likely to continue for quite some time.

For more information about these developments, contact any attorney in our [Government Relations Practice Group](#) or your Fisher Phillips attorney.

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