IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-1824

HOLLIE ADAMS, JODY WEABER, KAREN UNGER, and CHRIS FELKER,

Appellants

v.

TEAMSTERS UNION LOCAL 429; LEBANON COUNTY; ATTORNEY GENERAL JOSH SHAPIRO, in his official capacity; and JAMES M. DARBY, ALBERT MEZZAROBA, and ROBERT H. SHOOP, JR., in their official capacities as members of the Pennsylvania Labor Relations Board

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BRIEF FOR COMMONWEALTH APPELLEES

APPEAL FROM THE JUDGMENT OF THE UNITED STATES
DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA,
ENTERED MARCH 31, 2020

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STATEMENT OF JURISDICTION

This is a civil rights action brought pursuant to 42 U.S.C. § 1983 against a labor union; a public employer (a county); and four Commonwealth officials. As to the Commonwealth officials on whose behalf this brief is filed, the district court had subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

This appeal is from two final orders, entered on March 31, 2020. Those orders adopted two Reports and Recommendations issued by a Magistrate Judge and granted the Commonwealth parties' and the other defendants' respective motions for summary judgment (*See* App. 006-008). One notice of appeal from both orders was filed on April 15, 2029 (App. 003-005). This Court has appellate jurisdiction by virtue of 28 U.S.C. § 1291.

STATEMENT OF THE ISSUE

In their two-count complaint, the plaintiffs (now appellants) brought claims against their employer (a county); their former union; and four Commonwealth of Pennsylvania parties. The Commonwealth parties were only named in Count II of the complaint. Accordingly, this brief only concerns the viability of the single claim against the Commonwealth parties. As to them, the issue to be addressed is:

Insofar as Pennsylvania's Public Employee Relations Act (PERA) continues to allow for exclusive representation of public sector employees by a single union, is PERA constitutional?

Answer of the district court: Yes

Suggested answer: Yes

STATEMENT OF THE CASE

On June 27, 2018, the Supreme Court decided *Janus v. Am. Fed. of State, Cty., and Mun. Emps., Council 31*, 138 S. Ct. 2448 (2018). Explicitly overruling *Abood v. Detroit Bd. of Ed.*, 431 U.S. 209 (1977), the Court held in *Janus* that the "agency fee" scheme for public sector unions in Illinois violated the free speech rights of non-member public employees by compelling them to subsidize their unions' private speech.[1] This is one of many post-*Janus* cases, seeking to broaden that ruling.

Here, four Pennsylvania public employees (Hollie Adams, Jody Weaber, Karen Unger, and Chris Felker – collectively "Plaintiffs") sued their employer, Lebanon County; the union from which they had resigned in the wake of *Janus*, Teamsters Local 429; and four Commonwealth officials (the Attorney General and three members of the Pennsylvania Labor Relations Board). Count I of the Plaintiffs' complaint, seeking monetary and non-monetary relief from the County and Local 429 only, does not involve the Commonwealth and will not be addressed

[1] Under the challenged scheme, employees who declined to join a union selected by their co-workers were not assessed full union dues but were instead assessed an "agency fee" (amounting to a percentage of the union dues). *Janus*, 138 S. Ct. at 2460. (In Pennsylvania, agency fees have been known as "fair share fees.")

in detail now.[2] Rather, this brief will focus on Count II. There, the Plaintiffs raised, but lost, a constitutional challenge to the exclusive representation provision of the Pennsylvania Labor Relations Act (PERA), 43 P.S. § 1101.606.

Factual Background

Agreeing that the operative facts were not in dispute, all parties sought summary judgment in this case, and their respective claims were resolved on that basis (*See* App. 006-014 – orders and memoranda). As recounted by the Plaintiffs in their Opening Brief, at 3-7, most of the facts of this case concern the Plaintiffs' erstwhile membership in Local 429, their individual decisions to stop paying union dues after the Supreme Court's *Janus* decision, and the County's handling of their requests to resign from Local 429. But those details have no bearing on the Plaintiffs' separate claim against the Commonwealth defendants, regarding the constitutionality of 43 P.S. § 1101.606.

With respect to the discrete claim being pursued by the Plaintiffs against the Commonwealth officials, the material facts are very straightforward: Under Pennsylvania law, a union selected by public employees in a unit appropriate for collective bargaining purposes is the exclusive representative of all employees in

[2] As confirmed in Plaintiffs' opening brief, at 49-50 n.4, "none of the relief Plaintiffs seek in Count I involve[s] the Commonwealth Defendants. ... Plaintiffs do not seek damages against the Commonwealth Defendants."

that unit (*See* App. 083-085 – Stmt. of Facts, ¶¶ 10-15). As the exclusive representative, the designated union – such as Local 429 in this instance – negotiates wages, hours, terms and conditions of employment for all employees in the bargaining unit (*Id.*). This includes not only union members but also employees who are not members of the union, as well as those who may disagree with the union's position(s) on issues subject to collective bargaining (*Id.*).

Procedural History

As noted earlier, Plaintiffs filed a two-count lawsuit against three separate defendants or sets of defendants (App. 028-079 – Complaint). In due course, all parties filed dispositive motions, based on agreed-to factual summaries (App. 080-107 – SJ filings). Considering those motions and the responses thereto, Magistrate Judge Carlson issued two reports and corresponding recommendations (App. 108-127, 128-155) and those were duly adopted by Judge Rambo (App. 006-014). After judgment was entered in favor of all defendants, the Plaintiffs filed a timely notice of Appeal (App. 003-004).

Not long after this appeal was docketed, Plaintiffs filed an unopposed motion to stay briefing, pending the outcome of another case, *Oliver v. Service Employees Int'l Union, Local 668, et al.*, No. 19-3876 (3d Cir.). In that motion, Plaintiffs asserted that the legal issues in *Oliver*, which had already been briefed, were largely the same as those in this case. Plaintiffs anticipated that, in deciding

this more recently filed appeal, this Court would "likely be bound by the outcome of *Oliver*." The requested stay was granted as of June 3, 2020. *Oliver* was decided on October 7, 2020.

STATEMENT OF RELATED CASES

This case has not previously been before this Court. There are no pending cases to which it is directly related. The legal issues presented here do overlap with those recently addressed in *Oliver v. Service Employees Int'l Union, Local 668, et al.*, No. 19-3876 (3d Cir. Oct. 7, 2020)

SUMMARY OF ARGUMENT

Plaintiffs' constitutional challenge to PERA's exclusive representation provision, 43 P.S. § 1101.606, was rightly rejected. The Supreme Court effectively resolved this issue in *Minn. State Bd. for Comty. Colls. v. Knight*, 465 U.S. 271 (1984), as this Court concluded in the recent *Oliver* decision and as five other circuits have also recognized. *Janus*, which does not even mention *Knight*, is not to the contrary. It only dealt with agency fees and, in fact, *approved* of exclusive representation schemes.

ARGUMENT

As the district court correctly found (*see* App. 007-008, 150-153), the Plaintiffs' constitutional challenge to the PERA exclusive representation provision, 43 P.S. § 1101.606, was foreclosed under existing law.

Summary Judgment In Favor Of The Commonwealth Officials Was Proper Because, Contrary To Plaintiffs' Contention, PERA's Exclusive Representation Provision Is Constitutional.

Standard of Review:

This Court exercises plenary review over orders granting summary judgment. *See, e.g.*, *Karns v. Shanahan*, 879 F.3d 504, 512 (3d Cir. 2018); *Egolf v. Witmer*, 526 F.3d 104, 106 (3d Cir. 2008).

* * * * *

The Supreme Court's *Janus* decision reexamined the constitutional implications, for employees, of joining – or not joining – a public sector labor union: In light of the First Amendment, agency fees could no longer be collected from non-members. Since then, attempts by non-union public employees to use *Janus* as a springboard to distance themselves even more completely from the unions that continue to represent some of their fellow public employees have not been successful. So, in analyzing the prospects for Plaintiffs' single current claim against the Commonwealth officials, this backdrop should not be overlooked.

To set the stage before parsing Count II of Plaintiffs' complaint (and their comparatively abbreviated argument on that portion of their appeal), a few words about Count I are in order, because that is where Plaintiffs seem to focus most of their appellate attention. In Count I, they seek to go beyond *Janus* itself and, in so doing, to secure extensive monetary and non-monetary relief from Local 429 or their employer or both. Judging from how other post-*Janus* cases have unfolded, that is a formidable task.

Most notably, on remand from the Supreme Court, the original *Janus* plaintiff, Mark Janus (like Plaintiffs herein) sought monetary damages to compensate him for his former union's past violation of his First Amendment rights. The district court ruled against him, as did the United States Court of Appeals for the Seventh Circuit. The latter explicitly held that the union could assert a good faith defense to Mr. Janus' claim. *Janus v. Am. Fed. of State, County, and Municipal Employees*, 942 F.3d 352, 361-367 (7th Cir. 2019). That decision (which may have a direct bearing on Plaintiffs' present claims against Local 429 and the County) is now final, given the Supreme Court's recent denial of *certiorari*.[3]

[3] *See Janus v. Am. Fed. of State, Cty. and Mun. Emps., Council 31, et al.*, No. 19-1104 (U.S. Jan. 25, 2021).

Also noteworthy in the present context is this Court's October decision in *Oliver v. Service Employees Int'l Union, Local 668,* 830 F. App'x, 76 (3d Cir. 2020). Although designated "non-precedential," that opinion – rejecting arguments almost identical to those now presented by Plaintiffs – is certainly persuasive.[4] Frankly, it can hardly be ignored now. After all, Plaintiffs themselves requested and obtained a stay of briefing in this case pending resolution of the *Oliver* appeal precisely because they expected the decision in *Oliver* to govern the outcome of this case. And if *Oliver* is indeed followed at this stage, as it should be, it will not help Plaintiffs. To the contrary, and on the exclusive representation aspect of this case in particular (to be discussed shortly), this Court's decision in *Oliver* – rejecting Ms. Oliver's position on that issue – is entirely consistent with those of several other Courts of Appeals in analogous cases.[5]

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[4] As an unreported decision, *Oliver* does not constitute binding precedent but it may still be cited for its persuasive value. *See* 3d Cir. IOP 5.7. *See also* Fed.R.App.P. 32.1(a).

[5] In addition to this Court's decision in *Oliver*, other post-*Janus* decisions of this Court do not bode particularly well for Plaintiffs either, at least in a general sense. *See LaSpina v. SEIU Pennsylvania State Council*, ---F.3d---, 2021 WL 137742 (3d Cir. 2021) (public employee who resigned from union had no standing to seek refund of pre-*Janus* dues payments; related challenge was moot in light of employee's resignation); *Thulen v. AFSCME New Jersey Council*, No. 20-1186 (3d Cir. Feb. 10, 2021) (public employees no longer current members of union lacked standing to seek prospective relief or money damages); *Fischer v. Governor of* (continued….)

Turning specifically to Count II of the complaint at issue: Plaintiffs averred that PERA's exclusive representation provision, at 43 P.S. § 1101.606, amounts to an unconstitutional abridgement of their right, under the First Amendment, "not to be compelled to associate with speakers and organizations" that espouse viewpoints "in opposition to [their] own goals and priorities" (App. 043 – compl. ¶¶ 62-63). Plaintiffs continue to press that point on appeal (*See* Opening Brf., at 49-55).[6]

It is not self-evident that, for standing purposes, the mere existence of 43 P.S. § 1101.606 has resulted in a cognizable injury-in-fact to any of the Plaintiffs themselves (let alone all of them), by any of the Commonwealth officials. At

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New Jersey, ---F. App'x,---, 2021 WL 141609 (3d Cir. 2021) (rejecting teachers' challenges to waiting period for "disaffiliating" from union); *Rizzo-Rupon v. Int'l Assn. of Machinists and Aerospace Workers*, 822 F. App'x, 49 (3d Cir. 2020) (Railway Labor Act's agency-fee provision for private-sector employers and unions remains in effect, not governed by *Janus*); *Diamond v. Pennsylvania State Education Ass'n*, 972 F.3d 262 (3d Cir. 2020) (union could raise good faith defense to non-members' claims for refunds of fair share fees or damages); *Hartnett v. Pennsylvania State Education Ass'n*, 963 F.3d 301 (3d Cir. 2020) (teachers' challenge to statute calling for payment of agency fees was moot, where unions had ceased to collect such fees and "emphatically disclaimed" any intent to enforce statute in the future).

[6] On Count II, Plaintiffs only seek declaratory and injunctive relief, not damages or other retroactive financial relief, so – as they correctly point out, Opening Brf., at 49 – the Eleventh Amendment is not a consideration at this point.

most, the record establishes that Plaintiffs are public sector employees and, as a general proposition, PERA applies in public sector workplaces.

Nevertheless, Plaintiffs' standing to raise the exclusive representation issue will be assumed. Defendants Darby, Mezzaroba, and Shoop sit on the Pennsylvania Labor Relations Board, which certifies unions, such as Local 429, as exclusive representatives of individuals employed by public sector employers, such as Lebanon County. *See generally* 43 P.S. §§ 1101.601-1101.607. Perhaps more significantly, pursuant to the Commonwealth Attorneys' Act, the Attorney General, one of the Commonwealth defendants, has a statutory "duty to uphold and defend the constitutionality of all statutes so as to prevent their suspension or abrogation in the absence of a controlling decision by a court of competent jurisdiction." 71 P.S. § 732-204(a)(3). In this instance, there is no pertinent "controlling decision" concerning the constitutionality of 43 P.S. § 1101.606, so the Attorney General can and should weigh in. That single statutory provision, questioned by Plaintiffs, is indeed constitutional and should be upheld without hesitation.

The exclusive representation model has a venerable pedigree. It reflects a legislative judgment that such a system is the only practical mechanism for collective bargaining. *See*, *e.g.*, House Rep. No. 1147 (1935), *reprinted in* 2 Leg. Hist. of the National Labor Relations Act ("NLRA") 3070 (1935) ("There cannot

be two or more basic agreements applicable to workers in a given unit; this is virtually conceded on all sides."); Sen. Rep. No. 573 (1935), *reprinted in* 2 Leg. Hist. of the NLRA 2313 ("[T]he making of agreements is impracticable in the absence of majority rule."). The model gained widespread acceptance because it "is in accord with American traditions of political democracy, which empower representatives elected by the majority of the voters to speak for all the people." *See In re Houde Engineering Corp*., 1 N.L.R.B. (Old) 35, 43 (1934).

The particular question Plaintiffs now raise – whether designation of an exclusive bargaining representative impinges on individuals' First Amendment right to free expressive association – was answered in *Minn. State Bd. for Comty. Colls. v. Knight*, 465 U.S. 271 (1984). There, community college instructors who had declined to join a majority-elected union challenged portions of Minnesota's Public Employee Labor Relations Act, analogous to PERA, that required government employers to "meet and negotiate" only with duly elected representatives on mandatory bargaining subjects, and to "meet and confer" only with those same representatives on non-mandatory bargaining subjects. *Id.*, 465 at 278-279. Non-members challenged this scheme, asserting that it infringed upon their rights to free speech and association. *Id.*

The Supreme Court rejected the non-members' challenge, specifically recognizing that the First Amendment does not "require government policymakers

to listen or respond to individuals' communications on public issues." *Id.* at 288-290. The Court explained that the statute did not "restrain [their] freedom to speak . . . or their freedom to associate or not associate with whom they please, including the exclusive representative. Nor [had] the state attempted to suppress any ideas." *Id.* Thus, *Knight* squarely held that the non-members' "associational freedom ha[d] not been impaired." *Id.* at 289. In fact, non-members were "free to form whatever advocacy groups they like." *Id.* Any "pressure" to join the union to be heard "is no different from the pressure to join a majority party that persons in the minority always feel." *Id.* at 290. In the Court's view, "such pressure is inherent in our system of government; it does not create an unconstitutional inhibition on associational freedom." *Id.*

Plaintiffs' attempt to distinguish *Knight* (Opening Brf., at 53-55) is unpersuasive. There, the faculty dissenters had requested to have their views heard separately because they did not wish to associate with the designated union. *See Knight*, 465 U.S. at 282. That is, *Knight* goes further than merely permitting exclusive representation – it both found the representation scheme lawful and also held that those who choose not to otherwise associate with the union have no right to compel the government to listen to their views. *Id.* at 283-286.

PERA as a whole is at least as accommodating of associational freedoms as the statute held to be constitutional in *Knight*. It explicitly provides for a "right to

refrain" from joining or assisting employee organizations. *See* 43 P.S. § 1101.401. The very section that Plaintiffs seek to prevent the Commonwealth officials from enforcing grants individual employees or groups of employees "the right at any time to present grievances to their employer[,]" should an employee so choose. 43 P.S. § 1101.606. Plaintiffs do not allege that their actual employer (the County), not to mention the Commonwealth as a whole, has attempted to suppress their individual speech in any way. Like the non-member instructors in *Knight*, Plaintiffs are free to associate or not associate with whomever they please, including the exclusive representative. Accordingly, *Knight* is dispositive.

Moreover, post-*Knight* decisions from this and other circuits reinforce this conclusion. As mentioned earlier, a virtually identical challenge was recently raised in and rejected in *Oliver*, 830 F. App'x at 80-81. This Court's approach in *Oliver* is equally applicable here. Like Ms. Oliver, Plaintiffs are no longer union members, no longer required to pay fair share fees, and not compelled in any way to associate with their former union, Local 429. Plaintiffs' employer, Lebanon County, is not obliged to meet with Plaintiffs or listen to their workplace concerns, if any. Under the statute, the County is "free to choose with whom it will negotiate and to recognize an exclusive bargaining representative," *id*. at 81, as it has done. In no way does that put words in the Plaintiffs' mouths or otherwise violate their free speech or free association rights. *Id.*

In addressing this issue in *Oliver*, this Court mentioned that other circuits had reached similar results. *See id.* at 81. That is just as true now as it was a few months ago. More specifically, the United States Courts of Appeals for the First, Second, Seventh, Eighth, and Ninth Circuits have each rejected exclusive representation claims analogous to the one Plaintiffs are pursuing in this appeal. All five of those circuits have held that, under *Knight*, designating a democratically elected exclusive representative for the purpose of collective bargaining does not violate the First Amendment rights of those who decline to join a union. In Circuit order (for ease of reference), the state of the law on this point is as follows:

- *D'Agostino v. Baker*, 812 F.3d 240, 243-245 (1st Cir.) (Souter, J. by designation), *cert. denied*, 136 S. Ct. 2473 (2016) – held non-members' ability to "speak out publicly on any subject" and "free[dom] to associate themselves together outside the union however they might desire" defeated compelled association claim. *See also Reisman v. Associated Faculties of Univ. of Maine*, 939 F.3d 409, 414 (1st Cir. 2019), *cert. denied*, 141 S. Ct. 445 (2020) – held *D'Agostino* is still good law after *Janus* and again found exclusive representation permissible.
- *Jarvis v. Cuomo*, 660 F. App'x 72, 74 (2d Cir. 2016) (non-precedential) – concluded plaintiffs could not demonstrate constitutionally impermissible

burden on their right to free association, due to exclusive representation scheme.

- *Hill v. Serv. Emps. Int'l Union*, 850 F.3d 861, 864 (7th Cir.), *cert. denied*, 138 S. Ct. 446 (2017) – plaintiffs were not required to join or financially support union, so "exclusive-bargaining-representative scheme is constitutionally firm and not subject to heightened scrutiny."
- *Bierman v. Dayton*, 900 F.3d 570, 574 (8th Cir. 2018), *cert. denied sub nom. Bierman v. Walz*, 139 S. Ct. 2043 (2019) – challenge to exclusive representation scheme under First and Fourteenth Amendments was foreclosed by *Knight*, and *Janus* did not supersede *Knight*.
- *Mantele v. Inslee*, 916 F.3d 783, 789-791 (9th Cir.), *cert. denied sub nom. Miller v. Inslee*, 140 S. Ct. 114 (2019) – summary judgment against plaintiff affirmed because "degree of First Amendment infringement inherent in mandatory union representation is tolerated in the context of public sector labor schemes." *Janus* did not overrule *Knight sub-silentio*, and even if *Knight* did not apply, exclusive representation would be permissible.

Without mentioning any of these out-of-circuit appellate decisions, Plaintiffs reject the premise that *Knight* is controlling, or even instructive in this instance (*See* Opening Brf., at 53-55). Instead they suggest, but in no way demonstrate, that *Knight* is just "not responsive" to the question they are attempting to raise:

"whether someone else can speak in their name, with their imprimatur granted to it by the government" (Opening Brf., at 55).

Perhaps realizing that this approach is hopelessly weak, Plaintiffs intimate that the more recent decision of the Supreme Court in *Janus* somehow trumps *Knight*. By way of a footnote, they purport – in the alternative – to "reserve the right to argue on appeal that *Knight* should be overruled" (Opening Brf., at 55 n.5). For two reasons, this tactic cannot carry the day.

First, Plaintiffs' attempt to give themselves an "out" is procedurally improper. Now is not the time to "reserve" an additional argument; now is the time to spell out all the (duly preserved) arguments Plaintiffs want this Court to consider; any argument not properly developed in their opening brief is waived. "An issue is waived unless a party raises it in its opening brief, and for those purposes a passing reference to an issue will not suffice to bring that issue before this court." *Laborers' Intern. Union of North America, AFL-CIO v. Foster Wheeler Energy Corp.* 26 F.3d 375, 398 (3d Cir. 1994) (internal quotation marks and ellipsis omitted). *See also United States v. Pellulo,* 399 F.3d 197, 222 (3d Cir. 2005) ("an appellant's failure to identify or argue an issue in his opening brief constitutes waiver of that issue on appeal"). By the same token, "arguments raised in passing (such as, in a footnote) but not squarely argued, are considered waived."

John Wyeth & Bro. Ltd. v. CIGNA Intern. Corp., 119 F.3d 1070, 1076 n.6 (3d Cir. 1997).

Second, Plaintiffs' attempt to capitalize on *Janus* is meritless in any event. Overturning four decades of precedent, *Janus* held that public employees who choose not to become union members cannot be required to pay agency fees to an exclusive representative because compulsory fees constitute "compelled subsidization of private speech," contrary to the First Amendment. 138 S. Ct. at 2464. But the Court in *Janus* took care to explain that there is a distinction between a requirement to pay agency fees and the designation of an exclusive collective bargaining representative. *See id.* at 2465, 2478, 2486. The Court's opinion further observed that "the designation of a union as exclusive representative and the imposition of agency fees are not inextricably linked." *Id.* at 2480.[7] Indeed, the Court *expressly approved of exclusive representation schemes*, explaining that "the State may require that a union serve as exclusive bargaining agent for its employees. . . . We simply draw the line at allowing the government" to require non-members to pay agency fees. *Id.* at 2478.

[7] The Court had drawn the same distinction in *Harris v. Quinn*, 573 U.S. 616, 649 (2014) ("A union's status as exclusive bargaining agent and the right to collect an agency fee from non-members are not inextricably linked.").

The message in *Janus* was crystal clear: Though mandatory agency fees could not be justified as a constitutional matter, the Court explicitly reminded all litigants that "States can keep their labor-relations systems exactly as they are[.]" *Id.* at 2485 n.27. *Janus* did not even cite *Knight*, much less overrule it, as the post-*Janus* decisions in *Reisman*, *Bierman*, and *Mantele*, *supra*, have confirmed.

In sum, no constitutional flaw infects the PERA exclusive representation scheme. The district court's conclusion to that effect is legally correct and should be affirmed.

CONCLUSION

For the foregoing reasons, this Court should affirm the decision of the district court in favor of the Commonwealth officials.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

I, Claudia M. Tesoro, Senior Deputy Attorney General, hereby certify as follows:

1. I am a member of the bar of this Court.

2. The text of the electronic version of this brief is identical to the text of the paper copies.

3. A virus detection program was run on the file and no virus was detected.

4. This brief contains 4,043 words within the meaning of Fed.R.App.P. 32(a)(7)(B). In making this certificate, I have relied on the word count of the word-processing system used to prepare the brief.

/s/ Claudia M. Tesoro

CLAUDIA M. TESORO
Senior Deputy Attorney General

CERTIFICATE OF SERVICE

I, Claudia M. Tesoro, Senior Deputy Attorney General, hereby certify that the foregoing Brief For Commonwealth Appellees is this day being filed electronically, using the Court's CM/ECF system, and thus will be served electronically on any/all Filing User(s) involved in this case, including counsel of record for appellants, counsel of record for appellee Teamsters Local 429, and counsel of record for appellee Lebanon County.

/s/ Claudia M. Tesoro

CLAUDIA M. TESORO
Senior Deputy Attorney General

DATE: February 11, 2021