

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HOLLIE ADAMS, JODIE WEABER,	:	
KAREN UNGER <i>and</i> CHRIS	:	No. 1:19-CV-0336
FELKER	:	
	:	Judge Rambo
Plaintiffs,	:	
	:	MOTION OF
v.	:	COMMONWEALTH
	:	DEFENDANTS TO DISMISS
TEAMSTERS UNION LOCAL 429, et	:	PLAINTIFFS' COMPLAINT
al.,	:	
	:	Electronically Filed Document
Defendants.	:	
	:	Complaint Filed 02/27/19
	:	Trial Date: not set

**MOTION OF COMMONWEALTH DEFENDANTS
TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)**

Defendants Attorney General Josh Shapiro, James M. Darby, Albert Mezzaroba, and Robert H. Shoop, Jr. (collectively, "Commonwealth Defendants") move pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) to dismiss, with prejudice, all claims against the Commonwealth Defendants for lack of jurisdiction and failure to state a claim upon which relief may be granted. In support of this Motion, Commonwealth Defendants rely upon the Declaration of Kevin Bolig dated May 17, 2019, and the Affidavit of Michelle Edris dated May 16, 2019. Because Plaintiffs are no longer members of the Union, have no continuing dues deductions

and have been refunded all amounts due, there is no active controversy and the matter is moot. Further, any retroactive relief sought against the Commonwealth Defendants, sued only in their official capacities, is barred by the Eleventh Amendment to the United States Constitution. Finally, the complaint states no claim upon which relief may be granted in light of established, binding precedent. For these reasons and as more fully explained in the memorandum of law to be filed pursuant to Local Rule 7.5, Commonwealth Defendants respectfully request this Court dismiss all claims against the Commonwealth Defendants, with prejudice.

Dated: May 20, 2019

Respectfully Submitted,

JOSH SHAPIRO
Attorney General

Office of Attorney General
1600 Arch Street, Ste. 300
Philadelphia, PA 19003

By:

/s/ Nancy A. Walker
Nancy A. Walker
Chief Deputy Attorney General
Attorney I.D. 66816

Caleb Enerson
Deputy Attorney General
Attorney I.D. 313832

Keli Neary
Chief Deputy Attorney General
Attorney I.D. 205178