

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

HOLLIE ADAMS, <i>et al.</i>,	:	
	:	
Plaintiffs,	:	No. 1:19-cv-00336 SHR
	:	
v.	:	
	:	
TEAMSTERS UNION LOCAL 429,	:	The Honorable Sylvia Rambo
<i>et al.</i>	:	
	:	Electronically Filed Document
Defendants	:	
	:	<i>Complaint Filed 02/27/19</i>
	:	

**DEFENDANTS’ JOINT STATEMENT OF MATERIAL FACTS
NOT IN DISPUTE**

1. Plaintiffs are employees of Defendant Lebanon County. Plaintiff Adams resides in Tower City, Pennsylvania. Plaintiff Weaber resides in Stevens, Pennsylvania. Plaintiff Unger resides in Pine Grove, Pennsylvania. Plaintiff Felker resides in Lebanon, Pennsylvania. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 9.

2. Defendant Teamsters Local Union No. 429 (“Defendant Teamsters”) is a labor union headquartered in Wyomissing, Pennsylvania, and includes among its members municipal government employees. Teamsters is an “Employee organization” and “Representative” within the meaning of the Pennsylvania Public Employee Relations Act (“PERA”), 43 P.S. § 1101.301(3) and (4), respectively.

Adams et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 10.

3. Defendant Lebanon County is a Pennsylvania county. Defendant Lebanon County is a “Public employer” within the meaning of PERA, 43 P.S. § 1101.301(1). *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 11.

4. Defendant Attorney General Josh Shapiro is responsible for enforcement of Commonwealth laws. His office is located in Harrisburg, Pennsylvania. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 12.

5. Defendants James M. Darby, Albert Mezzaroba, and Robert H. Shoop Jr., are members of the Pennsylvania Labor Relations Board (“PLRB”). *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 13.

6. The PLRB is charged, under PERA, with a number of tasks, including but not limited to, determining the appropriateness of the bargaining unit, certifying a single employee representative per bargaining unit for collective bargaining purposes, and establishing the rules for membership or non-membership in a union as well as the payment of membership dues. *Adams et al. v. Teamsters Local Union*

429 *et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 13; 43 P.S. §§ 1101.101 *et seq.*

7. Section 301 of PERA defines “Maintenance of membership” as all employes who have joined an employe organization or who join the employe organization in the future must remain members for the duration of a collective bargaining agreement so providing with the proviso that any such employe or employes may resign from such employe organization during a period of fifteen days prior to the expiration of any such agreement.

Adams et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 18; 43 P.S. § 1101.301(18).

8. Section 401 of PERA states in pertinent part:

It shall be lawful for public employes to organize, form, join or assist in employe organizations or to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection or to bargain collectively through representatives of their own free choice and such employes shall also have the right to refrain from any or all such activities, except as may be required pursuant to a maintenance of membership provision in a collective bargaining agreement.

Adams et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 19; 43 P.S. § 1101.401.

9. Section 705 of PERA states in pertinent part:

Membership dues deductions and maintenance of membership are proper subjects of bargaining with the proviso that as to the latter, the payment of dues and assessments while members, may be the only requisite employment condition.

Adams et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 22; 43 P.S. § 1101.705.

10. Section 604 and Section 606 of PERA establishes that a union selected by public employees in a unit appropriate for collective bargaining purposes is the exclusive representative of all the employees in such unit to bargain on wages, hours, terms and conditions of employment. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 13; 43 P.S. §§ 1101.604, 1101.606.

11. Section 604 states in its entirety:

Section 604. The board shall determine the appropriateness of a unit which shall be the public employer unit or a subdivision thereof. In determining the appropriateness of the unit, the board shall:

(1) Take into consideration but shall not be limited to the following: (i) public employes must have an identifiable community of interest, and (ii) the effects of over-fragmentization.

(2) Not decide that any unit is appropriate if such unit includes both professional and nonprofessional employes, unless a majority of such professional employes vote for inclusion in such unit.

(3) Not permit guards at prisons and mental hospitals, employes directly involved with and necessary to the functioning of the courts of this Commonwealth, or any individual employed as a guard to enforce against employes and other persons, rules to protect property of the employer or to protect the safety of persons on the employer's premises to be included in any unit with other public employes, each may form separate homogenous employe organizations with the proviso that organizations of the latter designated employe group may not be affiliated with any

other organization representing or including as members, persons outside of the organization's classification.

(4) Take into consideration that when the Commonwealth is the employer, it will be bargaining on a Statewide basis unless issues involve working conditions peculiar to a given governmental employment locale. This section, however, shall not be deemed to prohibit multi-unit bargaining.

(5) Not permit employees at the first level of supervision to be included with any other units of public employes but shall permit them to form their own separate homogenous units. In determining supervisory status the board may take into consideration the extent to which supervisory and nonsupervisory functions are performed.

Adams et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 13; 43 P.S. §§ 1101.604.

12. Section 606 of PERA states in its entirety:

Representatives selected by public employes in a unit appropriate for collective bargaining purposes shall be the exclusive representative of all the employes in such unit to bargain on wages, hours, terms and conditions of employment: Provided, That any individual employe or a group of employes shall have the right at any time to present grievances to their employer and to have them adjusted without the intervention of the bargaining representative as long as the adjustment is not inconsistent with the terms of a collective bargaining contract then in effect: And, provided further, That the bargaining representative has been given an opportunity to be present at such adjustment.

Adams et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 13; 43 P.S. § 1101.606.

13. Once a union is designated the exclusive representative of all bargaining unit employees in the bargaining unit, it negotiates wages, hours, terms

and conditions of employment for all bargaining unit employees. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 34; 43 P.S. § 1101.606.

14. PLRB has certified Defendant Teamsters as the exclusive bargaining representative for the bargaining unit employees which includes Plaintiffs. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶¶ 13, 35.

15. As such, Defendant Teamsters is the exclusive representative of Plaintiffs and their coworkers in the bargaining unit with respect to wages, hours, terms and conditions of employment. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 35; *Exhibit A of the Complaint, Article 1*; 43 P.S. § 1101.606.

16. Defendant Lebanon County and Defendant Teamsters entered into a collective bargaining agreement (“Agreement”), effective on January 1, 2016 through December 31, 2019. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 16 & *Exhibit A of the Complaint*.

17. Article 3 (“Union Security”) of the Agreement states, in relevant part:

Section 1. Each employer who, on the effective date of this Agreement, is a member of the Union and each employee who becomes a member after that date shall, as a condition of employment, maintain his/her membership in the Union. An

employee may, however, resign from the Union within fifteen (15) days prior to the expiration of this Agreement without penalty by serving written notice to Teamsters Local Union No. 429, 1055 Spring Street, Wyomissing, PA 19610, and to the Commissioners Office, Lebanon County Court House, Room 207, 400 South 8th Street, Lebanon, PA 17042.

Adams et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #1, *Complaint*, at ¶ 17 & *Exhibit A of the Complaint, Article 3*.

18. Article 4, Section 1 of the Agreement states in pertinent part:

Section 1. Union Dues. The County agrees to deduct the Union membership initiation fees, assessment and once each month, either dues from the pay of those employees who individually request in writing that such deduction be made or fair share. The amount to be deducted shall be certified to the County by the Union, and the aggregate deductions of all employees shall be remitted together with an itemized statement to the Union by the 10th of the succeeding month, after such deductions are made. This authorization shall be irrevocable during the term of this Agreement.

Adams et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #27, *Complaint*, at ¶ 21; *Exhibit A of Complaint, Article 4, Section 1*.

19. On or about April 14, 2003, Plaintiff Hollie Adams (“Plaintiff Adams”) was hired by Defendant Lebanon County. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters’ Motion to Dismiss*, at ¶ 3.

20. On or about May 6, 2003, Plaintiff Adams signed a union authorization card, whereby she became a union member of the Local. *Adams et al. v. Teamsters*

Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 4; *Exhibit A to Declaration of Kevin Bolig*.

21. Prior to July 10, 2018, Plaintiff Adams never requested to resign her membership in the Local. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 5.

22. On or about July 10, 2018, Plaintiff Adams sent a letter to the Local requesting to resign her membership, which the Local received on July 13, 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 6; *Exhibit B to Declaration of Kevin Bolig*.

23. On or about August 13, 2018, the Local responded to her July 10, 2018 letter, denying her request based on the terms of her dues authorization card. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 7; *Exhibit C to Declaration of Kevin Bolig*.

24. On or about August 30, 2018, Plaintiff Adams sent a second letter to the Local requesting to resign her membership, which the Local received on September 4, 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action

No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 8; *Exhibit D to Declaration of Kevin Bolig*.

25. On or about September 7, 2018, the Local sent a letter to Plaintiff Adams, reiterating the terms of her dues authorization card and notifying her that dues deductions will cease March 2019. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 9; *Exhibit E to Declaration of Kevin Bolig*.

26. On or about March 5, 2019, the Local notified Defendant Lebanon County to cease dues deductions for Plaintiff Adams. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 10.

27. The payroll check issued on February 28, 2019 by Defendant Lebanon County to Plaintiff Adams was the last payroll check in which union dues payable to Defendant Teamsters was withheld from Plaintiff Adams by Defendant Lebanon County. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #25, *Exhibit A, Affidavit of Michelle L. Edris to Lebanon County's Motion to Dismiss*, at ¶ 6.

28. The last dues deductions received by the Local from Defendant Lebanon County for Plaintiff Adams occurred on or about March 5, 2019. *Adams*

et al. v. Teamsters Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 10.

29. From the time she requested to resign her membership until dues deductions ceased, the Local received \$416.00 in dues deductions from Defendant Lebanon County for Plaintiff Adams. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 11.

30. On or about May 7, 2019, the Local sent a letter to Plaintiff Adams confirming that the Local had accepted her resignation of her membership and that dues deductions had ceased. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 12; *Exhibit F to Declaration of Kevin Bolig*.

31. On or about May 10, 2019, the Local sent a letter to Plaintiff Adams advising her that the Local was refunding all dues deductions received by the Local from the time she requested to resign her membership until dues deductions ceased. Enclosed in the letter was a check for \$440.96, representing the \$416.00 in dues deductions received by the Local, as well as six percent statutory interest. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 13; *Exhibit G to Declaration of Kevin Bolig*.

32. On or about December 14, 2009, Plaintiff Christopher Felker (“Plaintiff Felker”) was hired by Defendant Lebanon County. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters’ Motion to Dismiss*, at ¶ 14.

33. On or about January 26, 2010, Plaintiff Felker signed a union authorization card, whereby he became a member of the Local. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters’ Motion to Dismiss*, at ¶ 15; *Exhibit H to Declaration of Kevin Bolig*.

34. Prior to September 28, 2018, Plaintiff Felker never requested to resign his membership in the Local. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters’ Motion to Dismiss*, at ¶ 16.

35. On or about September 28, 2018, Plaintiff Felker sent a letter to the Local requesting to resign his union membership, which the Local received on October 1, 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters’ Motion to Dismiss*, at ¶ 17; *Exhibit I to Declaration of Kevin Bolig*.

36. On or about October 5, 2018, the Local sent a letter to Plaintiff Felker informing him that the Local accepted his resignation of his membership and dues

deductions would cease by November 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 18; *Exhibit J to Declaration of Kevin Bolig*.

37. The payroll check issued on October 25, 2018 by Defendant Lebanon County to Plaintiff Felker was the last payroll check in which union dues payable to Defendant Teamsters was withheld from Plaintiff Felker by Defendant Lebanon County. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #25, *Exhibit A, Affidavit of Michelle L. Edris to Lebanon County's Motion to Dismiss*, at ¶ 5.

38. The last dues deductions received by the Local from Defendant Lebanon County for Plaintiff Felker occurred on or about October 29, 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 19.

39. From the time he requested to resign his membership until dues deductions ceased, the Local received \$96.00 in dues deductions from Defendant Lebanon County for Plaintiff Felker. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 20.

40. On or about May 7, 2019, the Local sent a letter to Plaintiff Felker confirming that the Local had accepted his resignation of membership and that dues

deductions had ceased. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 21; *Exhibit K to Declaration of Kevin Bolig*.

41. On or about May 10, 2019, the Local sent a letter to Plaintiff Felker advising him that the Local was refunding all dues deductions received by the Local from the time he requested to resign his membership until dues deductions ceased. Enclosed in the letter was a check for \$101.76, representing the \$96.00 in dues deductions received by the Local, as well as six percent statutory interest. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 22; *Exhibit L to Declaration of Kevin Bolig*.

42. On or around October 2015, Plaintiff Karen Unger (“Plaintiff Unger”) was hired by Defendant Lebanon County. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 23.

43. Plaintiff Unger did not sign a union authorization card at or near the time she started employment with Defendant Lebanon County but instead paid a fair share fee as a non-member. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 24.

44. On or about November 7, 2017, Plaintiff Unger signed a union authorization card, whereby she became a member of the Local. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 25; *Exhibit M to Declaration of Kevin Bolig*.

45. From the time she became a member of the Local until July 10, 2018, Plaintiff Unger never requested to resign her membership in the Local. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 26.

46. On or about July 10, 2018, Plaintiff Unger sent a letter to the Local requesting to resign her membership, which the Local never received until Defendant Lebanon County forwarded a copy of the letter at the end of August 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 27; *Exhibit N to Declaration of Kevin Bolig*.

47. On or about August 31, 2018, the Local requested that Defendant Lebanon County cease dues deductions for Plaintiff Unger. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 28.

48. The payroll check issued on September 13, 2018 by Defendant Lebanon County to Plaintiff Unger was the last payroll check in which union dues payable to Defendant Teamsters was withheld from Plaintiff Unger by Defendant Lebanon County. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #25, *Exhibit A, Affidavit of Michelle L. Edris to Lebanon County's Motion to Dismiss*, at ¶ 4.

49. The last dues deductions received by the Local from Defendant Lebanon County for Plaintiff Unger occurred on or about October 1, 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 28.

50. From the time she requested to resign her membership on July 10, 2018 until dues deductions ceased, the Local received \$88.00 in dues deductions from Defendant Lebanon County for Plaintiff Unger. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 29.

51. On or about May 7, 2019, the Local sent a letter to Plaintiff Unger confirming that the Local had accepted her resignation and that dues deductions had ceased. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 30; *Exhibit O to Declaration of Kevin Bolig*.

52. On or about May 10, 2019, the Local sent a letter to Ms. Unger advising her that the Local was refunding all dues deductions received by the Local from the time she requested to resign union membership until dues deductions ceased. Enclosed in the letter was a check for \$93.28, representing the \$88.00 in dues deductions received by the Local, as well as six percent statutory interest. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 31; *Exhibit P to Declaration of Kevin Bolig*.

53. On or about June 18, 2007, Plaintiff Jody Weaber (“Plaintiff Weaber”) was hired by Defendant Lebanon County. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 32.

54. On or about July 31, 2007, Plaintiff Weaber signed a union authorization card, whereby she became a union member of the Local. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 33; *Exhibit Q to Declaration of Kevin Bolig*.

55. Prior to July 16, 2018, Plaintiff Weaber never requested to resign her membership in the Local. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ.

Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 34.

56. On or about July 16, 2018, Plaintiff Weaber sent a letter to the Local requesting to resign her union membership, which the Local received on July 23, 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 35; *Exhibit R to Declaration of Kevin Bolig*.

57. On or about August 30, 2018, Plaintiff Weaber sent a second letter to the Local requesting to resign her membership, which the Local received on September 4, 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 36; *Exhibit S to Declaration of Kevin Bolig*.

58. On or about September 7, 2018, the Local sent a letter to Plaintiff Weaber, explaining the terms of her dues authorization card and notifying her that union dues deductions will cease June 2019. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 37; *Exhibit T to Declaration of Kevin Bolig*.

59. On or about March 5, 2019, the Local notified Defendant Lebanon County to cease dues deductions for Plaintiff Weaber. *Adams et al. v. Teamsters*

Local Union 429 et al., Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 38.

60. The payroll check issued on February 28, 2019 by Defendant Lebanon County to Plaintiff Weaber was the last payroll check in which union dues payable to Defendant Teamsters was withheld from Plaintiff Weaber by Defendant Lebanon County. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #25, *Exhibit A, Affidavit of Michelle L. Edris to Lebanon County's Motion to Dismiss*, at ¶ 7.

61. The last dues deduction received by the Local from Defendant Lebanon County for Plaintiff Weaber occurred on or about March 5, 2018. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 38.

62. From the time she requested to resign her membership until dues deductions ceased, the Local received \$392.00 in dues deductions from Defendant Lebanon County for Plaintiff Weaber. (*Amended Declaration of Kevin Bolig*, at ¶ 39, a true and correct copy of which is attached to this Joint Statement as Exhibit "1."¹

¹ There was a scrivener's error in Paragraph 39 of the original Declaration of Kevin Bolig. Thus, Defendant Teamsters filed an Amended Declaration of Kevin Bolig to correct this one error.

63. On or about May 7, 2019, the Local sent a letter to Plaintiff Weaber advising her that the Local had accepted her resignation and that dues deductions had ceased. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 40; *Exhibit U to Declaration of Kevin Bolig*.

64. On or about May 10, 2019, the Local sent a letter to Plaintiff Weaber advising her that the Local was refunding all dues deductions received by the Local from the time she requested to resign her membership until dues deductions ceased. Enclosed in the letter was a check for \$415.52, representing the \$392.00 in dues deductions received by the Local, as well as six percent statutory interest. *Adams et al. v. Teamsters Local Union 429 et al.*, Civ. Action No. 1:19-cv-00336, Dckt. #27-1, *Declaration of Kevin Bolig to Teamsters' Motion to Dismiss*, at ¶ 41; *Exhibit V to Declaration of Kevin Bolig*.

[Signature Page Follows]

Respectfully submitted,

WILLIG, WILLIAMS & DAVIDSON

/s/ John R. Bielski

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Dated: June 18, 2019