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Attorneys for Plaintiff
PATRICIA GROSSMAN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

PATRICIA GROSSMAN,

Plaintiff,

vs.

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION / AFSCME LOCAL 152;

Civil No. 18-00493-DKW-RT

**PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT;
MEMORANDUM IN SUPPORT OF
MOTION**

DAVID LASSNER, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE
UNIVERSITY OF HAWAII; AND CLARE
E. CONNORS, IN HER OFFICIAL
CAPACITY AS ATTORNEY GENERAL
OF HAWAII,

Defendants.

Date: Tuesday, January 21, 2020

Time: 9:30 A.M.

Judge: Derrick K. Watson

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff Patricia Grossman ("Grossman"), moves for Summary Judgment on Count I of the Complaint pursuant to Federal Rule of Civil Procedure 56. This Court should enter a judgment:

a. DECLARING that limiting the ability of Grossman to resign her union membership to a window of time was unconstitutional because she did not provide affirmative consent;

b. DECLARING that Grossman's signing of the union card cannot provide a basis for her affirmative consent to waive her First Amendment rights because such authorization was based on the unconstitutional choice between paying the union as a member or paying the union as a non-member;

c. DECLARING that the practice by Defendant David Lassner of withholding union dues from Grossman's paycheck was unconstitutional because Grossman did not provide affirmative consent for her to do so;

d. ENJOINING David Lassner from collecting union dues from public employees like Grossman who request to end their dues deduction prior to an opt-out period delineated in a collective bargaining agreement;

e. ENJOINING Defendant Hawaii Government Employees Association from collecting union dues from public employees like Grossman who request to end their dues deduction prior to an opt-out period delineated in a collective bargaining agreement;

f. Awarding DAMAGES against the Hawaii Government Employees Association for all union dues collected from Grossman since the commencement of her employment;

g. ENJOINING Attorney General Connors from enforcing Haw. Rev. Stat. § 89-4(c) and any other provisions of Hawaii law that require public employees to wait until a specified window of time to stop the deduction of union dues from their paychecks; and

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h. Awarding Grossman her costs and attorneys' fees under 42 U.S.C. §
1988.

DATED: Honolulu, Hawaii, October 21, 2019.

Respectfully submitted,

DAMON KEY LEONG KUPCHAK HASTERT

/s/ Robert H. Thomas

ROBERT H. THOMAS

LIBERTY JUSTICE CENTER.

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