

No. 20-1824

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Hollie Adams, et al.,

Appellants,

v.

Teamsters Union Local 429, et al.,

Appellees,

On Appeal from the United
States District Court for the
Middle District of Pennsylvania
No. 1:19-cv-0336
Sylvia H. Rambo

**Unopposed and Agreed
Motion to Stay**

Appellants Hollie Adams, Jody Weaver, Karen Unger, and Chris Felker move to stay all proceedings in this matter pending the outcome of *Oliver v. Service Employees International Union Local 668, et al.*, No. 19-3876, before this Court. Appellees do not oppose and agree to this motion. In support of this motion, Appellants state as follows:

1. On April 15, 2020, Appellants filed their notice of appeal in this matter, appealing from the orders of the district court granting the motions for summary judgment filed by Appellees, and denying Appellants' motion for summary judgment.

2. Appellants in this case — Plaintiffs, below — bring two claims: First, that money withheld from their paychecks on behalf of the union violated their First Amendment rights because they did not provide affirmative consent to waive their right to not pay money to the union, as required by the Supreme Court’s decision in *Janus v. AFSCME*, 138 S. Ct. 2448 (2018). Second, that forcing them to associate with the union as their exclusive representative violates their First Amendment rights to free speech and freedom of association.

3. Those same claims are brought by a plaintiff in another case pending before this Court: *Oliver v. Service Employees International Union Local 668*, et al. No. 19-3876. That case has been fully briefed by the parties and is awaiting oral argument.

4. Counsel for Appellants in this case also represent plaintiff-appellant in *Oliver*. And counsel for Appellees Attorney General and members of the Pennsylvania Labor Relations Board, also represent those parties as defendants-appellees, as well as defendants-appellees Secretary of the Pennsylvania Department of Human Services and Secretary of Pennsylvania Office of Administration, in *Oliver*.

5. Appellees in this case intend to raise at least the same defenses made by defendants-appellees in *Oliver*.

6. In this case, no briefs have yet been filed. Appellants' Opening Brief and Appendix are currently due June 8, 2020. Because *Oliver* is fully briefed, it is more than likely that a decision in *Oliver* will precede a decision in this case. Because Appellants' claims in this case are the same as those brought in *Oliver* and Appellees in this case intend to raise at least the same defenses raised by defendants-appellees in *Oliver*, the Court in this case will likely be bound by the outcome of *Oliver*.

7. Therefore, the parties agree that the proceedings in this case should be stayed pending this Court's decision in *Oliver*.

8. Counsel for Appellants propose this stay in order to save judicial resources, as well as the resources of the parties in briefing legal issues that already are pending before this Court.

9. Counsel for Appellants certifies that he spoke with counsel for Appellees via email and that all Appellees do not contest this motion; rather, Appellees agreed to this motion.

For these reasons, Appellants move to stay this matter pending this Court's decision in *Oliver v. Service Employees International Union Local 668, et al.*, No. 19-3876.

Dated: May 20, 2020

Respectfully submitted,

/s/ Jeffrey M. Schwab

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2020, I electronically filed the foregoing Agreed Motion to Stay using the Court's CM/ECF system. All counsel have been served electronically through the Court's docketing system.

/s/ Jeffrey M. Schwab
Jeffrey M. Schwab