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 8 *Joshua Golka, in his official capacity as Executive*
Director of the California Public Employment
 9 *Relations Board*

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 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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 14 **ISAAC WOLF,**
 15
 16 Plaintiff,
 17
 18 **v.**
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 20 **UNIVERSITY PROFESSIONAL &**
TECHNICAL EMPLOYEES,
 21 **COMMUNICATIONS WORKERS OF**
AMERICA LOCAL 9119; ANNE SHAW, in
 22 **her official capacity as Secretary and Chief**
of Staff to the Regents of the University of
 23 **California; JOSHUA GOLKA, in his official**
capacity as Executive Director of the
California Public Employment Relations
Board; and XAVIER BECERRA, in his
 24 **official capacity as Attorney General of**
California,
 25 Defendants.

Case No. 3:19-cv-02881-WHA

**DEFENDANTS ATTORNEY GENERAL
 XAVIER BECERRA AND JOSHUA
 GOLKA'S NOTICE OF MOTION AND
 MOTION TO DISMISS PLAINTIFF'S
 COMPLAINT**

[Fed. R. Civ. P. 12(b)(1), 12(b)(6)]

Date: September 5, 2019
 Time: 8:00 a.m.
 Courtroom: 12
 Judge: Hon. William Alsup
 Trial Date: Not Set
 Action Filed: May 24, 2019

1 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on September 5, 2019, at 8:00 a.m., or as soon thereafter as
3 the matter may be heard before the Honorable William Alsup in Courtroom 12 on the 19th Floor
4 of the United States District Court for the Northern District of California, located at the San
5 Francisco Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, Defendants Attorney
6 General Xavier Becerra and Joshua Golka will and hereby do move under Rules 12(b)(1) and
7 12(b)(6) of the Federal Rules of Civil Procedure for an order dismissing Counts I and II of
8 Plaintiff's complaint. This motion is based on this Notice of Motion and Motion, the
9 accompanying Memorandum of Points and Authorities, all pleadings and papers on file in this
10 action, and such other matters as may properly come before the Court.

11 Defendant moves for dismissal on grounds that (1) Plaintiff lacks standing to challenge
12 statutes under the Meyers-Milias-Brown Act (Cal Gov't Code § 3500 et seq.) because, as an
13 employee of the University of California, his claims are governed by Higher Education Employee
14 Employer Relations Act (Cal. Gov't Code § 3560 et seq.), and because he cannot allege an
15 injury-in-fact, (2) Plaintiff's claims in Counts I and II are moot because he is no longer a member
16 of the union (and unlikely to rejoin the union) and has not been paying union membership dues,
17 and (3) Plaintiff fails to state a claim upon which relief can be granted because the deduction of
18 union dues is not a state action, but concerns a private agreement between Plaintiff and the union,
19 and because the challenged statutes in Count II do not prohibit withdrawing from the union or
20 stopping dues deductions, which are both covered under the terms of the membership
21 authorization agreement between Plaintiff and the union.

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CERTIFICATE OF SERVICE

Case Name: **Wolf, Isaac v. University
Professional & Technical
Employees, et al.**

No. **3:19-cv-02881**

I hereby certify that on July 26, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS ATTORNEY GENERAL XAVIER BECERRA AND JOSHUA GOLKA'S
NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 26, 2019, at Sacramento, California.

Eileen A. Ennis

Declarant

/s/ Eileen A. Ennis

Signature