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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALFRED SWEET,

 Plaintiff,

 v.

CALIFORNIA ASSOCIATION OF
PSYCHIATRIC TECHNICIANS, et al.,

 Defendants.

No. 2:19-cv-00349-JAM-AC

**ORDER RE JOINT RESPONSE TO
COURT QUESTIONS**

Defendant CAPT has moved to dismiss Count II of the Complaint (Mot., ECF No. 17) and the motion remains pending before this Court. In the time since Defendant filed the motion, Mr. Sweet has had the opportunity to resign his union membership under the terms of the collective bargaining agreement. Compl., ECF No. 1, ¶ 25 (alleging CAPT refused to permit Mr. Sweet "to resign his union membership except during a thirty-day window prior to the expiration of the collective bargaining agreement, or June 1 to July 1, 2019."). Nevertheless, in their joint status report (ECF No. 26), filed on July 3, 2019, the parties failed to apprise this Court of whether CAPT had accepted Mr. Sweets resignation from union membership.

1 Thus, this Court hereby ORDERS the parties to jointly file a
2 Response to the following questions:

3 (1) Has CAPT accepted Mr. Sweet's resignation?

4 (2) If CAPT has accepted Mr. Sweet's resignation:

5 (A) as of what date does CAPT consider Mr. Sweet's
6 resignation effective; and

7 (B) has CAPT ceased deducting dues and/or fees
8 from Mr. Sweet's paycheck?

9 (3) If CAPT has not accepted Mr. Sweet's resignation,
10 why has CAPT not accepted the resignation?

11 This Response shall be no longer than 3 pages, and shall be
12 filed no later than August 12, 2019.

13 If the Response to Questions 1 is "Yes," this Court
14 anticipates requesting briefing from the parties on whether Count
15 II of the Complaint is now moot. See, e.g., Bain v. California
16 Teachers Ass'n, 891 F.3d 1206 (9th Cir. 2018). Any request for
17 further briefing will be made by separate order.

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19 IT IS SO ORDERED.

20 Dated: August 6, 2019

21 /s/ John A. Mendez

22 U. S. District Court Judge
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