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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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13 **ISAAC WOLF,**

14 Plaintiff,

15 v.

16 **UNIVERSITY PROFESSIONAL &
 17 TECHNICAL EMPLOYEES,
 18 COMMUNICATIONS WORKERS OF
 AMERICA LOCAL 9119; ANNE SHAW, in
 19 her official capacity as Secretary and Chief
 of Staff to the Regents of the University of
 20 California; and XAVIER BECERRA, in his
 official capacity as Attorney General of
 California,**

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

**DEFENDANT ATTORNEY GENERAL
 XAVIER BECERRA'S NOTICE OF
 MOTION AND MOTION FOR
 SUMMARY JUDGMENT**

[Fed. R. Civ. P. 56]

Date: September 3, 2020
 Time: 8:00 a.m.
 Courtroom: 12
 Judge: Hon. William Alsup
 Trial Date: October 26, 2020
 Action Filed: May 24, 2019

1 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on September 3, 2020, 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, Defendant Attorney
6 General Xavier Becerra will and hereby does move pursuant to Federal Rules of Civil
7 Procedure 56 for partial summary judgment. This motion is based on this Notice of Motion and
8 Motion, the accompanying Memorandum of Points and Authorities, the declaration and evidence
9 filed concurrently herewith, all pleadings and papers on file in this action, and such other matters
10 as may properly come before the Court.

11 Attorney General Becerra seeks summary judgment on Plaintiff's claim challenging the
12 constitutionality of California Government Code section 3583. The Attorney General argues that
13 (1) Plaintiff lacks standing because he cannot allege an injury-in-fact, (2) Plaintiff's constitutional
14 challenge to Government Code section 3583 is moot because he is no longer a member of the
15 union (and unlikely to rejoin the union) and has not been paying union membership dues, and (3)
16 Plaintiff's constitutional challenge fails as a matter of law because the deduction of union dues is
17 not a state action, but concerns a private agreement between Plaintiff and the union, and because
18 Government Code section 3583 does not prohibit withdrawing from the union or stopping dues
19 deductions, which are both covered under the terms of the membership agreement between
20 Plaintiff and the union.

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1 Dated: July 30, 2020

Respectfully submitted,

2 XAVIER BECERRA
3 Attorney General of California
4 ANTHONY R. HAKL
Supervising Deputy Attorney General

5 /s/ Jerry T. Yen

6 JERRY T. YEN
7 Deputy Attorney General
8 *Attorneys for Defendant Xavier Becerra, in*
9 *his official capacity as California Attorney*
10 *General*

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