

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

HOLLIE ADAMS, JODY WEABER,
KAREN UNGER, and CHRIS
FELKER,

Plaintiffs,

v.

TEAMSTERS UNION LOCAL 429,
LEBANON COUNTY, ATTORNEY
GENERAL JOSH SHAPIRO, in his
official capacity; JAMES M.
DARBY, Chairman, Pennsylvania
Labor Relations Board; ALBERT
MEZZAROBA, Member,
Pennsylvania Labor Relations Board;
and ROBERT H. SHOOP, JR.,
Member, Pennsylvania Labor
Relations Board, in their official
capacities

Defendants.

No. 1:19-CV-0336
Judge Rambo

MOTION FOR SUMMARY JUDGMENT AND PRAYER FOR RELIEF

Plaintiffs Hollie Adams, Jody Weaver, Karen Unger, and Chris Felker hereby move this Court for Summary Judgment on both counts of the Complaint, pursuant to Federal Rule of Civil Procedure 56, and submit a memorandum of law in support of the motion. Plaintiffs' memorandum of law also serves as a response to the motions for summary judgment filed by Defendants.

WHEREFORE, Plaintiffs request that the Court enter summary judgment in its favor and against the Defendants and provide Plaintiffs the following relief:

A. A declaratory judgment stating that signing a union card prior to the *Janus* decision cannot provide a basis for affirmative consent because such authorization was based on the unconstitutional choice between paying the union as a member or paying the union as a non-member.

B. A declaratory judgment stating that 43 P.S. § 1101.301(18); 1101.401; and 1101.705 violate the First Amendment rights to free speech and freedom of association because they allow the withholding of union dues without affirmative consent.

C. A declaratory judgment stating that the practice of withholding union dues from Plaintiffs' paychecks is unconstitutional because Plaintiffs did not provide affirmative consent.

D. An award of monetary damages against the Union for all union dues collected from Plaintiffs without their affirmative consent.

E. A declaratory judgment stating that government employees have a constitutional right not to be represented by unions as their exclusive representative without their affirmative consent.

F. A declaratory judgment stating that 43 P.S. §§ 1101.604-606 constitute an unconstitutional violation of the First Amendment rights to free speech and

freedom of association by requiring unions to serve as the exclusive representative of government employees for bargaining purposes.

G. Award Plaintiffs their costs and attorneys' fees under 42 U.S.C. § 1988.

Dated: July 16, 2019

Respectfully Submitted,

/s/ Jeffrey M. Schwab

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