

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION**

SUSAN BENNETT,)	
)	
Plaintiff,)	
)	
v.)	No. 19 CV 4087
)	
AMERICAN FEDERATION)	Judge Darrow
OF STATE, COUNTY, AND)	
MUNICIPAL EMPLOYEES,)	
COUNCIL 31, AFL-CIO, et al.,)	
)	
Defendants.)	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Plaintiff Susan Bennett respectfully moves this Court for summary judgment on both counts of her Complaint (Doc. 1) pursuant to Federal Rule of Civil Procedure 56, and submits concurrently a memorandum of law in support of this motion. On September 19, 2019, Plaintiff and Defendants AFSCME Council 31, AFSCME Local 672, and Moline-Coal Valley School District No. 40 filed a Joint Stipulated Record, stipulating to the relevant, material facts for purposes of cross-motions for summary judgment, (Doc. 26), on which this motion and supporting memorandum of law rely.

For the reasons stated in the supporting memorandum of law in support of this motion, Plaintiff requests that this Court enter a judgment declaring that Defendants Moline-Coal Valley School District, AFSCME Council 31, and AFSCME Local 672 violated Plaintiff’s rights to free speech and freedom of association by deducting dues from her paycheck without her affirmative consent and awarding Plaintiff damages in the form of all union dues collected from her since the date of her employment (Count I); declaring that the exclusive representation provision of 115

ILCS 5/8 is an unconstitutional abridgement of Plaintiff's First Amendment rights, enjoining Defendant Attorney General Kwame Raoul from enforcing the exclusive representation provision of 115 ILCS 5/8, and enjoining Defendants Andrea R. Waintroob, Judy Biggert, Gilbert O'Brien Jr., Lynne Sered, and Lara Shayne (in their official capacities as members of the Illinois Education Labor Relations Board) from certifying a union as the exclusive representative in a bargaining unit (Count II); and awarding Plaintiff her costs and attorneys' fees under 42 U.S.C. § 1988.

Dated: October 18, 2019

Respectfully Submitted,

/s/ Jeffrey M. Schwab
Jeffrey M. Schwab
James J. McQuaid*
Liberty Justice Center
190 South LaSalle Street, Suite 1500
Chicago, Illinois 60603
Phone: (312) 263-7668
jschwab@libertyjusticecenter.org
jmcquaid@libertyjusticecenter.org

Attorneys for Plaintiff

*Appearance pending admission to the Central District

CERTIFICATE OF SERVICE

I, Jeffrey M. Schwab, an attorney, hereby certify that on October 18, 2019, I served the Plaintiff's Motion for Summary Judgment on all counsel of record by filing it through the Court's electronic case filing system.

/s/ Jeffrey M. Schwab