

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

MEGAN M. JAMES, WILLIAM A. LESTER, and
ANGELA PEASE, individually and on behalf of others
similarly situated,

Plaintiffs,

v.

SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 668, *et al.*,

Defendants.

Case No.: 2:19-cv-00053-CB

Hon. Cathy Bissoon

**VOLUNTARY DISMISSAL OF ACTION
BY STIPULATION OF DISMISSAL
PURSUANT TO FED. R. CIV. P.
41(a)(1)(A)(ii)**

--ELECTRONICALLY FILED--

AND NOW COME the Parties, by and through their undersigned counsel, and respectfully submit the following Voluntary Dismissal of Action By Stipulation of Dismissal Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and state as follows:

1. This class action lawsuit was filed on January 17, 2019, by three employees of the Department of Labor and Industry (“Plaintiffs”). *See* Compl., ECF No. 1. The employees challenged, *inter alia*, certain “union security” provisions of the effective collective bargaining agreement (“CBA”) between Service Employees International Union, Local 668 (“Local 668”) and the Commonwealth Defendants¹, and sought damages relief and prospective relief enjoining the future application of those provisions. *See id.* ¶ 3.

2. Defendants filed their respective Answers denying Plaintiffs’ allegations and denying

¹ Commonwealth of Pennsylvania Department of Labor and Industry, W. Gerard Oleskiak, Thomas W. Wolf, Michael Newsome, and Anna Maria Kiehl.

that Plaintiffs are entitled to any relief in this action. ECF Nos. 24 & 26.

3. Following the Parties' June 4, 2019 Rule 26(f) conference, counsel for Local 668 circulated a side letter agreement, signed by the president of Local 668 and a Commonwealth of Pennsylvania official. *See* Jt. Mot. To Stay Proceedings ¶ 3, ECF No. 34; Ex. 1, ECF No. 34-1.

4. Superseding the challenged "union security" provisions of the then-applicable CBA, the side letter agreement provided that any employee of the Commonwealth who is or in the future becomes a member of Local 668 "may, at any time, resign from the Union, regardless of any window period which may be specified in the collective bargaining agreement or the Public Employee Relations Act," and the side letter agreement was to stay in effect until the successor CBA became effective. *See* Jt. Mot. To Stay Proceedings, Ex. 1.

5. Given that development, the Parties filed a joint motion to stay the proceedings, ECF No. 34, and this Court granted the motion and stayed all litigation deadlines in this action. *See* Order, ECF No. 35 (June 14, 2019). This Court also administratively closed this action and noted that "nothing contained in this Order shall be considered a dismissal or disposition of this action, and that should further proceedings therein become necessary or desirable, any party may initiate the same in the identical manner as if this order had not been entered." *Id.*

6. Since this Court administratively stayed this action, the successor CBA between Local 668 and the Commonwealth of Pennsylvania took effect. That CBA does not contain the "union security" provisions Plaintiffs challenged in this lawsuit. That successor CBA was transmitted to Plaintiffs for their review.

7. Local 668 and Plaintiffs have engaged in discussions and information exchanging activities and, as a result, the Parties now agree that the issues raised in Plaintiffs' Complaint have been resolved in their entirety, and that dismissal of Plaintiffs' Complaint in its entirety is therefore appropriate.

8. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action against a defendant without a court order by filing a stipulation of dismissal signed by all parties who have appeared.

9. All Parties who have appeared in this action, by and through their undersigned counsel, sign and concur in this stipulation of dismissal, and, as such, Plaintiffs now voluntarily dismiss this action in its entirety by the filing of this stipulation of dismissal, with all parties to bear their own costs.

10. Accordingly, this voluntary dismissal constitutes, without need of further order of this Court, the dismissal of the above-captioned action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Dated: July 13, 2020

Respectfully submitted,

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ATTESTATION

Pursuant to Section 11 of the Western District of Pennsylvania Electronic Case Filing Procedures, I hereby attest that concurrence in the filing of this document has been obtained from each of the other Signatories, which shall serve in lieu of their signatures on the document.

Dated: July 13, 2020

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on July 13, 2020, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send electronic notification of said filing to all counsel of record in this matter, who are ECF participants, and that constitutes service thereon.

Dated: July 13, 2020

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