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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN R. KABLER, JR.,

Plaintiff,

v.

**UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 1776
KEYSTONE STATE, et al.,**

Defendants.

: Case No.: 1:19-CV-000395
:
: Judge Rambo
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: Electronically Filed Document
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: Complaint Filed 03/06/19
: Trial Date: Not set.
: Judge Sylvia H. Rambo

**UNION DEFENDANTS’ AMENDED MOTION FOR SUMMARY
JUDGMENT PURSUANT TO FED. R. CIV. P. 56**

Pursuant to Federal Rule of Civil Procedure 56 and consistent with this Court’s Order (Dck. #31) converting Union Defendants’ Motion to Dismiss (Dck. #15) into a Motion for Summary Judgment, Defendants United Food and Commercial Workers Union, Local 1776 Keystone State, Wendell W. Young, IV (“Young”), Michele L. Kessler (“Kessler”), Peg Rhodes (“Rhodes”), and Pennsylvania Wine and Spirits Council (collectively “Union Defendants”) move for

summary judgment and dismissal with prejudice of the following claims asserted against them: (1) all 42 U.S.C. § 1983 claims (Counts One through Three) against all Union Defendants as those claims are not supported by the factual record or the law; (2) all Section 1983 claims asserted against the individually-named Union defendants (Young, Kessler, and Rhodes) as those claims are not supported by the factual record or the law and those individuals are inappropriately named parties; (3) all claims for remittance of dues sought under the Section 1983 counts against all Union Defendants as that relief is not supported by the factual record or the law; (4) all declaratory and equitable claims for relief against all Union Defendants for lack of standing and/or mootness; and (5) the fraudulent misrepresentation claim (Count Four) against all Union Defendants as it is legally deficient. Alternatively, the Union Defendants request this Court decline supplemental jurisdiction over Count Four in the event it does not dismiss this claim and dismisses Counts One through Three.

In support of this Motion, Union Defendants submit a Second Declaration of Andrew Gold with exhibits (Exhibit 1), a Declaration of Wendell W. Young, IV with exhibits (Exhibit 2), and a Declaration of Peg Rhodes (Exhibit 3). Additionally, this Motion is supported by Defendants' Joint Statement of Material Facts and a Brief in Support of Union Defendants' Amended Motion for Summary Judgment ("Brief"), both of which were filed separately via ECF.

For these reasons and as more fully explained in the Brief, Union Defendants respectfully request this Court grant their Amended Motion for Summary Judgment and dismiss with prejudice all claims asserted against them.

Respectfully submitted,

WILLIG, WILLIAMS & DAVIDSON

s/ John R. Bielski

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Dated: July 19, 2019