

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

<b>JOHN R. KABLER, JR.,</b>	:
	:
<b>Plaintiff,</b>	:
	:
<b>v.</b>	:
	:
<b>UNITED FOOD AND COMMERCIAL</b>	:
<b>WORKERS UNION, LOCAL 1776</b>	:
<b>KEYSTONE STATE, et al.,</b>	:
	:
<b>Defendants.</b>	:

**No. 1:19-CV-0395**  
**Judge Rambo**  
**Electronically Filed Document**  
*Complaint Filed 03/06/19*

**UNION DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6)**

Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), 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 to dismiss all 42 U.S.C. § 1983 (“Section 1983”) claims asserted against individually-named defendants (Young, Kessler, and Rhodes) as inappropriate parties, all declaratory and equitable claims for relief against all Union Defendants for lack of jurisdiction, and the fraudulent misrepresentation claim against all Union Defendants for failure to state a claim as a matter of law. In support of this Motion, Union Defendants submit a Declaration of Andrew Gold, which is attached as Exhibit “1.” For these reasons

and as more fully explained in the memorandum of law to be filed pursuant to Local Rule 7.5, Union Defendants respectfully request this Court grant the Union Defendants' Motion and dismiss with prejudice the Section 1983 claims asserted against all individually-named Union defendants, all declaratory and equitable claims for relief, and the fraudulent misrepresentation claim.

Respectfully submitted:

**WILLIG, WILLIAMS & DAVIDSON**

s/ John R. Bielski

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*Attorneys for Union Defendants*

Dated: May 6, 2019

## Exhibit 1