

**COURT OF COMMON PLEAS OF PENNSYLVANIA
ERIE COUNTY**

MARK KIDDO; JOAN HORDUSKY; MIKE DZURKO;
CHRISTINE ARNONE; JENNIE CLAY; MADELYN
GROOVER; MELISSA GUZOWSKI; and JEFF
GRANGER,

Plaintiffs,

v.

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, LOCAL 2206;
AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES DISTRICT COUNCIL 85;
RANDY PROCIOS IN HIS OFFICIAL CAPACITY;
SHANE CLARK IN HIS OFFICIAL CAPACITY; and ERIE
WATER WORKS,

Defendants.

Case No. 13144-18

Judge Daniel J. Brabender

**PLAINTIFFS' RESPONSE TO
UNION DEFENDANTS'
PRELIMINARY OBJECTIONS**

Pursuant to Pennsylvania Rule of Civil Procedure 1017(a)(4), Plaintiffs Mark Kiddo, Joan Hordusky, Mike Dzurko, Christine Arnone, Jennie Clay, Madelyn Groover, Melissa Guzowski, and Jeff Granger (collectively "Plaintiffs"), by and through their undersigned counsel, hereby respond to the preliminary objections ("POs") jointly filed by Defendants American Federation of State, County and Municipal Employees, Local 2206; American Federation of State, County and Municipal Employees District Council 85; Randy Procius, in his official capacity; and Shane Clark, in his official capacity (collectively "Union Defendants"), as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

COMMON PLEAS COURT
ERIE COUNTY, PA
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LC 2-14-19
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5. Admitted.

6. Denied as stated. Plaintiffs' claim for breach of the duty of fair representation is brought against all Union Defendants and Defendant Erie Water Works.

7. Neither admitted nor denied as a conclusion of law to which no response is required.

8. Neither admitted nor denied as a conclusion of law to which no response is required.

9. Admitted.

10. Neither admitted nor denied as a conclusion of law to which no response is required.

11. Neither admitted nor denied as a conclusion of law to which no response is required.

12. Denied as stated. Plaintiffs' claim for breach of the duty of fair representation is brought against all Union Defendants and Defendant Erie Water Works.

13. Neither admitted nor denied as a conclusion of law to which no response is required.

14. Neither admitted nor denied as a conclusion of law to which no response is required.

15. Neither admitted nor denied as a conclusion of law to which no response is required.

16. Neither admitted nor denied as a conclusion of law to which no response is required.


17. Plaintiffs are without knowledge sufficient to admit or deny the allegations contained within paragraph 17.

WHEREFORE, Plaintiffs respectfully request that this Court overrule Union Defendants' POs and proceed to a determination on the merits.

Respectfully submitted,

THE FAIRNESS CENTER

Dated: February 11, 2019


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CERTIFICATE OF SERVICE

The foregoing Response to Union Defendants' Preliminary Objections was served this day via first-class mail on the Defendants as follows:

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Dated: February 11, 2019


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