

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

FRANCISCO MOLINA,	:	
Plaintiff,	:	No. 19-0019
vs.	:	
PENNSYLVANIA SOCIAL SERVICE UNION,	:	Judge Yvette Kane
ET AL.,	:	
Defendants.	:	

**SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANT LEHIGH COUNTY'S MOTION TO DISMISS THE AMENDED COMPLAINT**

The Court has directed the Defendants to submit additional briefing regarding whether they seek dismissal of Plaintiff's Count II claim for pre-resignation dues and Count III due process claim.

Lehigh County hereby advises the Court that it does not seek dismissal of Plaintiff's Count II claim for pre-resignation dues under Rule 12(b)(6), but will move for summary judgment on this claim at the appropriate time.

Lehigh County further advises the Court that it has moved to dismiss Count III under Rule 12(b)(6) only to the extent that Count III seeks forms of relief over which this Court lacks jurisdiction, as outlined in the Court's opinion and order of July 18, 2019; and that it will move for summary judgment on Count III to the extent that Count III seeks a refund of pre-resignation dues or any other form of retrospective relief.

**THE NEXT PAGE IS THE SIGNATURE PAGE ONLY.**

RESPECTFULLY SUBMITTED:

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