

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
Harrisburg Division**

FRANCISCO MOLINA,

Plaintiff,

v.

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

Defendants.

**CIVIL ACTION NO. 1:19-cv-00019-YK**

(Hon. Yvette Kane)

--ELECTRONICALLY FILED--

**PLAINTIFF'S BRIEF IN RESPONSE TO DEFENDANTS'  
SUPPLEMENTAL BRIEFS**

David R. Osborne  
Pa. Attorney I.D. No. 318024  
E-mail: drosborne@fairnesscenter.org  
Danielle R.A. Susanj  
Pa. Attorney I.D. No. 316208  
E-mail: drasusanj@fairnesscenter.org  
Nathan J. McGrath  
Pa. Attorney I.D. No. 308845  
E-mail: njmcgrath@fairnesscenter.org  
THE FAIRNESS CENTER  
500 North Third Street, Floor 2  
Harrisburg, Pennsylvania 17101  
Phone: 844.293.1001  
Facsimile: 717.307.3424

*Attorneys for Plaintiff*

On July 18, 2019, this Court dismissed portions of Plaintiff's First Amended Complaint and denied Plaintiff's request for jurisdictional discovery. ECF No. 41. This Court also directed Defendants Pennsylvania Social Service Union, Service Employees International Union, Local 668 ("PSSU") and Lehigh County Board of Commissioners ("Lehigh County") (collectively, "Defendants") to submit additional briefing as to whether their motions to dismiss included requests to dismiss the remaining portions of Plaintiff's First Amended Complaint, namely, Plaintiff's claim for unauthorized dues withheld from his wages prior to his resignation, in Count II, and due process claim asserted in Count III. *Id.* at 2. Plaintiff was directed to submit a responsive brief thereafter. *Id.*

On August 1, 2019, Defendants filed their respective briefs as directed by this Court and clarified that they had *not* moved to dismiss the entirety of Plaintiffs' First Amended Complaint. ECF Nos. 42, 43. In support, PSSU clarified that, because it has not refunded dues seized from Plaintiff prior to his resignation, Plaintiff's Count II claim for such dues is not moot. ECF No. 42, at 1–2. Both Defendants specified that they sought dismissal of Count III only to the extent that Count III seeks prospective relief. *Id.* at 2; ECF No. 43, at 1.

Plaintiff agrees that Defendants' motions to dismiss did not seek dismissal of the entirety of Plaintiff's First Amended Complaint. PSSU's motion to dismiss requested that this Court "dismiss in part the claims against" it, and both Defendants limited their requested relief accordingly. *See* ECF Nos. 27, 28. Accordingly, Plaintiff

respectively requests that this Court direct Defendants to file answers to Plaintiff's First Amended Complaint and schedule a case management conference in this matter.

Dated: August 15, 2019

Respectfully Submitted,

THE FAIRNESS CENTER

By: s/ David R. Osborne

David R. Osborne

Pa. Attorney I.D. No. 318024

E-mail: [drosborne@fairnesscenter.org](mailto:drosborne@fairnesscenter.org)

Danielle R.A. Susanj

Pa. Attorney I.D. No. 316208

E-mail: [drasusanj@fairnesscenter.org](mailto:drasusanj@fairnesscenter.org)

Nathan J. McGrath

Pa. Attorney I.D. No. 308845

E-mail: [njmcgrath@fairnesscenter.org](mailto:njmcgrath@fairnesscenter.org)

THE FAIRNESS CENTER

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Harrisburg, Pennsylvania 17101

Phone: 844.293.1001

Facsimile: 717.307.3424

*Attorneys for Plaintiff*

### CERTIFICATE OF SERVICE

I, the undersigned, certify that on August 15, 2019, I electronically filed the foregoing brief with the Clerk of Court using the Court's CM/ECF system, which will send electronic notification of the filing to all counsel of record in this matter, who are ECF participants, and that constitutes service thereon pursuant to Local Rule 5.7.

s/ David R. Osborne

David R. Osborne

Pa. Attorney I.D. No. 318024

E-mail: [drosborne@fairnesscenter.org](mailto:drosborne@fairnesscenter.org)

THE FAIRNESS CENTER

500 North Third Street, Floor 2

Harrisburg, Pennsylvania 17101

Phone: 844.293.1001

Facsimile: 717.307.3424

*Attorney for the Plaintiff*