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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

FRANCISCO MOLINA,

Plaintiff,

v.

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

Defendants.

CASE NO.: 1:19-CV-00019-YK

**DEFENDANT LOCAL 668'S
MOTION FOR SUMMARY
JUDGMENT**

Complaint Filed: Jan. 7, 2019
Trial Date: Not set.
Judge: Hon. Yvette Kane

Pursuant to Fed. R. Civ. P. 56, Defendant Service Employees International Union Local 668, Pennsylvania Social Services Union (“Local 668”) respectfully moves for summary judgment as to the remaining claims for retrospective monetary relief set forth in Count II of Plaintiff Francisco Molina’s First Amended Complaint, and as to the entirety of Count III of the First Amended Complaint. This motion is made on the grounds, which are more fully set out in Local 668’s accompanying Memorandum of Points and Authorities, that (1) Plaintiff’s membership in and dues payments to Local 668, were voluntary, not compelled, and therefore did not violate Plaintiff’s First Amendment rights; (2) this Court has already held that it lacks jurisdiction to consider any claim for prospective injunctive or declaratory relief under Count III, and (3) Plaintiff was not deprived of a “protected interest” without due process because his membership and dues payments were voluntary, he was fully informed of the process for terminating his dues deduction authorization but did not use that process prior to July 2018, and Local 668’s internal membership practices and policies do not involve state action.

Local 668’s motion is based upon this motion; the accompanying Memorandum of Points and Authorities, Proposed Order, Statement of Material Facts, and Declaration of Kieran Kenny; such further pleadings as may be filed in connection with this motion; and the complete files and records of the Court in this matter.

Dated: October 4, 2019

Respectfully Submitted,

/s/P. Casey Pitts

P. Casey Pitts (CA262463)

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