



BACKGROUND
(November 2020)

Fultz, et al. v. AFSCME, Council 13, et al.

THE EXECUTIVE SUMMARY

The Fairness Center represents seven public employees who resigned from AFSCME, Council 13 and who are being forced to financially support the union. After the employees resigned their union memberships, Council 13 confirmed that they were no longer union members, but claimed that they still owe full union dues, and the Commonwealth is still deducting full union dues from their wages. The Plaintiffs have brought this lawsuit as a class action, seeking relief for many other public employees who are former members of Council 13 and who are being forced to pay full union dues as nonmembers. The Fairness Center has previously represented 13 other former members of Council 13 who have faced similar issues after resigning their union memberships.

THE CASE LOGISTICS

Plaintiffs and Proposed Class Representatives

Miriam Fultz
Darleen Dalto
Lucinda Radaker
Lacey Bainbridge
Jason Kohute

Plaintiffs

Carol Shaner
Kurtis Coates

Defendants

American Federation of State, County and Municipal Employees, Council 13
Thomas W. Wolf, in his official capacity as Governor of the Commonwealth of Pennsylvania
Michael Newsome, in his official capacity as Secretary of the Pennsylvania Office of Administration
Brian T. Lyman, in his official capacities as Chief Accounting Officer for the Commonwealth of Pennsylvania and Deputy Secretary for the Office of Comptroller Operations

Court

Federal District Court in the Middle District of Pennsylvania

Judge

The Honorable Chief Judge John E. Jones, III

Relief Sought

An order requiring the Commonwealth to stop deducting union dues from the Plaintiffs and all class members and requiring Council 13 to refund all union dues taken from those who are no longer union members, back to the date they resigned.

Date Filed

November 12, 2020

THE LEGAL TEAM

Nathan J. McGrath is President & General Counsel at the Fairness Center. Nathan oversees the firm's general operations and litigation to advance the Fairness Center's clients' best interests. Before joining the Fairness Center, Nathan was a staff attorney with a national nonprofit legal services organization, where he developed a national practice focused on constitutional, labor, and administrative law. Nathan began his legal career as an associate attorney with a general practice firm in Pittsburgh, Pennsylvania.

Danielle R.A. Susanj serves as Senior Litigation Counsel at the Fairness Center, representing clients in state and federal courts and before administrative boards. Prior to joining the Fairness Center, Danielle clerked for a federal appellate judge and practiced law as a litigation associate at a large international firm in Washington, D.C., and as a litigator in central Pennsylvania, representing clients in federal district and appellate courts and the United States Supreme Court.

Justin T. Miller serves as Litigation Counsel at the Fairness Center. His work focuses on representing clients in state and federal courts, and before administrative boards. Prior to joining the Fairness Center, Justin was a prosecutor for the State Attorney's Office in Florida. He was lead counsel in over 80 jury trials and prosecuted a wide array of felony offenses before accepting an assignment to the special victims unit.

Curtis M. Schube serves as litigation counsel for the Fairness Center, where he assists clients and their needs with advice, counsel, and through litigation. Previously, Curtis worked for the Independence Law Center where his practice involved First Amendment issues. Prior to that, Curtis worked for the State of Missouri for seven years, primarily as an Assistant Attorney General. He has argued in front of the Missouri Supreme Court, Missouri's courts of appeals, circuit courts, federal courts, and in many administrative settings.