



## BACKGROUND

March 2021

*Edward Mendez and Hortencia Garcia v. District Council 37,  
American Federation of State, County & Municipal Employees, et al.*

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### THE EXECUTIVE SUMMARY

Two NYPD traffic enforcement agents have filed a federal civil rights lawsuit against their union and the City of New York, with the help of the Fairness Center. Edward Mendez and Hortencia Garcia resigned from their union, but the union has refused to recognize their resignations, and the city continues to take union dues from their pay against their will. Additionally, Mr. Mendez and Ms. Garcia are opposed to being compelled to accept the union as their exclusive representative for collective bargaining, so they bring this lawsuit to vindicate their constitutional rights not to financially support or associate with a union against their will.

### THE CASE LOGISTICS

#### Plaintiffs

Edward Mendez  
Hortencia Garcia

#### Defendants

District Council 37, American Federation of State, County and Municipal Employees, AFL-CIO  
Local 983, American Federation of State, County and Municipal Employees, AFL-CIO  
City of New York

#### Court

United States District Court, Southern District of New York

#### Judge

TBD

#### Date Filed

March 16, 2021

## **THE LEGAL TEAM**

**Nathan J. McGrath** is President & General Counsel at the Fairness Center. In addition to providing advice and counsel to clients, Nathan also directs and manages the firm. 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. Acker Susanj** is Senior Litigation Counsel at the Fairness Center, representing clients in state and federal courts and before administrative boards. Prior to joining the Fairness Center, she 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 federal litigator in central Pennsylvania.

**Tyler K. Patterson** is Litigation Counsel at the Fairness Center. His work focuses on representing clients in state and federal courts as well as before state administrative boards. Prior to joining the Fairness Center, Tyler served as counsel with the Government Justice Center where he represented clients in constitutional challenges to improper government action as well as Freedom of Information Law lawsuits, and as an associate attorney at an employment law firm.