



BACKGROUND
(May 18, 2021)

Penny Gustafson v. AFSCME, Council 13, et al.

THE EXECUTIVE SUMMARY

The Fairness Center represents Penny Gustafson, a Residential Services Aide at Ebensburg Center, whose alleges that her grievance was mishandled by her union because she is not a member. Ms. Gustafson claims that her union breached its duty to her by failing to provide assistance to her during a workplace investigation, by failing to fairly represent her during a grievance, and by keeping her in the dark about how her grievance was being handled. Ms. Gustafson believes the union treated her this way because she is not a member of the union, as union officials called her a “freeloader” who is “sponging” off the union and told her that she would receive “minimal representation.”

THE CASE LOGISTICS

Plaintiff

Penny Gustafson

Defendants

AFSCME, Council 13
AFSCME, District Council 83
AFSCME, Local 2047
Pennsylvania Department of Human Services

Court

Cambria County Court of Common Pleas

Judge

TBD

Date Filed

May 18, 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.

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.