

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

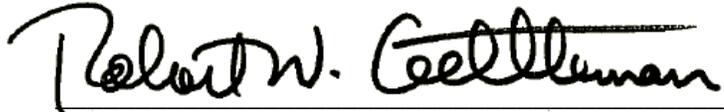
MARK JANUS and BRIAN TRYGG,	)	
	)	
Plaintiff,	)	Case No. 15 C 1235
v.	)	
	)	Judge Robert W. Gettleman
AMERICAN FEDERATION OF STATE,	)	
COUNTY, AND MUNICIPAL EMPLOYEES,	)	
COUNCIL 31; GENERAL TEAMSTERS/	)	
PROFESSIONAL & TECHNICAL EMPLOYEES	)	
LOCAL UNION NO. 916; MICHAEL HOFFMAN,	)	
Director of the Illinois Department of Central	)	
Management Services, in his official capacity,	)	
	)	
Defendants.	)	
	)	
LISA MADIGAN, Attorney General of the State	)	
of Illinois,	)	
	)	
Intervenor-Defendant	)	

**ORDER**

Plaintiffs Mark Janus and Brian Trygg have brought a second amended complaint challenging the constitutionality of the compulsory collection of union fees under the Illinois Public Labor Relations Act (“IPLRA”), 52 ILCS 315/6. Defendants have moved to dismiss, arguing that the case is controlled by the Supreme Court’s decision in Abood v. Detroit Board of Education, 431 U.S. 209 (1977), which upheld the constitutionality of such assessments. Plaintiffs brought the suit hoping that Abood would be reversed in a matter then pending before the Supreme Court in which the continued validity of Abood was challenged. Friedrichs v. California Teachers Association, \_\_\_ U.S. \_\_\_, 136 S.Ct. 1083 (2016). In Friedrichs an equally divided Supreme Court affirmed the Ninth Circuit’s decision upholding fair share fees based on the reasoning in Abood. Id. As a result, Abood remains valid and binding precedent.

Plaintiffs continue to argue that Abood was wrongly decided, but recognize that it remains controlling in the instant case. Consequently, defendants' motion to dismiss (Doc. 146) is granted.

**ENTER: September 13, 2016**

A handwritten signature in black ink that reads "Robert W. Gettleman". The signature is written in a cursive style with a horizontal line underlining the name.

**Robert W. Gettleman**  
**United States District Judge**