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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PATRICIA GROSSMAN,

Case No. 18-00493 DKW-RT

Plaintiff,

v.

**STIPULATION REGARDING
UNDISPUTED FACTS**

HAWAII GOVERNMENT
EMPLOYEES ASSOCIATION/
AFSCME LOCAL 152; DAVID
LASSNER, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE
UNIVERSITY OF HAWAII; AND
CLARE E. CONNORS, IN HER
OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF
HAWAII,

Defendants.

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STIPULATION REGARDING UNDISPUTED FACTS

Plaintiff Patricia Grossman and Defendants Hawaii Government Employees Association / AFSCME Local 152 (“HGEA”), Clare E. Connors, and David Lassner, by and through their undersigned counsel of record, stipulate that, solely for purposes of filing cross-motions to dismiss or for summary judgment in this case, the following facts are true. The parties intend to meet and confer and propose a mutually agreeable schedule for briefing cross-motions to dismiss or for summary judgment. Entering this stipulation does not preclude any party from submitting evidence establishing or refuting any other fact in support of or opposition to a motion for summary judgment.

1. Defendant David Lassner is the President of the University of Hawaii (“University”).
2. Defendant Clare E. Connors is the Attorney General for the State of Hawaii.
3. Defendant Hawaii Government Employees Association / AFSCME Local 152 (“HGEA”) is a labor organization.
4. HGEA is the certified collective bargaining representative of a bargaining unit of administrative, professional, and technical employees of the University known as Unit 8.
5. Plaintiff Patricia Grossman (“Grossman”) is an employee of the University and member of Unit 8.

6. Employees in Unit 8 are paid through the State of Hawaii Department of Accounting and General Services (“DAGS”).
7. Employees in Unit 8 may become HGEA members by signing a membership card that authorizes the deduction of union dues from their pay.
8. Employees in Unit 8 are not required to become members of HGEA or authorize dues deductions as a condition of employment.
9. DAGS relies on information provided by HGEA regarding which employees have properly authorized or cancelled dues deductions.
10. HGEA members have the right to run for union office, vote in union officer elections, and otherwise participate in HGEA’s internal affairs.
Nonmembers do not have these membership rights.
11. In 1995, Grossman signed the HGEA membership application card attached as Exhibit 1.
12. DAGS deducted union dues from Grossman’s pay and remitted those dues to HGEA after she became a HGEA member.
13. Before June 27, 2018, non-union-members in Unit 8 paid fair-share fees to HGEA to cover their share of the cost of collective bargaining negotiations and contract administration. The “chargeable” fair-share fees paid by nonmembers were on average approximately 75% of full member dues and were always lower than full member dues. After the Supreme Court issued

Janus v. AFSMCE, Council 31, 138 S.Ct. 2448 (2018) on June 27, 2018, DAGS immediately stopped deducting and HGEA stopped receiving fair-share fees from nonmembers.

14. Between July 6 and July 10, 2018, Grossman exchanged emails with certain staff members at HGEA, DAGS, and the University. The email chains containing these emails are attached as Exhibit 2.

15. On or about July 14, 2018, Grossman sent a letter dated July 13, 2018 to HGEA's Hawaii Island Division office and to the University of Hawaii by certified mail, asking to resign her membership and to stop deduction of dues. The letter is attached as Exhibit 3. Grossman's letter was received by HGEA's Hawaii Island Division office on the island of Hawaii on or about July 14, 2018.

16. On January 9, 2019, HGEA notified DAGS of Grossman's request to stop dues deductions, and dues deductions from Grossman's pay ended.

17. A total of \$402.60 in dues was deducted from Grossman's pay from July 10, 2018 through the time deductions stopped, covering dues for the period July 1, 2018 through December 31, 2018. Specifically, deductions of \$33.55 took place on approximately the 5th and 20th of each month beginning July 20, 2018 and ending January 4, 2019. Deductions on approximately the 5th of the month covered dues for the second half of the previous month.

Deductions on approximately the 20th of the month covered dues for the first half of that month.

18. On January, 10, 2019, HGEA sent Grossman a check in the amount of \$402.60. A copy of the check and cover letter is attached as Exhibit 4.
19. On January 23, 2019, Grossman's counsel sent a letter to HGEA counsel regarding the check. A copy of the letter is attached as Exhibit 5.
20. On January 28, 2019, HGEA sent a follow-up letter to Grossman's counsel regarding the check. A copy of that letter is attached as Exhibit 6.
21. On June 21, 2019, Grossman's counsel informed HGEA's counsel that Grossman had not cashed the check.
22. On June 28, 2019, HGEA sent Grossman a reissued check in the amount of \$442.86. A copy of that reissued check and cover letter is attached as Exhibit 7.
23. Grossman is no longer a member of HGEA. No dues or other payments to HGEA are currently being deducted from her pay. HGEA has instructed DAGS and the University that dues should not be deducted from Grossman's pay in the future, and that HGEA will not accept receipt of any dues deducted from Grossman's pay, unless she chooses to join HGEA and authorizes deductions again.

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Dated: July 31, 2019

Respectfully submitted,

By: /s/ Matthew J. Murray
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing document and its attached exhibits were served electronically through CM/ECF on the following:

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