

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HOLLIE ADAMS, et al.,	:	
	:	
Plaintiffs,	:	No. 1:19-cv-00336 SHR
	:	
v.	:	The Honorable Sylvia Rambo
	:	
TEAMSTERS UNION LOCAL 429,	:	Electronically Filed Document
et al.	:	
	:	<i>Complaint Filed 03/06/19</i>
Defendants	:	

**TEAMSTERS LOCAL 429’S MOTION TO DISMISS PLAINTIFFS’
COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6)**

Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), Defendant Teamsters Local 429 (“Local” or “Union”)¹ moves to dismiss Plaintiffs’ Complaint in its entirety. Specifically, the Local moves to dismiss Plaintiffs’ Section 1983 claim asserted in Count II as well all forms of relief sought thereunder as it fails to state a claim as a matter of law. Additionally, the Local moves to dismiss Plaintiffs’ Section 1983 claim asserted in Count I to the extent that it seeks prospective monetary, declaratory, or injunctive relief because such claims for relief are moot. Finally, the Local moves to dismiss Plaintiffs’ Section

¹ In the header of their Complaint, Plaintiffs erroneously name the Local, “Teamsters Union Local 429.” The name of the Local in the Collective Bargaining Agreement attached to Plaintiff’s Complaint refers to the Union as “Teamsters Local Union 429” and that is its proper legal name.

1983 claim asserted in Count I to the extent that it seeks retroactive monetary, declaratory, or injunctive relief because Plaintiffs have failed to state a claim for relief, the Local has valid defenses, and/or the claims for relief are moot. In support of this Motion, the Local submits a Declaration of Kevin Bolig, which is attached as Exhibit "1." For these reasons and as more fully explained in the memorandum of law to be filed pursuant to Local Rule 7.5, Teamsters Local 429 respectfully request this Court grant the Union's Motion and dismiss with prejudice Plaintiffs' Complaint in its entirety.

Respectfully submitted:

WILLIG, WILLIAMS & DAVIDSON

s/ John R. Bielski

JOHN R. BIELSKI, ESQUIRE

1845 Walnut Street, 24th Floor

Philadelphia, PA 19103

Office: 215-656-3652

Facsimile: (215) 561-5135

jbielski@wwdlaw.com

Attorneys for Teamsters Local 429

Dated: May 20, 2019

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HOLLIE ADAMS, et al.,	:	
	:	
Plaintiffs,	:	
	:	Civil Action No. 1:19-cv-00336
v.	:	SHR
	:	
TEAMSTERS LOCAL 429, et al.	:	
	:	
Defendants	:	
	:	

DECLARATION OF KEVIN BOLIG

I, Kevin Bolig, pursuant to 28 U.S.C. § 1746, based on my personal knowledge, declare the following facts to be true and correct:

1. I am currently the Secretary-Treasurer of Teamsters Local 429 (“Local”), and work at its main office at 1055 Spring Street, Wyomissing, PA 19610. I have served in this capacity since July 2015. Prior to that, I served as the Business Agent of the Local from January 1, 2003 until the end of June 2015. During my tenure at the Local, I have been assigned to provide representation to the bargaining unit employees at Lebanon County, including Plaintiffs in this case.

2. In my current position with the Local, I am familiar with the Plaintiffs’ history of employment, their membership or non-membership in the Local, their correspondence to the Local seeking to resign membership, and the Local’s response to those requests.

3. On or about April 14, 2003, Plaintiff Hollie Adams (“Ms. Adams”) was hired by Lebanon County.

4. On or about May 6, 2003, Ms. Adams signed a union authorization card, whereby she became a union member of the Local. (A true and correct copy of her signed union authorization card is attached to this Declaration as Exhibit “A.”)

5. Prior to July 10, 2018, Ms. Adams never requested to resign her membership in the Local.

6. On or about July 10, 2018, Ms. Adams sent a letter to the Local requesting to resign her membership, which the Local received on July 13, 2018. (A true and correct copy of the July 10, 2018 letter is attached to this Declaration as Exhibit “B.”)

7. On or about August 13, 2018, the Local responded to her July 10, 2018 letter, denying her request based on the terms of her dues authorization card. (A true and correct copy of the August 13, 2018 letter is attached to this Declaration as Exhibit “C.”)

8. On or about August 30, 2018, Ms. Adams sent a second letter to the Local requesting to resign her membership, which the Local received on September 4, 2018. (A true and correct copy of the August 30, 2018 letter is attached to this Declaration as Exhibit “D.”)

9. On or about September 7, 2018, the Local sent a letter to Ms. Adams, reiterating the terms of her dues authorization card and notifying her that dues deductions will cease March 2019. (A true and correct copy of the September 7, 2018 letter is attached to this Declaration as Exhibit "E.")

10. On or about March 5, 2019, the Local notified Lebanon County to cease dues deductions for Ms. Adams. The last dues deductions received by the Local from Lebanon County for Ms. Adams occurred on or about March 5, 2019.

11. From the time she requested to resign her membership until dues deductions ceased, the Local received \$416.00 in dues deductions from Lebanon County for Ms. Adams.

12. On or about May 7, 2019, the Local sent a letter to Ms. Adams confirming that the Local had accepted her resignation of her membership and that dues deductions had ceased. (A true and correct copy of the May 7, 2019 letter is attached to this Declaration as Exhibit "F")

13. On or about May 10, 2019, the Local sent a letter to Ms. Adams advising her that the Local was refunding all dues deductions received by the Local from the time she requested to resign her membership until dues deductions ceased. Enclosed in the letter was a check for \$440.96, representing the \$416.00 in dues deductions received by the Local, as well as six percent statutory interest. (A

true and correct copy of the May 10, 2019 letter and the enclosed check is attached to this Declaration as Exhibit “G.”)

14. On or about December 14, 2009, Plaintiff Christopher Felker (“Mr. Felker”) was hired by Lebanon County.

15. On or about January 26, 2010, Mr. Felker signed a union authorization card, whereby he became a member of the Local. (A true and correct copy of her signed union authorization card is attached to this Declaration as Exhibit “H.”)

16. Prior to September 28, 2018, Mr. Felker never requested to resign his membership in the Local.

17. On or about September 28, 2018, Mr. Felker sent a letter to the Local requesting to resign his union membership, which the Local received on October 1, 2018. (A true and correct copy of the September 28, 2018 letter is attached to this Declaration as Exhibit “I.”)

18. On or about October 5, 2018, the Local sent a letter to Mr. Felker informing him that the Local accepted his resignation of his membership and dues deductions would cease by November 2018. (A true and correct copy of the October 5, 2019 letter is attached to this Declaration as Exhibit “J.”)

19. The last dues deductions received by the Local from Lebanon County for Mr. Felker occurred on or about October 29, 2018.

20. From the time he requested to resign his membership until dues deductions ceased, the Local received \$96.00 in dues deductions from Lebanon County for Mr. Felker.

21. On or about May 7, 2019, the Local sent a letter to Mr. Felker confirming that the Local had accepted his resignation of membership and that dues deductions had ceased. (A true and correct copy of the May 7, 2019 letter is attached to this Declaration as Exhibit “K.”)

22. On or about May 10, 2019, the Local sent a letter to Mr. Felker advising him that the Local was refunding all dues deductions received by the Local from the time he requested to resign his membership until dues deductions ceased. Enclosed in the letter was a check for \$101.76, representing the \$96.00 in dues deductions received by the Local, as well as six percent statutory interest. (A true and correct copy of the May 10, 2019 letter and the enclosed check is attached to this Declaration as Exhibit “L.”)

23. On or around October 2015, Plaintiff Karen Unger (“Ms. Unger”) was hired by Lebanon County.

24. Ms. Unger did not sign a union authorization card at or near the time she started employment with Lebanon County but instead paid a fair share fee as a non-member.

25. On or about November 7, 2017, Ms. Unger signed a union authorization card, whereby she became a member of the Local. (A true and correct copy of her signed union authorization card is attached to this Declaration as Exhibit "M.")

26. From the time she became a member of the Local until July 10, 2018, Ms. Unger never requested to resign her membership in the Local.

27. On or about July 10, 2018, Ms. Unger sent a letter to the Local requesting to resign her membership, which the Local never received until Lebanon County forwarded a copy of the letter at the end of August 2018. (A true and correct copy of her July 10, 2018 letter is attached to this Declaration as Exhibit "N.")

28. On or about August 31, 2018, the Local requested that Lebanon County cease dues deductions for Ms. Unger. The last dues deductions received by the Local from Lebanon County for Ms. Unger occurred on or about October 1, 2018.

29. From the time she requested to resign her membership on July 10, 2018 until dues deductions ceased, the Local received \$88.00 in dues deductions from Lebanon County for Ms. Unger.

30. On or about May 7, 2019, the Local sent a letter to Ms. Unger confirming that the Local had accepted her resignation and that dues deductions

had ceased. (A true and correct copy of the May 7, 2019 letter is attached to this Declaration as Exhibit "O.")

31. On or about May 10, 2019, the Local sent a letter to Ms. Unger advising her that the Local was refunding all dues deductions received by the Local from the time she requested to resign union membership until dues deductions ceased. Enclosed in the letter was a check for \$93.28, representing the \$88.00 in dues deductions received by the Local, as well as six percent statutory interest. (A true and correct copy of the May 10, 2019 letter and the enclosed check is attached to this Declaration as Exhibit "P.")

32. On or about June 18, 2007, Plaintiff Jody Weaber ("Ms. Weaber") was hired by Lebanon County.

33. On or about July 31, 2007, Ms. Weaber signed a union authorization card, whereby she became a union member of the Local. (A true and correct copy of her signed union authorization card is attached to this Declaration as Exhibit "Q.")

34. Prior to July 16, 2018, Ms. Weaber never requested to resign her membership in the Local.

35. On or about July 16, 2018, Ms. Weaber sent a letter to the Local requesting to resign her union membership, which the Local received on July 23,

2018. (A true and correct copy of her July 23, 2018 letter is attached to this Declaration as Exhibit “R.”)

36. On or about August 30, 2018, Ms. Weaber sent a second letter to the Local requesting to resign her membership, which the Local received on September 4, 2018. (A true and correct copy of her August 30, 2018 letter is attached to this Declaration as Exhibit “S.”)

37. On or about September 7, 2018, the Local sent a letter to Ms. Weaber, explaining the terms of her dues authorization card and notifying her that union dues deductions will cease June 2019. (A true and correct copy of the September 7, 2018 letter is attached to this Declaration as Exhibit “T.”)

38. On or about March 5, 2019, the Local notified Lebanon County to cease dues deductions for Ms. Weaber. The last dues deduction received by the Local from Lebanon County for Ms. Weaber occurred on or about March 5, 2018.

39. From the time she requested to resign her membership until dues deductions ceased, the Local received \$392.00 in dues deductions from Lebanon County for Ms. Unger.

40. On or about May 7, 2019, the Local sent a letter to Ms. Weaber advising her that the Local had accepted her resignation and that dues deductions had ceased. (A true and correct copy of the May 7, 2019 letter is attached to this Declaration as Exhibit “U.”)

41. On or about May 10, 2019, the Local sent a letter to Ms. Weaber advising her that the Local was refunding all dues deductions received by the Local from the time she requested to resign her membership until dues deductions ceased. Enclosed in the letter was a check for \$415.52, representing the \$392.00 in dues deductions received by the Local, as well as six percent statutory interest. (A true and correct copy of the May 10, 2019 letter and the enclosed check is attached to this Declaration as Exhibit "V.")

42. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2019.


Kevin Bolig

EXHIBIT A



CHECKOFF AUTHORIZATION AND ASSIGNMENT MEMBER

I, Hollie L. Douglas (Print Name), hereby authorize my employer to

deduct from my wages each and every month an amount equal to the monthly dues, initiation fees and uniform assessments of Local Union 429, and direct such amounts so deducted to be turned over each month to the Secretary-Treasurer of such Local Union for and on my behalf.

This authorization is voluntary and is not conditioned on my present or future membership in the Union.

This authorization and assignment shall be irrevocable for the term of the applicable contract between the union and the employer or for one year, whichever is the lesser, and shall automatically renew itself for successive yearly or applicable contract periods thereafter, whichever is lesser, unless I give written notice to the company and the union at least sixty (60) days, but not more than seventy-five (75) days before any periodic renewal date of this authorization and assignment of my desire to revoke same.

Signature Hollie L. Douglas Soc. Serv.

Social Security Number _____ Date 5/6/03

Address _____

City Tower City State PA Zip Code 17980

Employer Lebanon County MHMR

Original to Employer L-3074-Printed in U.S.A. Copy to Local Union

Union dues are not deductible as charitable contributions for Federal Tax purposes.

EXHIBIT B



Lebanon County Mental Health / Intellectual Disabilities / Early Intervention

220 East Lehman Street • Lebanon, Pennsylvania 17046-3930
Phone: 717-274-3415 • Fax 717-274-0317

William E. Ames
Robert J. Phillips
Jo Ellen Litz
County Commissioners
Jamie A. Wolgemuth
County Administrator

Kevin J. Schrum
Administrator

Date: 7/10/18

Teamster Union Local 429
1055 Spring Street
Wyomissing, PA. 19610

To Whom It May Concern:

My name is Hollie L. Adams and I am an employee at Lebanon County MH/ID/EI. This letter is to inform you that I would like to discontinue my participation in the Teamster Union effective immediately; I will no longer be paying Team Dues in the amount of \$52.00 bi-weekly. Thank you!

Sincerely,

A handwritten signature in cursive script that reads 'Hollie Adams'. The signature is written in black ink and is positioned below the word 'Sincerely,'.

Cc: Human Resource Director- Michelle Edris

RECEIVED

JUL 13 2018

TEAMSTERS LOCAL 429

EXHIBIT C



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

August 13, 2018

Hollie Adams

Tower City, PA 17980

Dear Ms. Adams:

Teamsters Local Union No. 429 is in receipt of your letter of July 10, 2018, requesting to stop having an amount equal to the monthly dues, initiation fees and uniform assessments of Local Union No. 429 deducted from your wages and turned over each month to the Local. This request is untimely, and will not be processed at this time.

As reflected in the Checkoff Authorization and Assignment that you signed on May 6, 2003 (copy attached), you can only withdraw your authorization during the time period that is at least sixty (60) days, but not more than seventy-five (75) days before the anniversary of your execution of the Checkoff Authorization, or the expiration of the current contract between the union and employer, whichever is sooner.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin M. Bolig".

Kevin M. Bolig
Secretary-Treasurer

KMB/nap

EXHIBIT D

August 30, 2018

Dear UNION and EMPLOYER:

I, Hollie L. Adams, notify the Teamsters Local Union #429 herein UNION and my employer, Lebanon County, herein EMPLOYER, of the following:

If you consider me a member of UNION, I hereby resign from UNION and all of its affiliates, effective immediately.

You do not have my affirmative consent to take any money in union dues or fees from my paychecks. If you believe, I have given consent before, that consent is revoked, effective immediately. I hereby revoke any prior dues/fees checkoff authorization I may have signed.

This notification is permanent and continuing in nature, unless and until I tell you otherwise. Under Janus v. AFSCME, I insist that you immediately stop deducting any and all union dues or fees from my paychecks.

If you refuse to accept this letter as revoking any prior checkoff authorization, please promptly inform me, in writing, of exactly what steps I must take to effectuate that revocation and stop the deduction of dues/fees for UNION from my paychecks.

Please reply promptly to my request. The further exaction of union dues or fees from me will violate my rights under the United States Constitution.

Sincerely yours,



Hollie L. Adams

Cc: Teamster Local Union#429

RECEIVED

SEP 04 2018

TEAMSTERS LOCAL 429

EXHIBIT E



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

September 7, 2018

Hollie Adams

Tower City, PA 17980

Dear Ms. Adams:

Teamsters Local 429 is in receipt of your letter of August 30, 2018, requesting we promptly inform you, in writing, of exactly what steps you must take to stop deduction of union dues.

As reflected in the Checkoff Authorization and Assignment Form, which is a contract between you and Local 429, that you signed on May 6, 2003 (copy attached), you can only withdraw during the time period that is at least sixty (60) days, but no more than seventy-five (75) days before the anniversary of your execution of the Checkoff Authorization, or the expiration of the current collective bargaining agreement between the union and the employer; whichever is sooner.

Your Authorization Card was signed May 6, 2003 which makes your anniversary date May 6th. At this time there are no other steps you must take, we will stop the deduction of union dues March 2019.

Sincerely,

TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin M. Bolig".

Kevin M. Bolig

Secretary-Treasurer/Business Agent

KMB/sef

CC: File

1055 SPRING STREET, WYOMISSING, PA 19610 • (610) 320-5521 • (800) 331-4290 • FAX (610) 320-9216

EXHIBIT F



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters

WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer



May 7, 2019

Hollie Adams

Tower City, PA 17980

Dear Ms. Adams:

Please be advised that Teamsters Local 429 has accepted your request to revoke your membership in Teamsters Local 429. We also have notified Lebanon County, your employer, to cease union dues deduction. It is our understanding that those deductions have in fact ended.

If you have any questions, please contact us at 610-320-5521.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429.

A handwritten signature in cursive script that reads "Kevin M. Bolig".

Kevin M. Bolig
Secretary-Treasurer/Business Agent

KMB/sef

Cc: File

EXHIBIT G



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

May 10, 2019

Hollie Adams

Tower City, PA 17980

Dear Ms. Adams:

Enclosed please find a check for \$440.96, constituting a refund of union dues deductions from the date you requested in writing to revoke your union membership until the date dues deductions ceased. This amount also includes statutory interest of six percent.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin M. Bolig".

Kevin M. Bolig
Secretary-Treasurer/Business Agent

KMB/sef

Cc: File

TEAMSTERS LOCAL UNION NO. 429
AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
1055 SPRING STREET
WYOMISSING, PA 19610

FULTON BANK
LANCASTER, PA 17604
60-142/313



031660

5/10/2019

PAY
TO THE
ORDER
OF

Hollie Adams

**440.96

Four Hundred Forty and 96/100*****

Hollie Adams

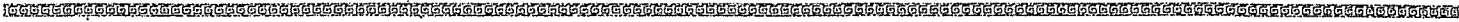
Tower City, PA 17980

William M. Shappell
Ken M. Bolig

VOID AFTER 60 DAYS

Refund of dues - Lebanon County Social Services

⑈031660⑈ ⑆031301422⑆ 0907 02368⑈



Hollie Adams
3400 · Refund-Dues
8070 · Interest

5/10/2019

416.00
24.96

General Fund Checkin Refund of dues - Lebanon County Social Service

440.96

Hollie Adams
3400 · Refund-Dues
8070 · Interest

5/10/2019

416.00
24.96

General Fund Checkin Refund of dues - Lebanon County Social Service
TEAMSTERS LOCAL UNION NO. 429

440.96

031660

EXHIBIT H



APPLICATION AND NOTICE

For Membership in Local Union No. 429

Affiliated with the International Brotherhood of Teamsters

GAAP

429

\$15.16

I voluntarily submit this Application for Membership in Local Union 429, affiliated with the International Brotherhood of Teamsters, so that I may fully participate in the activities of the Union. I understand that by becoming and remaining a member of the Union, I will be entitled to attend membership meetings, participate in the development of contract proposals for collective bargaining, vote to ratify or reject collective bargaining agreements, run for Union office or support candidates of my choice, receive Union publications and take advantage of programs available only to Union members. I understand that only as a member of the Union will I be able to determine the course the Union takes to represent me in negotiations to improve my wages, fringe benefits and working conditions. And, I understand that the Union's strength and ability to represent my interests depends upon my exercising my right, as guaranteed by federal law, to join the Union and engage in collective activities with my fellow workers.

I understand that under the current law, I may elect "nonmember" status, and can satisfy any contractual obligation necessary to retain my employment by paying an amount equal to the uniform dues and initiation fee required of members of the Union. I also understand that if I elect not to become a member or remain a member, I may object to paying the pro-rata portion of regular Union dues or fees that are not germane to collective bargaining, contract administration and grievance adjustment, and I can request the Local Union to provide me with information concerning its most recent allocation of expenditures devoted to activities that are both germane and non-germane to its performance as the collective bargaining representative sufficient to enable me to decide whether or not to become an objector. I understand that nonmembers who choose to object to paying the pro-rata portion of regular Union dues or fees that are not germane to collective bargaining will be entitled to a reduction in fees based on the aforementioned allocation of expenditures, and will have the right to challenge the correctness of the allocation. The procedures for filing such challenges will be provided by my Local Union, upon request.

I have read and understand the options available to me and submit this application to be admitted as a member of the Local Union.

PRINT Felker Christopher T. Occupation Supports Coordinator
(LAST NAME) (FIRST NAME) (MIDDLE INITIAL)

Street _____ Phone _____
City Lebanon State PA Zip Code 17042

Employer Lebanon County MH/MR/ET Employment Date 12/14/09

Street 220 East Lehman Street Phone _____
City Lebanon State PA Zip Code 17046

Initiation Fee \$ _____ Paid to _____

Date of Birth 7/14/75 Social Security No. _____

Have you ever been a member of a Teamster Local Union? No

If yes, what Local Union No. _____
1/26/2010 DATE OF APPLICATION Christopher T. Felker SIGNATURE OF APPLICANT

White Copy to Local Union Yellow Copy to Local Union Pink Copy to Applicant

EXHIBIT I



Lebanon County Mental Health / Intellectual Disabilities / Early Intervention

220 East Lehman Street • Lebanon, Pennsylvania 17046-3930
Phone: 717-274-3415 • Fax 717-274-0317

Robert J. Phillips
William E. Ames
Jo Ellen Litz
County Commissioners
Jamie A. Wolgemuth
County Administrator

Kevin J. Schrum
Administrator

September 28, 2018

Dear Union and Employer:

I, Christopher T. Felker, notify the Teamsters Local Union #429 herein UNION and my employer, Lebanon County, herein EMPLOYER, of the following:

If you consider me a member of UNION, I hereby resign from UNION and all of its affiliates, effective immediately.

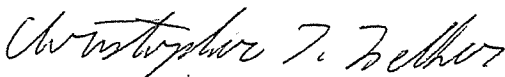
You do not have my affirmative consent to take any money in union dues or fees from my paychecks. IF you believe, I have given consent before, that consent is revoked, effective immediately. I hereby revoke any prior dues/fees check off authorization I may have signed.

This notification is permanent and continuing in nature, unless and until I tell you otherwise. Under Janus V. AFSCME, I insist that you immediately stop deducting any and all union dues or fees from my paychecks.

If you refuse to accept this letter as revoking any prior checkoff authorization, please promptly inform me, on writing, of exactly what steps I must take to effectuate the revocation and stop the deduction of dues/fees for UNION from my paychecks

Please reply promptly to my request. The further exaction of union dues or fees from me will violate me rights under the United States Constitution.

Thank you,


Christopher T. Felker

Cc: Teamsters Local #429

RECEIVED

OCT 01 2018

TEAMSTERS LOCAL 429

EXHIBIT J



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

October 5, 2018

Christopher Felker

Lebanon, PA 17042

Dear Mr. Felker:

We are in receipt of your letter and processing your request to resign from the Teamsters Union. Your Union dues will stop by November 2018.

Our Great Union relies on Union dues as its only source of income. We use the money to negotiate contracts, enforce contract provisions through grievance meetings and arbitrations. We have labor law attorneys on retainer, mortgages, utility bills, we employ secretarial staff who are paid wages and benefits.

The American working class was built by people like public sector employees who joined together in union. You have the power to ensure the United States maintains a middle class for future generations by standing together as united Union members!

We urge you to continue your full union membership status and not opt out. Allow us to represent you in future contract negotiations to ensure your wages and benefits.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin Bolig".

Kevin Bolig
Secretary-Treasurer/Business Agent

KMB/sef
CC: File

EXHIBIT K



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

May 7, 2019

Christopher Felker

Lebanon, PA 17042

Dear Mr. Felker:

Please be advised that Teamsters Local 429 has accepted your request to revoke your membership in Teamsters Local 429. We also have notified Lebanon County, your employer, to cease union dues deduction. It is our understanding that those deductions have in fact ended.

If you have any questions, please contact us at 610-320-5521.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429.

A handwritten signature in black ink that reads "Kevin M. Bolig".

Kevin M. Bolig
Secretary-Treasurer/Business Agent

KMB/sef

Cc: File

EXHIBIT L



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

May 10, 2019

Christopher Felker

Lebanon, PA 17042

Dear Mr. Felker:

Enclosed please find a check for \$101.76, constituting a refund of union dues deductions from the date you requested in writing to revoke your union membership until the date dues deductions ceased. This amount also includes statutory interest of six percent.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin M. Bolig".

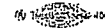
Kevin M. Bolig
Secretary-Treasurer/Business Agent

KMB/sef

Cc: File

TEAMSTERS LOCAL UNION NO. 429
AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
1055 SPRING STREET
WYOMISSING, PA 19610

FULTON BANK
LANCASTER, PA 17604
60-142/313



031661

5/10/2019

PAY
TO THE
ORDER
OF

Christopher Felker

**101.76

One Hundred One and 76/100*****

Christopher Felker

Lebanon, PA 17042

VOID AFTER 60 DAYS

Refund of dues - Lebanon County Social Services

⑈031661⑈ ⑆031301422⑆ 0907 02368⑈



Christopher Felker
3400 · Refund-Dues
8070 · Interest

5/10/2019

96.00
5.76

General Fund Checkin Refund of dues - Lebanon County Social Service

101.76

Christopher Felker
3400 · Refund-Dues
8070 · Interest

5/10/2019

96.00
5.76

General Fund Checkin Refund of dues - Lebanon County Social Service
TEAMSTERS LOCAL UNION NO. 429

101.76
031661

EXHIBIT M



CHECKOFF AUTHORIZATION AND ASSIGNMENT



I, Wanda Moore (Print Name) hereby authorize my employer to deduct from my wages each and every month an amount equal to the monthly dues, initiation fees and uniform assessments of Local Union 1374 and direct such amounts so deducted to be turned over each month to the Secretary-Treasurer of such Local Union for and on my behalf.

This authorization is voluntary and is not conditioned on my present or future membership in the Union. This authorization and assignment shall be irrevocable for the term of the applicable contract between the union and the employer or for one year, whichever is the lesser, and shall automatically renew itself for successive yearly or applicable contract periods hereafter, whichever is lesser, unless I give written notice to the company and the union at least sixty (60) days, but not more than seventy-five (75) days before any periodic renewal date of this authorization and assignment of my dues to revoke same.

Signature [Signature]

Social Security Number [Redacted] Date 1-7-17

Address

City Line Star State Pa Zip Code 17943

Employer Lebanon County MAH/ID/EI

White Copy to Local Union Yellow Copy to Company Pink Copy to Applicant

Union dues are not deductible as charitable contributions for Federal Income Tax purposes.

EXHIBIT N



Lebanon County Mental Health / Intellectual Disabilities / Early Intervention

220 East Lehman Street • Lebanon, Pennsylvania 17046-3930
Phone: 717-274-3415 • Fax 717-274-0317

William E. Ames
Robert J. Phillips
Jo Ellen Litz
County Commissioners
Jamie A. Wolgemuth
County Administrator

Kevin J. Schrum
Administrator

Date: 7/10/18

Teamster Union Local 429
1055 Spring Street
Wyomissing, PA. 19610

To Whom It May Concern:

My name is Karen Unger and I am an employee at Lebanon County MH/ID/EI. This letter is to inform you that I would like to discontinue my participation in the Teamster Union effective immediately; I will no longer be paying Team Dues bi-weekly. Thank you.

Sincerely,

Karen Unger

Cc:

Michelle Edris

Human Resource Director-

EXHIBIT O



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

May 7, 2019

Karen Unger

Pine Grove, PA 17963

Dear Ms. Unger:

Please be advised that Teamsters Local 429 has accepted your request to revoke your membership in Teamsters Local 429. We also have notified Lebanon County, your employer, to cease union dues deduction. It is our understanding that those deductions have in fact ended.

If you have any questions, please contact us at 610-320-5521.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin M. Bolig".

Kevin M. Bolig
Secretary-Treasurer/Business Agent

KMB/sef

Cc: File

EXHIBIT P



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

May 10, 2019

Karen Unger

Pine Grove, PA 17963

Dear Ms. Unger:

Enclosed please find a check for \$93.28, constituting a refund of union dues deductions from the date you requested in writing to revoke your union membership until the date dues deductions ceased. This amount also includes statutory interest of six percent.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin M. Bolig".

Kevin M. Bolig
Secretary-Treasurer/Business Agent

KMB/sef

Cc: File

TEAMSTERS LOCAL UNION NO. 429
AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
1055 SPRING STREET
WYOMISSING, PA 19610

FULTON BANK
LANCASTER, PA 17604
60-142/313



031658

5/10/2019

PAY
TO THE
ORDER
OF

Karen Unger

**93.28

Ninety-Three and 28/100*****

Karen Unger

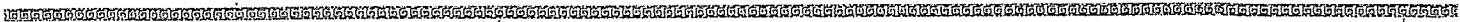
Pine Grove, PA 17963

William B. Russell
Kevin M. Bolger

VOID AFTER 60 DAYS

Refund of dues - Lebanon County Social Services

⑈031658⑈ ⑆031301422⑆ 0907 02368⑈



Karen Unger
3400 · Refund-Dues
8070 · Interest

5/10/2019

88.00
5.28

General Fund Checkin Refund of dues - Lebanon County Social Service

93.28

Karen Unger
3400 · Refund-Dues
8070 · Interest

5/10/2019

88.00
5.28

General Fund Checkin Refund of dues - Lebanon County Social Service
TEAMSTERS LOCAL UNION NO. 429

93.28

031658

EXHIBIT Q



Weaber, Jody E.
CHECKOFF AUTHORIZATION AND ASSIGNMENT

I, Jody E Weaber (Print Name), hereby authorize my employer to

deduct from my wages each and every month an amount equal to the monthly dues, initiation fees and uniform assessments of Local Union 429, and direct such amounts so deducted to be turned over each month to the Secretary-Treasurer of such Local Union for and on my behalf.

This authorization is voluntary and is not conditioned on my present or future membership in the Union.

This authorization and assignment shall be irrevocable for the term of the applicable contract between the union and the employer or for one year, whichever is the lesser, and shall automatically renew itself for successive yearly or applicable contract periods thereafter, whichever is lesser, unless I give written notice to the company and the union at least sixty (60) days, but not more than seventy-five (75) days before any periodic renewal date of this authorization and assignment of my desire to revoke same.


Signature Jody E Weaber

Social Security Number _____ Date 07-31-2017

Address _____

City Stevens State PA Zip Code 17578

Employer Lebanon County MH/MR

Original to Employer L-3074-Printed in U.S.A.  Copy to Local Union

Union dues are not deductible as charitable contributions for Federal Tax purposes.

EXHIBIT R



Lebanon County Mental Health / Intellectual Disabilities / Early Intervention

220 East Lehman Street • Lebanon, Pennsylvania 17046-3930
Phone: 717-274-3415 • Fax 717-274-0317

William E. Ames
Robert J. Phillips
Jo Ellen Litz
County Commissioners
Jamie A. Wolgemuth
County Administrator

Kevin J. Schrum
Administrator

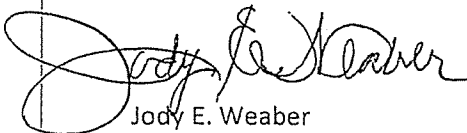
Date: 7/16/18

Teamster Union Local 429
1055 Spring Street
Wyomissing, PA. 19610

To Whom It May Concern:

My name is Jody E. Weaber and I am an employee at Lebanon County MH/ID/EI. This letter is to inform you that I would like to discontinue my participation in the Teamster Union effective immediately; I will no longer be paying Team Dues in the amount of \$ 49.00 bi-weekly. Thank you!

Sincerely,


Jody E. Weaber

Cc: Michelle Edris - Human Resource Director
Robert Mettley - Controller

RECEIVED
JUL 23 2018
TEAMSTERS LOCAL 429

EXHIBIT S

August 30, 2018

Dear UNION and EMPLOYER:

I, Jody E. Weaber, notify the Teamsters Local Union #429 herein UNION and my employer, Lebanon County, herein EMPLOYER., of the following:

if you consider me a member of UNION, I hereby resign from UNION and all of its affiliates, effective immediately.

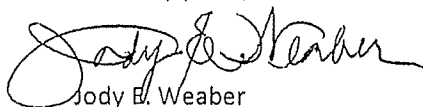
You do not have my affirmative consent to take any money in union dues or fees from my paychecks. If you believe, I have given consent before, that consent is revoked, effective immediately. I hereby revoke any prior dues/fees checkoff authorization I may have signed.

This notification is permanent and continuing in nature, unless and until I tell you otherwise. Under Janus v. AFSCME, I insist that you immediately stop deducting any and all union dues or fees from my paychecks.

If you refuse to accept this letter as revoking any prior checkoff authorization, please promptly inform me, in writing, of exactly what steps I must take to effectuate that revocation and stop the deduction of dues/fees for UNION from my paychecks.

Please reply promptly to my request. The further exaction of union dues or fees from me will violate my rights under the United States Constitution.

Sincerely yours,


Jody E. Weaber

Cc: Teamster Local Union#429

RECEIVED
SEP 04 2018
TEAMSTERS LOCAL 429

EXHIBIT T



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters

WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer



September 7, 2018

Jody Weaber

Stevens, PA 17579

Dear Ms. Weaber:

Teamsters Local 429 is in receipt of your letter of August 30, 2018, requesting we promptly inform you, in writing, of exactly what steps you must take to stop deduction of union dues.

As reflected in the Checkoff Authorization and Assignment Form, which is a contract between you and Local 429, that you signed on July 31, 2007 (copy attached), you can only withdraw during the time period that is at least sixty (60) days, but no more than seventy-five (75) days before the anniversary of your execution of the Checkoff Authorization, or the expiration of the current collective bargaining agreement between the union and the employer, whichever is sooner.

Your Authorization Card was signed July 31, 2007, which makes your anniversary date July 31st. At this time there are no other steps you must take, we will stop the deduction of union dues June 2019.

Sincerely,

TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in black ink that reads "Kevin M. Bolig".

Kevin M. Bolig

Secretary-Treasurer/Business Agent

KMB/sef

CC: File

1055 SPRING STREET, WYOMISSING, PA 19610 • (610) 320-5521 • (800) 331-4290 • FAX (610) 320-9216

EXHIBIT U



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters



WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer

May 7, 2019

Jody Weaber

Stevens, PA 17579

Dear Ms. Weaber:

Please be advised that Teamsters Local 429 has accepted your request to revoke your membership in Teamsters Local 429. We also have notified Lebanon County, your employer, to cease union dues deduction. It is our understanding that those deductions have in fact ended.

If you have any questions, please contact us at 610-320-5521.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin M. Bolig".

Kevin M. Bolig
Secretary-Treasurer/Business Agent

KMB/sef

Cc: File

EXHIBIT V



TEAMSTERS LOCAL UNION NO. 429

Affiliated with the International Brotherhood of Teamsters

WILLIAM M. SHAPPELL
President

KEVIN M. BOLIG
Secretary-Treasurer



May 10, 2019

Jody Weaber

Stevens, PA 17579

Dear Ms. Weaber:

Enclosed please find a check for \$415.52, constituting a refund of union dues deductions from the date you requested in writing to revoke your union membership until the date dues deductions ceased. This amount also includes statutory interest of six percent.

Sincerely,
TEAMSTERS LOCAL UNION NO. 429

A handwritten signature in cursive script that reads "Kevin M. Bolig".

Kevin M. Bolig
Secretary-Treasurer/Business Agent

KMB/sef

Cc: File

TEAMSTERS LOCAL UNION NO. 429
AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
1055 SPRING STREET
WYOMISSING, PA 19610

FULTON BANK
LANCASTER, PA 17604
60-142/313



031659

5/10/2019

PAY
TO THE
ORDER

Jody Weaber

**415.52

OF Four Hundred Fifteen and 52/100*****

Jody Weaber

Stevens, PA 17579

William B. Sheppard
Len M. Bolig

VOID AFTER 60 DAYS

Refund of dues - Lebanon County Social Services

⑈031659⑈ ⑆031301422⑆ 0907 02368⑈



Jody Weaber
3400 · Refund-Dues
8070 · Interest

5/10/2019

392.00
23.52

General Fund Checkin Refund of dues - Lebanon County Social Service

415.52

Jody Weaber
3400 · Refund-Dues
8070 · Interest

5/10/2019

392.00
23.52

General Fund Checkin Refund of dues - Lebanon County Social Service
TEAMSTERS LOCAL UNION NO. 429

415.52

031659

CERTIFICATE OF NON-CONCURRENCE

The undersigned, John R. Bielski, Esquire, hereby certifies he contacted counsel for Plaintiffs regarding the relief sought in this motion. Plaintiff's counsel does not concur with the relief sought herein.

s/ John R. Bielski

JOHN R. BIELSKI, ESQUIRE

1845 Walnut Street, 24th Floor

Philadelphia, PA 19103

Office: 215-656-3652

Facsimile: (215) 561-5135

jbielski@wwdlaw.com

Attorneys for Union Defendants

Dated: May 20, 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN R. KABLER, JR.,	:	
	:	
Plaintiff,	:	
	:	No. 1:19-CV-0395
v.	:	
	:	Judge Rambo
UNITED FOOD AND COMMERCIAL	:	
WORKERS UNION, LOCAL 1776	:	Electronically Filed Document
KEYSTONE STATE, et al.,	:	
	:	<i>Complaint Filed 03/06/19</i>
Defendants.	:	

CERTIFICATE OF SERVICE

I, John R. Bielski, Esquire, hereby certify that on the 20th day of May, 2019, I caused to be served a true and correct copy of the foregoing document titled Teamsters Local 429’s Motion to Dismiss Plaintiffs’ Complaint Pursuant to Fed. R. Civ. P. 12(B)(1) and 12(B)(6) to all counsel of record via ECF.

s/ John R. Bielski
JOHN R. BIELSKI, ESQUIRE
 1845 Walnut Street, 24th Floor
 Philadelphia, PA 19103
 Office: 215-656-3652
 Facsimile: (215) 561-5135
 jbielski@wwdlaw.com

Attorneys for Union Defendants

Dated: May 20, 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN R. KABLER, JR.,	:	
	:	
Plaintiff,	:	
	:	No. 1:19-CV-0395
v.	:	
	:	Judge Rambo
UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 1776 KEYSTONE STATE, et al.,	:	Electronically Filed Document
	:	<i>Complaint Filed 03/06/19</i>
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of the Teamsters Local 429’s Motion to Dismiss Plaintiffs’ Complaint Pursuant to Fed. R. Civ. P. 12(B)(1) and 12(B)(6), it is hereby ORDERED that the Motion is GRANTED, and Plaintiffs Complaint is DISMISSED WITH PREJUDICE.

THE HONORABLE SYLVIA H. RAMBO
United States District Judge