

APPENDIX

Pending Cases Seeking Refunds of Agency Fees or Union Dues Paid by Public-Sector Employees

Class-action lawsuits on behalf of public employees to recover both union dues and agency fees

- *Pellegrino v. N.Y. State United Teachers*, No. 2:18-cv-3439 (E.D.N.Y. filed June 13, 2018)
- *Smith v. N.J. Educ. Ass'n*, Nos. 18-10381, 18-15628, __ F. Supp. 3d __, 2019 WL 6337991 (D.N.J. Nov. 27, 2019) (dismissing claim for dues refunds based on lack of First Amendment violation and claim for agency-fee refunds based on good-faith defense), *appeal docketed sub nom. Fischer v. Gov. of N.J.*, No. 19-3914 (3d Cir. Dec. 18, 2019)
- *LaSpina v. SEIU Penn. State Council*, No. 3:18-2018, 2019 WL 4750423 (M.D. Pa. Sept. 30, 2019) (dismissing on other grounds but noting good-faith defense would apply), *appeal docketed*, No. 19-3484 (3d Cir. Nov. 4, 2019)
- *Littler v. Ohio Ass'n of Public Sch. Emps.*, No. 2:18-cv-1745 (S.D. Ohio filed Dec. 19, 2018)
- *Hoekman v. Educ. Minn.*, No. 18-cv-1686 (D. Minn. filed June 18, 2018)
- *Prokes v. AFSCME Council No. 5*, No. 0:18-cv-2384 (D. Minn. filed Aug. 14, 2018)
- *Crockett v. NEA-Alaska*, 367 F. Supp. 3d 996 (D. Alaska 2019) (dismissing claims based on

good-faith defense), *appeal docketed sub nom. McCollum v. NEA-Alaska*, No. 19-35299 (9th Cir. Apr. 12, 2019)

- *Aliser v. SEIU Cal.*, 419 F. Supp. 3d 1161 (N.D. Cal. 2019) (partially granting motion to dismiss, including dismissal of refund claim based on good-faith defense)
- *Bermudez v. SEIU Local 521*, No. 18-cv-04312-VC, 2019 WL 1615414 (N.D. Cal. Apr. 16, 2019) (partially granting motion for summary judgment against plaintiffs, including judgment on refund claim based on good-faith defense)
- *Cooley v. Cal. Statewide Law Enforcement Ass'n*, 385 F. Supp. 3d 1077 (E.D. Cal. 2019) (dismissing claims based on lack of First Amendment violation and good-faith defense), *appeal docketed*, No. 19-16498 (9th Cir. July 31, 2019)
- *Hernandez v. AFSCME Cal.*, 386 F. Supp. 3d 1300 (E.D. Cal. 2019) (dismissing claims based on good-faith defense), *appeal docketed*, No. 20-15076 (9th Cir. Jan. 16, 2020)

Belgau v. Inslee, 359 F. Supp. 3d 1000 (W.D. Wash. 2019) (holding *Janus* had no “retroactive” effect and finding no First Amendment violation), *appeal docketed*, No. 19-35137 (9th Cir. Feb. 20, 2019)

Class-action lawsuits on behalf of public employees to recover agency fees only

- *Doughty v. State Emp.'s Ass'n of N.H.*, No. 19-cv-53 (D.N.H. May 30, 2019) (judgment without written opinion), *appeal docketed*, No. 19-1636 (1st Cir. June 21, 2019)
- *Wholean v. CSEA SEIU Local 2001*, No. 3:18-cv-1008, 2019 WL 1873021 (D. Conn. Apr. 26, 2019) (dismissing refund claim based on good-faith defense), *appeal docketed*, No. 19-1563 (2d Cir. May 24, 2019)
- *Solomon v. AFSCME Dist. Council 37*, No. 2:19-cv-06823-GBD (S.D.N.Y. filed July 23, 2019)
- *Seidemann v. Prof'l Staff Congress, Local 2334*, No. 18 Civ. 9778, __ F. Supp. 3d __, 2020 WL 127583 (S.D.N.Y. Jan. 10, 2020) (dismissing refund claim based on good-faith defense), *appeal docketed*, No. 20-460 (2d Cir. Feb. 5, 2020)
- *Diamond v. Penn. State Educ. Ass'n*, 399 F. Supp. 3d 361 (W.D. Pa. 2019) (dismissing claims based on good-faith defense), *appeal docketed*, No. 19-2812 (3d Cir. Aug. 13, 2019)
- *Wenzig v. SEIU Local 668*, No. 1:19-1367, 2019 WL 6715741 (M.D. Pa. Dec. 10, 2019) (dismissing refund claims based on good-faith defense), *appeal docketed*, No. 19-3906 (3d Cir. Dec. 18, 2019)
- *Schazsberger v. AFSCME Council 13*, No. 3:19-cv-01922 (M.D. Pa. filed Nov. 7, 2019)

- *Akers v. Md. State Educ. Ass'n*, 376 F. Supp. 3d 563 (D. Md. 2019) (dismissing refund claim based on good-faith defense), *appeal docketed*, No. 19-1524 (4th Cir. May 16, 2019)
- *Mattos v. AFSCME Council 3*, No. 1:19-cv-02539-GLR (D. Md. Filed Sept. 3, 2019)
- *Lee v. Ohio Educ. Ass'n*, 951 F.3d 386 (6th Cir. 2020) (affirming dismissal of refund claim based on good-faith defense)
- *Ogle v. Ohio Civil Serv. Emps. Ass'n*, 951 F.3d 794 (6th Cir. 2020) (affirming dismissal of refund claim based on good-faith defense)
- *Casanova v. Int'l Ass'n of Machinists, Local 701*, No. 1:19-cv-00428 (N.D. Ill. Sept. 11, 2019) (minute entry granting motion to dismiss), *aff'd* No. 19-2987 (7th Cir. Feb. 11, 2020) (summary affirmance)
- *Leitch v. AFSCME Council 31*, No. 1:19-cv-02921 (N.D. Ill. Jan. 30, 2020) (minute entry granting motion to dismiss), *appeal docketed*, No. 20-1379 (7th Cir. Mar. 5, 2020)
- *Mooney v. Ill. Educ. Ass'n*, 942 F.3d 368 (7th Cir. 2019) (affirming dismissal of refund claims based on good-faith defense), *petition for cert. filed*, No. 19-1126 (U.S. Mar. 13, 2020)
- *Ocol v. Chi. Teachers Union*, No. 18 C 8038, 2020 WL 1467404 (N.D. Ill. Mar. 26, 2020) (granting summary judgment against plaintiff, including refund claim)
- *Allen v. Santa Clara Cnty. Corr. Peace Officers Ass'n*, 400 F. Supp. 3d 998 (E.D. Cal. 2019)

(dismissing refund claims based on good-faith defense), *appeal docketed*, No. 19-17217 (9th Cir. Nov. 1, 2019)

- *Babb v. Cal. Teachers Ass'n*, 378 F. Supp. 3d 857 (C.D. Cal. 2019) (dismissing refund claims based on good-faith defense), *appeal docketed*, No. 19-55692 (9th Cir. June 18, 2019)
- *Brice v. Cal. Faculty Ass'n*, No. 2:19-cv-04095-LJS-DFM (C.D. Cal. Sept. 10, 2019) (minute order dismissing claims), *appeal docketed*, No. 19-56164 (9th Cir. Oct. 3, 2019)
- *Hamidi v. SEIU Local 1000*, No. 2:14-cv-00319, 2019 WL 5536324 (E.D. Cal. Oct. 25, 2019) (granting summary judgment for defendants based on good-faith defense), *appeal docketed*, No. 19-17442 (9th Cir. Dec. 4, 2019)
- *Hough v. SEIU Local 521*, No. 18-cv-04902-VC, 2019 WL 1785414 (N.D. Cal. Apr. 16, 2019) (granting summary judgment against plaintiff based on good-faith defense), *appeal docketed*, No. 19-15792 (9th Cir. Apr. 18, 2019)
- *Penning v. SEIU Local 1021*, No. 4:19-cv-03624, ___ F. Supp. 3d ___, 2020 WL 256126 (N.D. Cal. Jan. 16, 2020) (dismissing claim based on good-faith defense), *appeal docketed*, No. 20-15226 (9th Cir. Feb. 13, 2020)
- *Wilford v. Nat'l Educ. Ass'n of the U.S.*, No. 8:18-cv-1169-JLS-DFM, *dismissed with other cases sub nom. Babb v. Cal. Teachers Ass'n*, 378 F. Supp. 3d 857 (C.D. Cal. 2019) (dismissing refund claims based on good-faith

defense), *appeal docketed*, No. 19-55712 (9th Cir. June 20, 2019)

- *Chambers v. AFSCME Local 3336*, No. 3:18-cv-01685, __ F. Supp. 3d __, 2020 WL 1527904 (D. Or. Mar. 31, 2020) (granting summary judgment for defendants based on good-faith defense)
- *Carey v. Inslee*, 364 F. Supp. 3d 1220 (W.D. Wash. 2019) (dismissing claim based on good-faith defense), *appeal docketed sub nom. Carey v. Wash. Educ. Ass'n*, No. 19-35290 (9th Cir. Apr. 11, 2019)
- *Danielson v. Inslee*, 945 F.3d 1096 (9th Cir. 2019) (affirming dismissal of refund claim based on good-faith defense), *petition for cert. filed*, No. 19-1130 (U.S. Mar. 16, 2020)

Class-action lawsuits on behalf of public employees to recover union dues only

- *Mendez v. Cal. Teachers Ass'n*, 419 F. Supp. 3d 1182 (N.D. Cal. 2020) (dismissing claims for lack of First Amendment violation), *appeal docketed*, No. 20-15394 (9th Cir. Mar. 6, 2020)
- *Martin v. Cal. Teachers Ass'n*, *dismissed with other cases sub nom. Babb v. Cal. Teachers Ass'n*, 378 F. Supp. 3d 857 (C.D. Cal. 2019) (dismissing claim based on lack of First Amendment violation and good-faith defense), *appeal docketed*, No. 19-55761 (9th Cir. July 3, 2019)

- *Anderson v. SEIU Local 503*, 400 F. Supp. 3d 1113 (D. Or. 2019) (dismissing claims for lack of First Amendment violation), *appeal docketed*, No. 19-35871 (9th Cir. Oct. 16, 2019)

Lawsuit on behalf of individual public employees to recover agency fees and union dues

- *Campos v. Fresno Deputy Sheriff's Ass'n*, No. 1:18-CV-1660, 2020 WL 949915 (E.D. Cal. Feb. 27, 2020) (dismissing claims for lack of First Amendment violation)

Lawsuits on behalf of individual public employees to recover agency fees

- *Lamberty v. Conn. State Police Union*, No. 3:15-cv-378, 2018 WL 5115559 (D. Conn. Oct. 19, 2018) (dismissing claims as moot), *appeal docketed*, No. 19-3210 (2d Cir. Oct. 4, 2019)
- *Cook v. Brown*, 364 F. Supp. 3d 1184 (D. Or. 2019) (granting judgment for union based on good-faith defense), *appeal docketed*, No. 19-35191 (9th Cir. Mar. 11, 2019)

Lawsuits on behalf of individual public employees to recover union dues

- *Loescher v. Minn. Teamsters Public & Law Enforcement Emps.' Union, Local No. 320*, No. 19-cv-1333, ___ F. Supp. 3d ___, 2020 WL 912785 (D. Minn. Feb. 26, 2020) (dismissing refund claim for lack of First Amendment violation), *appeal docketed*, No. 20-1540 (8th Cir. Mar. 16, 2020)

- *Cruz v. Union Independiente Autentica de Empleados de la Austeridad de Acueductos y Alcantarillados*, No. 3:17-cv-02261 (D.P.R. filed Oct. 26, 2017)
- *Adams v. Teamsters Local Union 429*, No. 1:19-cv-336, 2020 WL 1531019 (M.D. Pa. Mar. 31, 2020) (dismissing refund claim based on good-faith defense)
- *Bennett v. AFSCME Council 31*, No. 4:19-cv-04087-SLD-JEH, slip op. (C.D. Ill. Mar. 31, 2020) (granting defendants summary judgment for lack of First Amendment violation)
- *Mandel v. SEIU Local 73*, No. 1:18-cv-08385 (N.D. Ill. filed Dec. 21, 2018)
- *O'Callaghan v. Regents of the Univ. of Cal.*, No. CV 19-2289, 2019 WL 6330686 (C.D. Cal. Sept. 30, 2019) (dismissing claim for dues refund for lack of First Amendment violation and claim for agency-fee refund based on good-faith defense), *appeal docketed*, No. 19-56271 (9th Cir. Nov. 1, 2019)
- *Smith v. Teamsters Local 2010*, No. CV 19-00771-PA, 2019 WL 6647935 (C.D. Cal. Dec. 3, 2019) (dismissing claims for lack of state action and lack of First Amendment violation), *appeal docketed*, No. 19-56503 (9th Cir. Dec. 26, 2019)
- *Wolf v. Univ. Prof'l & Tech. Emps., Comms. Workers of Am. Local 9119*, No. 3:19-cv-02881-WHA (N.D. Cal. filed May 24, 2019)
- *Grossman v. Haw. Gov't Emps. Ass'n*, No. 18-cv-00493-DKW-RT, __ F. Supp. 3d __, 2020 WL

515816 (D. Haw. Jan. 31, 2020) (granting summary judgment for defendants based on good-faith defense), *appeal docketed*, No. 20-15356 (9th Cir. Mar. 3, 2020)

- *Hendrickson v. AFSCME Council 18*, No. CIV 18-1119, __ F. Supp. 3d __, 2020 WL 365041 (D.N.M. Jan. 22, 2020) (granting summary judgment for defendants based on lack of First Amendment violation and good-faith defense), *appeal docketed*, No. 20-2018 (10th Cir. Feb. 21, 2020)
 - *Few v. United Teachers L.A.*, No. 2:18-cv-09531-JLS-DFM, 2020 WL 633598 (C.D. Cal. Feb. 10, 2020) (granting summary judgment for defendants based on lack of First Amendment violation and good-faith defense), *appeal docketed*, No. 20-55338 (9th Cir. Mar. 30, 2020)
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