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Attorney for Plaintiff,

Lisa Grega

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LISA GREGA, an individual,

Plaintiff,

vs.

**COUNCIL OF NEW JERSEY STATE
COLLEGE LOCALS, AFT/AFL-CIO,
LOCAL 2364**, an incorporated employees'
labor organization,

THE COLLEGE OF NEW JERSEY, a New
Jersey public University,

PHIL MURPHY, in his official capacity as
Governor of New Jersey,

GURBIR GREWAL, in his official capacity as
Attorney General of New Jersey,

**JOEL M. WEISBLATT, PAUL
BOUDREAU, PAULA B. VOOS, JOHN
BONANNI, DAVID JONES, AND
PASQUALE V. PAPERIO**, in their official
capacities as members of the New Jersey Public
Employment Relations Commission,

Defendants.

Case No.:

COMPLAINT

Plaintiff, Lisa Grega, 404 Mathers Lane, Neshanic Station, New Jersey 08853, by and
through undersigned counsel, by way of Complaint against Defendants Council of New Jersey

State College Locals, AFT/AFL-CIO, Local 2364, The College of New Jersey, Phil Murphy, in his official capacity as Governor of New Jersey, Gurbir Grewal, in his official capacity as Attorney General for New Jersey, and Joel M. Weisblatt, Paul Boudreau, Paula B. Voos, John Bonanni, David Jones, and Pasquale V. Papero in their official capacities as members of the New Jersey Public Employment Relations Commission, alleges as follows:

BACKGROUND AND NATURE OF THE ACTION

1. Plaintiff is a public employee of Defendant, The College of New Jersey (“TCNJ”).
2. Defendant Council of New Jersey State College Locals, AFT/AFL-CIO, Local 2364, is a labor union and the authorized employee representative of Plaintiff under the auspices of New Jersey’s Employer-Employee Relations Act, N.J.S.A. §§ 34:13A-1 to 34:13A-43.
3. Defendant TCNJ is a public university and public employer.
3. In Janus v. AFSCME Council 31, 585 U.S. ____ (2018), the Supreme Court held:

States and public-sector unions may no longer extract agency fees from nonconsenting employees. Under Illinois law, if a public-sector collective-bargaining agreement includes an agency-fee provision and the union certifies to the employer the amount of the fee, that amount is automatically deducted from the nonmember’s wages. §315/6(e). No form of employee consent is required. This procedure violates the First Amendment and cannot continue. Neither an agency fee nor any other payment to the union may be deducted from a nonmember’s wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed.

Janus, slip opinion at 48.

4. On May 18, 2018, likely in anticipation of Janus, New Jersey passed the “Workplace Democracy Enhancement Act,” (“WDEA”) which amended N.J.S.A. § 52:14-15.9e to state:

Whenever any person holding employment, whose compensation is paid by this State or by any county, municipality, board of education or authority in this State, or by any board, body, agency or commission thereof shall indicate in writing, . . . to the proper disbursing officer his desire to have any deductions made

from his compensation, for the purpose of paying the employee's dues to a bona fide employee organization, designated by the employee in such request, and of which said employee is a member, such disbursing officer shall make such deduction from the compensation of such person and such disbursing officer shall transmit the sum so deducted to the employee organization designated by the employee in such request.

Employees who have authorized the payroll deduction of fees to employee organizations may revoke such authorization by providing written notice to their public employer during the 10 days following each anniversary date of their employment. Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization. An employee's notice of revocation of authorization for the payroll deduction of employee organization fees shall be effective on the 30th day after the anniversary date of employment.

Id.

5. The WDEA, however, left in place a portion of the statute which said that the collective bargaining agreement between the employer and the union could set the date for termination of dues deductions. N.J.S.A. § 52:14-15.9e:

Such collectively negotiated agreement may include a provision that existing written authorizations for payment of dues to an employee organization other than the duly certified majority representative be terminated. Such collectively negotiated agreement may also include a provision specifying the effective date of a termination in deductions as of the July 1 next succeeding the date on which notice of withdrawal is filed by an employee with the public employer's disbursing officer.

Id.

6. Plaintiff attempted to resign from Council of New Jersey State College Locals, AFT/AFL-CIO, Local 2364, and requested that her employer cease to withhold dues or fees payable to that union. She was told that, due to the "Workplace Democracy Enhancement Act" as well as prior state labor law, she could not resign until the contract covering her bargaining unit had expired.

7. The WDEA and other parts of N.J.S.A. § 52:14-15.9e unconstitutionally interfere with public employees' First Amendment right to resign from and end financial support to a union at any time.

JURISDICTION AND VENUE

8. The Court has subject matter jurisdiction under 28 U.S.C. § 1331, and 28 U.S.C. § 1343.

9. Venue is appropriate in this jurisdiction because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district. 28 U.S.C. § 1391(b)(2).

10. There are two possible appropriate Vicinages. Under Local Civil Rule 40.1(c)(2), the first is Camden Vicinage since there is a potentially related case, Smith v. New Jersey Education Association, Case No. 1:18-cv-10381-RMB-AMD. Smith is a putative class action wherein the proposed class representatives are all school teachers and the union defendants are the New Jersey Education Association and three of its subunits. But, various state officials charged with the enforcement of the Workplace Democracy Enhancement Act are named as defendants, and the fourth proposed class is:

all public employees in New Jersey who have resigned or who might resign their union membership, or who have revoked or might revoke their consent to the payroll deduction of union fees, yet remain subject to payroll deductions even after they have resigned their membership or revoked their affirmative consent to payroll deductions.

Id. at Docket Entry 43, p. 3.

11. The second potential Vicinage is Trenton. Plaintiff resides in Somerset County; TCNJ and Council of New Jersey State College Locals, AFT/AFL-CIO, Local 2364, are located in Mercer County; and the state official defendants' offices are in Mercer County within the Vicinage. See Local Civil Rule 40.1.

PARTIES

12. Plaintiff Lisa Grega resides in Somerset County and is a professor of mechanical engineering at TCNJ. She is in a bargaining unit represented by Defendant Council of New Jersey State College Locals, AFT/AFL-CIO, Local 2364.

13. Defendant Council of New Jersey State College Locals, AFT/AFL-CIO, Local 2364 is located in Mercer County. It has offices located at Social Science Building 242, 2000 Pennington Road, Ewing, New Jersey 08618.

14. Defendant TCNJ is located in Mercer County, with an address of 2000 Pennington Road, Ewing, New Jersey 08618.

15. Defendant Phil Murphy, acting in his official capacity as Governor of New Jersey, has his office in Trenton.

16. Defendant Gurbir Grewal, acting in his official capacity as Attorney General of New Jersey, has his office in Trenton.

17. Defendants Joel M. Weisblatt, Paul Boudreau, Paula Voos, John Bonanni, David Jones, and Pasquale V. Papero, acting in their official capacities as members of the New Jersey Public Employment Relations Commission, have their main office in Trenton.

FACTS

18. Plaintiff is a member of the defendant Council of New Jersey State College Locals, AFT/AFL-CIO.

19. Upon information and belief, prior to Janus, Plaintiff signed a dues authorization card, but has not signed a waiver post-Janus.

20. On or about August 22, 2018, Plaintiff attempted to resign via email from the union Defendant and revoking any authorization for her employer, TCNJ, to withhold dues or fees from her paycheck for the union Defendant. See a copy of this August 22nd email attached as Exhibit A to this Complaint.

21. After her attempted resignation and revocation, Plaintiff was told by TCNJ via an email on November 8, 2018, that pursuant to the law, she could not resign nor revoke until the expiration

of the contract covering her bargaining unit, which would be July 1, 2019. See a copy of this November 8th email attached as Exhibit B to this Complaint.

CAUSES OF ACTION

COUNT I - Plaintiff Has a Constitutional Right to Resign at Any Time

22. Plaintiff incorporates paragraph 1 through 21 as though fully set forth herein.

23. Plaintiff is suing the defendants under 42 U.S.C. § 1983, Civil action for deprivation of rights, and under 28 U.S.C. § 2201, the Declaratory Judgment Act. More specifically, Plaintiff seeks a declaration that, under Janus and/or any other relevant case law, she is entitled to the right to resign from the Defendant union at any time and cease any accrual of financial support to the Defendant union immediately upon resigning.

COUNT II - Plaintiff Does Not Forgo Her Constitutional Rights Unless She Waives These

24. Plaintiff incorporates paragraphs 1 through 23 as though fully set forth herein.

25. Plaintiff is suing the defendants under 42 U.S.C. § 1983, Civil action for deprivation of rights, and under 28 U.S.C. § 2201, the Declaratory Judgment Act. More specifically, Plaintiff seeks a declaration that, pursuant to Janus, union dues or agency fees cannot be collected without a clear and knowing waiver from an employee wherein they acknowledge that they are giving up First Amendment rights, and do so freely. This waiver must post date Janus.

26. Further, to the extent that it has not been clearly established by case law, Plaintiff cannot have waived her constitutional right to resign from a union at any time, and thereby cease accrual of financial support to the union Defendant immediately upon her resignation.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff hereby requests that this court:

- a. Enjoin defendants Council of New Jersey State College Locals, AFT/AFL-CIO,

Local 264 and TCNJ from collecting any dues or fees from Plaintiff if she has not consented to such collection through a clear and informed waiver of her First Amendment rights under Janus;

b. Award a refund of any dues or fees paid to Council of New Jersey State College Locals, AFT/AFL-CIO, Local 264 since she resigned in August 2018;

c. Declare that there is a constitutional right of employees to resign from a union at any time;

d. Declare that the N.J.S.A. § 52:14-15.9e restricting resignation and/or the revocation of any dues or fees withholding authorization, is void and unenforceable and that the right to resign and cease financial supporting the Defendant union can be exercised at any time;

e. Enjoin the Defendant state officials from enforcing N.J.S.A. § 52:14-15.9e and any other state law that interferes with a public employee's right to resign at any time;

f. Award Plaintiff her attorney fees pursuant to 42 U.S.C. § 1988, along with costs; and

g. Grant all other relief that the Court deems just, proper, and equitable.

Patrick J. Wright, Esq.*
Mackinac Center Legal Foundation
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(989) 631-0900
wright@mackinac.org

By: /s/ Matthew C. Moench
Matthew C. Moench, Esq.
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* *pro hac vice* application pending

Counsel for Plaintiff
Lisa Grega

June 6, 2019

EXHIBIT A

On Wed, Aug 22, 2018 at 5:48 PM, Grega, Lisa <grega@tcnj.edu> wrote:
Hi Yvonne,

Thanks for getting back to me. I am a full member, so please let me know when you get further guidance. However there should be a process in place for ending one's full membership, regardless of this ruling.

Lisa

On Wed, Aug 22, 2018 at 4:11 PM, Catino, Yvonne <catinoy@tcnj.edu> wrote:
Hi Lisa,

If you are an agency shop fee dues member, they were already stopped (see email language from July 11 below):

You are receiving this communication because you are a member of a collective bargaining unit.

In compliance with the United States Supreme Court decision issued in Janus v. AFSCME Council 31 et al, agency shop fees will no longer be automatically deducted from the paychecks of agency shop fee payers effective with the payroll check dated July 13, 2018.

For your convenience, below please find your respective collective bargaining leadership. Please feel free to contact him for additional context.

John Krimmel, krimmel@tcnj.edu

If you are a full member, I must inform you that we are awaiting guidance from the Governor's office.

Dr. Yvonne Catino
Senior Associate Director
Office of Human Resources
The College of New Jersey

EXHIBIT A

Direct: 609.771.3195
Cell: 908.500.8557
LINKEDIN: <https://www.linkedin.com/in/ylcatino>

EXHIBIT A

On Wed, Aug 22, 2018 at 4:05 PM, Grega, Lisa <grega@tcnj.edu> wrote:
Hi Yvonne,

My name is Lisa Grega, Professor in the mechanical engineering department. I am currently a member of the AFT union. I would like to withdraw my membership from the union, and stop all payment of dues. I believe that under the recent Supreme Court ruling from this past June, dues (or agency representation fees) can no longer be withheld from my paycheck if I am not a member. Please let me know when this process has been completed and contact me if you need any other information.

Sincerely,

Lisa Grega

--

Dr. Lisa Grega
Professor, Mechanical Engineering
Coordinator, Engineering Science Program
The College of New Jersey

EXHIBIT A

EXHIBIT B

From: **Canavan, Michael** <canavanm@tcnj.edu>
Date: Thu, Nov 8, 2018 at 3:35 PM
Subject: Re: Withdrawal from AFT union
To: Lisa Grega <grega@tcnj.edu>
Cc: Catino, Yvonne <catinoy@tcnj.edu>, John Krimmel <krimmel@tcnj.edu>, Thomas Mahoney <tmahoney@tcnj.edu>

Dear Professor Grega:

As promised, I write to follow up and memorialize our meeting yesterday. I thank you for the opportunity to more fully explain the College's position with respect to the right of a member of the Council of New Jersey State College Locals, AFT, AFL-CIO (the "Union") to withdraw authorization for the College to deduct union dues from a member's pay and the process for doing so. It is my understanding that you are currently, and have been during your employment with the College, a full member of the Union.

By way of background, the process for withdrawing authorization for dues deductions was historically controlled by the Collective Negotiations Agreement ("Agreement") between the Union and the State of New Jersey. Pursuant to the Agreement: "Employees shall be eligible to withdraw dues deduction authorization for the Union only as of July 1 of each year provided the notice of withdrawal is filed timely with the responsible payroll clerk." Agreement, Article IV, A.2. We discussed that while the Agreement does not define what constitutes a "timely" filing, it is logical that the notice would need to be provided before the July 1 effective date. The contractual language quoted here was authorized by statute, specifically N.J.S.A. 52:14-15.9e, which provided: "Nothing herein shall preclude a public employer and a duly certified majority representative from entering into a collectively negotiated written agreement which ... specify[ies] the effective date of a termination in deductions as of the July 1 next succeeding the date on which notice of withdrawal is filed by an employee with the public employer's disbursing officer."

Prior to the U.S. Supreme Court's decision in Janus v. AFSCME, Council 31, 138 S.Ct. 2448 (June 27, 2018), Union-eligible employees who did not authorize dues deductions or who withdrew such authorization were required to pay a "representation fee" to the Union. Agreement, Article IV.B. The Janus decision held that such representation or "agency" fee arrangements violate the First Amendment rights of those non-union member employees. Immediately upon the issuance of the Janus decision, the College discontinued its practice of deducting agency fees from non-Union member employees. It continued to deduct and forward to the Union dues from members who had previously authorized such deductions such as yourself.

At the State level, earlier this year the New Jersey Legislature passed the Workplace Democracy Enhancement Act ("WDEA"). Governor Murphy signed the WDEA into law on May 18, 2018, and it took effect immediately. Among other provisions, WDEA amended the process for revoking authorization to deduct union fees.

EXHIBIT B

Specifically, it provided: "Employees who have authorized the payroll deduction of fees to employee organizations may revoke such authorization by providing written notice to their public employer during the 10 days following each anniversary date of their employment." N.J.S.A. 52:14-15.9e. According to the law, such a revocation is effective on the 30th day after the anniversary date of employment. Prior to enactment of WDEA, the statute read as follows: "Any such written authorization may be withdrawn by such person holding employment at any time by the filing of notice of such withdrawal with the ... disbursing officer. The filing of notice of withdrawal shall be effective to halt deductions as of the January 1 or July 1 next succeeding the date on which notice of withdrawal is filed." Notably, however, WDEA left untouched the statute's provision allowing a public employer and a union to agree to "include a provision specifying the effective date of a termination in deductions as of the July 1 next succeeding the date on which notice of withdrawal is filed by and employee with the public employer's disbursing officer." N.J.S.A. 52:14-15.9e. As noted above, the current AFT contract contains such a provision.

We discussed whether the current language of the statute, as amended by WDEA, provides an employee the option to choose whether to withdraw authorization for deductions under the newly-enacted anniversary of employment timing or the July 1 timing. Although you expressed your opinion that the statute empowers the employee to make that choice, it is the College's position that the statute contemplates and authorizes the contractual language permitting such withdrawal effective only on July 1 to control over the work anniversary timing provision. Accordingly, the earliest your revocation of dues deduction authorization could be effective is July 1, 2019.

I advised you during our meeting that I would determine and pass along to you the mechanism for providing the required notice. I have been advised that it is sufficient to send an email revoking payroll deductions for union dues to payroll@tcnj.edu prior to July 1. It is my understanding that you have already provided such a notification by letter to TCNJ's Director of Payroll. The College shall consider that notice to be effective as of July 1, 2019.

Please note that our meeting and this email are intended solely to provide information regarding the College's position regarding the process to effectively revoke an authorization to deduct Union fees. The College takes no position with respect to your membership or non-membership in the Union nor does it take a position with respect to your decision to revoke or not revoke authorization of the deduction of fees. Such matters are strictly between you and the Union.

I have copied Dr. John Krimmel, President of TCNJ AFT Local 2364, on this email. Dr. Krimmel is invited to provide any additional information to you directly or to the individuals receiving this email as a group. Likewise, should the Union disagree with any of the information provided above, I invite Dr. Krimmel to provide the Union's position for our consideration.

Once again, thank you for your time and consideration during our meeting.

Best regards,
Mike Canavan



Michael J. Canavan
Associate General Counsel
Office of General Counsel
PO Box 7718 Ewing, NJ 08628-0718
609-771-2426
canavanm@tcnj.edu

EXHIBIT B

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Lisa Grega

(b) County of Residence of First Listed Plaintiff **Somerset**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Moench Law, LLC, 1303 Roger Avenue, Bridgewater, NJ 08807

DEFENDANTS

Council of New Jersey State College Locals, AFT/AFL-CIO, Local 2364, et al.

County of Residence of First Listed Defendant **Mercer**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983, 42 U.S.C. 2201

Brief description of cause:

Plaintiff's First Amendment rights are violated by N.J.S.A. 52:14-15.9e as established in Janus v. AFSCME

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** undetermined **CHECK YES only if demanded in complaint: JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE **Hon. Renee Bumb, U.S.D.J.**

DOCKET NUMBER **18-cv-10381**

DATE
6/6/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.