



BACKGROUND (SEPTEMBER 2019)

Phuong Kim Nguyen & Van Nguyen v. Administrative & Residual Employees Union, Local 4200, et al.

THE EXECUTIVE SUMMARY

The Fairness Center represents Phuong Kim Nguyen and Van Nguyen (no relation), who are Fiscal Administrative Officers for the State of Connecticut. In 2015, shortly after beginning their employment with the State, they joined the union that exclusively represents their bargaining unit, the Administrative and Residual Employees Union, Local 4200 (“Local 4200”). But in 2018, when they resigned from the union, they were told that the membership forms they had signed the year before locked them into paying union dues indefinitely, even after resigning their union membership, unless they revoked their dues deductions authorizations during a specified escape window that only occurred once a year. Yet Phuong and Van signed the membership forms only after the union told them—at a holiday party—that the forms were needed to update their contact information.

Public employees who are not members of a union cannot be forced to pay the union money unless they make a knowing and voluntary waiver of their right not to pay, which the Supreme Court recognized in *Janus v. AFSCME, Council 31*, 138 S. Ct. 2448 (2018). Because Plaintiffs believe that they made no such waiver of their constitutional rights, they bring this lawsuit to establish that the Supreme Court meant what it said in *Janus*: employees must “clearly and affirmatively consent before any money is taken from them.” *Id.* at 2486.

THE CASE LOGISTICS

Plaintiffs

- Phuong Kim Nguyen
- Van Nguyen

Defendants

- Administrative and Residual Employees Union, Local 4200, AFT Connecticut, AFT AFL-CIO
- John DiSette, in his individual capacity and official capacity as President of Local 4200

Court

United States District Court for the District of Connecticut

Judge

The Honorable Warren W. Eginton

Relief Sought

Plaintiffs seek the return of their monies that they believe were illegally deducted from their wages after they resigned their union membership.

Date Filed

September 2, 2019

THE LEGAL TEAM

David R. Osborne is President and General Counsel at the Fairness Center. David helped to launch the Fairness Center in 2014, and, in addition to providing advice and counsel to clients, he also directs and manages the firm. Prior to joining the Fairness Center, David litigated on behalf of healthcare providers and conducted organizational and lobbying efforts for a national trade association. He previously worked as a judicial clerk to a Florida Supreme Court justice and served as official staff to a member of Congress.

Nathan J. McGrath is Vice President and Director of Litigation at the Fairness Center. Nathan oversees the firm's litigation efforts and develops legal strategy to advance the Fairness Center's clients' best interests. Before joining the Fairness Center, Nathan was a staff attorney with a national nonprofit legal services organization, where he developed a national practice focused on constitutional, labor, and administrative law. Nathan began his legal career as an associate attorney with a general practice firm in Pittsburgh, Pennsylvania.

Danielle R.A. Susanj serves as Litigation Counsel at the Fairness Center, representing clients in state and federal courts and before administrative boards. Prior to joining the Fairness Center, Danielle practiced law as a litigation associate at a large international firm in Washington, D.C., and as a litigator in central Pennsylvania, representing clients in federal district and appellate courts and the United States Supreme Court.