

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

ALACHUA COUNTY EDUCATION
ASSOCIATION *et al.*,

Plaintiffs,

v.

DONALD J. RUBOTTOM, *et al.*,

Defendants.

Civil Action No.

1:23-cv-00111-MW-HTC

**PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION AND REQUEST FOR ORAL ARGUMENT**

Plaintiffs Alachua County Education Association, Florida Education Association, United Faculty of Florida, and United Faculty of Florida –University of Florida hereby move for a preliminary injunction. The requested injunction would prohibit, pending a ruling on the merits, Defendant state officials (all sued in their official capacities) from implementing or enforcing certain provisions of Florida Senate Bill 256 (“SB 256”) that otherwise would take effect on July 1, 2023.

The specific provisions that Plaintiffs seek to have preliminarily enjoined are: (i) Section 1 of SB 256, which, unless enjoined before July 1, will displace existing law by regulating the content of the membership forms that certain employee organizations, including Plaintiffs, use to enroll new members; and (ii) Section 3 of SB 256, which unless enjoined before July 1, will displace existing law by barring certain employee organizations, including Plaintiffs, from enforcing provisions in their collective-bargaining agreements with Florida public employers that require the employer to deduct union dues from the paychecks of those union members who specifically and voluntarily authorized such deductions—even where the collective-bargaining agreement was entered into before SB 256 was signed into law on May 9, 2023.

This Motion therefore seeks to maintain the status quo pending a ruling on the merits.

The Motion is supported by the accompanying Memorandum in Support of Motion for a Preliminary Injunction and the declarations and exhibits filed herewith. A [Proposed] Order granting this Motion for Preliminary Injunction will be sent to Chambers via email at flnd_walker@flnd.uscourts.gov.

The Memorandum demonstrates that Plaintiffs are likely to succeed on the merits of their claims, brought pursuant to 42 U.S.C. § 1983, that Section 1 and Section 3 of SB 256 would deprive Plaintiffs of their rights under the United States

Constitution. The Memorandum further demonstrates that Plaintiffs will suffer imminent irreparable harm absent a preliminary injunction and that the other preliminary injunction factors weigh in favor of granting preliminary relief.

The Memorandum further shows that no bond should be required, because a preliminary injunction will merely maintain the status quo and therefore would not lead Defendants to incur damages or costs in the event they are found to have been wrongfully enjoined. If any bond is ordered, it should be nominal in amount.

ORAL ARGUMENT REQUESTED

Pursuant to Local Rule 7.1(K), Plaintiffs request oral argument of their Motion for a Preliminary Injunction. Because of the July 1, 2023 effective date of the challenged provisions of SB 256, Plaintiffs request that any argument on Plaintiffs' Motion be scheduled at the Court's convenience the week of June 12-16, 2023. Plaintiffs estimate that 20 minutes per side would be required for argument of this Motion.

Respectfully Submitted,

s/ Leon Dayan
Leon Dayan

DATED: May 12, 2023

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* Admitted *pro hac vice*

** Admission *pro hac vice* forthcoming

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RULE 7.1(F) CERTIFICATION

Pursuant to Local Rule 7.1(F), undersigned counsel for the Plaintiffs certifies that the foregoing Motion for Preliminary Injunction, excluding those portions excluded by Local Rule 7.1(F), consists of 453 words.

/s Leon Dayan
Leon Dayan

RULE 7.1(C) CERTIFICATION

Pursuant to Local Rule 7.1(B) and 7.1(C), undersigned counsel for the Plaintiffs certifies that Plaintiffs engaged in a good-faith effort to resolve the matters addressed in Plaintiff's Motion for a Preliminary Injunction. At the time of filing this Motion, no counsel for Defendants has appeared on Defendants' behalf.

Nevertheless, on May 10, 2023, the day after Plaintiffs filed their original Complaint, Plaintiffs' counsel spoke via telephone with Gregg Morton, General Counsel for the Florida Public Employees Relations Commission ("PERC"), to discuss Plaintiffs' Complaint and to offer to confer about the matters raised in Plaintiffs' Motion for Preliminary Injunction. In addition, on May 11, 2023, I emailed General Counsel Morton to advise him that Plaintiffs were planning to file a Motion for Preliminary Injunction on May 12, 2023, and to offer to confer with PERC counsel about Plaintiffs' Motion at any time before 1:00 pm ET on May 12, 2023, in a good-faith effort to resolve the matters raised therein.

/s Adam Bellotti
Adam Bellotti

DATED: May 12, 2023

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2023, I caused a true copy of the foregoing Motion for a Preliminary Injunction, the accompanying Plaintiffs' Memorandum in Support of Preliminary Injunction, and all supporting documents to be served by overnight mail upon:

Donald J. Rubottom
Jeff Aaron
Michael Sasso
Public Employees Relations Commission
4708 Capital Circle Northwest, Suite 300
Tallahassee, Florida 32303

And a courtesy copy sent via email to:

Gregg Riley Morton
General Counsel
Florida Public Employees Relations Commission
gregg.morton@perc.myflorida.com

/s Adam Bellotti
Adam Bellotti