

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

Plaintiffs Alachua County Education Association, Florida Education Association, United Faculty of Florida, United Faculty of Florida – University of Florida, Pinellas Classroom Teachers Association, and Hernando United School Workers hereby move, pursuant to 42 U.S.C. §§ 1983 and 1988, as well as directly under the Contracts Clause of the United States Constitution and pursuant to the inherent power of federal courts to enjoin actions taken by government officials in violations of the United States Constitution, for a preliminary injunction. The requested injunction would prohibit, pending a ruling on the merits, Defendant

state officials (in their official capacities) from implementing or enforcing Section 3 of Florida Senate Bill 256 (“SB 256”) as against the University of Florida, the School Board of Alachua County, the School Board of Pinellas County, and the School Board of Hernando County, and as against Plaintiffs and other FEA-affiliated unions. The requested injunction would also prohibit, pending a ruling on the merits, the Defendant Trustees of the University of Florida (in their official capacities) and Defendants School Board of Alachua County, School Board of Pinellas County, and School Board of Hernando County, from invoking Section 3 in any forum, including without limitation in any grievance meeting or arbitration, as a basis for refusing to honor the dues-deduction provisions in their collective bargaining agreements.

The Motion is supported by the accompanying Memorandum in Support of Second Motion for a Preliminary Injunction and the declarations and exhibits filed herewith. A [Proposed] Order granting this Second 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 claim that Section 3 of SB 256 deprives 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 respectfully request oral argument of their Motion for a Preliminary Injunction. Plaintiffs estimate that 30 minutes per side would be required for argument of this Motion. Plaintiffs expect this motion to be fully briefed by August 4, 2023, and they request a hearing as soon thereafter as practicable.

Respectfully Submitted,

s/ Leon Dayan
Leon Dayan

DATED: July 19, 2023

On behalf of:

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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 Second Motion for Preliminary Injunction, excluding those portions excluded by Local Rule 7.1(F), consists of 430 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.

On July 18, 2023, Plaintiffs conferred with counsel for the PERC Defendants. PERC Defendants oppose the relief sought in this motion.

/s Adam Bellotti
Adam Bellotti

DATED: July 19, 2023

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July, 2023, I electronically filed the foregoing via CM/ECF, which automatically serves all counsel of record for the parties who have appeared. I also have caused a true copy of the foregoing Second Motion for a Preliminary Injunction, the accompanying Plaintiffs' Memorandum in Support of Preliminary Injunction, and all supporting documents to be served by overnight mail, or, with the consent of the receiving party, via email, upon:

University of Florida, Chair and
Members of Board of Trustees
Office of the General Counsel
attn: Board of Trustees
123 Tigert Hall
PO Box 113125
Gainesville, FL 32611-3125

School Board of Alachua County
c/o School Board General Counsel
David Delaney
620 E. University Avenue
Gainesville, FL 32601

School Board of Pinellas County
c/o David Koperski
301 4TH St. SW Largo, FL 33770

School Board of Hernando County
c/o Kelly Progue Secretary to
General Counsel
919 North Broad Street
Brooksville, FL 34601

/s Leon Dayan
Leon Dayan