

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
COUNCIL 4; *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States; and UNITED STATES
DEPARTMENT OF JUSTICE,

Defendants.

Civil Action No.: 3:21-cv-01524-SRU

May 17, 2022

JOINT STATUS REPORT

Plaintiffs American Federation of State, County And Municipal Employees Council 4; National Association of Government Employees, Inc.; and CSEA Service Employees International Union Local 2001 (collectively, “Plaintiffs”) and Defendants Merrick Garland, in his official capacity as Attorney General of the United States; and the United States Department of Justice (collectively, “Defendants”) hereby jointly report that they have agreed to resolve this case without further litigation and that they will follow this status report with a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

The Parties represent to the Court in good faith as follows:

1. Plaintiffs brought this action seeking a declaratory judgement holding that 10 U.S.C. § 976 does not apply to members of the National Guard on state active duty or in the Inactive National Guard, or any person engaged in the activities described in 10 U.S.C. § 976(c) – (e) and in the alternative, an injunction against application of § 976 to such

members of the National Guard as violative of the First and Tenth Amendments, for reasons set forth in their complaint. ECF 1.

2. On January 20, 2022, Defendants filed a Motion to Dismiss, ECF 18-1, which challenged Plaintiffs' Complaint for failure to adequately plead both standing and ripeness and failure to state a claim on the ground that § 976 does not apply to Guard members on state active duty or in the Inactive National Guard, and on the ground that Plaintiffs invite no risk of prosecution by discussing unionization or otherwise engaging in activities proscribed in 10 U.S.C. § 976(b) – (e) with Guard members on state active duty or in the Inactive National Guard, ECF 18-1 at 19.
3. The parties desire to resolve this action amicably and without need for further litigation.
4. Accordingly, there is no need to continue the litigation and the Parties are concurrently stipulating to dismissal of this case with prejudice.

Dated: May 17, 2022

Respectfully submitted,

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