

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

DANIEL B. LOCKE, et al.,)
)
 Plaintiffs,)
) Civil Action No. 05-CV-00112-GZS
 v.)
)
 EDWARD A. KARASS et al.,)
)
 Defendants.)

**OPPOSITION OF EDWARD A. KARASS, REBECCA M. WYKE
AND KENNETH A. WALO TO PLAINTIFFS’
RENEWED MOTION FOR CLASS CERTIFICATION**

Edward A. Karass, Controller of the State of Maine, Rebecca M. Wyke, Commissioner of the Maine Department of Administrative and Financial Services, and Kenneth A. Walo, Director of the Bureau of Employee Relations of the State of Maine (collectively, the “State Defendants”), hereby oppose the Plaintiffs’ Renewed Motion for Class Certification and Appointment of Class Counsel.

Plaintiffs seek to represent a class which they define as follows:

All State of Maine employees employed in the Administrative, Professional & Technical, Supervisory Services, and Operations, Maintenance, and Support bargaining units who were or are represented exclusively for purposes of collective bargaining by MSEA and who were or have been subject to demands for payment of union dues or “service” fees to MSEA as a condition of continued State employment.

The proposed class consists of all employees in the four bargaining units represented by Defendant MSEA, including those who have chosen to become union members. There is a clear conflict of interest between the Plaintiffs – who (a) are non-members, (b) are opposed to paying the union anything, and (c) are suing the MSEA, on the one hand – and prospective class

members who (a) are union members, (b) are paying the full measure of dues required of members, and (c) whose union dues will be the source of funds used to pay for the relief (if any) awarded the Plaintiffs in this case.

Accordingly, the Plaintiffs' motion for class certification should be denied.

DATED at Portland, Maine this 12th day of December, 2005.

/s/ Philip J. Moss

Philip J. Moss, Esq.

MOON, MOSS & SHAPIRO, P.A.

Ten Free Street

P. O. Box 7250

Portland, ME 04112-7250

(207) 775-6001

pmoss@moonmoss.com

Attorney for Defendants Edward A. Karass,
Rebecca M. Wyke and Kenneth A. Walo

CERTIFICATE OF SERVICE

I, Philip J. Moss, Attorney for Defendants Edward A. Karass, Rebecca M. Wyke, and Kenneth A. Walo, hereby certify that I electronically filed with the Clerk of Court the Opposition of Edward A. Karass, et al. to Plaintiffs' Renewed Motion for Class Certification, using the CM/ECF system which will send notification of such filing to the following: William H. Laubenstein, III, Esq.; Stephen C. Whiting, Esq.; Jeffrey Neil Young, Esq. and W. James Young, Esq. I also hereby certify that this Opposition was served this day by mailing true copies by first class mail, postage prepaid to:

Robert Alexander, Esq.
Bredhoff & Kaiser, P.L.L.C.
805 15th Street, N.W. Suite 1000
Washington, D.C. 20008

and

Jeremiah A. Collins, Esq.
Bredhoff & Kaiser, P.L.L.C.
805 15th Street, N.W. Suite 1000
Washington, D.C. 20008

Dated: December 12, 2005

/s/ Philip J. Moss
Philip J. Moss, Esq.
MOON, MOSS & SHAPIRO, P.A.
Ten Free Street
P.O. Box 7250
Portland, ME 04112-7250
(207) 775-6001
pmoss@moonmoss.com

Attorney for Defendants Edward A. Karass,
Rebecca M. Wyke and Kenneth A. Walo