

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 14-80518-CIV-HURLEY

KATHY E. EMERY,

Plaintiff,

v.

ALLIED PILOTS ASSOCIATION,

Defendant.

FINAL JUDGMENT

The Court previously entered an order on Defendant's motion for summary judgment finding that Plaintiff had failed to establish a breach of the duty of fair representation as alleged in Count One and, therefore, Defendant was entitled to summary judgment on this claim. [DE 138]. That order is incorporated by reference into this final judgment. Thereafter, following a bench trial on Count Two-A, the Court entered an order finding that Defendant violated Plaintiff's right of free speech by preventing her from posting comments on Challenge & Response, the union's website chat room. [DE 159]. The latter order is also incorporated by reference into this final judgment. Finally, the Court has concluded that Plaintiff's claim, as alleged in Count Two-B, that Defendant violated her right of free speech by preventing her from speaking at a union meeting is moot and should be dismissed with prejudice. Accordingly it is

ORDERED and ADJUDGED:

1. Plaintiff Kathy E. Emery shall take a recover nothing on Count One, the claim for breach of the duty of fair representation, and the Defendant Allied Pilots Association shall go hence without day on this claim.

2. Plaintiff Kathy E. Emery, having prevailed on Count Two-A, by establishing that Defendant Allied Pilots Association violated the Labor-Management Reporting and Disclosure Act, 29 U.S.C. § 411(a)(2), is granted the following mandatory injunctive relief:

- (A) Defendant Allied Pilots Association forthwith shall permit Plaintiff Kathy E. Emery complete access to “Challenge & Response,” the union’s website chat room on the same terms and conditions as exist today for all active members of the APA;
- (B) Defendant Allied Pilots Association, within ten days of the entry of this final judgment, shall provide a copy of the Court’s order of January 4, 2017 to each member of the APA’s board of directors;
- (C) In the event Defendant Allied Pilots Association elects to terminate Challenge & Response prior to January 11, 2018, (the possibility of which was discussed by APA officials at trial), Defendant shall continue to grant Plaintiff Kathy E. Emery unfettered access to Challenge & Response until January 11, 2018. Plaintiff’s access and usage shall be the same as exists today for all active members of the APA. Furthermore, Plaintiff’s postings and comments shall be able to viewed by all members of the Allied Pilots Association by the same means and terms as exist today.


3. Defendant Allied Pilots Association shall file a notice of compliance within ten days of the entry of the entry of this judgment indicating that it has complied with items 2(A) and 2(B) above.

4. Plaintiff Kathy E. Emery's claim, Count Two-B, that the Defendant Allied Pilots Association violated her right of free speech by preventing her from speaking at a union meeting is moot and, therefore, is dismissed with prejudice.

5. The Court retains jurisdiction over the parties to enforce all provisions of this final judgment and, if appropriate, to award costs and attorney's fees.

6. The Clerk shall close this case.

DONE and SIGNED in Chambers at West Palm Beach, Florida, this 11th day of January, 2017.


Daniel T. K. Hurley
United States District Judge

cc: Copies provided to the parties.