

65 CASES AND COUNTING  
LEGAL ACTION UPDATE



LEGAL WARRIOR  
SPOTLIGHT

REBEKAH MILLARD:  
Featured Lawyer

Since joining the Freedom Foundation in 2018, Rebekah Millard has put her stamp on several of the organization’s most prestigious cases — including at least four that show public-sector unions are so desperate under the Freedom Foundation’s relentless onslaught that they’ve resorted to committing felonies to keep collecting dues from disgruntled members.

In *Zielinski v. SEIU 503*, *Cash Schiewe v. SEIU 503*, *Wright v. SEIU 503* and *Jarrett v. SEIU 503*, Rebekah is representing clients denied their right to opt out of their respective unions — even though their names were clearly forged on the union membership forms.

“It’s crazy,” she said. “The fraudulent signatures are obvious, but it’s never a good enough reason to honor their opt-out request.”

Such challenges are precisely what appeals to Rebekah about working for the Freedom Foundation. Not only does she help workers who would otherwise lack the means to stand up to their union oppressors, but she is involved in a number of cases that could establish important legal precedents that could eventually free thousands more.

A native of Springfield, Ore., Rebekah earned her law degree from Oak Brook College of Law and Government Policy in Fresno, Calif., in 2008.



KEY CASES

FREEDOM FOUNDATION

9th Circuit Cases

Washington

Belgau v WFSE  
Boardman v Inslee  
Carey v Inslee, WEA  
Danielson v AFSCME  
FF v Dept of Ecology  
Ochoa v SEIU 775  
Slidewaters LLC v LNI & Inslee  
Wagner v UW, SEIU 925  
Yates v WFSE

Oregon

Anderson v SEIU 503  
Cash Schiewe v SEIU 503  
Chambers v AFSCME  
Cook v AFSCME  
Durst v OEA  
Wright v SEIU 503  
Zielinski v SEIU 503

California

Mendez v CTA  
Quezambra v UDWA, AFSCME Local 3930  
Quirarte v UDWA, AFSCME Local 3930  
Savas v CSLEA  
Semerjyan v SEIU 2015

LEGAL TEAM

Quarterly Report

Nov 2020  
Edition



*Nine Attorneys & Four Paralegals*

No one fights government unions more aggressively or successfully than the Freedom Foundation

With over **65 ongoing legal cases**, we are defending workers and exposing the illegal actions of big government unions

**125 victories against the unions**, resulting in over **\$710,000** in settlements and fees unions have been forced to pay

Union legal fees spent fighting Freedom Foundation  
**\$9.1 Million and counting**



INSIDE THIS EDITION:

Freedom Foundation to appeal Boardman v. Inslee to U.S. Supreme Court / Legal challenges to COVID orders / Profile In Courage: Brad Boardman / Featured Lawyer: Rebekah Millard



## FEATURED CASE

### FREEDOM FOUNDATION TO APPEAL BOARDMAN V. INSLEE TO U.S. SUPREME COURT

In *Boardman v. Inslee*, a split panel of the 9th Circuit Court of Appeals last month said it violated neither the law nor the Constitution for a public-sector union to deceive voters and abuse Washington’s initiative process in order to achieve what it couldn’t in litigation or through the Legislature.

Consequently, in-home caregivers paid with Medicare funds will have a much more difficult time learning about their constitutional right to opt out of a union whose values they may not share.

The Freedom Foundation will appeal to the U.S. Supreme Court, continuing its seven-year fight on behalf of these caregivers.

In 2014, the U.S. Supreme Court ruled in *Harris v. Quinn* that caregivers classified as quasi-government employees (their “union” doesn’t bargain over wages, hours, or working conditions) cannot be forced to belong to it or pay agency fees. (In 2018, this holding was extended to all public sector employees in *Janus v. AFSCME*.)

Immediately after *Harris*, the Freedom Foundation began assisting individual caregivers like Brad Boardman, Sharon Benn and Deborah Thurber (the individual plaintiffs in *Boardman*) contact their fellow caregivers to inform them of their rights under *Harris*.

But as Judge Bress recognized in his *Boardman* dissent, “Communicating with care providers is essentially impossible without certain state-held information.”

The Freedom Foundation was able to help individual caregivers like Boardman, Benn and Thurber identify fellow caregivers through public records requests — right up until the union created and bankrolled Initiative 1501 in 2016.

The union-funded campaign for Initiative 1501 told Washington voters the purpose of the initiative was to protect seniors from identity theft, and the initiative did include some provisions purporting to do that.

But as documents obtained from the state and the union demonstrate, the real purpose of I-1501 was to prevent the Freedom Foundation from obtaining the caregivers’ contact information.

Governor Jay Inslee’s own general counsel wrote in an email that, while I-1501 “ostensibly deals with ID theft, (it) ... is aimed at preventing the state from releasing public records.”

The unions agreed. Judge Bress wrote, “The unions expressly urged their members to vote for I-1501 because it would shut down the (Freedom) Foundation’s advocacy.”

In his dissent, Bress recognized the “fundamental problem” with I-1501’s different treatment of the incumbent unions and any dissenting voices. “Through extreme favoritism as to who may receive critical and otherwise unavailable speech-enabling information about in-home care providers,” he wrote, “I-1501’s speaker-based distinction powerfully favors those views inherent to incumbent unions while creating significant obstacles to speech for anyone with opposing views. The information disparity that I-1501 creates in the First Amendment’s political speech heartland is so severe that the inference of viewpoint discrimination is inescapable.”

The Freedom Foundation agrees and will appeal this decision to the U.S. Supreme Court on behalf of the caregivers.

### JUDGE BRESS DISSENT SUPPORTING FREEDOM FOUNDATION’S POSITION



*“What if the State of Washington passed a law that gave the reigning political party access to certain State-controlled, speech-enabling information, but denied that information to everyone else?... So should it matter if the State enacted the same law, but instead of giving the information to the incumbent political party, it gave it to an incumbent public-sector union that serves as the exclusive bargaining representative employees paid with public funds? That is what happened here when Washington voters enacted I-1501.”*

—9th Circuit Court Judge Daniel A. Bress

## LEGAL CHALLENGES TO COVID ORDERS

### BOB’S WELDING AND AUTO REPAIR V. INSLEE [WASHINGTON]

The Freedom Foundation, on behalf of five Skamania County small businesses, filed suit against Gov. Inslee and the Department of Labor and Industries to prevent the state from enforcing a mask mandate, requiring businesses to deny service to patrons who refuse to wear a mask.

### GINA LOONEY V. NEWSOM [CALIFORNIA]

Gov. Gavin Newsom’s decision to limit in-person schooling in response to the COVID-19 virus is already hurting California’s students. In response, the Freedom Foundation filed a suit in Shasta County Superior Court on behalf of three local parents who are suing to ensure their children receive the education they pay for, and deserve. The school policy of having students in class part-time denies students their constitutional right to a quality education as enshrined in the California Constitution.

### MOONEY V. BROWN [OREGON]

The Freedom Foundation filed the court action on behalf of three Oregonians who object to the mandate that they wear masks.

Freedom Foundation’s challenge points out that the “guidance” is an administrative rule — and the creation of such a rule must follow the procedural standards set forth in ORS 183. These standards include notice of the proposed rule, publication of the rule, 21 days advance notice to allow public input, and a fiscal impact statement.

### SEHMEL V. WEISMAN [WASHINGTON]

Governor Inslee’s original mask mandate is being litigated by the Freedom Foundation, questioning whether Inslee and the Secretary of Health has the authority to mandate people must wear masks in public as well as on private property.

### SLIDEWATERS LLC V. INSLEE [WASHINGTON]

Thanks to legal assistance from the Freedom Foundation, Slidewaters filed litigation against Gov. Inslee over the state’s illegal action to shut-down the Chelan-based water park.



### PROFILE IN COURAGE: BRAD BOARDMAN

Brad Boardman wasted little time opting out of SEIU 775 once the U.S. Supreme Court in 2014 ruled in *Harris v. Quinn* that home care providers like him could not be considered full-fledged public employees — and compelled to join a labor union accordingly.

Brad, who lives in South Everett, Wash., has been collecting a stipend from Medicaid since 2003 for the care he provides to his disabled sister-in-law. Furious when he discovered the laundry list of liberal political candidates and causes SEIU was supporting with his dues money, Brad opted out of the union in 2010 but was still required to pay a so-called “agency fee” in return for representation services he never wanted in the first place.

Within weeks of SCOTUS issuing *Harris*, Brad demanded SEIU cease deducting all dues and fees. And with a not-so-gentle prod from the Freedom Foundation, it finally did.

In 2015, Brad told his story in one of the organization’s first, and most compelling, videos. He’s been a fixture at Freedom Foundation events in the years since and, in 2017, courageously signed on as lead plaintiff in a lawsuit to challenge Initiative 1501.

The measure, passed by Washington voters in November 2016, was deceptively promoted as a way to protect seniors from identity theft. In fact, it was nothing more than a union-financed Trojan Horse whose true objective was to hinder the Freedom Foundation’s ability to inform homecare providers of their right to opt out as Brad did by preventing them from accessing the same contact information made readily available to SEIU.

Two judges of the 9th Circuit Court in Seattle last month rejected the Freedom Foundation’s argument, but the third judge’s powerful dissent opened the door to an appeal to the U.S. Supreme Court.

If and when the case makes it that far, you can bet Brad Boardman will be there, standing with the Freedom Foundation.

*the*  
**FEDERALIST**

**CALIFORNIA PARENTS SUE GOV. GAVIN NEWSOM FOR  
DEPRIVING STUDENTS OF ‘RIGHT TO A QUALITY EDUCATION’**

*Jordan Davidson — September 14, 2020*

The parents, represented by the Freedom Foundation, allege that Gov. Newsom, California Controller Xavier Becerra, State Health Director Sonia Angell, and Superintendent of Public Instruction Tony Thurmond’s new education policies deprive their children of the “fundamental right” to education of “sufficient quality” under the California Constitution.