

No. 19-1130

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IN THE  
Supreme Court of the United States

DALE DANIELSON, ET AL.,

*Petitioners,*

v.

JAY INSLEE, IN HIS OFFICIAL CAPACITY AS GOVERNOR  
OF THE STATE OF WASHINGTON, ET AL.,

*Respondents.*

On Petition for a Writ of Certiorari to the United  
States Court of Appeal for the Ninth Circuit

**SUPPLEMENTAL BRIEF IN OPPOSITION**

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## SUPPLEMENTAL BRIEF IN OPPOSITION

Pursuant to Supreme Court Rule 15.8, Respondent Washington Federation of State Employees, AFSCME Council 28, AFL-CIO (“WFSE”) submits this supplemental brief to notify the Court of the decision in *Doughty v. State Employees’ Association of New Hampshire, SEIU Local 1984*, 981 F.3d 128 (1st Cir. Nov. 30, 2020), which was issued after WFSE submitted its opposition to the petition for a writ of certiorari. Like every other Circuit to consider the issue, the First Circuit held in *Doughty* that public employee unions may not be held retrospectively liable for monetary relief under 42 U.S.C. § 1983 based on their receipt of fair-share fees prior to this Court’s decision in *Janus v. AFSCME Council 31*, 138 S. Ct. 2448 (2018). *Doughty*, 981 F.3d at 130 & n.1 (citing decisions by Second, Third, Sixth, Seventh, and Ninth Circuits and noting that, by so holding, the First Circuit “align[s] ourselves with every circuit to have addressed whether such a backward-looking, *Janus*-based claim is cognizable under §1983”). *Doughty* thus refutes Petitioners’ contention that there is a circuit split with the First Circuit on the question presented here. *See* Pet. at 2-3, 12-13.

Respectfully submitted,

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