

4. This Court has personal jurisdiction over Defendants Governor Larry Hogan and Secretary Tiffany Robinson pursuant Md. Code Ann., Cts. & Jud. Proc. §6-102 as they regularly conduct the business of the State of Maryland in Annapolis and Baltimore City.
5. This Court has venue pursuant Md. Code Ann., Cts. & Jud. Proc. § 6-201.

II. PARTIES

6. Plaintiff Leonard Harp is a resident of Baltimore City, Maryland.
7. Plaintiff Leonard Harp worked in the drywalling industry for thirty (30) years prior to September of 2020, when he was laid off because of the COVID-19 pandemic.
8. Since being named in this action, Plaintiff Leonard Harp has received partial unemployment insurance payments from the DOL. For a short period of time, Plaintiff Harp was able to access his BEACON account and file claims for February to June of 2021. However, his account is now again inactive and he has received no payments for months in 2020.
9. Plaintiff Lakeysha Pennix is a resident of Anne Arundel County, Maryland.
10. Plaintiff Pennix has worked a variety of service industry jobs since she was the age of 14. On March 20, 2020, Plaintiff Pennix resigned from her job at a “7-11” convenience store on the order of her primary care physician.
11. Since March 2020, Plaintiff Pennix has inconsistently received unemployment insurance payments. She has not received any benefits since March of 2021 and is locked out of her BEACON account.
12. Plaintiff Stephen Ceci is a resident of Baltimore City, Maryland.

13. Plaintiff Ceci has received no benefits since being forced to reapply through the BEACON system in June 2021. The DOL informed Plaintiff Ceci in July that his identity could not be verified because his social security card was not signed.
14. Plaintiff Marcisse Davis is a resident of Baltimore City, Maryland.
15. Plaintiff Davis first applied for unemployment benefits through the BEACON system in November, 2020. Plaintiff Davis received sporadic payments for approximately two months. In February 2021, Plaintiff Davis' account was suddenly closed pending identity verification and fraud investigation. Plaintiff Davis submitted a drivers license, birth certificate, and social security card twice to DOL. Only on one occasion has Plaintiff Davis been able to reach a customer service representative. Plaintiff Davis has received no payments since February of 2021; consequently, he was forced to leave his apartment and live out of his car.
(Attachment B).
16. Plaintiff Tony Bennet is a resident of Baltimore City, Maryland.
17. Plaintiff Bennet worked at a Sam's Club store in Severn Maryland for six years before being laid off due to COVID-19. In October 2020, Plaintiff Bennet filed an unemployment insurance claim through the BEACON system. At first, Plaintiff Bennet was approved; however, eventually his account was closed pending identity verification and a fraud investigation. Plaintiff Bennet mailed hard copies of his W2, and driver's license twice to DOL but never received a response nor payment.
(Attachment C).
18. Plaintiff Henrietta Heitzer is a resident of Baltimore County, Maryland.
19. Plaintiff Heitzer worked as a school bus attendant in Anne Arundel County for 28 years before being laid off in March of 2020 due to COVID-19. From March 2020

to February 2021, Plaintiff Heitzer received unemployment insurance payments. In February 2021, Plaintiff Heitzer became locked out of her BEACON account pending identity verification and a fraud investigation. Plaintiff Heitzer submitted a drivers license and social security card to DOL eight times but still cannot file claims. Plaintiff Heitzer has not received unemployment insurance payments since February 2021. Plaintiff Heitzer was diagnosed with an aggressive form of breast cancer soon after she was laid off in 2020. She continues chemotherapy and other cancer treatments presently. (Attachment D).

20. Defendant Shane Pratt is a resident of Baltimore City, Maryland.
21. Defendant Pratt worked at Towne Park valet company for five years prior to being laid off due to COVID-19 in March of 2020. Defendant Pratt received regular unemployment insurance payments until May of 2021, when he was placed in “on hold” status in the BEACON system. On June 6, Plaintiff Pratt’s status was updated to “on hold pending fraud adjudication.” Since May 10, 2020, Plaintiff Pratt has been unable to file a claim and has not received any unemployment insurance payments. His lease expires in August 2020, and he is running dangerously low on funds. (Attachment E).
22. Plaintiffs Neeraj Bajaj and Annie Ghusnavi are residents of Silver Spring, Maryland.
23. Plaintiffs Bajaj and Ghusnavi are a married couple with a four-year old daughter. Both were contract workers for Marriot Hotels and Weber Solutions, respectively, prior to their contracts not being renewed due to COVID-19. Plaintiff Ghusnavi has received no benefits since June 6, 2021 and has been unable to file. Plaintiff Bajaj has received federal unemployment benefits since March of 2020. However, in

November 2020, the DOL alleged that Plaintiff Bajaj was overpaid \$33,000. There was little follow up from DOL and the issue remains unresolved. Plaintiff Bajaj has arbitrary amounts deducted from his unemployment benefit payments because of this alleged overpayment. (Attachments F and G).

24. Plaintiff Corey Lambert is a resident of Baltimore City, Maryland.
25. Plaintiff Lambert was forced to reapply for unemployment insurance benefits on June 12, 2021, after the BEACON system became operable after a system glitch. Plaintiff Lambert's application was inexplicably converted from federal PUA to state unemployment insurance and his BEACON account wiped clean. Plaintiff Lambert has been unable to file and has not received any payments since June 12, 2021. (Attachment H)
26. Plaintiff Dwayne Morris is a resident of Baltimore City, Maryland.
27. Plaintiff Morris was terminated from his job at H&S Bakery on February 9, 2021. Within a few days, Plaintiff Morris setup a BEACON account and was told by a DOL representative that his previous employer was not challenging his unemployment insurance claim. However, Plaintiff Morris' payments were withheld pending identity verification and fraud investigation. In June of 2021, a DOL representative informed Plaintiff Morris that he should receive unemployment insurance payments soon. Plaintiff Morris has yet to receive any unemployment benefits. (Attachment I).
28. Plaintiff Chantay Montgomery is a resident of Fort Washington, Maryland.
29. Plaintiff Montgomery was locked out of her BEACON account pending identity verification and fraud investigation on June 2, 2021. Plaintiff Montgomery has received no unemployment insurance payments since that time.

30. Plaintiff Charles Forte is a resident of Baltimore City, Maryland.
31. Plaintiff Forte first applied for unemployment insurance benefits on March 28, 2021. Plaintiff Forte found work soon after on April 5, 2021; however, he was laid off again on July 4. Plaintiff Forte filed for unemployment insurance for both periods of unemployment. Plaintiff Forte has received no payments and is “on hold” status. (Attachment J)
32. Plaintiff Lyda Langford is a resident of Baltimore City, Maryland.
33. Plaintiff Langford has received unemployment insurance benefits consistently since November 2020. However, due to Governor Hogan’s June 1, 2021, announcement, Plaintiff Langford will lose two months of three-hundred-dollar weekly federal unemployment insurance aid starting July 3, 2021.
34. Plaintiff Roger Evans has received unemployment insurance benefits consistently since March 17, 2021. However, due to Governor Hogan’s June 1, 2021 announcement, Plaintiff Evans will lose two months of three-hundred-dollar weekly federal unemployment insurance aid starting July 3, 2021.
35. Defendant Larry Hogan is the Governor State of Maryland and is sued in his official capacity. Defendant Governor Hogan maintains a place of business at 100 State Circle, Annapolis, MD 21401.
36. Defendant Tiffany Robinson is the Secretary of the Maryland Department of Labor (“DOL”) and is sued in her official capacity. Defendant Tiffany Robinson maintains a place of business at 500 N. Calvert Street, Baltimore, MD 21202.

III. STATEMENT OF FACTS

37. Starting in March of 2020, the United States has experienced an unprecedented public health crisis due to the COVID-19 Pandemic. The pandemic resulted in mass layoffs and business closures across the United States and the State of Maryland.
38. As a result of the pandemic, unemployment in the United States increased to its highest levels since 1948.
39. As a response to the economic effects of the pandemic, President Donald Trump signed the Coronavirus, Aid, Relief, and Economic Security Act (CARES) into law on March 27, 2020.
40. CARES codified a pandemic unemployment assistance program (PUA) and a pandemic emergency unemployment compensation (PEUC) program into federal statute. 15 U.S.C. §9021; §9025.
41. The PEUC provided an additional thirteen weeks for individuals who had otherwise exhausted unemployment benefits. 15 U.S.C. §9025.
42. The PUA provided unemployment insurance with broader eligibility, including any worker who was unemployed due to the pandemic, including formerly self-employed, contract, and gig workers. 15 U.S.C. §9021.
43. The Unemployment Insurance Division of the Maryland Department of Labor processes individual claims for unemployment insurance and distributes payment to eligible individuals. Md. Labor and Employment Code Ann. § 8-302.
44. The Maryland Code establishes that economic insecurity due to unemployment is a serious menace to health, morals, and welfare of the people of Maryland. Md. Labor and Employment Code Ann. § 8-102.
45. Maryland law requires a DOL examiner promptly make a determination on a claim filed for unemployment insurance benefits; furthermore, the DOL is required to

conduct a predetermination proceeding and give each party notice of that proceeding when there is a dispute of material fact. Md. Labor and Employment Code Ann. § 8-806(a).

46. The State of Maryland enrolled in both the PUA and PEUC programs. The Unemployment Insurance Division of the DOL (“Unemployment Division”) encouraged new claimants were encouraged to enroll through the BEACON online application.
47. The Unemployment Division of the DOL was and is responsible for distributing federal PUA and PEUC money and processing claims through the BEACON system.
48. Plaintiffs’ experiences are not isolated or outlying occurrences. In recent months, community groups and government agencies have been inundated with complaints from unemployment insurance claimants unable to access their benefits.
49. Many claimants under the PUA or the PEUC through the DOL Unemployment Division were denied partial or complete access to the funds provided under these two programs.
50. Many claimants for PUA or PEUC benefits through the DOL Unemployment Division were commonly investigated for fraud, without explanation or hearing.
51. Many claimants for PUA or PEUC benefits through the DOL Unemployment Division were commonly charged thousands of dollars for alleged overpayment, without explanation or hearing.
52. Many claimants for PUA or PEUC benefits through the DOL Unemployment Division were disqualified from such benefits without explanation or hearing.

53. Many claimants for PUA or PEUC benefits through the DOL Unemployment Division were placed in an “on-hold” status for months at a time or indefinitely, without explanation or hearing.
54. Many claimants describe the possibility of home foreclosure, eviction, and car repossession due to the facts alleged in paragraphs 19-22.
55. Many claimants describe suicide attempts and mental health deterioration due to the facts alleged in paragraphs 19-22.
56. On March 11, 2021, President Joe Biden signed the American Rescue Law, which provided \$1.9 trillion to covid relief efforts. The American Rescue Law extended weekly three-hundred-dollar unemployment payments through state programs through September 2021. Pub. L. No 117-2.
57. In February of 2021, Maryland General Assembly Delegate Lorig Charkoudian submitted testimony in support of House Bill 10002 before the Economic Matters Committee. Delegate Charkoudian testified that delegates were overwhelmed by the number of calls from constituents desperately trying to navigate the unemployment insurance system. Delegate Lorig testified that only 37.5% of Maryland’s claims are processed within three weeks. This rate was one of the lowest in the United States. House Bill 10002 was proposed as a way to ensure severe problems with Maryland unemployment insurance access were solved. *See Attachment A.*
58. On March 30, 2021, the Maryland General Assembly passed House Bill 10002, which was codified into the Maryland Code as Md. Code Ann. Labor and Employment §8-809.
59. On June 1, 2021, Governor Hogan announced that Maryland would opt out of all federal unemployment insurance programs, including the three-hundred-dollar

payment under the American Rescue Law, as of July 3, 2021, two months prior to the federal deadline.

60. This sudden severance of two months of additional unemployment is a detriment to the livelihood, health, and stability of all individuals currently receiving the federal aid, many of whom are actively seeking employment.

IV. CLASS ACTION ALLEGATIONS

61. The members of the Named Plaintiffs' class are so numerous that their joinder is impracticable. The approximate size of the Named Plaintiffs' class is approximately fifty-thousand individuals who filed for unemployment insurance in the State of Maryland between March 18, 2020, and present day. The class is split into two subclasses.
62. The first sub-class ("Subclass A") is comprised of individuals who received three-hundred dollars a week in additional unemployment insurance through the \$1.9 trillion relief package signed into law by President Joe Biden on March 11, 2021.
63. The second subclass ("Subclass B") is comprised of individuals who filed for unemployment insurance under any of the four programs instituted through the Coronavirus Aid, Relief, and Economic Security Act (CARES), signed into law by President Trump on March 18, 2021, but never received any or all of their benefits for one or all of the following reasons: (a) they were put in an "on-hold" status, (b) their claim was flagged as fraudulent, (c) they were disqualified without adjudication, or (d) they were allegedly overpaid by DOL.
64. Claims of Named Plaintiffs are typical of the claims of the respective members of the Class and are based on and arise out of similar facts constituting the wrongful conduct of Governor Larry Hogan and Secretary Tiffany Robinson, whether it was

wrongful denial of partial or full benefits (Subclass B) or the decision to cease federal pandemic benefits on July 3 (Subclass A).

65. Subclass B Named Plaintiffs assert that their harm arises from similar wrongful de-facto denial of benefits, regardless of the reason given as listed in Paragraph 47.
66. Named Plaintiffs will fairly and adequately protect the interests of the Class.
67. Named Plaintiffs are committed to vigorously litigating this matter.
68. Neither Named Plaintiff nor their counsel have any interests which might cause them not to vigorously pursue this claim.
69. Common questions of law and fact enumerated above predominate over questions affecting only individual members of the Class. Md. Rule 2-231(b)(3).
70. A class action is the superior method for fair and efficient adjudication of the controversy. Md. Rule 2-231(b)(3).
71. The likelihood that individual members of the Class will prosecute separate actions is remote due to the time and expense necessary to conduct such litigation.
72. The likelihood that individual members of the Class will prosecute separate actions is remote because the allegations at the root of this action have rendered many indigent or borderline indigent.

V. CAUSES OF ACTION

COUNT I

(DECLARATORY JUDGMENT)

73. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 52, inclusive.
74. Plaintiffs seek a declaration of their rights under Md. Code Ann. Labor and Employment §8-102 and §8-310.

75. Defendant Governor Hogan issued the order on June 1, 2021, that weekly unemployment insurance payments through the federal Pandemic Unemployment Assistance program would cease on July 3, 2021, two months prior to the federal extension of September 6, 2021.

76. There exists an actual controversy over whether Defendant Hogan has the right to unilaterally revoke Maryland claimants' rights to federal Pandemic Unemployment Assistance prior to the established deadline of September 6, 2021, under Md. Code Ann. Labor and Employment §8-102 and §8-310.

WHEREFORE, Plaintiffs request this Court enter a declaratory judgement finding Defendant Governor Hogan's order of June 1, 2021, illegal and in violation of Plaintiffs' statutory rights under Md. Code Ann. Labor and Employment §8-101, §8-802, and §8-310.

COUNT II

(INJUNCTIVE RELIEF)

77. Plaintiffs incorporate by reference each and every allegation contained in paragraphs 1 through 56, inclusive.

78. This is an action for a temporary restraining order and preliminary and permanent injunctive relief pursuant to Maryland Rules 15-501 through 15-505.

79. By unilaterally revoking federal Pandemic Unemployment Assistance starting July 3, 2020, Defendant Governor Hogan has violated his obligation under Title 8 of the Labor and Employment Article of the Maryland Annotated code to provide unemployment benefit assistance and combat chronic joblessness during an unprecedented pandemic.

80. Further, Defendant Governor Hogan has violated his obligation under Md. Code Ann. Labor and Employment §8-102 to combat economic insecurity caused by

unemployment that is a serious threat to the health, morals, and welfare to the people of the state.

81. Unless Defendant Governor Hogan is restrained by this court from violating the above reference statutory provisions, Plaintiffs will suffer immediate, substantial, and irreparable injury.

82. The public interest is best served by granting this injunction as the general economic welfare of the state could be adversely impacted otherwise.

WHEREFORE, Plaintiffs request that this Court issue an Order granting Plaintiffs a temporary restraining order, a preliminary injunction, and a permanent injunction, restraining and enjoining Governor Hogan from revoking federal Pandemic Unemployment Assistance on July 3, 2021, pending a hearing scheduled by this court.

COUNT III

(Declaratory Judgment – Title 8 of the Maryland Labor & Employment Article §8-102 and §8-806)

83. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 62, inclusive.

84. Plaintiffs seek a declaration of their rights under Md. Code Ann. Labor and Employment §8-102 and §8-806.

85. Defendant Tiffany Robinson has violated his obligation under Md. Code Ann. Labor and Employment §8-102 to combat economic insecurity caused by unemployment that is a serious threat to the health, morals, and welfare to the people of the state by failing to comply with the claim determination requirements in Md. Code Ann. Labor and Employment §8-806(a).

86. Defendant Tiffany Robinson violated Plaintiffs' rights under Md. Code Ann. Labor and Employment §8-102 and §8-806 when she placed thousands of claimants under fraud investigation but failed to timely validate claimants' identities.
87. Defendant Tiffany Robinson violated Plaintiffs' rights under Md. Code Ann. Labor and Employment §8-102 and §8-806 when she placed thousands of claimants in "on hold" status for extended periods of time.
88. Defendant Tiffany Robinson violated Plaintiffs' rights under Md. Code Ann. Labor and Employment §8-102 and §8-806 when she alleged that thousands of claimants were overpaid without further communication or explanation.
89. Plaintiffs alleged that Defendant Tiffany Robinson's actions referenced in paragraphs 66-68 were pretextual reasons for the denial of claims.

WHEREFORE, Plaintiffs request his Court declare that Defendant Tiffany Robinson violated Plaintiffs' rights under Md. Code Ann. Labor and Employment §8-102 and §8-806, when she and the DOL failed to process and distribute legitimate unemployment insurance claims without cause or due process. Plaintiffs further request that this Court direct the Defendant to process claims denied under the circumstances listed in paragraphs 66 to 68.

COUNT IV

(Declaratory Judgment – Title 8 of the Maryland Labor & Employment Article §8-809)

90. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 64, inclusive.
91. Plaintiffs seek a declaration of their rights under Md. Code Ann. Labor and Employment §8-809.

92. Md. Code Ann. Labor and Employment §8-809 provides all Maryland unemployment insurance claimants with rights to timely adjudication, consistent claim status updates, and a personal point of contact in the case of unresolved claims.
93. Defendant Tiffany Robinson, since the start of the COVID-19 pandemic in March 2020, has failed to ensure equal access to unemployment insurance payment for *all* individuals as required per Md. Code Ann. Labor and Employment §8-809.
94. Defendant Tiffany Robinson has not complied with per Md. Code Ann. Labor and Employment §8-809(a)(2), which requires that the Defendant provide a status update every 3 weeks to individual claimants via telephone or email.
95. Defendant Tiffany Robinson has not complied with Md. Code Ann. Labor and Employment §8-809 (a)(3), which requires the Defendant to contract an external customer service quality evaluation vendor to measure public communication effectiveness and customer service quality.
96. Defendant Tiffany Robinson has not complied with Md. Code Ann. Labor and Employment §8-809(a)(5), which requires the Defendant to establish systems, processes, and procedures that enable an individual filing a claim for benefits to track the status of a claim, including the anticipated timeline for the resolution of each claim.

WHEREFORE, Plaintiffs request his Court declare that Defendant Tiffany Robinson violated Plaintiffs' rights under Md. Code Ann. Labor and Employment §8-109, when she and the DOL failed to establish and execute policies required by the statute to ensure timely claims processing and effective communication to claimants. That Plaintiffs further request they be granted costs and such other and further relief as this court may deem just and proper, including

but not limited to attorneys' fees and court costs. Finally, Plaintiffs request an evidentiary hearing on the merits of Counts III and IV of this action.

Respectfully submitted,

UNEMPLOYED WORKERS UNION

A handwritten signature in black ink, appearing to read "Alec Summerfield". The signature is written in a cursive, flowing style.

Alec Summerfield, CPF #1906060002
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Class Action Complaint was mailed this 8th day of July, 2021, by certified, postage prepaid, United States Mail, on:

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