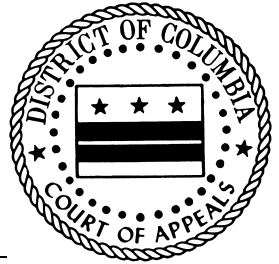


**CASE NO. 23-CV-185**  
(2022 CA 002435 P(MPA))



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**DISTRICT OF COLUMBIA COURT OF APPEALS**

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AMERICAN FEDERATION OF GOVERNMENT  
EMPLOYEES, AFL-CIO, LOCAL 872,

APPELLANT,

V.

D.C. PUBLIC EMPLOYEE RELATIONS BOARD , *et al.*,

APPELLEES.

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ON APPEAL FROM THE DISTRICT OF COLUMBIA  
SUPERIOR COURT, CIVIL DIVISION  
THE HONORABLE SHANA FROST MANTINI

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**BRIEF OF APPELLEE D.C. WATER AND SEWER AUTHORITY**

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Date: December 4, 2023

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## LIST OF PARTIES

<b>Party</b>	<b>Appellate Counsel</b>	<b>Trial Court Counsel</b>	<b>Status</b>
American Federation of Government Employees, AFL-CIO, Local 872	Barbara B. Hutchinson, Esq.	Barbara B. Hutchinson, Esq.	Appellant / Petitioner
D.C. Public Employee Relations Board	Bruce A. Fredrickson, Esq. and Geoffrey H. Simpson, Esq. of Webster and Fredrickson, PLLC	Bruce A. Fredrickson, Esq. and Geoffrey H. Simpson, Esq. of Webster and Fredrickson, PLLC	Appellee / Respondent
D.C. Water and Sewer Authority	Tina M. Maiolo, Esq. and Stephen G. Rutigliano, Esq. of Carr Maloney P.C.	Tina M. Maiolo, Esq. and Stephen G. Rutigliano, Esq. of Carr Maloney P.C.	Appellee / Intervenor

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## **I. ARGUMENT**

Pursuant to Rule 28(j) of the Rules of the District of Columbia Court of Appeals, D.C. Water and Sewer Authority endorses, joins, and incorporates and adopts Appellee D.C. Public Employee Relations Board's brief in its entirety.

## **II. CONCLUSION**

Both PERB's and the Superior Court's decisions are supported by the evidence and are not clearly erroneous. AFGE's subject disagreement is insufficient to support overturning the ruling below. Accordingly, D.C. Water and Sewer Authority respectfully requests that PERB's decision be affirmed.

Date: December 4, 2023

D.C. WATER AND SEWER AUTHORITY

By Counsel

*/s/Tina M. Maiolo*

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**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that on December 4, 2023, I filed the Response Brief and of Appellee D.C. Water and Sewer Authority was filed and served through this Court's electronic filing system to:

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*/s/Tina M. Maiolo*

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Tina M. Maiolo

## REDACTION CERTIFICATE DISCLOSURE FORM

**Pursuant to Administrative Order No. M-274-21 (filed June 17, 2021), this certificate must be filed in conjunction with all briefs submitted in all cases designated with a “CV” docketing number to include Civil I, Collections, Contracts, General Civil, Landlord and Tenant, Liens, Malpractice, Merit Personnel, Other Civil, Property, Real Property, Torts and Vehicle Cases.**

I certify that I have reviewed the guidelines outlined in Administrative Order No. M-274-21 and Super. Ct. Civ. R. 5.2, and removed the following information from my brief:

1. All information listed in Super. Ct. Civ. R. 5.2(a); including:

- An individual’s social-security number
- Taxpayer-identification number
- Driver’s license or non-driver’s’ license identification card number
- Birth date
- The name of an individual known to be a minor
- Financial account numbers, except that a party or nonparty making the filing may include the following:

- (1) the acronym “SS#” where the individual’s social-security number would have been included;
- (2) the acronym “TID#” where the individual’s taxpayer-identification number would have been included;
- (3) the acronym “DL#” or “NDL#” where the individual’s driver’s license or non-driver’s license identification card number would have been included;
- (4) the year of the individual’s birth;
- (5) the minor’s initials; and
- (6) the last four digits of the financial-account number.

2. Any information revealing the identity of an individual receiving mental-health services.
3. Any information revealing the identity of an individual receiving or under evaluation for substance-use-disorder services.
4. Information about protection orders, restraining orders, and injunctions that “would be likely to publicly reveal the identity or location of the protected party,” 18 U.S.C. § 2265(d)(3) (prohibiting public disclosure on the internet of such information); *see also* 18 U.S.C. § 2266(5) (defining “protection order” to include, among other things, civil and criminal orders for the purpose of preventing violent or threatening acts, harassment, sexual violence, contact, communication, or proximity) (both provisions attached).
5. Any names of victims of sexual offenses except the brief may use initials when referring to victims of sexual offenses.
6. Any other information required by law to be kept confidential or protected from public disclosure.

/s/ Tina M. Maiolo  
Signature

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Email Address

23-CV-185  
Case Number(s)

December 4, 2023  
Date