

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

FRATERNAL ORDER OF POLICE LODGE NO. 89,)	
<i>et al.</i> ,)	
)	
Plaintiffs)	
)	
v.)	Civil Action No. AW-08-2455
)	
PRINCE GEORGE’S COUNTY, MARYLAND,)	
)	
Defendant.)	
_____)	

ORDER

Before the Court are two motions for consideration, Defendant Prince George’s County’s Motion For Stay Pending Appeal (Doc. No. 57) and Plaintiff AFSCME Unions’ Motion for Supplemental Order (Doc. No. 59). Defendant argues that the Court’s Order of August 18, 2009 (Doc. No. 54) is final and thus it is entitled to an appeal as a matter of right. Furthermore, Defendant argues it will suffer irreparable harm if required to make payments before a resolution of its appeal, unless the Court’s Order is stayed. Based on Plaintiffs’ Responses in Opposition to Defendant’s Motion for Stay Pending Appeal (Doc. No. 58 & 60), it appears that Plaintiffs believe that the Court’s Order is not final because the identity of affected employees and the amount owed to such persons was not specified in the Order.

Plaintiff AFSCME Unions’ Motion for Supplemental Order to the Court’s August 18, 2009 Order (Doc. No. 59) proposes that the Court modify its Order to require the Defendant to disclose to Plaintiff Unions a report identifying all affected employees, “account for the wages that each employee forfeited,” and pay affected employee’s forfeited wages with interest and attorney’s fees. Additionally, Plaintiff requests that the Court retain jurisdiction over the matter to determine disputes in the amount owed as back-pay. Defendant appears to address Plaintiffs’

Motion in its Reply to Response to Motion for Other Relief of Supplemental Order and Response in Opposition (Doc. No. 61) in which it produced the affidavit of Jonathan R. Seeman stating that the County has identified all affected employees and an explanation of its own calculation of the wages withheld in the FY 2009 Furlough Plan. Both Plaintiffs AFSCME Unions and Public Safety Unions filed oppositions to Defendant's report (Doc. 68 & 69), asserting that the Defendant has not made its report available to either Plaintiff and disputing the County's calculation of withheld wages.

In its Order (Doc. No. 54) directing the parties "to consult and discuss the means and manner of refunding any monies owed," the Court contemplated that the parties would engage in a meaningful caucus in an attempt to work out any issues with respect to implementation, calculation of amounts owed, entry of an appropriate final order, and retention of any additional matters pending the resolution of any appeal(s). In their pleadings, the Plaintiffs have represented to the Court that instead of discussing possible outstanding issues with Plaintiffs, the County [in response to Plaintiffs' invitation to consult and discuss] wrote: "The County is in receipt of your proposals to consult and discuss refunding of monies to affected union employees; however, the County has filed a prompt appeal and has pending before the Court its Motion for Stay, which if *denied* . . . will be pursued promptly to the Fourth Circuit." (Doc. No. 58, Exhibit C). While the Court certainly respects the absolute right of any party to appeal a judgment, the Court is perplexed as to why a party would not want to discuss clarifying pertinent issues, which could facilitate an efficient appeal.

At any rate, upon review of the latest pleadings, it appears that the parties are now discussing the mechanics of an accounting, identifying affected employees, and determining the approximate amount of monies due by virtue of the furloughs for FY 2009. The Court believes

that it would be beneficial for the parties to consult, exchange documents, and make every effort to reach an agreement with reference to capturing any remaining issues, setting forth a methodology for resolution, addressing the request to stay, and assuring the issuance of a final order. Should the parties be unable to agree to a joint proposed order to supplement the Court's August 18 Order, the Court would invite the parties to submit its individual proposals for a final order. With reference to the Motion for a Supplemental Order, the Defendant has represented that it has now identified affected employees and calculated the amount of wages due to each employee as back pay. The Court believes it is reasonable to require the Defendant to disclose those reports to the Plaintiffs. The remaining requests in the Motion for Supplemental Order can be addressed, where possible, in any proposed final order.

Therefore, it is this **3rd day of September, 2009**, by the United States District Court for the District of Maryland (Southern Division), **ORDERED** that;

1. The Court **Defer** ruling on the Motion to Stay (Doc. No. 57) pending receipt of a proposed final order from the parties;
2. The Motion For a Supplemental Order (Doc. No. 59) BE and the same Hereby IS **GRANTED** only to Plaintiffs' first request that Defendant disclose the name of all affected employees and the amount owed to each in back pay, to the extent that Defendant has not already done so, within 45 days of the entry of this Order;
3. Within **10 days** of the entry of this Order the parties file a proposed Final Order;
AND
4. The Clerk transmit copies of this Order to all parties of record.

/s/
Alexander Williams, Jr.
United States District Court Judge