

Supreme Court

No. 2006-293-Appeal
(PC 06-5477)

State of Rhode Island, Department of :
Corrections

v. :

Rhode Island Brotherhood of Correctional :
Officers, Gualter J. Botas, Ernest Spaziano and
Kenneth Viveiros.

ORDER

This matter came before the Duty Justice on the motion of the Rhode Island Department of Corrections for a stay pending appeal of an Order of the Superior Court granting a preliminary injunction, in which the Superior Court restrained and enjoined the Department of Corrections “from canceling or eliminating, in whole or part, the wages or benefits the plaintiffs [Gualter J.] Botas, [Kenneth] Viveiros and [Ernest] Spaziano have been receiving since they were placed on administrative leave in February, 2006, until such time as the arbitration regarding their termination(s) can be completed.”

Based on the representations of the parties that the terminations of Gualter J. Botas, Ernest Spaziano, and Kenneth Viveiros have been submitted to expedited arbitration, pursuant to the terms of the collective bargaining agreement between the Department of Corrections and the Rhode Island Brotherhood of Correctional Officers, and based on the acknowledgement by the parties that the Rhode Island Brotherhood of Correctional Officers has agreed to post a bond in

the amount of \$50,000. (fifty-thousand dollars) for the benefit of the State in the Superior Court, and after consultation with the other members of this Court, the Duty Justice enters the following

Order:

1. The Motion for Stay is denied without prejudice to the right of the State to re-file it at a later time should the resolution of the matter in arbitration not proceed expeditiously, notwithstanding any criminal matters which may be pending in the District or Superior Courts.
2. This Order is expressly conditioned upon the posting of the aforementioned bond by the Rhode Island Brotherhood of Correctional Officers in accordance with the trial judge's order.

Entered as an Order of this Court this 9th day of November, 2006.

s/s

Clerk