

Supreme Court

No. 13-44-A
(WC/2012-0542)

Town of North Kingstown, Rhode Island :
v. :
Town of North Kingstown Firefighters, Local :
1651, International Association of :
Firefighters, AFL-CIO, et al. :

ORDER

This litigation arose out of a labor dispute between the Town of North Kingstown (the town) and the Town of North Kingstown Firefighters, Local 1651, International Association of Firefighters, AFL-CIO (the union). The instant suit for declaratory and injunctive relief is just one of several suits resulting from the parties' inability to arrive at an amicable settlement of their disagreements following expiration of their latest collective bargaining agreement. As explained by the Superior Court trial justice, the town in this case challenged the jurisdiction of the State Labor Relations Board over a complaint filed by the union; it further sought to validate an ordinance implementing unilateral changes in the structure of the parties' relationship; and it also sought determinations that an arbitration panel had exclusive jurisdiction to decide the effects of the aforementioned unilateral changes, that the union had waived its right to submit unresolved issues to interest arbitration under the Fire Fighters Arbitration Act, and that the interest arbitration panel did not have jurisdiction to decide unresolved issues between the parties. The trial justice addressed these issues in a lengthy decision filed on

December 14, 2012, and he entered an order in this matter on February 5, 2013. The town has appealed that order and, pending appeal, the town moves to stay the provisions thereof, with the exception of those contained in paragraphs 4 and 5. On February 7, 2013, the attorneys for the parties met with the Duty Justice on the town's stay request. The Duty Justice granted a temporary stay and assigned the motion to the Court's February 14, 2013 conference for further consideration.

The Court, after carefully examining the memoranda and exhibits filed by counsel, concludes first of all that there is inadequate clarity in the framing to the issues properly before it in this appeal. The parties' memoranda contain some discussion of the town's motion for entry of a Rule 54(b) certificate in this case, yet the available record does not appear to establish that the trial justice actually issued a Rule 54(b) certificate, and in the absence of such a certificate, interlocutory rulings not involving a grant of injunctive relief would not be appealable. Further, the memoranda and the exhibits thus far submitted by counsel do not furnish the Court with a sufficiently broad understanding of this entire controversy or provide it with the contextual basis for evaluating the town's entitlement to a stay. Based on these considerations, the Court hereby directs that the following Order shall enter:

1. The town shall submit to the Clerk of the Court the Rule 54(b) certificate issued by the trial justice in this matter or, if such certificate has not been issued, the town shall apprise the Court of the status of any motion for issuance of such certificate.
2. As previously directed by the Duty Justice, the attorneys for the parties shall continue with their negotiations concerning the issues in dispute between them, and they shall, within 15 days of the date of this Order, file with this Court a written report describing the status of their negotiations, specifying therein those issues in this case which have been resolved by them and those issues of any significance which remain unresolved.

3. This matter is hereby continued for further consideration of the town's motion for stay to the Court's conference scheduled for *March 21, 2013*. Meanwhile, the temporary stay issued by the Duty Justice on February 7, 2013 is continued until further Order of this Court.

Justice Robinson did not participate.

Entered as an Order of this Court this *18th* day of *February 2013*.

By Order,


Clerk