

SUPREME COURT OF PENNSYLVANIA

Philadelphia Fire Fighters' Union, Local 22, International Association of Firefighters, AFL-CIO v. City of Philadelphia

600 Pa. 124 (2009) (Pa. 2009) · No. No. 1 EAP 2009 · Decided January 9, 2009

SUMMARY

The Supreme Court of Pennsylvania denied Philadelphia Fire Fighters’ Union Local 22’s application for injunctive relief pending appeal concerning the proposed closure of seven fire companies. The court’s concurring and dissenting statements addressed whether the closures would cause irreparable harm and whether the union was entitled to relief under the applicable preliminary-injunction standard.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Baer; Justice McCaffery
JURISDICTION	Pennsylvania
DECIDED	January 9, 2009
DOCKET	No. 1 EAP 2009
DISPOSITION	other
PROCEDURAL POSTURE	Appellants sought injunctive relief pending appeal to prevent the closing of seven Philadelphia fire companies. The Supreme Court of Pennsylvania denied the application.
STANDARD OF REVIEW	Deferential review of an order granting or denying a prohibitory preliminary injunction; Justice McCaffery described the standard as requiring intervention only where the lower court's order was not based on the exercise of legally sustainable reason.
PRECEDENTIAL VALUE	Published per curiam order of the Supreme Court of Pennsylvania; the order resolves the application but provides no majority reasoning beyond the denial.
PARTIES	Philadelphia Fire Fighters' Union, Local 22, International Association of Firefighters, AFL-CIO, by its guardians ad litem, Brian McBride, William Gault, and Ray Clothier, III v. City of Philadelphia, Honorable Michael A. Nutter, Camille Cates Bennett, Lloyd Ayers

TOPICS

appellate procedure equitable relief remedies standard of review municipal law

PRACTICE AREAS

Appellate procedure Municipal law Employment law Remedies

QUESTIONS PRESENTED

1. Whether Local 22 demonstrated entitlement to injunctive relief pending appeal to restrain the closing of seven Philadelphia fire companies.
2. Whether the evidence established irreparable injury or an imminent danger sufficient to warrant preliminary injunctive relief.

HOLDINGS

1. The Supreme Court of Pennsylvania denied Local 22's application for injunctive relief pending appeal.

KEY QUOTATIONS

"the Application for Injunctive Relief Pending Appeal is hereby DENIED." (963 A.2d at 1270)

FACTUAL BACKGROUND

Philadelphia planned to close seven fire companies. Evidence before the trial court indicated that affected firefighters would be reassigned rather than laid off. The trial court found that Local 22 had not presented sufficient credible evidence that the closings would create an imminent danger to firefighters or the community.

PROCEDURAL HISTORY

The trial court conducted evidentiary hearings on December 16 and 17, 2008, and denied preliminary injunctive relief, concluding that the fire-company closings would not result in layoffs and that appellants had not shown an imminent danger to firefighters or the community. The Commonwealth Court affirmed or otherwise upheld the denial, and appellants sought relief pending appeal in the Supreme Court of Pennsylvania.

DISPOSITION

other

CASES CITED

- *Mazze v. Commonwealth*, 495 Pa. 128, 432 A.2d 985, 988 n. 1 (1981)
- *International Association of Fire Fighters Local 22 v. City of Philadelphia*, 2009 WL 50644 (Pa. Jan. 9, 2009)