

BALTIMORE COUNTY MARYLAND	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BALTIMORE COUNTY FRATERNAL ORDER OF POLICE LODGE NO. 4	*	BALTIMORE COUNTY
Defendant	*	Case No.: 03-C-08-8643
	* * * * *	

ORDER

THIS MATTER came before the Court on February 6, 2014 for the sole pending issue of a determination of the amount of damages pursuant to the "make whole" provision of the Arbitrator's Award entered in favor of Defendant, Baltimore County Fraternal Order of Police, Lodge No. 4 and against Plaintiff, Baltimore County, Maryland (November 5, 2013 Court Order, Paper 41,000, p. 2).

UPON CONSIDERATION of the hearing held, all counsel being present, the evidence presented and the arguments made, it is this 4 day of March, 2014, by the Circuit Court for Baltimore County,

ORDERED, that Defendant, Baltimore County Fraternal Order of Police, Lodge No. 4's Supplemental Motion to Enforce this Court's Judgment (Corrected Copy) (Paper 40,000) is hereby **GRANTED** in part and **DENIED** in part; and it is further

ORDERED, that Defendant is entitled to damages, pursuant to the "make whole" provision of the Arbitrator's Award, in the amount of One Million, Four Hundred Thirteen Thousand, One Hundred Twenty Dollars and Eighty-One Cents (\$1,413,120.81)¹; and it is further

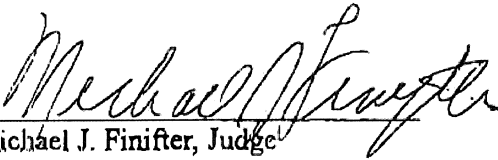
¹ Defendant is not entitled to compound pre-judgment interest. *Med. Mut. Liab. Ins. Soc. of Maryland v. Davis*, 389 Md 95, 112 (2005), *Walker v. Acting Dir., Dep't of Forests & Parks*, 284 Md 357, 367 (1979). The Court is unable to determine an amount for simple pre-judgment interest because Defendant's Exhibit 4 computes pre-judgment interest compounded monthly. Accordingly, the Court cannot award pre-judgment interest to Defendant.

ORDERED, the Court finds: (1) that there is no provision in the collective bargaining agreement authorizing an award of attorney's fees to Defendant; and (2) that the issue of awarding attorney's fees is substantive rather than procedural, rendering the Maryland Uniform Arbitration Act's provisions on the issue inapplicable pursuant to Rule 15-101(b), and does not find that Plaintiff has acted in bad faith or without substantial justification under Rule 1-341. Accordingly, the American Rule is applicable and Defendant's Request for Attorney's Fees is hereby **DENIED**; and it is further

ORDERED, that the third and fourth Ordered paragraphs of the Final Ruling of the Court's Order, filed August 28, 2013, previously **STAYED** by this Court's November 5, 2013 Order, p. 2, be and are hereby **VACATED**; and it is further

JUDGMENT

ORDERED, that Judgment be and is hereby entered in favor of Defendant, Baltimore County Fraternal Order of Police, Lodge No. 4 and against Plaintiff, Baltimore County, Maryland in the amount of One Million, Four Hundred Thirteen Thousand, One Hundred Twenty Dollars and Eighty-One Cents (\$1,413,120.81).


Michael J. Finifter, Judge

Copies: James J. Nolan, Esquire
Matthew Clash-Drexler, Esquire