

BALTIMORE COUNTY,
MARYLAND

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IN THE
CIRCUIT COURT

Plaintiff

v.

BALTIMORE COUNTY FRATERNAL
ORDER OF POLICE, Lodge No. 4

Defendant

FOR
BALTIMORE COUNTY

Case No. 03-C-08-008643

* * * * *

CERTIFICATION OF COMPLIANCE
WITH PRIOR COURT ORDERS

Baltimore County, Maryland, Plaintiff, and Kevin Kamenetz, Keith Dorsey, and Fred Homan, individually, respectfully submit this Certification of Compliance with the prior Orders of this Court with respect to the resetting of the FOP Retiree Health Care subsidy rates and the payment of the Amended Judgment entered by the Court on April 28, 2014, together with the attached Order for the Court's signature.

1. Following the issuance of this Court's Order of May 28, 2014 denying the Motion to Quash Show Cause Order, in part, and to Strike Individuals Therefrom filed by Kevin Kamenetz, Keith Dorsey and Fred Homan, individually, the County determined that it would reset the rates and pay the judgment in order to relieve the three County officials from the further threat of incarceration as stated in this Court's Show Cause Order. That threat created severe anxiety and personal distress for those officials and their families.

2. On May 30, 2014, Baltimore County issued a check in the amount of One Million Six Hundred Ninety-Six Thousand Four Hundred Three Dollars and Ninety-Eight Cents (\$1,696,403.98) made payable to the Baltimore County Fraternal Order of Police, Lodge No. 4 and hand-delivered that check by courier to Matthew Clash-Drexler, Esq., attorney for FOP. The check was calculated as follows: (1) the judgment amount of One Million Four Hundred Thirteen Thousand, One Hundred Twenty Dollars and Eighty-One Cents (\$1,413,120.81), plus pre-judgment interest in the amount of Two Hundred Thirteen Thousand Four Hundred Forty-Six Dollars and Forty-Seven Cents (\$213,446.47), for a total of One Million, Six Hundred Twenty-Six Thousand, Five Hundred and Sixty-Seven Dollars and Twenty-Eight Cents (\$1,626,567.28); (2) payment of \$55,348.68, representing the subsidy for the months of April and May 2014; (3) post-judgment interest of 10 percent (10%) per annum calculated from the date of this Court's Amended Judgment, docketed on April 28, 2014, through May 30, 2014 in the amount of \$14,260.32; (4) post-judgment interest on the April subsidy payment in the amount of \$227.70.

3. Mr. Dorsey certifies that on May 30, 2014, the healthcare subsidy rates for the FOP retirees were reset for each affected retiree to those rates in place at the time of his or her retirement in accordance with the third paragraph of this

Court's Order of November 5, 2013, effective with the June 2014 retirement payment.

4. As previously asserted by the County, no funds to pay for the above reset or to pay the judgment have been appropriated by the County Council. In fact, from FY 2008 through FY 2015 the County Council has enacted budgets which contain the splits negotiated by the Health Care Review Committee in 2007. In order to comply with the Court's Orders, the funds to pay for the reset and to pay the judgment will be reflected as a charge against the Other Post-Employment Benefits Trust Fund, *see* Baltimore County Code, § 10-14-101 *et seq.*, but without the required appropriation.


5. The County's action in this regard is solely the result of the coercion and duress imposed upon it at FOP's request by the Court's signing of FOP's proposed Show Cause Order threatening to incarcerate the County Executive, the County Administrative Officer, and the Director of Budget and Finance. Attached to that Show Cause Order was a Notice to the Person Alleged to be in Contempt (Jail Time Requested on Petition). By denying the previously submitted Motion to Quash Show Cause Order, In Part, and to Strike Individuals Therefrom, the Court sent a clear signal to the three County officials that it intended to carry out its threat of incarceration. As a body politic and corporate, Baltimore County could not let this occur to its dedicated officials.

6. For the record, these certified actions in compliance with this Court's Orders are not meant in any way to constitute acquiescence in or agreement with the Court's Orders, but were solely the result of coercion and duress.

7. The County hereby reserves all of its rights, including its right to prosecute the appeals which it has filed in the Court of Special Appeals from this Court's prior Orders. The County is making these payments without prejudice to all of its right under the law.

Affidavit and Certification of Keith Dorsey

I, Keith Dorsey, Director of the Baltimore County Office of Budget and Finance, do hereby solemnly declare and affirm under penalty of perjury, and I do hereby certify, that the above statements are true and correct.



Keith Dorsey

Date: May 30, 2014

Respectfully submitted,

MICHAEL E. FIELD
County Attorney

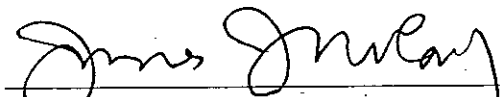


JAMES J. NOLAN, JR.
Assistant County Attorney
400 Washington Avenue, Room 219
Baltimore, MD 21204
410-887-4420 Fax: (410) 296-0931
jnolan@baltimorecountymd.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May 2014, a copy of the foregoing document and a check in the amount of \$1,696,403.98 made payable to Baltimore County Fraternal Order of Police, Lodge No. 4 were hand-delivered by courier to:

Matthew Clash-Drexler, Esquire
Bredhoff & Kaiser, PLLC
805 15th Street, N.W.
Suite 1000
Washington, D.C. 20005
mcdrexler@bredhoff.com
Attorneys for Defendant



JAMES J. NOLAN, JR.
Assistant County Attorney



KEVIN KAMENETZ
County Executive

MICHAEL E. FIELD, *County Attorney*
Office of Law

May 30, 2014

By: Courier
Matthew Clash-Drexler, Esquire
Bredhoff & Kaiser, PLLC
805 15th Street, N.W.
Suite 1000
Washington, D.C. 20005

**Re: Baltimore County, Maryland v. Baltimore County Fraternal Order
Of Police, Lodge No. 4
Circuit Court for Baltimore County, Case No. 03-C-08-008643**

Dear Mr. Clash-Drexler:

I have enclosed herewith Certification of Compliance with Court Orders and a check in the amount of \$1,696,403.98 made payable to the Baltimore County Fraternal Order of Police, Lodge 4.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James J. Nolan, Jr.", is written over the typed name.

James J. Nolan, Jr.

JJN: cac
Enclosure

CHECK NO.
379848

ENDORSEMENT OF ATTACHED CHECK ACKNOWLEDGES PAYMENT IN FULL OF ACCOUNT AS STATED BELOW. IF INCORRECT
PLEASE RETURN WITH EXPLANATION. NO OTHER RECEIPT DESIRED. PLEASE DETACH BEFORE CASHING.
BALTIMORE COUNTY, MARYLAND

VENDOR CODE
VC003494

00115513

THIS IS NOT A CHECK

\$1,696,403.98

DATE May 30, 2014

Baltimore County, Maryland

DISBURSEMENT ACCOUNT

VOID 180 DAYS FROM ABOVE DATE

Towson Md. 21204

CHECK NO. ⁶²⁻¹⁷
311

379848

PAY: One million, six hundred ninety six thousand,
four hundred three and 98/100 dollars-----

AMOUNT OF CHECK

\$1,696,403.98

TO THE ORDER OF: Baltimore County Lodge #4 FOP
Fraternal Order of Police
9304 Harford Road
Baltimore MD 21234

Keith Dorsey

 M&T Bank
Manufacturers And Traders Trust Company
Commercial Banking
Main Office, Millsboro, DE 19966

⑈ 379848 ⑈ ⑆ 03100173⑆ 1000000133702 ⑈

BALTIMORE COUNTY,
MARYLAND

Plaintiff

BALTIMORE COUNTY FRATERNAL
ORDER OF POLICE, Lodge No. 4

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
*
* Case No. 03-C-08-008643
*

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ORDER

Upon consideration of the Certification of Compliance with Court Orders submitted on behalf of Baltimore County, Kevin Kamenetz, Keith Dorsey, and Fred Homan, it is

ORDERED that this Court's Show Cause Order filed on April 15, 2014 is hereby **VACATED** and the hearing on said Show Cause Order scheduled for June 26, 2014 is hereby **CANCELLED**.

Michael J. Finifter, Judge
Circuit Court for Baltimore County

Date: _____