

Glen Hebert et al v. Woonsocket Budget Commission and the City of Woonsocket
PC No. 2013-3287 (Rhode Island Superior Court)

Retired Woonsocket police officer Glen Hebert and 51 other Woonsocket police retirees filed suit against the Woonsocket Budget Commission and the City in early July 2013, alleging that the changes made to their health care benefits were unlawful under the Fiscal Stability Act, R.I. Gen. Laws § 45-9-1, *et seq.*, and the Contract Clause of the Rhode Island Constitution. The WBC/City defeated the Plaintiffs' motion for restraining order, also filed in early July 2013, seeking to prevent implementation of the Commission's *Resolution to Reform Pension and Post-Retirement Benefits*, adopted on March 19, 2013 ("*Retiree Resolution*"). Thereafter, the parties convened before Associate Justice Jeffrey Lanphear on twelve separate dates between July 2013 and February 2014 for an evidentiary hearing on the Plaintiffs' request for preliminary injunctive relief. The parties submitted 111 exhibits through the course of that hearing, including summary exhibits detailing the City's fiscal crisis and showing that the changes implemented under the *Retiree Resolution* (and its *First and Second Amendments*, adopted in June and July 2013) were reasonable and necessary to restore fiscal stability to the City and avert bankruptcy. The parties submitted final briefs in April and May 2014. Since then, they jointly have requested that the Court hold its decision on the request for preliminary injunctive relief in abeyance while the parties continued to attempt to reach a negotiated resolution. Those efforts have not been successful to date.

On February 20, 2015, the WBC/City filed an Answer and Counterclaim to the *Hebert* Complaint, seeking that the Court enter a declaratory judgment that the *Retiree Resolution and its Amendments* are lawful under the federal and state constitutions, and all other applicable laws. If the matter does not resolve in the ensuing weeks, the parties will seek a decision on the Plaintiffs' request for preliminary injunctive relief, after which the matter will be set for trial if it does not settle in the interim. The WBC/City has requested a jury trial.