

**IN THE SUPREME COURT DIVISION OF  
THE STATE OF MAYFLOWER**

|                           |   |                      |
|---------------------------|---|----------------------|
| <b>Plymouth Police</b>    | ) |                      |
| <b>Department, et al.</b> | ) | In-Chambers Opinion  |
| <i>Appellant,</i>         | ) |                      |
|                           | ) |                      |
| v.                        | ) | No. 6-13             |
|                           | ) |                      |
|                           | ) |                      |
| <b>andysofun</b>          | ) | ON EMERGENCY         |
| <i>Respondent,</i>        | ) | APPLICATION FOR STAY |
|                           | ) |                      |

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**IN-CHAMBERS OPINION**

Applicant is Palmer Police Department, a defendant in a civil action against the Government for assorted reasons. The Court gave instruction that an answer to the complaint was to be filed within four days of a given date. However, before the date given by the Court had expired, the Plaintiff made motion for default judgment on the basis that the Court's instruction was incorrect and that an answer could only be made within a lesser amount of time. The lower court granted the motion.

The relief imposed were: (1) reinstatement of employment as a law enforcement officer; (2) a letter of apology; (3) a purging of all former disciplinary records; (4) agreement by the plaintiff not to impose disciplinary action; (5) prohibition of the agency from preventing career advancement; and (6) monetary compensation in the form of \$5,000. Applicant appealed and requested stay of the order to fulfill judgment.

A stay of proceedings pending appeal is a judgment well documented in other cases. It is a function much needed to limit damages that cannot be recovered while appeal continues. However, it is not encompassing all proceedings. This Court's empowerment to issue writs and stays are similar to the United States', therefore this Court will refer to their standards, even if such is not exactly legally compelled by federal incorporation to the states. The standards of relief of stay require: (1) a reasonable demonstration that the matter will be taken up to appeal; (2) a "fair prospect that a majority of the Court will conclude that the decision below was erroneous" for appeal; (3) a demonstration that "irreparable harm is likely to result" in absence of a stay; and (4) in close cases, balancing equities to explore all harm to

both parties and the general public in the absence of stay. *See Rostker v. Goldberg*, 448 U.S. 1306, 1308 (1980) (Brennen, J., in-chambers opinion).

Under the standards I've mentioned before it is my duty to apply such to this matter and determine whether stay is appropriate. As to the first requirement, I believe that there is reasonable demonstration that this matter warrants review as to whether the Plaintiff preserved the ability to object to the Court's instruction. The first requirement is satisfied to my belief. To the second requirement, I believe that a majority of the Court will review and determine that the Plaintiff did not preserve the ability to object, and that, even if they did, the Court's instruction was made and cannot be reversed in a manner that impedes or misleads the ability of a proper defense. The second requirement is satisfied.

I do not believe that there is enough cause to satisfy the third requirement for stay for all reliefs that are requested to be stayed in the application. The relief requested to be stayed can be summarized as a monetary judgment and reinstatement of the Plaintiff as a police officer.

As to the monetary and apology relief, I cannot find that the Palmer Police Department will suffer irreparable harm in awarding such relief. If such appeal finds to reverse judgment, the letter can later be rebuked and the monetary relief returned at the order of the Court.

I am torn on whether the reinstatement of a police officer is considered irreparable to the extent that it warrants stay. The position of a state actor is very dangerous, especially one that is armed and tasked with the law enforcement of this state. The fourth standard of stay requires that I balance the general public's interest and risk of harm in the absence of stay.

The position of a law enforcement officer is one that comes with many dangers, both to the general public and to the department, if its powers are entrusted into the wrong hands. There is no concrete harm suffered by the department if a person goes rogue, merely damage to the department's reputation — but there is harm sustained in the community. In this matter, the plaintiff is alleged to have employed excessive force and was terminated as a result of an internal misconduct investigation. There exists great possibility of harm in

allowing a possibly dangerous person to return as a state law enforcement officer with a history of alleged abuse and excessive force.

In balancing the interest of the general public, I find that the third requirement of demonstrating irreparable harm is made limited to the employment reinstatement relief requested.

On further consideration of issue, 6-13, it is, by the Court, this 8<sup>th</sup>  
day of November 2022,

ORDERED:

That the Emergency Application for Stay as filed by Appellant is granted in-part, denied in-part. The Mayflower District Court for the District of New Haven County is ordered to stay the execution of relief limited to the reinstatement of the Plaintiff as a police officer with the Palmer Police Department in the matter *andysofun v. Plymouth Police Department; et al.*, CV-014952-22 (New Haven District: Oct 30, 2022) — all other requests for stay are denied.

FOR THE COURT,

/s/TaxesArentAwesome  
*Associate Justice*