

RECEIVED

Commonwealth of Massachusetts
County of Norfolk
The Superior Court

APR 17 2014 P 3:41

Civil Docket NOCV2014-00130D

RE: Brookline v Rosicky et al

TO: Sookyoung Shin, Esquire
Mass Atty General's Office
Asst. Atty. Gen. Gov't. Bureau
One Ashburton Place, Rm. 2019
Boston, MA 02108

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on **04/17/2014**:

*RE: Plaintiff's MOTION for stay of enforcement of civil service
commission decision (Rec'd 2/12/2014)*

is as follows:

**Motion (P#7.0) After hearing, DENIED. See Court's typed reasons. (Angel Kelley
Brown, Associate Justice) dated April 10, 2014 Notices mailed 4/17/2014**

Dated at Dedham, Massachusetts this 17th day of April,
2014.

Walter F. Timilty,
Clerk of the Courts

BY:

Assistant Clerk

Telephone:

Copies mailed 04/17/2014

Dest
4/10/14

Reasons - Plff's Motion for Stay of Enforcement
of Civil Service Commission
Decision

18.D

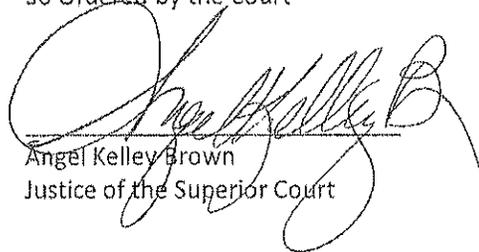
Town of Brookline v. James Rosicky and Mass. Civil Service Commission

NOCV214-0130

Plaintiff's motion for a stay of enforcement of civil service commission decision is denied. The Town of Brookline extended a conditional offer of employment to defendant Rosicky, contingent on his successful completion of the psychological screening component of the medical examination. The information the screening psychiatrists relied upon included information that would have been and should have been available to the Town of Brookline, before they made the conditional offer of employment. Mr. Rosicky may not be an appropriate candidate for the fire department, but the reasoning offered by the psychiatrists justifying the bypass of him did not convince the Civil Service Commission. At this stage of the proceedings and based on the information provided, the Court fails to see the likelihood of plaintiff's success. The Court acknowledges the standard of review for this request for a stay is "upon such terms it considers proper." G.L. c. 30A, s. 14(3). The standard utilized for preliminary injunction is appropriate here. The Court fails to see how the Town of Brookline will be irreparably harmed by placing Mr. Rosicky at the top of any current or future certifications. As the parties reported, the Town of Brookline may extend a conditional offer of employment again, require additional screening or decline employment to Mr. Rosicky due to his driving record and number of interactions with law enforcement. Under these circumstances, it appears Mr. Rosicky is more likely to suffer harm, following the Commission's decision. For the reasons articulated here and defendants' opposition papers, the motion is denied.

Dated: April 10, 2014

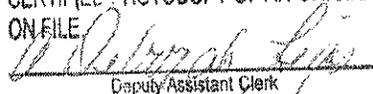
So Ordered by the Court


Angel Kelley Brown
Justice of the Superior Court

RECEIVED & FILED
CLERK OF THE COURTS
NORFOLK COUNTY

4/17/14

I ATTEST THAT THIS DOCUMENT IS A
CERTIFIED PHOTOCOPY OF AN ORIGINAL
ON FILE


Deborah Lewis
Deputy Assistant Clerk

4/17/14