

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 2377CV01082

COMMONWEALTH EMPLOYMENT RELATIONS BOARD
and ANDOVER SCHOOL COMMITTEE¹

vs.

ANDOVER EDUCATION ASSOCIATION

ORDER AFTER FINDING OF CONTEMPT

On November 13, 2023, plaintiffs Commonwealth Employment Relations Board ("CERB") and Andover School Committee ("ASC") filed a Verified Complaint For Contempt (Paper No. 9) in which they allege that defendant Andover Education Association ("AEA") is in contempt of this Court's Preliminary Injunction Order of November 10, 2023 (Paper No. 8) ("PI Order").

Also, on November 13, 2023, this matter came before the Court for a nonevidentiary hearing on Plaintiffs' Motion For Civil Contempt Order And Emergency Hearing On Sanctions (Paper No 10) ("Motion"). AEA was present at the hearing and was represented by counsel.

For the reasons stated by this Court on the record at the conclusion of the hearing, and after full consideration of the plaintiffs' submissions, including affidavits of the Chairperson of the AEA, the Superintendent of the Andover Public Schools, and the Executive Director of Special Educational Services, and the arguments of counsel, the Motion is **ALLOWED**.

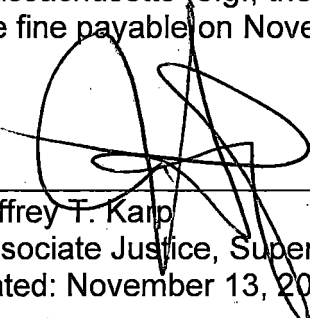
¹ An intervenor.

WHEREFORE, it is HEREBY ORDERED that:

1. The AEA and its officers and the employees it represents are in civil contempt of Paragraphs 1(a), 1(b), and 1(c) of the PI Order.

2. If the AEA and its officers and the employees it represents have failed to fully comply with the PI Order by November 13, 2023, at 6:00 p.m., AEA shall pay the sum of \$50,000 at that time as a coercive fine made payable to the general fund of the Commonwealth of Massachusetts.

3. Starting at 3:00 p.m. on November 14, 2023, and each school day thereafter at 3:00 p.m., if the AEA and its officers and the employees it represents have failed to fully comply with the PI Order, the amount of the coercive fine set forth in Paragraph No. 2, *supra*, shall be increased by an additional \$10,000 per day, and the AEA shall pay said sum as a coercive fine at that time, payable to the general fund of the Commonwealth of Massachusetts (e.g., the fine payable on November 14 at 3:00 p.m. will be \$60,000 and the fine payable on November 15 at 3:00 p.m. will be \$70,000, etc.).



Jeffrey T. Karp
Associate Justice, Superior Court
Dated: November 13, 2023