

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

BOSTON POLICE COMMISSIONER)
 DENNIS WHITE,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF BOSTON AND)
 ACTING MAYOR KIM JANEY,)
)
 Defendants.)

Civil Action No. 2184CV01138^D

5/25/2021

EFILED ec

COMMISSIONER DENNIS WHITE'S EMERGENCY MOTION FOR TEMPORARY STAY PENDING RULING ON PLAINTIFF'S SINGLE JUSTICE PETITION

Plaintiff Commissioner Dennis White ("Commissioner White" or "Plaintiff") hereby requests that the Court stay its May 25, 2021 Order in this action. Pursuant to G. L. c. 231, § 118, Plaintiff has petitioned the Single Justice of the Appeals Court to review this Court's Order denying the requested injunctive relief. Without a stay, Commissioner White will suffer irreparable harm as Defendants have made it clear they intend to terminate him without the constitutionally-mandated trial-like, name-clearing hearing. *See Stetson v. Bd. of Selectmen of Carlisle*, 369 Mass. 755, 764 n.14 (1976); *Fontana v. Comm'r of Metro. Dist. Comm'n*, 34 Mass. App. Ct. 63, 67, 72 (1993).

On May 14, Acting Mayor Kim Janey informed Commissioner White that she intended to remove him as Commissioner at a Zoom hearing at 3:00 p.m. that afternoon. *See* Affidavit of Boston Police Commissioner Dennis White ("White Aff."), ¶ 37. In responding to Commissioner White's motion for a preliminary injunction, Acting Mayor Janey has continued

5/26/21 10pm review, this motion is
 allowed. Birge, J.

to express an unequivocal intent to proceed with that termination immediately (within “forty-eight hours”) of this Court’s decision.

If that occurs without a trial-like, name-clearing hearing to which he is entitled, his reputation will be permanently ruined making it impossible for him to pursue employment in his profession. Even though the allegations that he committed domestic violence are false, Commissioner White will not be able to repair his reputation unless the constitutionally mandated trial-like hearing occurs at the same time as the termination decision is made. No one will pay attention to a later hearing that might be provided months after his termination as he will be ‘old news.’

To prevent that irreparable harm, Commissioner White requests that the Court stay its Order until the Single Justice of the Appeals Court completes its review of Commissioner White’s petition.

Conclusion

WHEREFORE, Commissioner White respectfully requests that the Court grant his motion and enter an Order staying its May 25, 2021 Order pending the Single Justice of the Appeals Court’s ruling on Plaintiff’s Petition.

Respectfully submitted,
BOSTON POLICE COMMISSIONER DENNIS
WHITE,

By his attorneys,



Nicholas B. Carter (BBO No. 561147)
Tara D. Dunn (BBO No. 699329)
TODD & WELD, LLP
One Federal Street, 27th Floor
Boston, MA 02110
Tel: (617) 720-2626
Email: ncarter@toddweld.com

tdunn@toddweld.com

Dated: May 25, 2021

CERTIFICATE OF SERVICE

I, Nicholas Carter, do hereby certify that I have this 25th day of May, 2021 served, by email, a true copy of the foregoing pleading upon the following counsel of record:

Kay H. Hodge
khodge@scmlp.com
Stoneman, Chandler & Miller, LLP
99 High Street
Boston, MA02110
(617) 542-6789

John M. Simon
jsimon@scmlp.com
Stoneman, Chandler & Miller, LLP
99 High Street
Boston, MA02110
(617) 542-6789



Nicholas B. Carter