

FILED

June 18, 2025 07:36 AM

ST - 2025 - CV - 00223

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

GOVERNMENT OF THE VIRGIN ISLANDS,)	CASE NO. ST-2025-CV-00223
)	
)	ACTION FOR BREACH OF
Plaintiff,)	CONTRACT; TEMPORARY
)	RESTRAINING ORDER;
-vs-)	PRELIMINARY AND
)	PERMANENT INJUNCTION and
POLICE BENEVOLENT ASSOCIATION,)	VIOLATION OF TITLE 24,
LOCAL 816, AND ALL THOSE UNNAMED)	CHAPTER 24
MEMBERS OF THE BARGAINING UNIT)	
WHO ARE PARTICIPATING IN UNLAWFUL)	
JOB ACTIONS,)	
)	
_____ Defendants.)	

ORDER ON TEMPORARY RESTRAINING ORDER

THIS MATTER is before the Court on Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction, filed June 17, 2025. The Motion is filed pursuant to V. I. Rule of Civil Procedure 65. For the reasons outlined below, the Court will grant the Government’s Motion for a temporary restraining order and set a status conference to determine whether a preliminary injunction should be granted.

BACKGROUND

The Government of the Virgin Islands alleges that on June 15, 2025 through June 16, 2025, Virgin Islands Police Officers “made a calculated decision to strike during the peak of the festivities in Frenchtown.”¹ The Government further alleges that “the members intend to continue to strike until Thursday, June 19, 2025, and resume the strike during the St. John Festival. The St. John festival is underway and culminates with live entertainment and a parade between June 29 to July 4, 2025. Thousands of residents and visitors converge upon St. John during the week

¹ Compl. ¶¶ 14 and 17, p. 4-5.

referenced above.”²

The Government argues that the “job action being taken by the PBA and its members is to force the Government of the Virgin Islands to negotiate higher pay for police officers.”³ The Government further states that “the continued failure of police officers to report to work has resulted, and will continue to result, in inadequate coverage to the public regarding public safety emergencies, the protection of persons and property from physical harm, and the enforcement and regulation of vehicle traffic throughout the District. This job action jeopardizes the health, safety, and welfare of the general public.”⁴

ANALYSIS

With respect to motions for preliminary injunction, V.I. R. Civ. P. 65(a)(1), permits the Court to issue a preliminary injunction upon notice to the adverse party. Along with an unverified Complaint, the Government filed a Declaration of Counsel that says: “I caused copies of the Complaint, Motion for Temporary Restraining Order and Preliminary Injunction, Memorandum in Support and exhibits attached thereto, this Declaration of counsel, and Plaintiff’s Proposed Order to be sent to Defendant Police Benevolent Association by email to the attention of Joel Browne Connors, PBA president” and “I also telephonically communicated with and caused copies of said documents to be served via email upon Nizar Dewood, Esquire, legal counsel to the PBA.” The Court finds that Defendants have been provided with notice of the Complaint and Motion.

V.I. R. Civ. P. 65(b), pertaining to temporary restraining orders provides:

(b) Temporary Restraining Order.

(1) *Issuing Without Notice*. The court shall consider and rule upon an application

² Id. ¶ 18.

³ Memo of Law, p. 4.

⁴ *Id.*, p. 5.

for a temporary restraining order as soon as practicable, and may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

The Government further argues that it is entitled to a temporary restraining order and preliminary injunction “because police officers are Class III employees who are prohibited from striking or engaging in any type of work stoppage under 24 V.I.C. § 3759(c) ... and ... even if analyzed according to the factors for the granting of injunctive relief under V.I. R. Civ. P. 65(b), the Government has shown that it is entitled to a temporary restraining order and preliminary injunction.”⁵

In addition to the requirements of Rule 65(b), the Court must consider “four factors in deciding a motion for temporary restraining order and preliminary injunction: (1) whether the movant has shown a reasonable probability of success on the merits; (2) whether the movant will be irreparably injured by denial of the relief; (3) whether granting preliminary relief will result in even greater harm to the nonmoving party; and (4) whether granting the preliminary relief will be in the public interest.”⁶ “[T]he party seeking an injunction [bears] the burden of proof as to all four factors.” *Appleyard v. Gov. Juan F. Luis Hosp. & Med. Ctr.*, 61 V.I. 578, 591 (V.I. 2014). But as the Superior Court stated in this case, this Court “has not settled whether a movant for preliminary injunctive relief must meet all four factors sequentially, or [whether] a sliding-scale

⁵ Memo of Law, p. 9.

⁶ *3RC & Co. v. Boynes Trucking Sys.*, 63 V.I. 544, 550 (V.I. 2015) citing *Marco St. Croix, Inc. v. V.I. Hous. Auth.*, 62 V.I. 586, 590, (quoting *Yusuf*, 59 V.I. at 841).

test, wherein a strong showing on one factor may decrease the weight assessed to other factors, is the best rule for the Virgin Islands.”⁷

1. PLAINTIFF’S REASONABLE PROBABILITY OF SUCCESS ON THE MERITS.

The Government argues that “pursuant to 24 V.I.C. § 375(c) police officers are Class III employees and are therefore, prohibited from engaging in any type of work stoppage.”⁸ Title 24 V.I.C. § 375(c), in relevant part, states “employees in Class III bargaining unit, as determined by section 371 of this chapter, shall not strike at any time. Any strike or attempt to strike by employees in Class III units shall be immediately enjoined by a judge of the Superior Court upon motion by the public employer.” Title 24 V.I.C. § 371(b) states that “any unit or units consisting of police officers, correction officers, firemen, prison guards, harbor pilots or other persons employed to protect the public safety and welfare and/or protect the property of a public employer is/are hereby classified Class III.” Accordingly, police officers, by statute, are designated Class III employees and pursuant to Title 24 V.I.C. § 375(c) are prohibited from striking or engaging in any work stoppage. In this regard, the Court finds that the Government has a reasonable probability of success on the merits.

2. IRREPARABLE HARM TO THE PUBLIC.

The Government argues that “there will be irreparable harm to the public ... if police officers continue to fail to report for duty, the Government will not be able to provide essential public safety services.”⁹ Class III are “units consisting of employees who perform services in which work stoppage may not be sustained for even the shortest period of time without serious

⁷ *Id.* at 551.

⁸ Memo of Law, p. 8.

⁹ *Id.*

effects on health and safety of the public.”¹⁰ The inability to adequately provide for the public safety and ensure essential services poses sufficient reason to believe that a continued or prolonged strike or work stoppage would cause irreparable harm to the public, for which a monetary award can be measured.

3. LIKELIHOOD OF IMMEDIATE AND IRREPARABLE HARM TO THE DEFENDANTS.

The Government argues that the granting of a temporary restraining order will “not result in even greater harm to the Union or the members engaging in the work stoppage. ... The monetary harm to the PBA and police officers does not pose a greater harm that would occur if the Government were unable to provide police services for protection, safety and welfare to the public.”¹¹ While the Government does not state specifically the harm, if any, that the police officers would suffer if enjoined from a work stoppage, logically the Court can conclude that the police officers would continue to receive their salaries, which they may not if out on strike. Thus, there appears to be no potential of harm to the Defendants, and if any, the harm to Plaintiff outweighs the harm to Defendants.

4. THE PUBLIC INTEREST FACTOR.

The Government argues that “the public has great interest in ensuring its own safety, and in the timely enforcement of Virgin Islands laws. The actions of the PBA and police officers participating in the unlawful strike will cause serious harm to the safety of the public.”¹² As mentioned by the Government, “police presence at the Frenchtown Village was severely curtailed

¹⁰ Title 24 V.I.C. § 371(a).

¹¹ Memo of Law, p. 8.

¹² *Id.*, p. 9.

because of the ‘sickout.’”¹³ A continued prolonged absence of police officers will pose a risk to the public health and safety.

CONCLUSION

The Court having reviewed Plaintiff’s Motion For Temporary Restraining Order and Preliminary Injunction, the Complaint, affidavits and other papers filed in support thereof, finds that Plaintiff is entitled to a temporary restraining order against Defendants pursuant to Rule 65 of the V.I. Rules of Civil Procedure. Specifically, the Court finds that:

- (i) Plaintiff has a reasonable probability of success on the merits;
- (ii) Immediate, irreparable harm to the public will result if Defendants are permitted to continue to strike or engage in any type of work stoppage for which Plaintiff has no redress in an action for damages;
- (iii) The injury to Plaintiff, if relief is not granted, would outweigh any injury to the interests of Defendants; and
- (iv) The public interest is best served by preservation of the status quo.

Accordingly, it is hereby

ORDERED that Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction is **GRANTED, in part**; and it is further

ORDERED that a Temporary Restraining Order is **GRANTED**; and it is further

ORDERED that pursuant Defendant Police Benevolent Association, Local 816, and all unnamed members of the bargaining unit who are participating in job actions, are **temporarily enjoined and restrained from engaging in a strike, sickout, or other work stoppage activity**;

¹³ *Id.*, p.5.

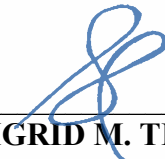
and it is further

ORDERED that this Temporary Restraining Order shall remain in effect from the date and time of this Order for a period of no more than fourteen (14) days, unless extended by further Court Order; and it is further

ORDERED that a Status Conference is scheduled on Friday, June 20, 2025, at 10:00 a.m. via Zoom for the purpose of scheduling an evidentiary hearing on the Government's Motion for a Preliminary Injunction; and it is further

ORDERED that a copy of this Order shall be personally served on all Defendants, PBA President, Joel Browne Connors, Attorney Nizar Dewood, and Assistant Attorney General Eric Chancellor, Virgin Islands Department of Justice.

Dated: June 18, 2025
Time: 7:30 a.m.



SIGRID M. TEJO
Judge of the Superior Court
of the Virgin Islands

ATTEST:

TAMARA CHARLES
Clerk of the Court

BY:



DONNA D. DONOVAN

Court Clerk Supervisor 06 / 18 / 2025