



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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January 9, 2012

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U.S. SUPREME COURT DECLINES TO HEAR POLICE OVERTIME CASE *Decision Closes the Book on Six-Year Case*

San Diego, CA: The United States Supreme Court today refused a petition by a group of current and former San Diego police officers to hear *Marcus Abbe, et al., v. City of San Diego*, bringing to an end six years of litigation over whether to pay police officers overtime and back pay for a number of duties.

About 1,500 former and current police officers sued the City in federal court in 2005 for violation of the Fair Labor Standards Act. Among other claims, the police officers said they should have been compensated for the time they spent “donning and doffing” their police uniforms and gear at their personal residences before and after reporting to work. They initially demanded \$250 million in compensation.

The court granted the City’s motion for summary judgment on the donning and doffing claim in 2009. Also the same year, a jury ruled in favor of the City on the other claims, in which officers argued they were due overtime back pay for time spent checking safety equipment and other activities undertaken before and after their shifts.

A group of 174 officers appealed to the Ninth Circuit Court of Appeal. A three-judge panel affirmed the judgment, and the full Ninth Circuit Court refused the police officers’ request to review that ruling.

Last November, the 174 plaintiffs filed a petition for a writ of certiorari asking the U.S. Supreme Court to hear the case. This request focused only on the donning and doffing issue. Today, the high court denied the writ.

The City was forced to spend more than \$6 million defending itself in this case. Deputy City Attorney George Schaefer, who represented the City before the Supreme Court, stated that the City would try to recoup the bulk of the City’s defense costs from an insurance carrier.

“It is unfortunate that the City had to go to considerable time and expense to defend itself against this meritless lawsuit,” said City Attorney Jan Goldsmith. “However, we take issues of employee fairness extremely seriously and we showed that in our resolve to see this matter through to the end.”

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