

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL MARTINEZ,)
)
 Plaintiff,)
)
 v.) Case No. 4:01 CV580
)
 CITY OF ST. LOUIS, et al.,)
)
 Defendants.)
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)
 ERIC DEEKEN,)
)
 Plaintiff,)
)
 v.) Case No. 4:01 CV1770
)
 CITY OF ST. LOUIS, et al.,)
)
 Defendants.)

STIPULATION REGARDING EQUITABLE RELIEF

Comes now Defendant City of St. Louis, Plaintiff Martinez and Plaintiff Deeken and pursuant to this Court's letter of January 30, 2007 file the following stipulations regarding equitable relief:

1. The work of a fire fighter is different from other public employees in almost every respect. As demonstrated by the evidence, the inter-workings of the St. Louis Fire Department consist of a different system of work hours, a complex arrangement for determining transfers, vacations, holiday hours, days off and an array of other miscellaneous work requirements which are unmatched by those of virtually any other occupation. The administration of most of these

benefits is determined, in whole or in part, based on the employee firefighters' length of service, also known as seniority.

2. The role of firefighters is also distinguishable from that of most other occupations by virtue of its strong and vital connection to public safety. This is demonstrated by information available to the public at large, and epitomized by the work we all saw firefighters perform during the tragic occurrence in New York City on September 11, 2001. Common knowledge dictates that firefighters play a major role in public safety in every major city in the United States and St. Louis is no exception.

3. Plaintiff Deeken's current gross salary is \$1407.62 bi-weekly.

4. If Plaintiff Deeken had been appointed to the position of probationary fire private on March 13, 2000, obtained status as a fire private and remained employed continuously as a fire private thru the date of this stipulation his current gross bi-weekly salary would be \$1626.35.

5. If Plaintiff Deeken had been appointed to the position of probationary fire private on March 13, 2000, obtained status as a fire private and remained continuously employed in that position as of March 18, 2007 his salary would increase to a gross salary of \$1678.88 bi-weekly.

6. Plaintiff Martinez current gross salary is \$ 1407.62 bi-weekly.

7. If Plaintiff Martinez had been appointed to the position of probationary fire private on March 13, 2000, obtained status as a fire private thereafter and remained continuously employed as a fire private thru the current date his current gross bi-weekly salary would be \$1626.35.

8. If Plaintiff Martinez had been appointed to the position of probationary fire private, obtained status as a fire private and remained continuously employed as a fire private, as of March 18, 2007 his salary would increase to a gross salary of \$1678.88 bi-weekly.

9. The Firemen's Retirement System is a separate legal entity not controlled by the City. The parties are unable to ascertain as of this date the amount that would have been paid as interest on any contributions which would have been made by Plaintiff Deeken or Plaintiff Martinez to the Firemen's Retirement System or the amount that the Defendant City of St. Louis would have paid to the Firemen's Retirement System on behalf of Plaintiff Deeken or Plaintiff Martinez. The Board of Trustees of the Firemen's Retirement System is meeting on February 28, 2007. It is anticipated that the requests of Plaintiffs Deeken and Martinez regarding their respective pensions will be placed on the agenda and discussed at that meeting.¹

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¹Defendant City of St. Louis will be unable to stipulate to creditable service in the Firemen's Retirement System as to Plaintiff Martinez for any periods prior to his actual appointment date of March 21, 2005 in that he was a member of the Employee's Retirement System of the City of St. Louis and was accruing service in that system during such time. This would be contrary to the mandate of Section 4.18.020 of the Revised Code of the City of St. Louis.

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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2007 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Charles Bobinette
Clyde Craig

/s/ Kathleen G. Tanner