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Fire Union Is Ordered to Post \$4.5 Million Bond

By ROBERT F. WORTH

A Brooklyn judge yesterday ordered a fire union to put up a \$4.5 million bond to compensate for a court challenge that has prevented the city from saving money by reducing crews on some firetrucks.

The order, issued by Justice James G. Starkey of State Supreme Court in Brooklyn, was a blow to the Uniformed Firefighters Association, which sued last year to block the city's move to reduce the number of firefighters at 49 engine companies.

Earlier this month, a state appeals court panel granted the union a temporary injunction to stop the city from going ahead with its plan. But in a highly unusual move, the court also required the union to file a bond, or undertaking, to compensate for the city's loss in the event that the union ultimately lost its case, which is currently on appeal. The court ordered Justice Starkey to fix the amount. The union asked for a \$5,000 bond, while the city asked for \$6.5 million.

Justice Starkey's decision to order a \$4.5 million payment was seen as a clear victory for the city, according to both sides. The union has two options, said Michael C. Axelrod, a lawyer for the Uniformed Firefighters Association.

It could seek to have the bond set aside or reduced, or it could simply fail to pay it, which would leave the city free to have the restraining order vacated and go ahead with the plan to reduce the crews.

Donna Kasbohm, an assistant corporation counsel in the city's Law Department, said in a statement last night, "We are pleased that Judge Starkey required the union to pay an amount that will pay a large portion of the loss the city will suffer from being unable to implement the staffing reduction."

Ordering a bond to be paid as compensation for a restraining order is common in commercial lawsuits, but rare in cases involving the city, said Leonard I. Koerner, the chief of the Law Department's appeals division.

