

T. B. WOOD'S SONS COMPANY, PLAINTIFF vs. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE and AGRICULTURAL IMPLEMENT WORKERS of AMERICA (UAW LOCAL 695) and WALTER C. KLENZING, an Officer of LOCAL 695, DEFENDANTS, Franklin County Branch, Civil Action - Equity Vol. 8, Page 7

T.B. Wood's Sons Company v. International Union, Et Al.

Civil Contempt Sanctions - Criminal Contempt Sanctions

1. Whether an adjudication of contempt is classified as civil or criminal depends on the dominant purpose of the court's sanction, regardless of what it may be called in court documents.
2. the dominant purpose of a civil contempt sanction is to prospectively compel the contemnor to comply with an order of court, primarily for the benefit of a private party.
3. The dominant purpose of a criminal contempt sanction is to punish the contemnor for a violation of a court order and to protect the interest of the general public.
4. If the contemnor is able to purge himself of the contempt, i.e. if he has the "key to the jailhouse door", the contempt sanction is civil.
5. If the sanction is imposed after the contemptuous act has taken place, and the contemnor is not able to purge himself of the contempt, the contempt sanction is criminal.

Courtney J. Graham, Esquire, Attorney for Plaintiff
Caren Litvin, Esquire, Attorney for Defendants

OPINION AND ORDER

Kaye, J., March 26, 1997:

OPINION

We have before us the petition of T.B. Wood's Sons Company ("plaintiff") seeking remittance of fines paid by the defendants to the Franklin County Prothonotary. These fines, in the amount of \$8,500.00 plus accrued interest, were imposed on the defendants by this Court as a result of their being found in contempt of court for violating an injunction previously stipulated to by the parties. The plaintiff asserts that it should receive this money since the contempt sanctions were civil in nature, making the fines compensatory to the plaintiff. The defendants, however, maintain that the fines imposed on them were criminal in nature and, therefore, the property of the Court. The parties have submitted briefs and argument has held thereon, thus making the matter ripe

for disposition. We will briefly set forth the facts of this case insofar as they are relevant to the issue not before us.

FACTS

This case arises as a result of a labor dispute and strike which occurred at the plaintiff's Chambersburg manufacturing plant. On December 19, 1990, this Court entered an Order, which the parties consented to, restraining the defendants from engaging in picketing activities that would "interfere with, block, impede or slow, in any fashion, the normal flow of traffic through any of the entrances for ingress and egress of Plaintiff's plant".

This Order also imposed a \$1,000.00 compensatory fine against defendant UAW Local 695 that was suspended as long as there was compliance with the Order. In addition, prospective fines in the amount of \$500.00 for future violations were imposed against defendant Local 695 as well as \$100.00 fines against any individual in violation of the Order. On November 7, 1991, we found that defendant Local 695 had violated the Order on fifteen separate occasions. Therefore, the suspension of the \$1,000.00 fine was vacated, and fifteen separate fines of \$500.00 each were imposed for a total of \$8,500.00. In addition, four individuals were also found to be in contempt and fines totaling \$400.00 were imposed for these violations. The November 7, 1991 Order specifically required that all sums imposed by the Order were to be paid "via the Prothonotary of Franklin County". This order was stipulated to by the above captioned parties.

The amounts were duly paid to the Prothonotary. However, on April 29, 1996, the plaintiff petitioned this Court for a rule to show cause why the total amount of the fines paid by Local 695 (\$8,500.00), plus accrued interest, should not be paid to the plaintiff. The defendants oppose this on the basis that the fines imposed were criminal contempt sanctions to which the plaintiff is not entitled.

DISCUSSION

Whether an adjudication of contempt is classified as civil or criminal depends on the dominant purpose of the court's sanction, regardless of what it may be called in court documents.

Commonwealth v. Martorano, 464 Pa. 66, 78, 346 A.2d 22, 28 (1975). Although the law in Pennsylvania is ambiguous at best, certain distinctions have been made between the two types of contempt sanctions. For example,

where the act of contempt complained of is a refusal to do or refrain from doing some act ordered or prohibited primarily for the benefit of a private party, proceedings to enforce compliance with a decree of court are civil in nature.

Bruzzi v. Bruzzi, 332 Pa.Super. 346, 352, 481 A.2d 648, 651 (1984) citing *Brocker v. Brocker*, 429 Pa. 513, 241 A.2d 336, cert. denied 89 S.Ct. 857, 393 U.S. 1081, 21 L.Ed.2d 773 (1969). On the other hand, if the dominant purpose is to "vindicate the dignity and authority of the court and to protect the interest of the general public, it is a proceeding in criminal contempt." *Id.* [Emphasis in original].

We note that our Order dated November 7, 1991 imposes two different categories of sanctions on the defendant Local 695. The first one that we will address is the \$1,000.00 fine imposed against defendant Local 695 as a result of the prior suspension being vacated. On December 19, 1990, we ordered the following:

2) That a compensatory fine of \$1,000 is hereby assessed against Defendant, UAW Local 695, and made payable to Plaintiff; however, said fine is suspended for so long as Local 695 fully complies with this Order, as well as the Court's prior orders of June 11 and 26, 1990.

Clearly the dominant, as well as the stated, purpose of this fine was civil in nature since it was intended to compensate the plaintiff, i.e. to benefit a private party. One characteristic of civil contempt, although not always determinative, is the ability of the contemnor to "purge himself before imposition of punishment". *Colbert v. Gunning*, 368 Pa.Super. 28, 31, 533 A.2d 471, 472 (1987). Additionally, if the purpose behind the order is to "prospectively coerce the contemnor to comply with an order of the court, the adjudication of contempt is civil." *Martorano*, 464 Pa. at 78, 346 A.2d at 28.

The facts surrounding this fine clearly indicate that it is a civil contempt sanction. First, in this case, the contempt sanction was suspended and Local 695 had the ability to avoid the imposition of the \$1,000.00 fine entirely if it continued to abide by this Court's orders. Therefore, the defendant Local 695 was given the proverbial "key to the jailhouse door" which undoubtedly makes this a civil contempt sanction. Second, the purpose of the order was to encourage compliance with the court order on the part of the defendant Local 695, as well as to compensate the plaintiff. These also indicate that the sanction is civil in nature. Accordingly, the \$1,000.00 fine imposed upon defendant Local 695, and interest accrued thereon, should be remitted to the plaintiff.

The second group of sanctions regarding the fines for subsequent violations by defendant Local 695 are more difficult to categorize. However, on close examination and reflection upon the purpose of the sanctions in light of the relevant case law, we conclude that they are criminal in nature. These fines, totaling \$7,500.00 were imposed after this Court found fifteen violations of the prior court order. The propriety of these fines is not in dispute. If the fines are criminal in nature, the plaintiff is not entitled to recover this money. However, the plaintiff argues that the fines were civil in nature and that it is entitled to this money. We disagree.

In its brief, the plaintiff states that the fines imposed for the fifteen separate violations by the defendant Local 695 were imposed after the violations occurred and could not be purged by any action on their part. We find that this argument does not support the relief the plaintiff is seeking. We agree with the plaintiff that these fines were unconditional. However, we disagree with the plaintiff's conclusion that this necessarily makes them civil.

A civil adjudication of contempt coerces with a conditional or indeterminate sentence of which the contemnor may relieve himself by obeying the court's order, while a criminal adjudication of contempt punishes with a certain term of imprisonment or a fine which the contemnor is powerless to escape by compliance.

Martorano, 464 Pa. at 78-79, 346 A.2d at 28. In this case, the plaintiff recognizes that the individuals were powerless to avoid the imposition of the fines. The acts that they committed in violation of the Order were completed and incapable of being undone as theirs were not ongoing violations. This clearly distinguishes these fines from the \$1,000.00 fine also imposed on the defendant Local 695 which had the power to escape that particular monetary sanction.

The other, and more important, distinction between the two categories of fines in this case, is the underlying purpose behind them. As we stated earlier, the dominant purpose of imposing a suspended fine against Local 695 was to encourage compliance with the court order. On the contrary, the dominant purpose behind the imposition of the individual fines was punishment for specific acts in violation of previous court orders which are clearly documented in the record.

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specific acts in violation of previous court orders which are clearly documented in the record.

A civil label is inappropriate when the court is attempting to punish the contemnor for past acts of misbehavior rather than setting forth the conditions of compliance to which the contemnor was required to conform and conditioning punitive measures on failure to comply therewith.

Bruzzi, 332 Pa.Super. at 353, 481 A.2d at 65, citing *Philadelphia Marine trade Assoc., et al. v. International Longshoremen's Assoc. Local Union No. 1291, et al.*, 392 Pa. 500, 140 A.2d 814 (1958). Therefore, although we put a label of civil contempt on these fines, the dominant purpose was to punish the violators for past acts, which makes the fines criminal in nature. Accordingly, the plaintiff is not entitled to recover the \$7,500.00 paid for the fifteen separate violations of the court order, and the Court will direct that this sum be paid over to the County of Franklin.

ORDER OF COURT

NOW, March 26, 1997, pursuant to the opinion attached hereto, the Prothonotary is directed to pay over to plaintiff the sum of \$1,000, together with any interest which has accrued thereon, and \$7,500.00, together with interest which has accrued thereon, to the County of Franklin, which sums were paid to the Prothonotary pursuant to our order of court dated November 7, 1991.