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DONALD E. LEVERING, JR., <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 94-01272 (ESH)
)	
DISTRICT OF COLUMBIA,)	
)	
Defendant.)	
)	

Upon consideration of plaintiffs' motion to show cause why defendant should not be held in civil contempt for violation of the order entered in this case by Judge Joyce Hens Green on November 29, 1994,¹ as well as the parties' memoranda and the relevant law, the Court concludes that defendant has complied with Judge Green's order, based on the following findings:

¹Although plaintiffs filed their contempt motion on January 17, 2005, this case was only reassigned to the undersigned judge on March 26, 2007.

officers, many of the claimants herein have no right under the order to recover for the time spent caring for their canines.

(2) It is also undisputed that defendant has complied with Judge Green's order to pay the originally named plaintiffs backpay, liquidated damages, and reasonable attorney's fees in amounts specified by subsequent orders. (*See* Opp. at 5 ("The amounts that the Court found to be owed to the Plaintiffs in 1995 have been fully paid to them."); Reply at 2 ("The District of Columbia government has followed the judgment partially up to this date and has not *simply* paid the specific amounts of the judgment as entered originally in this matter." (emphasis added)).)

(3) Contrary to plaintiffs' assertion - - and notwithstanding that defendant may now *voluntarily* be "including thirty minutes per day for the care of canines for each canine officer" in the D.C. Metropolitan police force (Opp. at 1) - - Judge Green's order awarded only retrospective, not prospective, relief (and further, as already stated, the relief awarded applied only to the originally named plaintiffs). *See Levering*, 869 F. Supp. at 30–31 (discussing the awards of backpay, liquidated damages, and attorney's fees, without mentioning injunctive relief); *cf.* 29 U.S.C. § 217 (2004) (authorizing the district courts to grant injunctions for FLSA violations); *O'Brien v. Town of Agawam*, 440 F. Supp. 2d 3, 15 (D. Mass. 2006) (indicating that declaratory and injunctive relief under the FLSA should be sought separately from backpay and liquidated damages).

Based on the above findings, it cannot be concluded that defendant is in contempt of any court order previously issued in this case by Judge Green.

ORDERED that plaintiffs' motion [29] be **DENIED**.

s/
ELLEN SEGAL HUVELLE
United States District Judge

Date: March 29, 2007