

(2) A CONFLICTING OR COMPETING INTEREST IN A LABOR DISPUTE OF A PERSON PARTICIPATING OR INTERESTED IN THE LABOR DISPUTE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 74(1).

Defined terms: "Labor dispute" § 4-301

"Person" § 1-101

"Person participating or interested in a labor dispute" § 4-301

4-311. LEGISLATIVE FINDINGS AND POLICY.

THE GENERAL ASSEMBLY FINDS THAT A PROCEDURE THAT ALLOWS A PLAINTIFF TO OBTAIN SWEEPING INJUNCTIVE RELIEF WITHOUT GIVING TO EACH DEFENDANT NOTICE OF AND A HEARING BASED WHOLLY OR PARTLY ON EXAMINATION AND CROSS-EXAMINATION OF WITNESSES IN OPEN COURT, RATHER THAN ON AFFIDAVITS ALONE, IS PECULIARLY SUBJECT TO ABUSE IN LATER LITIGATION BECAUSE:

(1) INJUNCTIVE RELIEF NECESSARILY ALTERS, RATHER THAN MAINTAINS, THE STATUS QUO;

(2) DETERMINATION OF ISSUES OF VERACITY AND OF PROBABILITY OF FACT FROM AFFIDAVITS OF THE OPPOSING PARTIES THAT ARE CONTRADICTORY AND, UNDER THE CIRCUMSTANCES, UNTRUSTWORTHY RATHER THAN FROM ORAL EXAMINATION IN OPEN COURT IS SUBJECT TO GRAVE ERROR;

(3) ERRONEOUS ISSUANCE OF INJUNCTIVE RELIEF USUALLY IS IRREPARABLE TO THE DEFENDANT; AND

(4) DELAY INCIDENT TO APPEALS FREQUENTLY MAKES ULTIMATE CORRECTION OF ERROR UNAVAILING IN A PARTICULAR CASE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 67, except the introductory phrase.

In the introductory language of this section, the word "plaintiff" is substituted for the former words "complaining party", to conform to Md. Rule 1-301. Similarly, in the introductory language and item (3) of this section, the word "defendant" is substituted for the former words "responding ... parties" and "opposing party". This latter substitution also avoids confusion with the reference to "opposing parties", in item (2) of this section, which seemingly encompasses both plaintiffs and defendants.

Also in the introductory language of this section, the word "[e]quity", which formerly modified the word "procedure", is deleted as unnecessary in light of the elimination of distinctions between law and equity for purposes of pleadings. See Md. Rule 2-301.