



BALTIMORE CITY LAW DEPARTMENT
SIGNIFICANT LITIGATION REPORT
 - Appellate Practice Group -

<u>Name</u>	<u>No.</u>	<u>Case Status</u>	<u>Description</u>	<u>Monetary Demand</u>	<u>Injunctive Demand</u>	<u>Manner of Resolution</u>	<u>Date of Resolution</u>	<u>City Payment</u>
<i>Baltimore Police Department v. David Esteppe</i>	CSA-REG-3128-2018; COA-REG-47-2020	Favorable COA decision; remanded to circuit court	Police scope of employment case. Seeking to impress a love interest, a BPD officer filed a fraudulent application for a search warrant that resulted in a search of the plaintiff's home and his arrest. The plaintiff obtained a \$167,000 judgment against the officer, and the circuit court ruled that the BPD is liable for that amount because the officer was acting within the scope of his employment. BPD appealed, and CSA vacated circuit court decision and remanded. COA granted cert in both petition and cross-petition.	\$167,000	None	CSA reversed the circuit court in a reported decision 8/27/2020; COA heard argument on 4/8/2021; COA affirmed CSA's decision to vacate lower court order, remanded for further proceedings.	8/25/2021	
<i>Baltimore Police Department v. Dominique Wiggins</i>	CSA-REG-1229-2020	Favorable CSA decision; disciplinary charges may proceed	Police discipline action dismissed by circuit court for alleged LEOBR violation. BPD has appealed.	None	Dismissal of police disciplinary action	CSA reversed the circuit court's dismissal of disciplinary charges in an unreported opinion.	10/18/2021	
<i>Baltimore Police Department v. Wanda Johnson</i>	CSA-REG-1230-2020	Favorable CSA decision; disciplinary charges may proceed	Police discipline action dismissed by circuit court for alleged LEOBR violation. BPD has appealed.	None	Dismissal of police disciplinary action	CSA reversed the circuit court's dismissal of disciplinary charges in an unreported opinion.	10/18/2021	
<i>Clear Channel Outdoor, Inc. v. Director, Department of Finance of Baltimore City</i>	SCOTUS Pet. No. 21-219	Awaiting decision on cert petition to SCOTUS	Clear Channel challenges the City's billboard tax as a violation of the company's First Amendment free speech rights. The Tax Court, circuit court, Court of Special Appeals, and Court of Appeals have each rejected Clear Channel's claim.	\$6,000,000+	Invalidation of the billboard tax			
<i>The Council of Unit Owners of The Millrace Condominium, et al v. City Planning Commission, et al.,</i>	CSA-REG-131-2021	Being briefed in CSA	Dispute of zoning decision.	None	Reversal of zoning decision.			
<i>Energy Policy Advocates v. Mayor and City Council of Baltimore</i>	CSA-REG-1059-2020	Favorable decision in CSA; plaintiff seeking cert from COA	Plaintiff seeking release of privileged and otherwise protected documents concerning lawsuit against fossil fuel companies.		Release of protected documents.	CSA affirmed circuit court judgment in favor of city; plaintiff asking COA to review		
<i>Gisell Paula, et al. v. Baltimore Police Department, et al.</i>	CSA-REG-1272-2020	Awaiting decision in CSA	Plaintiffs alleged the denial of the "right of protection of a civilian review board" and sought to enjoin the City's Law Department and Office of Equity and Civil Rights from providing administrative assistance and legal counsel to the Civilian Review Board. The circuit court found that the plaintiffs lacked standing to sue, and dismissed the lawsuit.		Injunction mandating how the Civilian Review Board is organized and operates			
<i>Guest v. MCCB</i>	CSA-REG-457-2021	Awaiting briefing in CSA	Plaintiff alleges injuries after his car slid on ice caused by a leaking water meter and crash into a house. Dispute over application of LGTCA to scenario where alleged joint tortfeasor has settled.	\$400,000	None			
<i>In the matter of Petition of Guilford Ave. LLC</i>	CSA-REG-0549-2021	Being briefed in CSA	Dispute of zoning decision.	None	Reversal of zoning decision.			
<i>Kathy Hudson, et al., v. Mayor and City Council of Baltimore, et al.</i>	CSA-REG-2346-2019	Mixed CSA decision	The circuit court vacated and remanded the City Council's approval of the Overlook PUD. The City is appealing the part of the ruling in which the circuit court found that the PUD was governed by the PUD provisions of the former zoning code but the height regulations of the current zoning code		Cancellation of \$40 million, 148-unit apartment building planned near Falls Road and Northern Parkway (approved by City Council in 2017)	CSA affirmed the circuit court's decision in all regards, including those both favorable and unfavorable to the City	9/16/2021	



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<i>Kerron Andrews v. Baltimore Police Department</i>	18-1953	On limited remand for further factfinding in district court; Fourth Circuit has retained jurisdiction	Andrews sued the police department and individual officers who used a cell-site simulator to locate Andrews's cell phone and, thus, him, to execute a warrant for his arrest for attempted murder. The district court granted summary judgment against Andrews, but the Fourth Circuit ordered a limited remand for further factfinding before ruling on the propriety of the district court's ruling	\$100,000+	Injunction prohibiting use of cell-site simulators			
<i>Legends Sales And Marketing LLC, et al v. Arena Ventures LLC</i>	CSA-REG-0041-2020/COA-PET-99-2021	Unfavorable decision from CSA; cert petition to COA denied.	Contract dispute over billboards on the City arena. The City has already been found liable; the only remaining issue is the measure of damages, i.e., how much the billboard structures are worth. The circuit court ordered the City to pay about \$1.45 million. The City appeals that ruling.	\$1,457,264	None	Unfavorable decision from CSA; cert petition to COA denied.	8/2/2021	TBD
<i>Marquis Foster v. Baltimore Police Department</i>	CSA-REG-1666-2019	Favorable CSA decision	Plaintiff sought \$1 million for alleged false arrest and battery by BPD officers. The circuit court dismissed the lawsuit, and the plaintiff appealed.	\$1,000,000	None	CSA affirmed circuit court dismissal.	7/30/2021	\$0
<i>Mayor and City Council of Baltimore City v. Sade Barnett</i>	CSA-REG-2601-2019	Favorable CSA decision	Personal injury action. Plaintiff alleged that she fell after tripping on a loose water meter cover and injured her right foot, which went into the water meter vault. City appeals multiple issues.	\$293,000 plus interest	None	CSA reversed the circuit court's failure to award judgment as a matter of law to the City for lack of evidence of prior notice of the defect.	10/20/2021	\$0
<i>Mayor And City Council of Baltimore City v. Friends of Gwynns Falls/Leakin Park, Inc., et al</i>	CSA-REG-1274-2020	Awaiting decision in CSA	In dispute over the franchise fee charged for a pipeline through a park, the circuit court refused to quash a notice to depose the former Mayor and Comptroller. The City filed an interlocutory appeal.	None	The deposition of two high-ranking City officials regarding their deliberative processes.			
<i>Mayor and City Council of Baltimore v. AEG Live Mid-Atlantic, LLC ("Pier 6 II")</i>	CSA-REG-3056-2018	Favorable CSA decision	Action to recover damages related to a contract dispute involving Pier 6. AEG obtained an injunction from the circuit court against the City and was required to post \$750,000 bond to protect the City against damages resulting from the injunction. The injunction was in place and operational for more than a month before the CSA stayed it during the City's appeal of the injunction. Months later, AEG voluntarily dismissed the underlying action against the City, which caused the appeal of the injunction to be dismissed as moot. AEG then moved to release the bond, and the City moved to recover damages in excess of \$325,000 from the bond. The circuit court denied the City's request. The City appealed.	City is seeking \$325,000+	None	CSA reversed circuit court's grant of summary judgment against City; remanded matter to circuit court; parties discussing settlement.	7/29/2021	\$0
<i>Mayor and City Council of Baltimore v. Thornton Mellon LLC</i>	COA-REG-6-2021	Awaiting COA decision.	Tax sale purchaser purported to assign a foreclosure judgment to another entity, then obtained a court order that the City issue a deed in the name of the purported assignee. The City believes the assignment is invalid and has appealed the order to issue the deed in the purported assignee's name.		The issuance of a tax sale deed to what the City believes is the improper party	CSA affirmed unfavorable circuit court decision on 1/28/2021; COA granted City cert on 5/11/2021, heard argument on 10/7/2021.		
<i>Michael Harrison, et al., v. Marcus Johnson</i>	CSA-REG-1209-2020	Mixed CSA decision	Police discipline action dismissed by circuit court for alleged LEOBR violation. BPD has appealed.	None	Dismissal of police disciplinary action	CSA reversed the circuit court's dismissal of one disciplinary charge, but affirmed dismissal of other charges in an unreported opinion.	10/18/2021	
<i>Open Justice Baltimore v. Baltimore Police Dept., et al.</i>	CSA-REG-122-2020	Awaiting CSA decision	Plaintiff seeking release of large amounts of privileged and otherwise protected documents without payment of statutorily provided fees.		Release of protected documents, and provision of copies without payment.			



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<i>Open Justice Baltimore v. The City of Baltimore, et al.</i>	CSA-REG-1058-2020	Favorable CSA decision	Plaintiff seeking release of privileged and otherwise protected documents concerning Civilian Review Board without payment of statutorily provided fees.		Release of protected documents, and provision of copies without payment.	CSA affirmed the circuit court's rejection of plaintiff's arguments.	8/6/2021	
<i>Robert Cherry, et al., v. Mayor and City Council of Baltimore</i>	COA-REG-36-2020	Mostly favorable COA decision	Class action where plaintiffs were members of police and fire pension system seeking damages for pension reformed enacted in 2010. As to claims of active members of plan, judgment entered in favor of City. As to approximately 1,500 retirees or retiree-eligibles of the plan, judgment entered against City in amount of \$31 million	\$100,000,000+		COA affirmed circuit court decision in all respects, including those both favorable and unfavorable to the City.	9/29/2021	\$ 35,280,990
<i>St. Michael's Media, Inc. v. Baltimore</i>	21-2158	In expedited briefing in 4th Circuit	The City has taken an interlocutory appeal to the 4th Circuit challenging the preliminary injunction issued by the federal trial court preventing the City from refusing to host a particular rally at the City-owned Pier Six Pavilion non-public concert venue due to security concerns.	None	The City asks the appellate Court to vacate the injunction of the trial court.			
<i>Verdessa McDougald v. Matthew Pow</i>	20-2313	Favorable 4th Circuit decision without argument	Appeal of the summary judgment granted to all defendants on the grounds that in-custody suicide was not foreseeable	Unspecified damages over \$100,000	None	4th Circuit affirmed favorable trial court judgment without requiring oral argument	7/20/2021	\$0
<i>Whitehall Mill LLC v. MCCB</i>	CSA-REG-408-2021	Motion to dismiss appeal granted in CSA.	Plaintiff appealing the same issue a second time in contradiction of relevant law.	\$1,000,000+	Awarding a historic tax credit for which Plaintiff did not qualify. Refund of taxes paid.	Motion to dismiss appeal granted	8/26/2021	\$0