

**IN THE CIRCUIT COURT FOR
BALTIMORE CITY, MARYLAND**

**American Civil Liberties Union
Foundation of Maryland,**
3600 Clipper Mill Road
Suite 350
Baltimore, MD 21211

and

The Real News Network
231 N. Holliday Street
Baltimore, MD 21202

Plaintiffs,

v.

City of Salisbury,
125 North Division Street
Salisbury, MD 21801-4940

Salisbury Police Department,
699 West Salisbury Parkway
Salisbury, MD 21801

and

Christopher M. Demone, in his official
capacity as Public Information Officer for
the City of Salisbury and the Salisbury
Police Department
125 North Division Street
Salisbury, MD 21801-4940

Defendants.

Case No.: _____

CIVIL DIVISION

2017 JUN 29 AM 10:00

COMPLAINT

Plaintiffs American Civil Liberties Union Foundation of Maryland (“ACLU of Maryland”) and The Real News Network (“TRNN”), by and through undersigned counsel, and for its complaint against Defendants City of Salisbury (the “City” or “Salisbury”), the Salisbury

Police Department (“SPD”), and Christopher M. Demone (“Demone”), state, claim and allege as follows:

NATURE OF THE CASE

1. This is an action challenging as unlawful under the Maryland Public Information Act, Maryland Code, General Provisions § 4-101 *et seq.* (“MPIA”), the City of Salisbury and Salisbury Police Department’s failure to disclose information about the resolution of lawsuits alleging police misconduct toward Maryland citizens and/or other members of the public.

2. Plaintiffs ACLU of Maryland, a civil rights organization, and TRNN, a nonprofit media organization, sought information under the MPIA about the City’s settlement of a federal lawsuit against the SPD, entitled *Adams v. Aita*, No. RDB-14-2793, 2015 WL 5255358 (D. Md. Sept. 26, 2016). That suit alleged, among other things, that Salisbury University students endured police brutality, excessive force, and illegal seizure, detention, and arrest at the hands of an SPD officer. The complaint further alleged that SPD personnel confiscated surveillance footage of the incident and further attempted to cover up of this unlawful conduct by creating fictional narratives and reports. The complaint further alleged that SPD encouraged the unlawful conduct by implementing policies that allowed its officers to violate constitutional rights of students and others.

3. The City and the SPD denied Plaintiffs’ request outright, contending that neither entity has any documents relating to the *Adams* litigation or the settlement thereof.

4. Notably, Plaintiffs’ request and this Complaint arise in the context of allegations that City officials require those who challenge police misconduct sign confidentiality agreements as a condition of settlement.

5. Confidentiality provisions obstruct the public's access to public records regarding the decisions and operations of government institutions including municipalities and local law enforcement agencies. Access to the information at issue is necessary to ensure accountability of police and public officials, and to foster community trust in law enforcement. Given the importance of accountability of public officials and agencies to Maryland citizens, there is a significant public interest in disclosing a settlement agreement related to allegations of excessive use of force, baseless arrests, filing false police reports, and other abusive police practices. Likewise, there is a significant public interest in disclosure of documents that reflect whether Defendants Salisbury and SPD are complying with any obligations to reform or otherwise alter policy and practices as might be set forth in the settlement agreement, and whether any disciplinary action was imposed against the individuals at issue in the *Adams* litigation or other law enforcement personnel connected to the allegations in that case.

6. The Maryland legislature intended the MPIA to be “construed in favor of allowing inspection of a public record.” Md. Code G.P. § 4-103(b). There is a well-established presumption in Maryland of disclosure of government or public records or documents. *Maryland Dep’t of State Police v. Maryland State Conference of NAACP Branches*, 430 Md. 179, 190 (2013). This presumption also applies to public access to court proceedings and records, including purportedly confidential settlement agreements and related documents in a lawsuit. *Baltimore Sun Co. v. Mayor & City Council of Baltimore*, 359 Md. 653, 660 (2000) (finding the “common law principle of openness regarding public access to court proceedings and court records” as favoring transparency to allow the Baltimore Sun and the public at large to review the settlement agreement between the plaintiff and the City of Baltimore).

PARTIES

7. Plaintiff ACLU of Maryland is the Maryland affiliate of a national civil rights organization, American Civil Liberties Union, which has local affiliates throughout the country. The ACLU of Maryland is dedicated to protecting the civil rights and liberties of all Marylanders and visitors to Maryland. The ACLU of Maryland is composed of a non-profit 501(c)(3) foundation and a non-profit 501(c)(4) organization, which receive most of their funding through charitable donations. The ACLU of Maryland has its main office at 3600 Clipper Mill Road, Suite 350, Baltimore, MD 21211.

8. Plaintiff ACLU of Maryland is a person and an applicant within the meaning of the MPIA. Md. Code G.P. § 4-101(b).

9. Plaintiff TRNN is a non-profit, internet-based, viewer-supported, daily video-news and documentary service. TRNN provides fact-guided reporting of daily news stories and bases its journalism on verifiable evidence. It has offices in the United States and Canada. Its principal place of business in the United States is located at 231 N. Holliday Street, Baltimore, MD 21202.

10. Plaintiff TRNN is a person and an applicant within the meaning of the MPIA. Md. Code G.P. § 4-101(b).

11. Defendant City of Salisbury is a municipal corporation and a political subdivision within the meaning of the MPIA. Md. Code G.P. § 4-101(i). All of its acts and omissions are taken under the color of law. It is required to maintain public records, as set forth in the MPIA. Md. Code Regs. 14.18.02.04-05.

12. Defendant Salisbury Police Department is a law enforcement agency that serves Salisbury and is a department within the government of Salisbury. Defendant SPD is funded through a budget set by the Mayor of Salisbury and approved by the City Council. Salisbury,

Md., Charter, art. III, §SC3-4(F). Defendant SPD is part of a municipal corporation and a political subdivision within the meaning of the MPIA. Md. Code G.P. § 4-101(i); *see also* Salisbury, Md., Charter, art. I, §SC1-19 (listing the police department as one of the departments of the City of Salisbury government). All of its acts and omissions are under the color of law. It is required to maintain public records, as set forth in the MPIA. Md. Code Regs. 14.18.02.04-05.

13. Defendant Christopher Demone is the officially designated Public Information Officer for both the City of Salisbury and the SPD. Brian E. Frosh, Maryland Office of the Attorney General, Maryland Public Information Act Manual J-40 (15th ed. 2016), http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Appendix_J.pdf. Defendant Demone is a public records custodian within the meaning of the MPIA. Md. Code G.P. § 4-101(d). Defendant Demone's acts and omissions are taken under color of law. Defendant Demone is responsible for ensuring that Defendants Salisbury and SPD comply with the MPIA, which includes providing for inspection of all public records within their possession, custody, and/or control. *See* Md. Code G.P. § 4-503(b).

JURISDICTION AND VENUE

14. This Court has jurisdiction over this action pursuant to Md. Code G.P. § 4-362(a)(1) and Cts. & Jud. Proc. § 1-501.

15. Because both Plaintiffs ACLU of Maryland and TRNN have principal places of business in Baltimore City, venue in this Court is proper under Md. Code G.P. § 4-362(a)(3).

STATEMENT OF RELEVANT FACTS

16. On September 3, 2014, four Salisbury University students filed suit in the U.S. District Court for the District of Maryland against the City and one police officer employed by

the SPD. *See* Compl., *Adams v. Aita*, No. RDB-14-2793, 2015 WL 5255358 (D. Md. Sept. 3, 2014).

17. The *Adams* complaint alleged facts detailing police brutality, excessive force, illegal seizure, detention, and arrest. The complaint claimed that the students had sustained both physical and emotional injuries due to the use of excessive force by an SPD officer. The complaint further alleged that SPD personnel confiscated surveillance footage of the relevant incident(s), created fictional police narratives and reports in an attempt to cover up the unlawful use of force, and implemented and encouraged policies that allowed its officers to violate constitutional rights, particularly those of Salisbury University students. *See* Am. Compl., *Adams v. Aita*, No. RDB-14-2793, 2015 WL 5255358 (D. Md. Sept. 30, 2014).

18. In September 2015, the *Adams* court denied the defendants' motion to dismiss the claims. The court concluded that the plaintiffs sufficiently alleged illegal patterns and practices of wrongfully targeting and arresting individuals, and also patterns and practices of creating fictional, post-dated, or grossly exaggerated narratives to justify such arrests. *Adams*, No. RDB-14-2793, 2015 WL 5255358 (D. Md. Sept. 9, 2015).

19. On September 26, 2016, the *Adams* court entered an order stating that it had been notified that the parties in the *Adams* litigation had settled all claims and, therefore, pursuant to U.S. District Court for the District of Maryland Local Rule 111, the case would be dismissed.

20. The September 26, 2016 order did not place the *Adams* case or any documents related to the settlement thereof under seal.

21. A news article about the *Adams* case reported that the settlement was confidential. Heather Coburn, Salisbury Students Settle Lawsuit Against Police Officer, City, *The Daily Record* (Baltimore, Md.), Sept. 26, 2016.

26. On December 1, 2016, Plaintiff ACLU of Maryland received a two-sentence electronic message from Defendant Demone responding to the November 1 MPIA request. *See* Ex. B, E-mail Correspondence Between Demone and ACLU of Maryland.

27. Defendant Demone's December 1 response stated, in relevant part, "the City of Salisbury does not have in its possession any documents" responsive to Plaintiffs' November 1 application. Ex. B, E-mail Correspondence Between Demone and ACLU of Maryland.

28. That same day, in follow-up to Defendant Demone's response, Plaintiffs asked for clarification as to whether Demone was responding in his capacity of record custodian for both for the City and for the SPD. Plaintiffs asked whether Demone was contending that neither the City nor SPD possessed any of the requested information. Plaintiffs' follow-up also advised Mr. Demone that Plaintiffs were previously informed by City officials that all information requests for either the City or the SPD must be made to him, as Public Information Officer for both. Ex. B, E-mail Correspondence Between Demone and ACLU of Maryland.

29. Defendant Demone responded to Plaintiffs' December 1 inquiry by reiterating that "SPD does not have the requested documents" or "any documents related to litigation." Defendant Demone then noted that "the City is represented by Local Government Insurance Trust," but never indicated the relevance of this representation to Plaintiffs' application and inquiries. Ex. B, E-mail Correspondence Between Demone and ACLU of Maryland.

30. Defendant Demone never stated or otherwise suggested that the requested documents either did not exist or fell within any disclosure exemption under the MPIA.

31. Defendant Demone's responses never cited legal authority for either the failure to produce the requested documents or Plaintiffs' appeal rights concerning the non-inspection. *See* Md. Code G.P § 4-203(c)(1).

32. On December 9, 2016, Plaintiffs sent another request for the same documents and records, this time to Salisbury Mayor Jacob Day and SPD Police Chief Barbara Duncan, and enclosed Plaintiffs' November 1, 2016 MPIA application. Plaintiffs also copied the Salisbury City Solicitor and Defendant Demone on this December 9 request. *See* Ex. C, Pls.' Second MPIA App.

33. The December 9, 2016 request not only reiterated the initial MPIA application, it emphasized the gravity of Defendants' failure to produce the documents, particularly in light of the significant public interest in police accountability and transparency in Maryland. Ex. C, Pls.' Second MPIA App.

34. To date, Plaintiffs have received no response to their December 9, 2016 correspondence.

COUNT I

Improper Denial of Access to Public Records; Failure to Disclose Public Records In Accordance with the Maryland Public Information Act, Md. Code G.P. §§ 4-101, *et seq.*

35. Plaintiffs ACLU of Maryland and TRNN incorporate by reference the allegations set forth in paragraphs 1-34 as if fully set forth herein.

36. The MPIA states, "All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees." Md. Code G.P. § 4-103(a). Further, the MPIA "shall be construed in favor of allowing inspection of a public record." Md. Code G.P. § 4-103(b).

37. The MPIA requires that, "[e]xcept as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time." Md. Code G.P. § 4-201(a)(1).

46. Accordingly, Defendants have violated the MPIA for failing to allow inspection of the public records requested by Plaintiffs ACLU of Maryland and TRNN.

47. Defendants also violated the MPIA for failure to issue a timely response to Plaintiffs' December 9, 2016 request, and for failure to provide all information required when denying inspection of public records. Md. Code G.P. § 4-203(b)(3); § 4-203(c).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs American Civil Liberties Union Foundation of Maryland and The Real News Network respectfully request that this Court:

(1) Enter declaratory judgment in favor of Plaintiffs American Civil Liberties Union Foundation of Maryland and The Real News Network, and issue an order declaring that Defendants City of Salisbury, the Salisbury Police Department and Salisbury Public Information Officer Christopher M. Demone have violated the MPIA by failing to produce the public records requested by Plaintiffs in a timely manner;

(2) Enter an injunction preventing Defendants from withholding the public records sought by Plaintiffs and ordering Defendants to produce to Plaintiffs American Civil Liberties Union Foundation of Maryland and The Real News Network, or otherwise permit Plaintiffs to inspect and copy, any and all public records within Defendants' possession, custody, or control that fall within the scope of Plaintiffs' November 1, 2016 MPIA application;

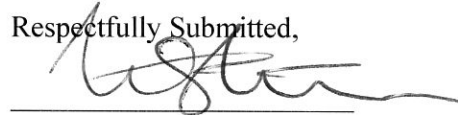
(3) Award Plaintiffs American Civil Liberties Union Foundation of Maryland and The Real News Network actual and statutory damages, as authorized by the MPIA, Md. Code G.P. § 4-362(d);

(4) Award Plaintiffs American Civil Liberties Union Foundation of Maryland and The Real News Network the costs they have incurred, including counsel fees and litigation costs, in maintaining this action, as authorized under the MPIA, Md. Code G.P. § 4-362(f); and

(5) Grant Plaintiffs American Civil Liberties Union Foundation of Maryland and The Real News Network such other relief as the Court deems just and proper.

Date: June 29, 2017

Respectfully Submitted,



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Counsel for Plaintiffs
ACLU of Maryland and TRNN

IN THE CIRCUIT COURT FOR Baltimore City

(City or County)

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a).

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING

FORM FILED BY: <input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT		CASE NUMBER _____ (Clerk to insert)
CASE NAME: <u>ACLU of Md. and Real News Network</u> vs. <u>City of Salisbury, et al.</u> Plaintiff Defendant		
PARTY'S NAME: _____		PHONE: _____
PARTY'S ADDRESS: _____		
PARTY'S E-MAIL: _____		
If represented by an attorney:		
PARTY'S ATTORNEY'S NAME: <u>Paul W. Kalish</u>		PHONE: <u>(202) 624-2500</u>
PARTY'S ATTORNEY'S ADDRESS: <u>1001 Pennsylvania Ave. NW, Washington, DC 20004</u>		
PARTY'S ATTORNEY'S E-MAIL: <u>pkalish@crowell.com</u>		
JURY DEMAND? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
RELATED CASE PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, Case #(s), if known: _____		
ANTICIPATED LENGTH OF TRIAL?: _____ hours <u>1</u> days		

PLEADING TYPE

New Case: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Appeal
Existing Case: <input type="checkbox"/> Post-Judgment <input type="checkbox"/> Amendment
<i>If filing in an existing case, skip Case Category/ Subcategory section - go to Relief section.</i>
IF NEW CASE: CASE CATEGORY/SUBCATEGORY (Check one box.)

TORTS <input type="checkbox"/> Asbestos <input type="checkbox"/> Assault and Battery <input type="checkbox"/> Business and Commercial <input type="checkbox"/> Conspiracy <input type="checkbox"/> Conversion <input type="checkbox"/> Defamation <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Fraud <input type="checkbox"/> Lead Paint - DOB of Youngest Plt: _____ <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Malpractice-Medical <input type="checkbox"/> Malpractice-Professional <input type="checkbox"/> Misrepresentation <input type="checkbox"/> Motor Tort <input type="checkbox"/> Negligence <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> Specific Performance <input type="checkbox"/> Toxic Tort <input type="checkbox"/> Trespass <input type="checkbox"/> Wrongful Death CONTRACT <input type="checkbox"/> Asbestos <input type="checkbox"/> Breach <input type="checkbox"/> Business and Commercial <input type="checkbox"/> Confessed Judgment (Cont'd) <input type="checkbox"/> Construction <input type="checkbox"/> Debt <input type="checkbox"/> Fraud	<input type="checkbox"/> Government <input type="checkbox"/> Insurance <input type="checkbox"/> Product Liability PROPERTY <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Breach of Lease <input type="checkbox"/> Detinue <input type="checkbox"/> Distress/Distrain <input type="checkbox"/> Ejectment <input type="checkbox"/> Forcible Entry/Detainer <input type="checkbox"/> Foreclosure <input type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Currency or Vehicle <input type="checkbox"/> Deed of Trust <input type="checkbox"/> Land Installments <input type="checkbox"/> Lien <input type="checkbox"/> Mortgage <input type="checkbox"/> Right of Redemption <input type="checkbox"/> Statement Condo <input type="checkbox"/> Forfeiture of Property / Personal Item <input type="checkbox"/> Fraudulent Conveyance <input type="checkbox"/> Landlord-Tenant <input type="checkbox"/> Lis Pendens <input type="checkbox"/> Mechanic's Lien <input type="checkbox"/> Ownership <input type="checkbox"/> Partition/Sale in Lieu <input type="checkbox"/> Quiet Title <input type="checkbox"/> Rent Escrow <input type="checkbox"/> Return of Seized Property <input type="checkbox"/> Right of Redemption <input type="checkbox"/> Tenant Holding Over	PUBLIC LAW <input type="checkbox"/> Attorney Grievance <input type="checkbox"/> Bond Forfeiture Remission <input type="checkbox"/> Civil Rights <input type="checkbox"/> County/Mncpl Code/Ord <input type="checkbox"/> Election Law <input type="checkbox"/> Eminent Domain/Condemn. <input type="checkbox"/> Environment <input type="checkbox"/> Error Coram Nobis <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Mandamus <input type="checkbox"/> Prisoner Rights <input checked="" type="checkbox"/> Public Info. Act Records <input type="checkbox"/> Quarantine/Isolation <input type="checkbox"/> Writ of Certiorari EMPLOYMENT <input type="checkbox"/> ADA <input type="checkbox"/> Conspiracy <input type="checkbox"/> EEO/HR <input type="checkbox"/> FLSA <input type="checkbox"/> FMLA <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Wrongful Termination INDEPENDENT PROCEEDINGS <input type="checkbox"/> Assumption of Jurisdiction <input type="checkbox"/> Authorized Sale <input type="checkbox"/> Attorney Appointment <input type="checkbox"/> Body Attachment Issuance <input type="checkbox"/> Commission Issuance	<input type="checkbox"/> Constructive Trust <input type="checkbox"/> Contempt <input type="checkbox"/> Deposition Notice <input type="checkbox"/> Dist Ct Mtn Appeal <input type="checkbox"/> Financial <input type="checkbox"/> Grand Jury/Petit Jury <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Perpetuate Testimony/Evidence <input type="checkbox"/> Prod. of Documents Req. <input type="checkbox"/> Receivership <input type="checkbox"/> Sentence Transfer <input type="checkbox"/> Set Aside Deed <input type="checkbox"/> Special Adm. - Atty <input type="checkbox"/> Subpoena Issue/Quash <input type="checkbox"/> Trust Established <input type="checkbox"/> Trustee Substitution/Removal <input type="checkbox"/> Witness Appearance-Compel PEACE ORDER <input type="checkbox"/> Peace Order EQUITY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Equitable Relief <input type="checkbox"/> Injunctive Relief <input type="checkbox"/> Mandamus OTHER <input type="checkbox"/> Accounting <input type="checkbox"/> Friendly Suit <input type="checkbox"/> Grantor in Possession <input type="checkbox"/> Maryland Insurance Administration <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Specific Transaction <input type="checkbox"/> Structured Settlements
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IF NEW OR EXISTING CASE: RELIEF (Check All that Apply)

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Abatement | <input type="checkbox"/> Earnings Withholding | <input type="checkbox"/> Judgment-Interest | <input type="checkbox"/> Return of Property |
| <input type="checkbox"/> Administrative Action | <input type="checkbox"/> Enrollment | <input type="checkbox"/> Judgment-Summary | <input type="checkbox"/> Sale of Property |
| <input type="checkbox"/> Appointment of Receiver | <input type="checkbox"/> Expungement | <input type="checkbox"/> Liability | <input type="checkbox"/> Specific Performance |
| <input type="checkbox"/> Arbitration | <input type="checkbox"/> Findings of Fact | <input type="checkbox"/> Oral Examination | <input type="checkbox"/> Writ-Error Coram Nobis |
| <input type="checkbox"/> Asset Determination | <input type="checkbox"/> Foreclosure | <input type="checkbox"/> Order | <input type="checkbox"/> Writ-Execution |
| <input type="checkbox"/> Attachment b/f Judgment | <input type="checkbox"/> Injunction | <input type="checkbox"/> Ownership of Property | <input type="checkbox"/> Writ-Garnish Property |
| <input type="checkbox"/> Cease & Desist Order | <input type="checkbox"/> Judgment-Affidavit | <input type="checkbox"/> Partition of Property | <input type="checkbox"/> Writ-Garnish Wages |
| <input type="checkbox"/> Condemn Bldg | <input type="checkbox"/> Judgment-Attorney Fees | <input type="checkbox"/> Peace Order | <input type="checkbox"/> Writ-Habeas Corpus |
| <input type="checkbox"/> Contempt | <input type="checkbox"/> Judgment-Confessed | <input type="checkbox"/> Possession | <input type="checkbox"/> Writ-Mandamus |
| <input type="checkbox"/> Court Costs/Fees | <input type="checkbox"/> Judgment-Consent | <input type="checkbox"/> Production of Records | <input type="checkbox"/> Writ-Possession |
| <input type="checkbox"/> Damages-Compensatory | <input type="checkbox"/> Judgment-Declaratory | <input type="checkbox"/> Quarantine/Isolation Order | |
| <input type="checkbox"/> Damages-Punitive | <input type="checkbox"/> Judgment-Default | <input type="checkbox"/> Reinstatement of Employment | |

If you indicated **Liability** above, mark one of the following. This information is not an admission and may not be used for any purpose other than Track Assignment.

☐ Liability is conceded. ☐ Liability is not conceded, but is not seriously in dispute. ☐ Liability is seriously in dispute.

MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)

☒ Under \$10,000 ☐ \$10,000 - \$30,000 ☐ \$30,000 - \$100,000 ☐ Over \$100,000

☐ Medical Bills \$ _____ ☐ Wage Loss \$ _____ ☐ Property Damages \$ _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☐ Yes ☐ No C. Settlement Conference ☐ Yes ☐ No

B. Arbitration ☐ Yes ☐ No D. Neutral Evaluation ☐ Yes ☐ No

SPECIAL REQUIREMENTS

☐ If a Spoken Language Interpreter is needed, **check here and attach form CC-DC-041**

☐ If you require an accommodation for a disability under the Americans with Disabilities Act, **check here and attach form CC-DC-049**

ESTIMATED LENGTH OF TRIAL

*With the exception of Baltimore County and Baltimore City, please fill in the estimated **LENGTH OF TRIAL**.*

(Case will be tracked accordingly)

☐ 1/2 day of trial or less

☐ 3 days of trial time

☐ 1 day of trial time

☐ More than 3 days of trial time

☐ 2 days of trial time

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-308 is requested, attach a duplicate copy of complaint and check one of the tracks below.

☐ **Expedited**- Trial within 7 months of Defendant's response

☐ **Standard** - Trial within 18 months of Defendant's response

EMERGENCY RELIEF REQUESTED

**COMPLEX SCIENCE AND/OR TECHNOLOGICAL CASE
MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO ASTAR RESOURCES JUDGES under
Md. Rule 16-302, attach a duplicate copy of complaint and check whether assignment to an ASTAR is requested.*

☐ **Expedited** - Trial within 7 months of
Defendant's response

☐ **Standard** - Trial within 18 months of
Defendant's response

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, OR BALTIMORE COUNTY,
PLEASE FILL OUT THE APPROPRIATE BOX BELOW.**

CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Expedited | Trial 60 to 120 days from notice. Non-jury matters. |
| <input type="checkbox"/> Civil-Short | Trial 210 days from first answer. |
| <input type="checkbox"/> Civil-Standard | Trial 360 days from first answer. |
| <input type="checkbox"/> Custom | Scheduling order entered by individual judge. |
| <input type="checkbox"/> Asbestos | Special scheduling order. |
| <input type="checkbox"/> Lead Paint | Fill in: Birth Date of youngest plaintiff..... |
| <input type="checkbox"/> Tax Sale Foreclosures | Special scheduling order. |
| <input type="checkbox"/> Mortgage Foreclosures | No scheduling order. |

CIRCUIT COURT FOR BALTIMORE COUNTY

- | | |
|---|--|
| <input type="checkbox"/> Expedited
(Trial Date-90 days) | Attachment Before Judgment, Declaratory Judgment (Simple),
Administrative Appeals, District Court Appeals and Jury Trial Prayers,
Guardianship, Injunction, Mandamus. |
| <input type="checkbox"/> Standard
(Trial Date-240 days) | Condemnation, Confessed Judgments (Vacated), Contract, Employment
Related Cases, Fraud and Misrepresentation, International Tort, Motor Tort,
Other Personal Injury, Workers' Compensation Cases. |
| <input type="checkbox"/> Extended Standard
(Trial Date-345 days) | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or
Personal Injury Cases (medical expenses and wage loss of \$100,000, expert
and out-of-state witnesses (parties), and trial of five or more days), State
Insolvency. |
| <input type="checkbox"/> Complex
(Trial Date-450 days) | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major
Product Liabilities, Other Complex Cases. |

June 29, 2017
Date

1001 Pennsylvania Ave. NW
Address

Washington DC 20910
City State Zip Code

/s/ Paul Kalish

Signature of Counsel / Party

Paul W. Kalish
Printed Name