

**LARRY HOGAN, et al.**

\* **IN THE**  
\* **COURT OF APPEALS**  
\* **OF MARYLAND**

**v.**

\* **Petition Docket No. 156**  
\* **September Term, 2021**  
\*  
\* **(No. 609, Sept. Term, 2021**  
\* **Court of Special Appeals)**  
\*  
\* **(No. 24-C-21-002988, Circuit**  
\* **Court for Baltimore City)**

**D.A., et al.**

\* \* \* \* \*

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\* **IN THE**  
\* **COURT OF APPEALS**  
\* **OF MARYLAND**

**v.**

\* **Petition Docket No. 157**  
\* **September Term, 2021**  
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\* **(No. 610, Sept. Term, 2021**  
\* **Court of Special Appeals)**  
\*  
\* **(No. 24-C-21-002999, Circuit**  
\* **Court for Baltimore City)**

**LEONARD HARP, et al.**

**ORDER**

**WHEREAS**, on June 30, 2021, in D.A., et al. v. Larry Hogan, et al., Plaintiffs filed in the Circuit Court for Baltimore City a Complaint and a Motion for a Temporary Restraining Order and Preliminary Injunction; on July 2, 2021, Defendants filed a Response in Opposition to Plaintiff's Motion for Temporary Restraining Order; on the same date, Plaintiffs filed a Reply Memorandum in Further Support of Plaintiffs' Motion

for Temporary Restraining Order and Preliminary Injunction,

**WHEREAS**, on July 1, 2021, in Leonard Harp, et al. v. Larry Hogan, et al., Plaintiffs filed in the Circuit Court for Baltimore City a Verified Class Action Complaint and a Motion for a Temporary Restraining Order; on July 2, 2021, Defendants filed a Response in Opposition to Plaintiffs' Motion for a Temporary Restraining Order,

**WHEREAS**, on July 3, 2021, the Circuit Court for Baltimore City granted a Temporary Restraining Order against the Petitioners in these two cases and denied Petitioners' motion to stay that order pending appeal,

**WHEREAS**, the Temporary Restraining Order is scheduled to expire on July 13, 2021, unless extended,

**WHEREAS**, the Temporary Restraining Order provides that the Circuit Court is to confer with counsel as soon as possible on or after July 6, 2021 to schedule a full adversary hearing on the propriety of a preliminary injunction,

**WHEREAS**, pursuant to Maryland Rule 15-505(b), the Circuit Court has discretion to consolidate the trial on the merits with the preliminary injunction hearing,

**WHEREAS**, on July 3, 2021, Petitioners filed notices of appeal in both cases and filed in the Court of Special Appeals a motion to stay the Temporary Restraining Order,

**WHEREAS**, on that same date, the Court of Special Appeals, indicating that it agreed with the Circuit Court that the balance of harm favored the Respondents, denied the motion to stay and held that the Circuit Court did not abuse its discretion in granting the Temporary Restraining Order,

**WHEREAS**, on July 3, 2021, Petitioners filed in this Court a Petition for a Writ of Certiorari and a “Petition for Review of Order Denying Motion to Stay Enforcement of Temporary Restraining Order,”

**WHEREAS**, on July 5, 2021, this Court entered an Order dismissing with prejudice the Petition for Writ of Certiorari and the Petition for Review of Order Denying Motion to Stay Enforcement of Temporary Restraining Order as there was no indication of an answer having been filed in either cause, as required for appellate jurisdiction under Maryland Code, Courts & Judicial Proceedings Article (“CJ”), §12-303(3)(i),

**WHEREAS**, this Court remanded the cases to the Court of Special Appeals with direction to remand them to the Circuit Court for further proceedings,

**WHEREAS**, the Court of Special Appeals has remanded these cases to the Circuit Court for further proceedings in accordance with this Court’s order,

**WHEREAS**, on July 5, 2021, Petitioners filed in this Court a Motion for Reconsideration and to Supplement the Petition for Certiorari and Petition for Review of Order Denying Motion to Stay Enforcement of Temporary Restraining Order, advising that, prior to noting an appeal, they had filed motions to dismiss in both cases via an e-mail sent directly to the Circuit Court Judge assigned to the cases because the clerk’s office was closed during the weekend,

**WHEREAS**, the motions to dismiss had neither been noted in the docket nor included in the papers accompanying the Petition for Writ of Certiorari or “Petition for Review of Order Denying Motion to Stay Enforcement of Temporary Restraining Order” filed in this Court,

**WHEREAS**, the Court accepts and appreciates the supplement and clarification of

the record provided by counsel,

Now therefore, it is this 6<sup>th</sup> day of July, 2021 **ORDERED** that

The motions to dismiss filed in these cases shall be treated as answers for purposes of CJ §12-303(3)(i);

The Order issued by this Court on July 5, 2021, dismissing the petitions on the ground of lack of appellate jurisdiction is **RESCINDED**; and

The Petition for Writ of Certiorari that relates to the Temporary Restraining Order and the “Petition for Review of Order Denying Motion to Stay Enforcement of Temporary Restraining Order” are **DENIED** as, pending further proceedings in the Circuit Court, it does not appear to the Court that review at this time is desirable and in the public interest.

/s/ Mary Ellen Barbera

Chief Judge