



UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
101 W. LOMBARD STREET  
BALTIMORE, MARYLAND 21201

Chambers of  
Hon. Marvin J. Garbis  
United States District Judge  
410-962-7700

September 20, 2012

ALL COUNSEL OF RECORD

Re: Cherry v. City, MJG-10-1447

Dear Counsel:

I have issued the Third Trial Decision Re: Reasonable and Necessary, holding that the Ordinance was not "reasonable and necessary to serve an important public purpose."

It is now necessary to determine how best to proceed. In this regard, I wish to arrange a conference, in chambers (or the courtroom depending upon attendance), at a mutually convenient time during the week of October 15. Please coordinate the timing with my judicial assistant, Ms. Jan Whitmore.

The conference agenda will include the following matters, as well as any others that any party feels should be discussed.

Appellate review: I believe that each side would wish my decision to be reversed in one or more aspects. I assume that both sides would wish to be able to proceed expeditiously to the United States Court of Appeals for the Fourth Circuit. I agree that prompt appellate review will be beneficial for all concerned. Please prepare to discuss how best to accomplish this in light of the unresolved claims remaining.

Claims against other Defendants: Yes, it is now time to address Mr. Dunbar. Plaintiffs must consider what they wish to do regarding the remaining claims against defendants other than the City. In this regard, Plaintiffs must bear in mind the extent to which my decisions to date may have effectively mooted any claims and the limited extent to which - if at all - the other defendants are bound by my decisions to date.

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The state law claims against the City: In view of the decisions on the federal claims, what do Plaintiffs wish to do about these? Are these mooted? Can they, and should they, proceed in state court?

Effects of Decisions: What Order(s) should be issued in light of my decisions? What is the effect of my decision upon persons who are not class members, for example, those whose pensions would be reduced by virtue of the invalidity of the Ordinance?

Please advise me of any matters, in addition to those listed above, that you would wish to have on the agenda a week before the conference.

Yours truly,

                  /s/                    
Marvin J. Garbis  
United States District Judge