

*From the Desk of
Stuart Levine
sltax@taxation-business.com*

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.

* * * * *

LARRY HOGAN, et al.

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

v.

* **Petition Docket No. 157**
* **September Term, 2021**
*
* **(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, on that same date, 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 denied the motion to stay the Temporary Restraining Order,

WHEREAS, Petitioners have 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, under Maryland Code, Courts & Judicial Proceedings Article, §12-303(3)(i), this Court has appellate jurisdiction of an order granting an interlocutory injunction entered by a circuit court in a civil case only if the appellant has filed an answer in the cause,

WHEREAS, there is no indication in the papers or records available to the Court in these cases that Petitioners have filed an answer in either cause,

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

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,

Now therefore, it is this 5th day of July, 2021 **ORDERED** that

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 **DISMISSED** with prejudice; and

These cases are remanded to the Court of Special Appeals with direction to remand them to the Circuit Court for Baltimore City for further proceedings as set forth in the Temporary Restraining Order issued by the Circuit Court on July 3, 2021.

/s/ Mary Ellen Barbera
Chief Judge