

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANTHONY MADISON, et al.	*	
		*
Plaintiffs	*	
		*
vs.	*	CIVIL ACTION NO. MJG-12-1120
		*
HARFORD COUNTY, et al.	*	
		*
Defendants	*	
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MEMORANDUM AND ORDER RE: CASE STATUS

The instant lawsuit was filed following the Plaintiffs' voluntary dismissal of Madison v. Harford County, MJG-10-197. Following the filing of the Complaint herein, Defendants filed the Motion to Require Payment of Costs and to Stay This Proceeding Until Reasonable Costs Are Awarded and Paid [Document 7]. As stated in the Joint Status Report [Document 13]:

1. At the Court's suggestion, the parties have agreed that this case will commence where Case. No. MJG 10-CV-00197 was at the time of the filing of Document 65 on May 9, 2011.
2. The plaintiff reserves the right to seek leave of Court to vary from the terms of paragraphs one herein, and the defense reserves the right to oppose any such motion.
3. The defense requests that parties agree that this case (MJG-12-CV-1120) be dismissed and case MJG-10-00197 be re-opened in order to keep the record and docket clear for the parties and the court.

4. The plaintiff respectfully objects and notes that this procedure may have a wide variety of unintended consequences under the rules of this court. Moreover, the plaintiff respectfully suggests that in the absence of any compelling reasons to follow the defense suggestion, judicial economy and administrative ease weigh in favor of the current case posture.

5. The parties have further agreed that defense counsel shall continue to provide plaintiff's counsel with all discovery, correspondence and other writings of any type which passed between the parties or counsel in connection with Case. No. MJG 10-CV-00197.

Upon consideration of the parties' respective positions, and after a conference with counsel, the Court will proceed with the instant case as if there had been no voluntary dismissal of MJG-10-197 mutatis mutandis.

Accordingly:

1. The Complaint [Document 1] is dismissed.
2. Plaintiffs shall, by August 20, 2012 file an Amended Complaint that is identical to Document 51 in MJG-10-197.
 - a. Plaintiffs may, by August 24, 2012 file a document voluntarily withdrawing any allegations and/or claims made in the aforesaid Amended Complaint.
 - b. The Court shall, after the filing of said Amended Complaint, issue an Order herein that is consistent with [Documents 53 and 63] in MJG-10-197.
 - c. Defendants may file a motion seeking

dismissal of some or all claims in the Amended Complaint by September 17, 2012.

3. Plaintiff may file a motion seeking leave to amend the Amended Complaint by September 3 to add Harford County, Maryland as a Defendant.
 - a. Defendants shall respond by September 24, 2012.
 - b. Plaintiffs may reply by October 8, 2012.
4. The Motion to Require Payment of Costs and to Stay This Proceeding Until Reasonable Costs are Awarded and Paid [Document 7] is DENIED.
5. Defense counsel shall continue to provide plaintiff's counsel with all discovery, correspondence and other writings of any type which passed between the parties or counsel in connection with MJG 10-CV-197.
6. The case shall proceed pursuant to the Scheduling Order issued herewith.

SO ORDERED, this Wednesday, August 15, 2012.

/s/
Marvin J. Garbis
United States District Judge