

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
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August 31, 2016

MEMO TO COUNSEL RE: Sharon Bost, et al. v. Wexford Health Sources, Inc., et al.
Civil No. ELH-15-3278

Dear Counsel:

Again, because of a temporary imbalance in caseload, I am handling the pending motion to dismiss and/or for summary judgment for Judge Hollander. The motions (documents 57 and 74) are granted in part and denied in part. The motions are granted as to plaintiffs' claims against the State, BCDC and the custody defendants in their official capacities. These claims are barred by the Eleventh Amendment. Likewise, plaintiffs' claim for negligence against the custody defendants in their individual capacities asserted in Count V is barred because plaintiffs must establish "malice" or "gross negligence," not merely negligence.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge

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CLERK OF COURT
U.S. DISTRICT COURT
BALTIMORE, MARYLAND

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