

IN THE COURT OF APPEALS OF MARYLAND

No. 86

September Term, 2010

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MONTGOMERY COUNTY VOLUNTEER FIRE-  
RESCUE ASSOCIATION AND  
ERIC N. BERNARD

v.

MONTGOMERY COUNTY BOARD OF  
ELECTIONS AND MONTGOMERY  
COUNTY, MARYLAND

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Bell, C.J.  
Harrell  
Battaglia  
Greene  
Murphy  
Adkins  
Barbera,

JJ.

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PER CURIAM ORDER  
Harrell and Battaglia, JJ., dissent.

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Filed: September 29, 2010

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MONTGOMERY COUNTY VOLUNTEER \* In the  
RESCUE ASSOCIATION AND \* Court of Appeals  
ERIC N. BERNARD \* of Maryland  
v. \*  
MONTGOMERY COUNTY BOARD OF \* No. 86  
ELECTIONS AND MONTGOMERY \*  
COUNTY, MARYLAND \* September Term, 2010

**PER CURIAM ORDER**

For reasons to be stated later in an opinion to be filed  
it is this 29<sup>th</sup> day of September, 2010,

ORDERED, by the Court of Appeals of Maryland, a majority of  
the Court concurring,\* that the judgment of the Circuit Court for  
Montgomery County be, and it is hereby, reversed, and the matter  
remanded to the Circuit Court with directions to enter judgment in  
favor of Appellants and an order that a referendum on the validity  
of Montgomery County Council Bill No. 13-10 be placed on the ballot  
at the General Election to be held on November 2, 2010. Costs to be  
paid by the Appellees. Mandate to issue forthwith.

/s/ Robert M. Bell  
Chief Judge

\*Judges Harrell and Battaglia would affirm the judgment of the  
Circuit Court.

/s/ Robert M. Bell  
Chief Judge