

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Northern Division)

BALTIMORE COUNTY BRANCH OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, *et al.*,

Plaintiffs,

v.

BALTIMORE COUNTY, MARYLAND, *et al.*,

Defendants.

Civil Action No. LKG-21-03232

**NOTICE OF WITHDRAWAL OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES AND LITIGATION EXPENSES (ECF 86)**

PLEASE TAKE NOTICE that Plaintiffs Baltimore County Branch of the National Association for the Advancement of Colored People, League of Women Voters of Baltimore County, Common Cause Maryland, Charles Sydnor, Anthony Fugett, Dana Vickers Shelley, Danita Tolson, Sharon Blake, Gerald Morrison, and Neisha McCoy (collectively, "Plaintiffs") hereby withdraw their Motion for Attorneys' Fees and Litigation Expenses filed on June 6, 2022 (ECF 86).

1. On May 9, 2022, this Court issued a Dismissal Order, dismissing without prejudice Plaintiffs' claims and setting a scheduling order for the filing of Plaintiffs' Motion for Attorneys' Fees and Litigation Expenses. ECF 85.

2. On June 6, 2022, Plaintiffs filed their motion. ECF 86.

3. Since July 6, 2022, this matter has been repeatedly stayed while the Fourth Circuit, and subsequently the United States Supreme Court, deliberated and issued their opinions in *Lackey*

v. Stinnie (formerly *Stinnie v. Holcomb* before substitution of the defendant/petitioner), 37 F.4th 977 (4th Cir. 2022), 77 F.4th 200 (4th Cir. 2023) (en banc), and No. 23-621 (S. Ct. Feb. 25, 2025). ECF 89, 91, 93, 101, 116. The Parties believed the Supreme Court’s decision in that case was likely to provide important guidance regarding the circumstances, if any, in which a preliminary injunction can form the basis for prevailing party status that entitles a plaintiff to attorneys’ fees. ECF 115.

4. The United States Supreme Court issued its opinion in *Lackey v. Stinnie* on February 25, 2024, holding that plaintiffs who gain only preliminary injunctive relief do not qualify as prevailing parties for the purpose of recovering attorneys’ fees and costs. 604 U.S. ___ (2025).

5. In light of the Supreme Court’s decision, Plaintiffs withdraw their Motion for Attorneys’ Fees and Litigation Expenses as moot.

Respectfully submitted,

/s/ Deborah A. Jeon
Deborah A. Jeon (Bar #06905)
AMERICAN CIVIL LIBERTIES UNION
OF MARYLAND
Clipper Mill Road Suite 350
Baltimore, MD 21211
(410) 889-8555
jeon@aclu-md.org

/s/ John A. Freedman
John A. Freedman (Bar #20276)
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave, N.W.3600
Washington, D.C. 20001
(202) 942-5000
john.freedman@arnoldporter.com

/s/ Andrew D. Freeman
Andrew D. Freeman (Bar #03867)
BROWN GOLDSTEIN & LEVY LLP
120 E. Baltimore Street, Suite 2500
Baltimore, MD 21202-6701
(410) 962-1030
adf@browngold.com

Michael Mazzullo (admitted pro hac vice)
ARNOLD & PORTER KAYE SCHOLER LLP
250 W. 55th Street
New York, NY 10019
(212) 836-8000
michael.mazzullo@arnoldporter.com

Counsel for Plaintiffs

Dated: March 7, 2025