

**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

JOINT STATUS REPORT

Plaintiffs Baltimore County Branch of the National Association for the Advancement of Colored People, et al. (“Plaintiffs”), along with Defendant Baltimore County, Maryland (the “County”) (collectively, “the Parties”), by their undersigned counsel and pursuant to this Court’s Stay Order of April 26, 2024, ECF 116, hereby submit a Joint Status Report.

1. On May 9, 2022, this Court issued a Dismissal Order, dismissing Plaintiffs’ claims without prejudice “so that they may bring a challenge to the County Map if their analysis of the July 19, 2022, election demonstrates a violation of the Voting Rights Act and/or Constitution, and they may file a motion for attorneys’ fees.” ECF 85.

2. The Court’s Dismissal Order also set a scheduling order for the filing of Plaintiffs’ Motion for Attorneys’ Fees and Litigation Expenses (“Motion for Fees”). *Id.*

3. On June 6, 2022, Plaintiffs filed their Motion for Fees. ECF 86.

4. On February 5, 2024, Plaintiffs filed the memorandum in support of their Motion for Fees. ECF 105.

5. On February 26, 2024, the County filed its response in opposition to the Motion for Fees. ECF 106.

6. On April 11, 2024, the County filed a declaration in support of its opposition to the Motion for Fees. ECF 113.

7. On April 24, 2024, the Parties filed a Joint Motion to Stay Proceedings, requesting to stay further proceedings in this matter until after the Supreme Court's decision in *Lackey v. Stinnie*, No. 23-621 (S. Ct. 2024) regarding their Motion for Fees. ECF 115.

8. On April 26, 2024, this Court issued an order staying further proceedings in this matter pending the Supreme Court's decision in *Lackey v. Stinnie* and ordering the Parties to file a joint status report within 14 days of the Supreme Court's ruling. ECF 116.

9. 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).

10. Following the Supreme Court's decision, Plaintiffs withdrew their Motion for Attorneys' Fees and Litigation Expenses as moot on March 7, 2025. ECF 117. Accordingly, there are no issues left to resolve in this matter.

11. The Parties agree that this case should be closed but disagree as to whether it should remain dismissed without prejudice or be converted to dismissed with prejudice.

12. Plaintiffs' position is that there has not been a final decision as to whether the County Map violates the Voting Rights Act and/or the Constitution based on the results of the July 19, 2022 Baltimore County Council elections. As such, it is inappropriate to dismiss Plaintiffs' claims with prejudice. Further, this same question has been mooted by the results of the November

5, 2024 Baltimore County referendum expanding the County Council from seven to nine members, which requires a new map to be drawn by October, 2025.¹ In light of this expansion, the County's Map will not be in effect for any future elections and dismissal with prejudice is unwarranted.

13. Defendant's position is that, following the Court's March 25, 2022 Order modifying the preliminary injunction against the First County Map and approving the Second County Map, this Court's May 9, 2022 Dismissal Order dismissed Plaintiffs' claims without prejudice "so that they may bring a challenge to the [Second] County Map if their analysis of the July 19, 2022, election demonstrates a violation of the Voting Rights Act and/or Constitution, and they may file a motion for attorneys' fees." ECF 85. The election took place almost three years ago. Plaintiffs decided *not* to challenge the results of that election. They now concede that such a challenge would be moot. Plaintiffs also filed their Motion for Fees but recently withdrew it in light of the Supreme Court's ruling in *Lackey v. Stinney*. ECF 117. Accordingly, because Plaintiffs' claims under this litigation are moot, and their only other requested relief has been withdrawn, there is nothing left to do in this case. The case should be dismissed with prejudice.

14. Accordingly, attached hereto are the Parties' respective proposed orders.

[Signatures follow on the next page]

¹John Lee, *The Baltimore County Council Will Expand to Nine Seats*, WYPR News (Nov. 6, 2024), <https://www.wypr.org/wypr-news/2024-11-06/the-baltimore-county-council-will-expand-to-nine-seats>

Dated: March 11, 2025

/s/ Andrew D. Freeman*

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**Signed by Melissa O. Martinez with
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[PLAINTIFFS' PROPOSED] ORDER

On March 11, 2025, the parties filed a joint status report which states that (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; (2) On April 26, 2024 this Court stayed proceedings in this matter pending the Supreme Court's decision in *Lackey v. Stinnie*, No. 23-621 (S. Ct. 2024); (3) the Supreme Court issued its opinion on February 25, 2025; (4) Plaintiffs withdrew their Motion for Attorneys' Fees and Litigation Expenses on March 7, 2025; and (5) Baltimore County's November 5, 2024 referendum expanding the Baltimore County Council from seven to nine seats has mooted the County's Map.

In light of the foregoing, there are no outstanding issues to be resolved in this matter.

The case is now **CLOSED**. The Clerk is directed to close the case.

HON. LYDIA KAY GRIGGSBY
United States District Judge

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ORDER

UPON CONSIDERATION of the Parties' Joint Status Report regarding the Court's Order staying the proceedings pending the Supreme Court's ruling in *Lackey v. Stinnie*, it is this _____ day of _____, 2025, hereby

ORDERED that this matter is **DISMISSED** with prejudice.

Hon. Lydia Kay Griggsby
United States District Judge

cc: All Counsel of Record