

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

MAYOR AND CITY COUNCIL OF
BALTIMORE,

Plaintiff,

v.

BP P.L.C. et al.,

Defendants.

Case No. 1:18-cv-02357-ELH

**JOINT STIPULATION AND [PROPOSED] CONSENT ORDER
TO TEMPORARILY STAY EXECUTION OF
ANY REMAND ORDER THIS COURT MAY ISSUE**

Plaintiff and Defendants (the “Parties”), through their undersigned respective counsel, submit this Joint Stipulation to resolve Defendants’ Conditional Motion to Stay Execution of Remand Order Should the Court Grant the Pending Motion to Remand (“Conditional Motion”). ECF No. 161. The undersigned Parties stipulate to a temporary, 30-day stay of execution of any order this Court may issue granting Plaintiff’s Motion to Remand, pursuant to Rule 62(a) of the Federal Rules of Civil Procedure. ECF No. 111. The Parties jointly move for an Order granting the temporary stay to permit any party to file a notice of appeal and a motion for a stay pending appeal. In support thereof, the undersigned Parties jointly state as follows¹:

1. Plaintiff, the Mayor & City Council of Baltimore, filed a complaint in the Circuit Court for Baltimore City on July 20, 2018.

2. On July 31, 2018, Defendants removed the case to this Court, pursuant to 28 U.S.C. §§ 1441, 1442, 1446, 1452 and 1367(a) and 43 U.S.C. § 1349. ECF No. 1. Plaintiff

¹ This Stipulation is submitted subject to and without waiver of any right, defense, affirmative defense, or objection, including personal jurisdiction, insufficient process, or insufficient service of process.

thereafter moved to remand the case. ECF No. 111. Defendants opposed Plaintiff's Motion to Remand (ECF No. 124), and Plaintiff filed a Reply (ECF No. 133). Plaintiff's Motion to Remand is fully briefed. On February 20, 2019, Defendants filed a Request for Hearing on Plaintiff's Motion to Remand (ECF No. 154), which Plaintiff opposed (ECF No. 155).

3. On April 3, 2019, Defendants filed a Conditional Motion, requesting that, if the Court were to enter an Order remanding this case, the Court stay execution of any such remand order for a period of 30 days, pursuant to Fed. R. Civ. P. 62(a). ECF No. 161. Plaintiff opposed Defendants' Conditional Motion on April 5, 2019 (ECF No. 162), and Defendants filed a short Reply on April 12, 2019 (ECF No. 166). Defendants' Conditional Motion is pending; however, the undersigned Parties submit that the Court's approval of this Joint Stipulation will render the Conditional Motion moot.

4. The undersigned Parties since have stipulated and agreed to a 30-day stay of the execution of any remand order, pursuant to Fed. R. Civ. P. 62(a), and jointly request that the Court stay the execution of any remand order that the Court may enter in this case for a period of 30 days.

WHEREFORE, Plaintiff and Defendants, having jointly stipulated and agreed as set forth above, respectfully request that the Court approve this Stipulation and enter the attached Proposed Consent Order.

Dated: April 19, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of April 2019, the foregoing document was filed through the ECF system and was therefore served on all registered participants identified on the Notice of Electronic Filing.

/s/ Ty Kelly

Ty Kelly

UNITED STATES DISTRICT COURT
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[PROPOSED] CONSENT ORDER

The Parties having jointly agreed and stipulated as follows, it is hereby
ORDERED, that the Parties' Joint Stipulation to Temporarily Stay Execution of Any
Remand Order this Court May Issue is ACCEPTED;

ORDERED, that Defendants' Conditional Motion to Stay (ECF No. 161) is DENIED AS
MOOT; and it is further

ORDERED, that, in the event that the Court grants Plaintiff's Motion to Remand (ECF
No. 111),

- (a) the execution of any such remand order is temporarily STAYED for a period
of 30 days; and
- (b) the Clerk of the Court is directed to REFRAIN from mailing to the Clerk of
the Circuit Court for Baltimore City any such remand order until further Order
of this Court.

SO ORDERED.

Dated: _____

Ellen L. Hollander
United States District Judge