

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 EXTEND THE CURRENT TEMPORARY STAY OF THE EXECUTION  
OF THE REMAND ORDER UNTIL MOTION TO EXTEND THE STAY  
PENDING APPEAL IS RESOLVED BY THE COURT, OR, IF THE MOTION IS  
DENIED, THROUGH RESOLUTION OF DEFENDANTS' ANTICIPATED MOTION  
TO STAY IN THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT\***

Plaintiff and Defendants (the "Parties"), through their undersigned respective counsel, submit this Joint Stipulation requesting that the Court enter the attached [Proposed] Consent Order and extend the current temporary stay of the Court's Order remanding this case to the Circuit Court for Baltimore City ("Remand Order") (ECF No. 173) through and including this Court's resolution of Defendants' Motion to Extend the Stay Pending Appeal, and if that motion is denied, through the resolution of Defendants' anticipated Motion to Stay in the U.S. Court of Appeals for the Fourth Circuit.

On June 13, 2019, Defendants filed their Notice of Appeal to the U.S. Court of Appeals for the Fourth Circuit. ECF No. 178. Simultaneous with this filing, Defendants have filed a Motion to Extend the Stay Pending Appeal, which Plaintiff will oppose.

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

The Parties hereby stipulate and agree to extend the current temporary 30-day through and including this Court's resolution of Defendants' Motion to Extend the Stay Pending Appeal, and if that motion is denied, through the resolution of Defendants' anticipated Motion to Stay in the U.S. Court of Appeals for the Fourth Circuit.. Accordingly, the Parties jointly move for an Order extending the current temporary 30-day stay so that the Parties have sufficient time to brief the stay issues and for the Court to rule on Defendants' motion. In support thereof, the Parties jointly state as follows:

1. Plaintiff, the Mayor and City Council of Baltimore, ("Plaintiff") 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 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).

3. On June 11, 2019, the Court entered the Remand Order (ECF No. 173) and, pursuant to a Consent Order (ECF No. 171), temporarily stayed execution thereof for 30 days. *Id.* On June 13, 2019, Defendants filed their Notice of Appeal (ECF No. 178).

4. Simultaneous with this filing, Defendants have filed a Motion to Extend the Stay Pending Appeal, requesting that the Court stay the case until the appeal is resolved by the U.S. Court of Appeals for the Fourth Circuit. Plaintiffs will oppose that motion. Under the local rules, the motion should be fully briefed in 18 days.

5. To allow the Parties sufficient time to brief important issues related to the current temporary stay and the Remand Order, and for the Court to have sufficient time to consider those issues, the Parties have stipulated and agreed to extend the current stay through and including

this Court's resolution of Defendants' Motion to Extend the Stay Pending Appeal, and if that motion is denied, through the resolution of Defendants' anticipated Motion to Stay in the U.S. Court of Appeals for the Fourth Circuit.

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: June 23, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of June 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*

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Ty Kelly