

D.A., ET AL.,	*	IN THE
Appellants,	*	COURT OF SPECIAL APPEALS
v.	*	OF MARYLAND
LARRY HOGAN, ET AL.,	*	No. 609, September Term, 2021
Appellees.	*	(Cir. Ct. No. 24-C-21-002988)

* * * * *

LEONARD HARP, ET AL.,	*	IN THE
Appellants,	*	COURT OF SPECIAL APPEALS
v.	*	OF MARYLAND
LARRY HOGAN, ET AL.,	*	No. 610, September Term, 2021
Appellees.	*	(Cir. Ct. No. 24-C-21-002999)

* * * * *

ORDER

Larry Hogan, the Governor, and Tiffany P. Robinson, the Secretary of the State Department of Labor, both in their official capacities, appealed today from a temporary restraining order (“TRO”) issued today by the Circuit Court for Baltimore City. After the circuit court entertained and denied the Governor’s motion to stay the operation of the TRO, the Governor and the Secretary filed their Motion to Stay in this Court pursuant to Rule 8-425. Appellees have filed an opposition.

The underlying facts and procedural history are ably laid out in the Circuit Court’s memorandum opinion regarding the TRO, but, for context, a brief summary is appropriate. On June 1, but effective 11:59 p.m. today, July 3, the Governor withdrew the State of Maryland from certain unemployment benefit programs offered by the federal government as part of its response to the COVID-19 emergency. That response is known as the CARES Act.¹ Withdrawal is permitted, but not required, by relevant provisions of that act. The unemployment benefits provided by the CARES Act are set to expire on September 2.

After the Governor withdrew the State from these CARES Act benefit programs, the appellees, in two separate actions, filed suit against the Governor and the Secretary and requested that the circuit court enter a TRO to prevent the withdrawal of the State from the CARES Act unemployment benefits. After a brief sojourn to the United States District Court for the District of Maryland, the circuit court held a hearing on July 2 and entered its TRO on today.

Pursuant to Rule 8-425(g), we are to apply the same factors for the entry of an injunction as the trial court.² In reviewing those factors, we find ourselves in agreement

¹ 15 U.S.C. § 9001 *et seq.*

² Those factors are:

- (1) The likelihood that the plaintiff will succeed on the merits; (2) the ‘balance of convenience’ determined by whether greater injury would be done to the defendant by granting the injunction than would result from its refusal; (3) whether the plaintiff will suffer irreparable injury unless the injunction is granted; and (4) the public interest.

Fogle v. H&G Restaurant, Inc., 337 Md. 441, 455 (1995).

with the trial court that the balance of harm favors the appellees and that, accordingly, the Circuit Court did not abuse its discretion in entering the TRO.

Accordingly, it is this 3rd day of July 2021, by the Court of Special Appeals,

ORDERED that the Motion to Stay is denied



FOR A PANEL OF THE COURT
consisting of Kehoe, Arthur, Shaw Geter, JJ.

(JUDGE'S SIGNATURE APPEARS ON
THE ORIGINAL OF THIS DOCUMENT)

Christopher B. Kehoe, Judge