

D.A., et al.,

Plaintiffs,

v.

**LARRY HOGAN, in his official
capacity as GOVERNOR of the
State of Maryland, et al.,**

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-21-002988

LEONARD HARP, et al.,

Plaintiffs,

v.

GOVERNOR LARRY HOGAN, et al.,

Defendants.

Case No. 24-C-21-002999

TEMPORARY RESTRAINING ORDER

These two actions are not consolidated. The Court heard them together and issues this Order jointly in both actions because of the similar issues raised and relief sought in both actions.

In Case No. 24-C-21-2988, Plaintiffs D.A., *et al.* filed a Motion for Temporary Restraining Order and Preliminary Injunction (Paper No. 3). Defendants filed a Response in Opposition (Paper No. 3/1), and Plaintiffs filed a Reply Memorandum (Paper No. 3/2).

In Case No. 24-C-21-2999, Plaintiffs Harp, *et al.* filed a Verified Class Action Complaint (Paper No. 1) with a Motion for Temporary Restraining Order and Emergency Hearing (Paper No. 2) appended to it. Defendants filed a Response in Opposition (Paper No. 2/1).

The Court conducted a joint hearing in both actions on July 2, 2021 by remote electronic means using Zoom for Government pursuant to Maryland Rule 2-802. All parties appeared by counsel.

For the reasons stated in the accompanying Memorandum Opinion, it is this 3rd day of July, 2021, at 10:00 a.m., by the Circuit Court for Baltimore City, Part 26, hereby **FOUND** that Plaintiffs in both actions have shown from specific facts provided by affidavit that they will suffer immediate, substantial, and irreparable harm before a full adversary hearing can be held on consideration of a preliminary injunction if this Temporary Restraining Order is not entered.

It is further **FOUND** that Plaintiffs in both actions have shown a likelihood that they will succeed on their claims that are pertinent to the relief granted in this Temporary Restraining Order.

It is further **FOUND** that Plaintiffs in both actions have shown that the balance of harms to them as compared to the harms to Defendants if this Temporary Restraining were or were not granted favors the issuance of this Temporary Restraining Order.

It is further **FOUND** that Plaintiffs in both actions have shown that they will suffer irreparable harm if this Temporary Restraining Order is not issued.

It is further **FOUND** that Plaintiffs have shown that issuance of this Temporary Restraining Order is not contrary to the public interest.

It is therefore **FOUND** that Plaintiffs have satisfied the requirements of Maryland Rule 15-504(a) for issuance of this Temporary Restraining Order.

It is further **FOUND** that a waiver of the bond requirement pursuant to Maryland Rule 15-503(c) is appropriate because the amounts involved would make the provision of a bond prohibitive and Plaintiffs would be unable to provide surety or other security for the bond, substantial injustice would result if a temporary restraining order did not issue, and this action is one of extraordinary hardship.

It is therefore **ORDERED** that the Motion for Temporary Restraining Order and Preliminary Injunction filed by Plaintiffs D.A., *et al.* in Case No. 24-C-21-2988 (Paper No. 3) is **GRANTED** to the extent of Plaintiffs' request for a Temporary Restraining Order.

It is further **ORDERED** that the Motion for Temporary Restraining Order and Emergency Hearing (Paper No. 2) filed by Plaintiffs Harp, *et al.* in Case No. 24-C-21-2999 is **GRANTED**.

It is further **ORDERED** that Defendants, Governor Larry Hogan and Secretary of Labor Tiffany P. Robinson, shall immediately, and in no event later than 11:59 p.m. on July 3, 2021, rescind their notice to the United States Department of Labor of the State of Maryland's termination of its participation in the receipt of any and all expanded and/or supplemental unemployment benefits available to Maryland residents under the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, the American Rescue Plan Act of 2021 ("ARPA"), or any other existing federal source of unemployment benefits.

It is further **ORDERED** that Defendants, Governor Larry Hogan and Secretary of Labor Tiffany P. Robinson, are enjoined from taking any action that will prevent the State of Maryland from receiving any and all expanded and/or supplemental unemployment benefits available to Maryland residents under the CARES Act, the ARPA, or any other existing federal source of unemployment benefits to the fullest extent allowed under Title 8 of the Labor and Employment Article of the Maryland Code.

It is further **ORDERED** that Defendants, Governor Larry Hogan and Secretary of Labor Tiffany P. Robinson, shall immediately take all actions necessary to ensure that Maryland residents continue to receive any and all expanded and/or supplemental unemployment benefits available to Maryland residents under the CARES Act, the ARPA, or any other existing federal

source of unemployment benefits to the fullest extent allowed under Title 8 of the Labor and Employment Article of the Maryland Code.

It is further **ORDERED** that Defendants, Governor Larry Hogan and Secretary of Labor Tiffany P. Robinson, shall take all necessary steps to ensure that the officers, employees, and agents of the State of Maryland within their direction and control take or refrain from taking action as necessary for Defendants to comply with their obligations under this Temporary Restraining Order.

It is further **ORDERED** that the bond requirement of Maryland Rule 15-503(c) is waived in the particular circumstances of this Temporary Restraining Order.

It is further **ORDERED** that, pursuant to Maryland Rule 15-504(f), Defendants and any person affected by this Temporary Restraining Order may move for modification or dissolution of it on two days' notice to Plaintiffs or on shorter notice if ordered by the Court.

It is further **ORDERED** that this Temporary Restraining Order shall be binding on each Defendant immediately upon receipt by him or her of actual notice of this Temporary Restraining Order by any means.

It is further **NOTED** that the Court is transmitting this Temporary Restraining Order promptly by electronic mail to counsel of record for the parties.

It is further **ORDERED** that this Temporary Restraining Order shall expire in ten days, on July 13, 2021, at 10:00 a.m., unless it is renewed or extended.

It is further **ORDERED** that the Court will confer with counsel as soon as possible on or after July 6, 2021 to set a date for a full adversary hearing on Plaintiffs' motions for a preliminary injunction.

The judge's signature appears on the original document in the court file.

Judge Lawrence P. Fletcher-Hill
Circuit Court for Baltimore City