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November 1, 2010

The Honorable Edward J. Kasemeyer, Acting Chairman
Senate Budget and Taxation Committee
3 West, Miller Senate Building
11 Bladen Street
Annapolis, Maryland 21401-1991

The Honorable Norman H. Conway, Chairman
House Appropriations Committee
Room 131, Lowe House Office Building
6 Bladen Street
Annapolis, Maryland 21401-1991

Dear Senator Kasemeyer and Delegate Conway:

Enclosed is the Office of the Attorney General's summary of significant litigation for Fiscal Year 10/11.

If you or your staff need any other information, please call Beverly M. Pivec, Director of Administration, at 410-576-6442.

Sincerely,

Attorney General

Enclosure

Agency	Case Name	Date Filed / Issues	Amount Claimed
Contract Litigation	American Bridge Co. v. MSBCA	Appeal to MSBCA for additional costs under contract with MdTA for resurface of Chesapeake Bay Bridge	\$20,237,924
DHMH	Bee Homes, Inc. v. John Colmers, et al.	Provider licensed by DDA of the DHMH denied renewal application and seeks injunctive and declaratory relief, mandamus and damages	\$2,000,000+
MDOT/MTA	Bennett, Mary v. State	Filed 06/29/07, as mother and surviving parent of Richard Wilson, deceased and as PR of the estate; CC Balto City; MTA bus was pulling away from stop, deceased plaintiff ran up to side of bus, fell into street and was run over by wheel of bus.	\$20,000,000
SDAT	BGE v. SDAT	Application of franchise tax to BGE electricity charges.	\$6,437,229+
MHIP	Brooks v. Popper, et al.	MHIP participant seeks financial remedy for termination from plan under premise of deprivation of due process	\$3,300,000
MHEC	Coalition for Equity and Excellence in MD Higher ED v. Ehrlich	Complaint alleges that Maryland maintains a racially segregated system of higher education and has engaged in a pattern and practice of racial discrimination that has prevented historically black institutes from achieving parity with traditionally white institutions	\$2,000,000
DHMH	Corbett, Shannan Y v. State of Maryland, et al.	Claim against Clifton T. Perkins Hospital Center and State claiming malice and gross negligence	\$10,000,000
DHMH	Davis v. Knipp, et al.	Claim against MD Board of Physicians and other for grossly negligently and maliciously prosecuting Dr. Davis	\$78,000,000
DHMH	Downes, et al. v. State of Maryland, et al.	Suit filed for negligence and wrongful death of dialysis patient	\$2,000,000
DPSCS	Duncan v. State	Sept. 2005; Arises from parole retake warrant, where parole retake agent forced entry into Plaintiff's home through locked window	\$50,000,000
MDOT/MTA	Estate of Lelia Wright filed by Green, Fowler, et al. v. MTA	Filed 12/28/07; Plaintiff Wright, age 80, stood up to notify bus operator that she wanted to get off at next stop and fell. Taken to ER, died next morning of cardiac arrest.	\$100,000,000
SHA	Estate of R. Despres v. Schmidt's Baking Co.	Fatal Accident on Md. Rt. Driver and company sued; Company has filed 3rd party	\$20,000,000
MDOT/MTA	George, Regina v. MTA	01/14/08; Plaintiff was traveling westbound and made a left turn in front of the eastbound MTA bus.	\$2,000,000
Civil	Goldberg, Stanley, et al. v. State of Maryland	Ground Rent Case	\$100,000,000+
DGS	Hill/Adams v. Mayor of Balt. et al	Filed 3/7/2006; 10 plaintiffs suing in tort for wrongful death due to mold in building. State not listed as a Def, but State leases the building and lease states State will indemnify.	\$600,000,000
MdTA	Howard v. Dicks, et al.	Filed 11/13/06 - Howard Co Cir Court; Motor vehicle accident. The suit is brought by the estate of plaintiff drivers against a tractor trailer drive, Dicks. The traffic control devices were inoperable due to a power failure at the intersection.	\$5,000,000
DHMH	Jon, et al. v. State of Maryland, et al.	Claim of withheld Medicaid payment authorization and counts of negligence, tortuous interference with contractual relations, mandamus, breach of contract	\$9,000,000+

Agency	Case Name	Date Filed / Issues	Amount Claimed
MDOT/MTA	Jones v. Marks	07/27/06; African American Plaintiff charges harassment and hostile work environment.	\$16,000,000
DPSCS	Jones v. Marks, et al.	Claim alleges that detainees upon centering central booking were illegally strip searched	\$2,000,000+
MdTA	Kent v. MdTA (#2)	Constitutional and tort claims relating to retaliation for filing discrimination complaints	\$4,000,000
MSP	Leech v. MSP	Mr. Leech was shot and killed following high speed chase and was firing his weapon upon Maryland State Police troopers.	\$2,000,000
DHMH	Maryland v. Centers for Medicare & Medicaid	Filed 7/6/2005; Disallowance of Medicaid FFP for Medicaid school based services claim during FY 2000	\$20,000,000+
Morgan State University (Education Affairs)	Mwabira-Simera, Samuel H. v. Morgan State University, et al.	Student allegedly denied Civil Rights and denied rights under ADA	\$150,000,000+
University of Maryland Medical System - Educational Affairs	Nofi v. Cornell	Filed 11/12/97; Negligence/strict liability case brought against UM School of Medicine for its distribution of defective Human Growth Hormone in the 1970s and 1980s. Plaintiff died after contracting Cruetzfeld Jakob Syndrome from the hormone.	\$3,000,000
MdTA	Orff, et al. v. MdTA, et al.	Survival action by wife/mother claiming bridge design defects	\$18,000,000+
DGS - Civil	Powell, et al. v. State of Maryland, et al.	Suit against State with 35 other Defendants alleging negligence and violation of Consumer Protection Act in connection with allegedly lead-paint contaminated properties.	\$4,000,000+
MDOT/MTA	Randall v. MTA	Filed 11/6/07; False arrest case. Plaintiff eating while a patron on the light rail train. MTA Officer Mance requested plaintiff to dispose of food, refused, and then arrested.	\$4,000,000
DPSCS	Rodriguez v. State	May/2006; USDC, Inmate was murdered on bus while traveling from Balt. City CC, §1983 claims, State Const. and other State law claims.	\$51,000,000
MdTA	Ryan v. MdTA	Tort claim received by Treasurer. Wrongful death claim pertaining to auto accident where road design defects were cause.	\$10,000,000
Comptroller	Sebree, Irvin v. State of Maryland, et al.	Claim of witness tampering; negative actions by state against individual	\$20,000,000
DHMH	Self Pride v. Kronmiller, et al.	Filed 07/17/07; claims that Dept. treated licensee in discriminatory fashion	\$2,000,000 comp; \$10,000,000 punitive; plus costs
DHMH	Smith v. McCann and DHMH / DHMH v. CMS	Filed 8/9/2005; Class action challenging DHMH policies regarding Medicaid deductions for nursing home costs incurred prior to eligibility. DHMH disputes CMS interpretation of Medicaid deduction policy.	\$21,000,000+
DHMH	Stouffer, Carol, et al. v. Western Maryland Hosp. Center, et al.	Survivor action for wrongful death, etc., alleging medical negligence/malpractice leading to death of patient.	\$1,000,000+
DHMH	Three Lower Counties v. DHMH	TLC, a federally funded qualified health center seeks reimbursement for payment for services provided between 2001 - 2010	\$1,786,000

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Tobacco Litigation	Tobacco Dilett Enforcement Arbitration	In pending arbitration proceedings, the cigarette manufacturers that participated in the 1998 Master Settlement Agreement ("MSA") claim that they are entitled to a substantial reduction of their 2003 MSA payments, because the State allegedly did not "diligently enforce" the obligation that Maryland law imposes on tobacco manufactures who do <u>not</u> participate in the MSA to make certain payments into escrow. The participating manufacturers make an analogous claim with respect to all of the 52 states and territories that signed the MSA, and the pending arbitration proceeding, before three retired federal judges, involve all of the parties to the MSA - all of the participating manufacturers and all of the states and territories.	Up to \$144 million; (up to \$150,000 per year of adjustment)
MdTA	Tollenger v. Connor	Survival action by father claiming road design defects.	\$3,000,000
Sheriff - Montgomery County	Turner v. Kight	Refiled in Circuit Court for Montgomery County 8/2010. MD Constitution and tort claims arising from shooting plaintiff who resisted when deputy intended to tase	\$15,000,000
DHMH	Victors, et al. v. Kronmiller, et al.	Filed 08/28/07 USDC; claims that Dept. treated licensee in discriminatory fashion	\$3,000,000 comp; \$10,000,000 punitive; plus costs
DHMH	Warfle, Merle v. DHMH, et al.	Suit filed pursuant to Title II of ADA; Title VII of the Civil Rights Act; and 4th Amendment - named Defendants are DHMH, Eastern Shore Hospital Center and Maryland Sheltered Workshop as well as several current and former employees	\$3.4M
Sheriff - Prince George's County	Williams v. PG County	Filed 5/5/2006; tort claims alleging malice for excessive force in arrest.	\$7,000,000
MdTA	Williamson v. Grant, et al.	State and Federal constitutional violations, false arrest, battery and malicious prosecution arising out of arrest of Mr. Williamson at BWI airport after he became unruly after flight was canceled	\$3,750,000
DJS	Wyatt, Raven v. State of Maryland	Youth under DJS supervision placed on home monitoring and accused of being involved in a shooting	\$7,137,796