

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a).

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING

FORM FILED BY: [X] PLAINTIFF [] DEFENDANT CASE NUMBER (Clerk to insert)

CASE NAME: Jamie Falcon, et al vs. State of Maryland

PARTY'S NAME: Jamie Falcon

PARTY'S ADDRESS: 1422 Anna Marie Court, Annapolis, MS 21409

If represented by an attorney:

PARTY'S ATTORNEY'S NAME: T. Sky Woodward PHONE: 202-719-8214

PARTY'S ATTORNEY'S ADDRESS: 1615 L Street NW, Suite 1350, Washington, DC 20036

JURY DEMAND? [] Yes [X] No

RELATED CASE PENDING? [] Yes [X] No If yes, Case #(s), if known:

PLEADING TYPE

New Case: [X] Original [] Administrative Appeal [] Appeal

Existing Case: [] Post-Judgment [] Amendment

If filing in an existing case, skip Case Category/ Subcategory section - go to Relief section.

IF NEW CASE: CASE CATEGORY/SUBCATEGORY (Check one box.)

TORTS

- Asbestos, Assault, Battery, Commercial, Conspiracy, Conversion, Defamation, False Arrest/Imprisonment, Fraud, Lead Paint - DOB of Youngest PH, Loss of Consortium, Malicious Prosecution, Malpractice-Medical, Malpractice-Professional, Misrepresentation, Motor Tort, Negligence, Nuisance, Premises Liability, Product Liability, Toxic Tort, Trespass, Wrongful Death

- Construction, Debt, Fraud, Government, Insurance, Product Liability

PROPERTY

- Adverse Possession, Breach of Lease, Detinue, Distress/Distrain, Ejectment, Forcible Entry/Detainer, Foreclosure, Forfeiture, Landlord-Tenant, Lis Pendens, Mechanic's Lien, Ownership, Partition/Sale, Quiet Title, Rent Escrow, Replevin, Return of Seized Property, Right of Redemption, Tenant Holding Over

PUBLIC LAW

- Attorney Grievance, Bond Forfeiture Remission, Civil Rights, County/Mncpl Code/Ord, Election Law, Eminent Domain/Condemn., Environment, Error Coram Nobis, Habeas Corpus, Mandamus, Prisoner Rights, Public Info. Act Records, Quarantine/Isolation, Writ of Certiorari

- Deposition Notice, Dist Ct Mtn Appeal, Financial, Grand Jury/Petit Jury, Miscellaneous, Perpetuate Testimony/Evidence, Prod. of Documents Req., Sentence Transfer, Special Adm. - Atty, Subpoena Issue/Quash, Trustee Substitution, Witness Appearance-Compel

PEACE ORDER

- Peace Order

EMPLOYMENT

- ADA, Conspiracy, EEO/HR, FLSA, FMLA, Workers' Compensation, Wrongful Termination

OTHER

- Friendly Suit, Grantor in Possession, Maryland Issuance Administration, Miscellaneous

INDEPENDENT PROCEEDINGS

- Attorney Appointment, Body Attachment Issuance, Commission Issuance, Contempt (Cont'd)

IF NEW OR EXISTING CASE: RELIEF (Check All that Apply)

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Abatement | <input type="checkbox"/> Earnings Withholding | <input type="checkbox"/> Judgment-Interest | <input type="checkbox"/> Return of Property |
| <input type="checkbox"/> Administrative Action | <input type="checkbox"/> Enrollment | <input type="checkbox"/> Judgment-Summary | <input type="checkbox"/> Sale of Property |
| <input type="checkbox"/> Appointment of Receiver | <input type="checkbox"/> Expungement | <input type="checkbox"/> Liability | <input type="checkbox"/> Specific Performance |
| <input type="checkbox"/> Arbitration | <input type="checkbox"/> Findings of Fact | <input type="checkbox"/> Oral Examination | <input type="checkbox"/> Writ-Error Coram Nobis |
| <input type="checkbox"/> Asset Determination | <input type="checkbox"/> Foreclosure | <input type="checkbox"/> Order | <input type="checkbox"/> Writ-Execution |
| <input type="checkbox"/> Attachment b/f Judgment | <input checked="" type="checkbox"/> Injunction | <input type="checkbox"/> Ownership of Property | <input type="checkbox"/> Writ-Garnish Property |
| <input type="checkbox"/> Cease & Desist Order | <input type="checkbox"/> Judgment-Affidavit | <input type="checkbox"/> Partition of Property | <input type="checkbox"/> Writ-Garnish Wages |
| <input type="checkbox"/> Condemn Bldg | <input type="checkbox"/> Judgment-Attorney Fees | <input type="checkbox"/> Peace Order | <input type="checkbox"/> Writ-Habeas Corpus |
| <input type="checkbox"/> Contempt | <input type="checkbox"/> Judgment-Confessed | <input type="checkbox"/> Possession | <input type="checkbox"/> Writ-Mandamus |
| <input type="checkbox"/> Court Costs/Fees | <input type="checkbox"/> Judgment-Consent | <input type="checkbox"/> Production of Records | <input type="checkbox"/> Writ-Possession |
| <input type="checkbox"/> Damages-Compensatory | <input checked="" type="checkbox"/> Judgment-Declaratory | <input type="checkbox"/> Quarantine/Isolation Order | |
| <input type="checkbox"/> Damages-Punitive | <input type="checkbox"/> Judgment-Default | <input type="checkbox"/> Reinstmt of Emplmnt | |

If you indicated *Liability* above, mark one of the following. This information is not an admission and may not be used for any purpose other than Track Assignment.

- Liability is conceded. Liability is not conceded, but is not seriously in dispute. Liability is seriously in dispute.

MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)

- Under \$10,000 \$10,000 - \$30,000 \$30,000 - \$100,000 Over \$100,000

- Medical Bills \$ _____ Wages \$ _____ Property Damages \$ _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

- | | | | | | |
|----------------|------------------------------|--|--------------------------|------------------------------|--|
| A. Mediation | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | C. Settlement Conference | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| B. Arbitration | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | D. Neutral Evaluation | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

SPECIAL REQUIREMENTS

- If a Spoken Language Interpreter is needed, check here and attach form CC-DC-041
- If you require an accommodation for a disability under the Americans with Disabilities Act, check here and attach form CC-DC-049

ESTIMATED LENGTH OF TRIAL

(Case will be tracked accordingly)

- | | |
|---|--|
| <input type="checkbox"/> 1/2 day of trial or less | <input checked="" type="checkbox"/> 3 days of trial time |
| <input type="checkbox"/> 1 day of trial time | <input type="checkbox"/> More than 3 days of trial time |
| <input type="checkbox"/> 2 days of trial time | |

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.

Expected - Trial within 7 months
of Defendant's response

Standard - Trial within 18 months of
Defendant's response

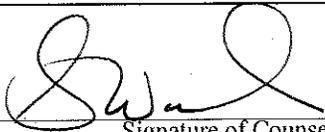
EMERGENCY RELIEF REQUESTED

**COMPLEX SCIENCE AND/OR TECHNOLOGICAL CASE
MANAGEMENT PROGRAM (ASTAR)**

FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO ASTAR RESOURCES JUDGES under Md. Rule 16-202 is requested, attach a duplicate copy of complaint and check whether assignment to an ASTAR

Expected - Trial within 7 months
of Defendant's response

Standard - Trial within 18 months of
Defendant's response



Signature of Counsel/Party

5/5/2016

Date

T. Sky Woodward

Print Name

Bradley, Arant, 1615 L Street NW, Suite 1350

Street Address

Washington, DC 20036

City/State/Zip

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

JAMIE FALCON,
Chair, Anne Arundel County *
School Board Nominating Commission *
1422 Anna Marie Court *
Annapolis, Maryland 21409, *

Case No. _____

KAM R. GAST *
Commissioner, Anne Arundel County *
School Board Nominating Commission *
844 Sunny Chapel Rd. *
Odenton, MD 21113, *

SUSANNAH WARNER KIPKE *
Commissioner, Anne Arundel County *
School Board Nominating Commission *
209 South Caroline Ave. *
Pasadena, MD 21122, *

and *

JOAN MAYNARD *
Commissioner, Anne Arundel County *
School Board Nominating Commission *
6233 Medora Rd. *
Linthicum Heights, MD 21090, *

Plaintiffs *

v. *

STATE OF MARYLAND, *
Serve on: *
Brian E. Frosh, Attorney General *
200 St. Paul Place *
Baltimore, Maryland 21201, *

Defendant.

* * * * *

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT AND FOR A
TEMPORARY RESTRAINING ORDER AND PRELIMINARY AND PERMANENT
INJUNCTIVE RELIEF**

Plaintiffs Jamie Falcon, Kam R. Gast, Susannah Warner Kipke, and Joan Maynard (collectively, “Plaintiffs”) as Commissioners on the Anne Arundel County School Board Nominating Commission, by their attorneys T. Sky Woodward, Marc Nardone, and the law firm of Bradley Arant Boult Cummings LLP, and Gregory M. Kline, and the Law Office of Gregory M. Kline, LLC, file this Verified Complaint for Declaratory Judgment and for a Temporary Restraining Order and Preliminary and Permanent Injunctive Relief. Plaintiffs state the following in support thereof:

1. Plaintiffs bring this Complaint for a declaratory judgment pursuant to MD. CODE ANN., CTS. & JUD. PROC. § 3-401, *et seq.* and seek a temporary restraining order and preliminary and permanent injunctive relief pursuant to Maryland Rules 15-501, *et seq.*

2. This Court has subject matter jurisdiction over actions for declaratory judgments pursuant to MD. CODE ANN., CTS. & JUD. PROC. § 3-403.

3. Venue is proper pursuant to MD. CODE ANN., CTS. & JUD. PROC. § 6-201 because Defendant State of Maryland (the “State”) carries on its regular business in Anne Arundel County and maintains numerous buildings in Anne Arundel County.

4. The purpose of the Anne Arundel County School Board Nominating Commission (the “Commission”) is to “select nominees to be recommended to the Governor as qualified candidates for appointment to the Anne Arundel County Board of Education.” MD. CODE ANN., EDUC. § 3-110(b)(1)(ii).

5. Currently, the Commission is comprised of eleven Commissioners, with one Commissioner being designated as the Chair by the Governor. The Commissioners are currently selected as follows: the Governor of Maryland appoints five Commissioners, one from each legislative district in Anne Arundel County; the County Executive of Anne Arundel County

appoints one Commissioner; the Teachers Association of Anne Arundel County appoints one Commissioner; the Annapolis and Anne Arundel County Chamber of Commerce appoints one Commissioner; the Anne Arundel County Council of Parent Teacher Associations appoints one member; the Anne Arundel County Community College Board of Trustees appoints one member; and the Association of Educational Leaders appoints one member. MD. CODE ANN., EDUC. § 3-110(b)(2).

6. Plaintiff Jamie Falcon, currently the Chair of the Commission, was appointed by the Governor effective July 1, 2015. Plaintiff Falcon was appointed to his civil office for a term of four years, serving until June 30, 2019. Plaintiff Falcon is a civil officer as that phrase is used in the Maryland Constitution.

7. Plaintiffs Kam R. Gast, Susannah Warner Kipke, and Joan Maynard all were appointed by the Governor effective July 1, 2015. They were each appointed to their civil offices for a term of four years, serving until June 30, 2019. Plaintiffs Gast, Kipke, and Maynard are civil officers as that phrase is used in the Maryland Constitution.

8. All Plaintiffs intend to serve out their full terms as Commissioners.

9. Article II, § 15 of the Maryland Constitution vests the Governor with the authority to “remove for incompetency, or misconduct, all civil officers who received appointment from the Executive for a term of years.”

10. The Governor’s authority to remove civil officers is exclusive, pursuant to the separation of powers doctrine set forth in Article 8 of the Maryland Declaration of Rights.

11. On March 31, 2016, the General Assembly passed House Bill 172 (the “Bill”). A copy of the Bill is attached hereto as Exhibit 1.

12. The Bill removes the Commissioners appointed by the Governor, including Plaintiffs, from their civil offices. The Bill does not remove any other Commissioners. The Bill also does not reconstitute the Commission.

13. On April 5, 2016, the Governor vetoed the Bill because it was a violation of the Maryland Constitution. A copy of the Governor's letter to Speaker Michael Busch is attached as Exhibit 2.

14. On April 7, 2016, and April 8, 2016, the Maryland House and Senate, respectively, voted to override the Governor's veto.

15. The Bill becomes effective on June 1, 2016.

COUNT I

(Declaratory Judgment)

16. Plaintiffs incorporate the allegations contained in the preceding paragraphs as if fully set forth herein.

17. Plaintiffs seek a declaration of their rights with respect to Sections 1 and 2 of the Bill in accordance with the Maryland Declaratory Judgment Act. MD. CODE ANN., CTS. & JUD. PROC. § 3-401, *et seq.*

18. There exists a controversy between Plaintiffs and the State of Maryland that is ripe for adjudication by this Court because there is a dispute regarding the constitutionality of the Bill.

19. The Bill does not reconstitute the Commission, because it does not remove all of the commissioners.

20. By removing only the gubernatorial appointees from the Commission, the Bill is an attempt by the Legislature to override the established public policy of Maryland, as set forth in

Article II, § 15 of the Maryland Constitution, that only the Governor may remove civil officers once they have been appointed to a civil office for a term of years.

21. Because the Bill violates the Maryland Constitution, it is an invalid attempt by the General Assembly to exercise powers it does not possess, in violation of the separation of powers doctrine set forth in Article 8 of the Maryland Declaration of Rights.

22. Plaintiffs seek a declaration that House Bill 172 violates Article II, Section 15 of the Maryland Constitution and Article 8 of the Maryland Declaration of Rights.

COUNT II

(Injunctive Relief)

23. Plaintiffs incorporate the allegations contained in the preceding paragraphs as if fully set forth herein.

24. By crafting the Bill in such a way that it divests Plaintiffs of their civil offices without any process of law, the General Assembly has effectively prevented judicial review before Plaintiffs' interests are compromised.

25. Plaintiffs respectfully request an injunction to prevent the effectiveness and implementation of the Bill pending the outcome of this proceeding.

26. An injunction would serve the public interest because it would allow the Commission to operate normally until this case is resolved and because it would minimize the disruption that would occur if Plaintiffs were to be removed from the Commission but ultimately prevail on their claims. Furthermore, if an injunction does not issue and Plaintiffs are removed from the Commission, any actions taken by the new Commission would be void once Plaintiffs prevail on their claims, potentially paralyzing the new Commission until the resolution of this lawsuit.

27. By contemporaneously filed motion, Plaintiffs further request a temporary restraining order to prevent the immediate, irreparable harm that will occur if the Bill goes into effect.

28. Without the entry of a temporary restraining order, Plaintiffs will be divested of their duly appointed civil offices without having had any opportunity to challenge the constitutionality of their removal.

29. As demonstrated more fully in the contemporaneously-filed Memorandum in support of a Temporary Restraining Order and Preliminary Injunction, the relevant factors for granting injunctive relief weigh in favor of the Plaintiffs because the Plaintiffs are likely to succeed on the merits, the Plaintiffs will be irreparably harmed if the injunction is not granted, the balance of convenience weighs in favor of the Plaintiffs, and an injunction is in the public interest.

30. Plaintiffs respectively request that any bond be waived pursuant to Rule 15-503(b).
WHEREFORE, Plaintiffs request from this Court:

(a) A declaration that House Bill 172 violates Article II, Section 15 of the Maryland Constitution and Article 8 of the Maryland Declaration of Rights;

(b) A temporary restraining order;

(c) A preliminary injunction preventing House Bill 172 from taking effect and preventing the State from implementing House Bill 172 during the pendency of this litigation;

(d) A permanent injunction preventing House Bill 172 from taking effect and preventing the State from implementing House Bill 172 permanently; and

(e) Any further relief this Court deems proper.

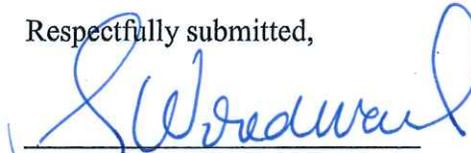
VERIFICATION

I solemnly affirm under penalties of perjury that the contents of the foregoing Complaint are true to the best of my knowledge, information, and belief.



Jamie Falcon
Chair, Anne Arundel County School
Board Nominating Commission

Respectfully submitted,



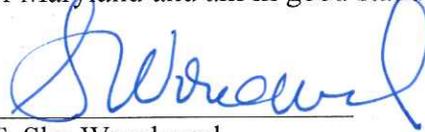
T. Sky Woodward (CPF No. 9212170281)
Marc A. Nardone (CPF No. 1112140291)
BRADLEY ARANT BOULT CUMMINGS LLP
1615 L Street, NW
Suite 1350
Washington, DC 20036
(202) 719-8214
(202) 719-8314
swoodward@babbc.com

Gregory M. Kline (CPF No. 9612180116)
LAW OFFICE OF GREGORY M. KLINE, LLC
550M Ritchie Highway, PMB #159
Severna Park, MD 21146
(410) 541-6384

Counsel for Plaintiffs

RULE 1-313 CERTIFICATION OF OUT-OF-STATE ATTORNEY

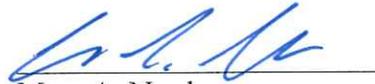
Pursuant to Maryland Rule 1-313, I, T. Sky Woodward, certify on this 5th day of May 2016, that I am admitted to practice law in the State of Maryland and am in good standing.



T. Sky Woodward
CFP No. 9212170281
Bradley Arant Boult Cummings LLP
1615 L Street, N.W., Suite 1350
Washington, DC 20036
(202) 393-7150 (phone)
(202) 347-1684 (facsimile)
swoodward@bradley.com (e-mail)

RULE 1-313 CERTIFICATION OF OUT-OF-STATE ATTORNEY

Pursuant to Maryland Rule 1-313, I, Marc A. Nardone, certify on this 5th day of May 2016, that I am admitted to practice law in the State of Maryland and am in good standing.

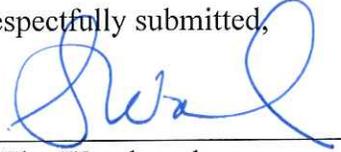


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mnardone@bradley.com (e-mail)

RULE 20-201 CERTIFICATION

I, T. Sky Woodward, hereby certify that the attached filing does not contain any restricted information, pursuant to Maryland Rule 20-201(f).

Respectfully submitted,



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Counsel for Plaintiffs