

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

L.J., et al.,

*

Plaintiffs,

*

v.

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Civil Action No. JFM-84-4409

THEODORE DALLAS, et al.,

*

Defendants.

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* * * * *

**CONSENT MOTION BY PLAINTIFFS TO DISMISS VOLUNTARILY PLAINTIFFS'
CONSOLIDATED PETITION FOR ORDERS OF ENFORCEMENT AND TO SHOW
CAUSE WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT OF CONSENT
DECREE AND MOTION FOR MODIFICATION OF CONSENT DECREE (DKT. 477)**

Plaintiffs L.J., et al., by their undersigned counsel, and with the consent of Defendants Theodore Dallas, et al., respectfully move to dismiss voluntarily Plaintiffs' Consolidated Petition for Orders of Enforcement and to Show Cause Why Defendants Should Not Be Held in Contempt of Consent Decree and Motion for Modification of Consent Decree (Dkt. 477) ("Consolidated Petition"). In support of this consent motion, Plaintiffs set forth the following grounds:

1. On October 9, 2009, this Court entered an order approving the Modified Consent Decree ("MCD") in this case and further entered the MCD over the objection of Defendants.

2. Pursuant to § 1.I of Part One of the MCD, upon (1) approval of the MCD by the Court, (2) entry of an order entering the MCD as a binding order upon the parties, and (3) the expiration of any appeal period, Plaintiffs must file a motion, consented to by Defendants, voluntarily dismissing the Consolidated Petition.

3. Defendants appealed the Court's approval and entry of the MCD to the United States Court of Appeals for the Fourth Circuit. On January 26, 2011, the Fourth Circuit denied the appeal and affirmed the Court's orders approving and entering the MCD. On February 23, 2011, the Fourth Circuit denied Defendants' petition for rehearing en banc.

4. On July 25, 2011, Defendants petitioned the Supreme Court of the United States for a writ of certiorari. The Supreme Court denied Defendants' petition on November 28, 2011.

5. Defendants have not petitioned the Supreme Court for rehearing of the denial of their petition for a writ of certiorari and the time for doing so has expired. Therefore, the appeal process for Defendants' challenge to entry of the MCD has concluded and the MCD is now final.

6. Pursuant to § 1.I of Part One of the MCD, Plaintiffs voluntarily dismiss the Consolidated Petition and ask that the Court issue the accompanying proposed Order to that effect.

7. David E. Beller, counsel for Defendants, has advised counsel for Plaintiffs that Defendants consent to this Motion.

WHEREFORE, Plaintiffs L.J., et al., respectfully request that the Court enter the attached proposed Order voluntarily dismissing the Consolidated Petition.

Respectfully submitted,

/s/

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