

CLOSED

**U.S. District Court
District of Maryland (Baltimore)
CIVIL DOCKET FOR CASE #: 1:17-cv-01793-MJG**

Overbey et al v. Mayor and City Council Baltimore et al
Assigned to: Judge Marvin J. Garbis
Case in other court: Fourth Circuit Court of Appeals,
17-02444
Cause: 28:1331 Violation of Constitutional Rights

Date Filed: 06/29/2017
Date Terminated: 11/29/2017
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Ashley Amaris Overbey

represented by **Daniel William Wolff**
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Plaintiff

Baltimore Brew

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V.

Defendant

**The Mayor and City Council of
Baltimore**

represented by **Jason Robert Foltin**
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Defendant

Baltimore City Police Department

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Defendant

Baltimore City Policy Department
TERMINATED: 06/30/2017

Date Filed	#	Docket Text
06/29/2017	<u>1</u>	COMPLAINT against All Defendants, filed by Ashley Amaris Overbey, Baltimore Brew. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons)(Wolff, Daniel) (Entered: 06/29/2017)
06/29/2017	<u>2</u>	Local Rule 103.3 Disclosure Statement by Baltimore Brew (Wolff, Daniel) (Entered: 06/29/2017)

06/29/2017	<u>3</u>	Summons Issued 21 days as to The Mayor and City Council of Baltimore.(slss, Deputy Clerk) (Entered: 06/29/2017)
06/29/2017	<u>4</u>	QC NOTICE: <u>1</u> Complaint filed by Baltimore Brew and Ashley Amaris Overbey was filed incorrectly. The Summons for Baltimore Police Department was not issued. The Summons has Baltimore Police Department as the defendant to issue summons for, but the Complaint has Baltimore City Policy Department as the defendant. Please either correct the complaint with an Amended Complaint showing the correct defendant or refile the correct summons. (slss, Deputy Clerk) (Entered: 06/29/2017)
06/30/2017	<u>5</u>	AMENDED COMPLAINT against The Mayor and City Council of Baltimore, Baltimore City Police Department, filed by Ashley Amaris Overbey, Baltimore Brew. (Attachments: # <u>1</u> Errata Notice of Errata, # <u>2</u> Redline of Amended Complaint, # <u>3</u> Summons, Baltimore Police Department)(Wolff, Daniel) (Entered: 06/30/2017)
06/30/2017	<u>6</u>	NOTICE of Appearance by Deborah A Jeon on behalf of All Plaintiffs (Jeon, Deborah) (Entered: 06/30/2017)
06/30/2017	<u>7</u>	NOTICE of Appearance by Nicholas Taichi Steiner on behalf of All Plaintiffs (Steiner, Nicholas) (Entered: 06/30/2017)
07/05/2017	<u>8</u>	Summons Issued 21 days as to Baltimore City Police Department.(jnls, Deputy Clerk) (Entered: 07/05/2017)
07/13/2017	<u>9</u>	SUMMONS Returned Executed by Ashley Amaris Overbey, Baltimore Brew. Baltimore City Police Department served on 7/7/2017, answer due 7/28/2017; The Mayor and City Council of Baltimore served on 7/7/2017, answer due 7/28/2017.(Wolff, Daniel) (Entered: 07/13/2017)
07/27/2017	<u>10</u>	MOTION to Dismiss for Failure to State a Claim by Baltimore City Police Department (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Text of Proposed Order)(Glynn, Colin) (Entered: 07/27/2017)
07/27/2017	<u>11</u>	MOTION to Dismiss for Failure to State a Claim <i>or for Summary Judgment and to Strike Jury Demand</i> by The Mayor and City Council of Baltimore (Attachments: # <u>1</u> Supplement Memorandum of Law in Support of Defendant Mayor and City Council of Baltimores Motion to Dismiss or for Summary Judgment and to Strike Jury Demand, # <u>2</u> Exhibit 1 – Ms. Overbey's Circuit Court Complaint, # <u>3</u> Exhibit 2 – Circuit Court Case Information, # <u>4</u> Exhibit 3 – Ms. Overbey's Settlement Agreement, # <u>5</u> Exhibit 4 – Baltimore Sun Facebook Comments, # <u>6</u> Exhibit 5 – 10.8.2014 Letter from City to Ms. Overbey's Counsel, # <u>7</u> Text of Proposed Order, # <u>8</u> Text of Proposed Order – Alternative Proposed Order)(Foltin, Jason) (Entered: 07/27/2017)
07/28/2017	<u>12</u>	Local Rule 103.3 Disclosure Statement by The Mayor and City Council of Baltimore (Foltin, Jason) (Entered: 07/28/2017)
07/28/2017	<u>13</u>	NOTICE of Appearance by Frederic Nelson Smalkin, Jr on behalf of The Mayor and City Council of Baltimore (Smalkin, Frederic) (Entered: 07/28/2017)
07/28/2017	<u>14</u>	NOTICE of Appearance by Lydie Essama Glynn on behalf of The Mayor and City Council of Baltimore (Glynn, Lydie) (Entered: 07/28/2017)
07/28/2017	<u>15</u>	Local Rule 103.3 Disclosure Statement by Baltimore City Police Department (Glynn, Colin) (Entered: 07/28/2017)
08/07/2017	<u>16</u>	MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION to Dismiss for Failure to State a Claim, <u>11</u> MOTION to Dismiss for Failure to State a Claim <i>or for Summary Judgment and to Strike Jury Demand</i> by Baltimore Brew, Ashley Amaris Overbey. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Supplement Memorandum in Support of Motion)(Wolff, Daniel) (Entered: 08/07/2017)
08/08/2017	<u>17</u>	Paperless ORDER granting <u>16</u> Motion for Extension of Time to File Response/Reply. Signed by Judge J. Frederick Motz on 8/8/2017. (Motz, J.) (Entered: 08/08/2017)
09/01/2017	<u>18</u>	RESPONSE in Opposition re <u>10</u> MOTION to Dismiss for Failure to State a Claim, <u>11</u> MOTION to Dismiss for Failure to State a Claim <i>or for Summary Judgment and to Strike Jury Demand</i> filed by Baltimore Brew, Ashley Amaris Overbey. (Attachments: # <u>1</u> Exhibit A – Overbey Declaration)(Wolff, Daniel) (Entered: 09/01/2017)

09/01/2017	<u>19</u>	Request for Hearing re <u>10</u> MOTION to Dismiss for Failure to State a Claim, <u>18</u> Response in Opposition to Motion, <u>11</u> MOTION to Dismiss for Failure to State a Claim <i>or for Summary Judgment and to Strike Jury Demand</i> (Wolff, Daniel) (Entered: 09/01/2017)
09/08/2017	<u>20</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>18</u> Response in Opposition to Motion, by Baltimore City Police Department, The Mayor and City Council of Baltimore. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Text of Proposed Order)(Smalkin, Frederic) (Entered: 09/08/2017)
09/08/2017	21	Paperless ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply. Signed by Judge J. Frederick Motz on 9/8/2017. (Motz, J.) (Entered: 09/08/2017)
09/28/2017	<u>22</u>	REPLY to Response to Motion re <u>10</u> MOTION to Dismiss for Failure to State a Claim filed by Baltimore City Police Department.(Glynn, Colin) (Entered: 09/28/2017)
09/29/2017	<u>23</u>	REPLY to Response to Motion re <u>11</u> MOTION to Dismiss for Failure to State a Claim <i>or for Summary Judgment and to Strike Jury Demand</i> filed by The Mayor and City Council of Baltimore.(Foltin, Jason) (Entered: 09/29/2017)
10/04/2017	<u>24</u>	MEMORANDUM. Signed by Judge J. Frederick Motz on 10/4/2017. (jnls, Deputy Clerk) (Entered: 10/05/2017)
10/04/2017	<u>25</u>	ORDER granting <u>10</u> Motion of Baltimore Police Department to Dismiss ; granting <u>11</u> Motion of Mayor and City Council of Baltimore to Dismiss <i>or for Summary Judgment</i> treated as one to dismiss; JUDGMENT is entered in favor of defendants against plaintiff. Signed by Judge J. Frederick Motz on 10/4/2017. (jnls, Deputy Clerk) (Entered: 10/05/2017)
10/13/2017	<u>26</u>	ORDER DIRECTING Clerk to reopen case to permit adjudication of motions. Signed by Chief Judge James K. Bredar on 10/13/2017. (hmls, Deputy Clerk) (Entered: 10/13/2017)
10/18/2017		Case reassigned to Judge Marvin J. Garbis. Judge J. Frederick Motz no longer assigned to the case. (cags, Deputy Clerk) (Entered: 10/18/2017)
10/19/2017	<u>27</u>	NOTICE of Appearance by Michael G Comeau on behalf of Baltimore City Police Department (Comeau, Michael) (Entered: 10/19/2017)
10/31/2017		Telephone Status and Scheduling Conference held on 10/31/2017 before Judge Marvin J. Garbis. (jnls, Deputy Clerk) (Entered: 11/01/2017)
11/01/2017	<u>28</u>	PROCEDURAL ORDER. Signed by Judge Marvin J. Garbis on 10/31/2017. (jnls, Deputy Clerk) (Entered: 11/01/2017)
11/02/2017	<u>29</u>	MOTION for Reconsideration re <u>25</u> Order on Motion to Dismiss for Failure to State a Claim,,, by Baltimore Brew, Ashley Amaris Overbey (Attachments: # <u>1</u> Text of Proposed Order)(Wolff, Daniel) (Entered: 11/02/2017)
11/13/2017	<u>30</u>	RESPONSE in Opposition re <u>29</u> MOTION for Reconsideration re <u>25</u> Order on Motion to Dismiss for Failure to State a Claim,,, filed by The Mayor and City Council of Baltimore. (Attachments: # <u>1</u> Text of Proposed Order)(Smalkin, Frederic) (Entered: 11/13/2017)
11/16/2017	<u>31</u>	Motion Hearing held on 11/16/2017 re <u>29</u> MOTION for Reconsideration re <u>25</u> Order on Motion to Dismiss for Failure to State a Claim,,, filed by Baltimore Brew, Ashley Amaris Overbey before Judge Marvin J. Garbis.(Court Reporter: Douglas Zweizig) (J. Herndons, Deputy Clerk) (Entered: 11/16/2017)
11/29/2017	<u>32</u>	MEMORANDUM AND ORDER granting <u>29</u> Motion of Baltimore Brew, Ashley Amaris Overbey for Reconsideration; granting <u>10</u> Motion to Dismiss of Baltimore City Police Department; granting <u>11</u> Motion of Mayor and City Council of Baltimore for Summary Judgment and to Strike Jury Demand. Signed by Judge Marvin J. Garbis on 11/28/2017. (jnls, Deputy Clerk) (Entered: 11/29/2017)
11/29/2017	<u>33</u>	JUDGMENT ORDER shall be, and hereby is, entered in favor of Defendants against Plaintiff Ashley Amaris Overbey and Plaintiff Baltimore Brew dismissing all claims with prejudice with costs. Signed by Judge Marvin J. Garbis on 11/28/2017. (jnls, Deputy Clerk) (Entered: 11/29/2017)

12/20/2017	<u>34</u>	NOTICE OF APPEAL as to <u>32</u> Memorandum and Order,, Order on Motion for Reconsideration, <u>33</u> Judgment, by Baltimore Brew, Ashley Amaris Overbey. Filing fee \$ 505, receipt number 0416-7063978.(Wolff, Daniel) (Entered: 12/20/2017)
12/21/2017	<u>35</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>34</u> Notice of Appeal. IMPORTANT NOTICE: To access forms which you are required to file with the United States Court of Appeals for the Fourth Circuit please go to http://www.ca4.uscourts.gov and click on Forms & Notices.(slss, Deputy Clerk) (Entered: 12/21/2017)
12/22/2017	<u>36</u>	USCA Case Number 17-2444 for <u>34</u> Notice of Appeal filed by Baltimore Brew, Ashley Amaris Overbey. Case Manager - Anisha Walker (slss, Deputy Clerk) (Entered: 12/22/2017)
01/10/2018	<u>37</u>	TRANSCRIPT ORDER ACKNOWLEDGMENT by Baltimore Brew and Ashley Amaris Overbey for proceedings held on Motions Hearing 11/16/2017 before Judge Garbis, re <u>34</u> Notice of Appeal - Transcript due by 3/19/2018 (Court Reporter: Douglas Zweizig).(slss, Deputy Clerk) (Entered: 01/10/2018)
03/16/2018	<u>38</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT for dates of 11/16/17, before Judge Garbis, re <u>34</u> Notice of Appeal Court Reporter/Transcriber Douglas J. Zweizig, Telephone number 410-962-4474. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER. Does this satisfy all appellate orders for this reporter? - Y . Redaction Request due 4/6/2018. Redacted Transcript Deadline set for 4/16/2018. Release of Transcript Restriction set for 6/14/2018.(dz, Court Reporter) (Entered: 03/16/2018)
07/11/2019	<u>39</u>	JUDGMENT of USCA (certified copy)"Reversing" the judgment of the District Court and "Remanding" to the District Court for further proceedings consistent with the Court's decision as to <u>34</u> Notice of Appeal filed by Baltimore Brew, Ashley Amaris Overbey. (Attachments: # <u>1</u> Opinion (slss, Deputy Clerk) (Entered: 07/11/2019)