

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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BALTIMORE, MARYLAND 21201
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August 19, 2016

MEMO TO COUNSEL RE: Franklin Savage, et al. v. Pocomoke City, et al.
Civil No. JFM-16-201

Dear Counsel:

I have reviewed the memoranda submitted in connection with the partial motion to dismiss or, in the alternative, to bifurcate certain claims filed by Pocomoke City, Russell Blake, Ernest A. Crofoot, and Bruce Morrison (document 41) and Patricia Donaldson's and Brooks Phillips' motion to dismiss or, in the alternative, for summary judgment (document 46). The motions are denied without prejudice to defendants rearising these same issues they have raised by a motion for summary judgment after the completion of discovery.

I have also reviewed the motion to dismiss, or, in the alternative, to bifurcate filed by the County Commissioners of Worcester County (document 42). The motion is denied without prejudice to defendant rearising these same issues they have raised by a motion for summary judgment after the completion of discovery.

I have also reviewed the motion to dismiss, or, in the alternative, for summary judgment filed by defendant Beau Oglesby (document 45). The motion is granted. The claims raised by plaintiffs are barred by the doctrine of absolute prosecutorial immunity.

Finally, I have reviewed the memoranda submitted in connection with plaintiff's motion to alter or amend the judgment granting in part defendants Mason, Smack, Passwaters and Wells' motion to dismiss (document 69). The motion is denied. I am not persuaded that *Lawson v. Union Cty. Clerk of Court*, No. 14-2360, 2016 WL 3632585 (4th Cir. July 7, 2016), *as amended* (July 8, 2016) modifies Fourth Circuit law.

A conference call will be held on August 29, 2016 at 4:30 p.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Enclosed is a tentative scheduling order with approximate dates for your information. Please consult with one another before the call and be prepared to discuss whether you would like to participate in a settlement conference either before or after the completion of discovery, any changes to the dates in the form scheduling order, and whether there is unanimous consent to proceed before a U.S. Magistrate Judge for all proceedings.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge

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