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July 19, 2019

Via Electronic Case Filing

The Honorable George L. Russell, III
United States District Judge
District of Maryland
101 West Lombard Street
Baltimore, MD 21202

Re: Joint Status Report, *Wheelabrator Baltimore, L.P., et al. v. Mayor and City Council of Baltimore*, No. 1:19-cv-01264- GLR (D. Md.)

Dear Judge Russell:

The Parties have conferred to discuss a briefing schedule, and submit this Joint Status Report to the Court pursuant to the Court's July 18, 2019 Order. (Dkt. No. 23). The Parties were unable to agree on all issues regarding a schedule and ask for a conference with Magistrate Judge Gesner, to whom this case was referred for the purpose of resolving scheduling issues, at the Court's earliest convenience.

Parties' Agreement:

Plaintiffs ask for and the Defendant consents to an 11 day extension of time for the Plaintiffs to respond to Defendant's forthcoming motion to dismiss, which is due on July 22, 2019. The new due date for Plaintiffs' response will be August 16, 2019. Plaintiffs agree that Defendant's reply will be due September 20, 2019.

Plaintiffs' Position:

Plaintiffs ask for the following schedule for dispositive motions:

Date	Plaintiffs File	Defendant Files
Monday, July 22		Motion to Dismiss



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Date	Plaintiffs File	Defendant Files
Friday, Aug. 16	Opposition to Motion to Dismiss Motion for Partial Summary Judgment (Counts 1-5)	
Friday, Sept. 20		Reply in Support of Motion to Dismiss Opposition to Plaintiffs' Motion for Partial Summary Judgment (Cross-Motion for Partial Summary Judgment)
Friday, Oct. 4	Reply in Support of Motion for Partial Summary Judgment (Opposition to Cross-Motion for Summary Judgment)	
Friday, Oct. 18		(Reply in Support of Cross-Motion for Summary Judgment)

Defendant's Position:

Defendant objects to Plaintiffs' proposed schedule other than the due date for Defendant's motion to dismiss, Plaintiffs' response, and Defendant's reply. Defendant will prepare and submit an alternative schedule proposal for the Plaintiffs' consideration.

Respectfully submitted,

/s/ James B. Slaughter _____

James B. Slaughter

Joshua H. Van Eaton

Roy D. Prather, III

Counsel for Plaintiffs Wheelabrator Baltimore, L.P., Energy Recovery Council, National Waste & Recycling Association, and TMS Hauling, LLC



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/s/ M. Trent Zivkovich

M. Trent Zivkovich

Michael Powell

Counsel for Plaintiff Curtis Bay Energy, L.P.

(signed with permission from M. Trent Zivkovich
and Michael Powell)

cc: Thomas Webb, Esq., Counsel for Defendant Mayor and City of Baltimore
Matthew Nayden, Esq., Counsel for Defendant Mayor and City of Baltimore
Doris Weil, Esq., Counsel for Defendant Mayor and City of Baltimore
John Dougherty, Esq., Counsel for Defendant Mayor and City of Baltimore