

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

WHEELABRATOR BALTIMORE, L.P. et al.,

Plaintiffs,

v.

MAYOR AND CITY COUNCIL OF
BALTIMORE,

Defendant.

ORAL ARGUMENT REQUESTED

Civil Action No. 1:19-cv-01264

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs Wheelabrator Baltimore, L.P., Curtis Bay Energy, L.P., the Energy Recovery Council, the National Waste & Recycling Association, and TMS Hauling, LLC (“Plaintiffs”), by undersigned counsel, move this Court under Fed. R. Civ. P. 56 to grant Plaintiffs’ motion for partial summary judgment on Counts 1-5 of the Complaint (Dkt. No. 1). This motion is supported by the accompanying Memorandum, the statement of facts contained therein, and the exhibits attached to the Memorandum. The Court may take judicial notice under Fed. R. Evid. 201 of the facts and exhibits.

WHEREFORE, Plaintiffs request the Court grant their motion for partial summary judgment and enter a declaratory judgment invalidating Ordinance 18-0306 as codified in Baltimore City Health Code § 8-110, *et seq.*, and enjoin its enforcement.

Dated: August 23, 2019

Respectfully submitted,

/s/

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(signed with permission from M. Trent
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CERTIFICATE OF COMPLIANCE

I hereby certify that on this 23rd day of August, 2019, Plaintiffs' Motion for Partial Summary Judgment and Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment were filed in accordance with the Electronic Filing Requirements and Procedures, as established by the United States District Court for the District of Maryland. A courtesy hard copy of the foregoing is being sent to the U.S. District Court for the District of Maryland Clerk's Office via U.S. mail.

/s/ _____
Roy D. Prather III