MAYOR AND CITY COUNCIL OF BALTIMORE,	*	**IN THE**
	*	**CIRCUIT COURT**
***Plaintiff*,**	*	**FOR**
v.	*	**BALTIMORE CITY, PART 23**
PEPSICO, INC., *et al.*,	*	**Case No.: C-24-CV-24-001003**
***Defendants*.**	*	

* * * * * * * * * * * * *

MEMORANDUM OPINION

This matter comes before the Court on the Defendants' Joint Motion to Dismiss the Complaint; Defendants Polymershapes Baltimore's ("Polymershapes"), Mercury Plastics MD's ("Mercury"), and W.R. Grace & Co.'s ("W.R. Grace") three (3) individual Motions to Dismiss; Plaintiff's Oppositions to each of the Motions to Dismiss; Defendants' Replies in Further Support of their Motions to Dismiss; the arguments made before the Court on May 1, 2025; Defendants Mercury Plastics, Polymershapes, and W.R. Grace's respective individual Oppositions to a Stay; Polymershapes' Revised Opposition to Stay; Defendants' Joint Brief Opposing a Stay; Plaintiff's Memorandum in Support of Stay of Proceedings; all responses and replies to the parties' briefs on the question of a stay, and the contents of the record.

For the reasons elaborated upon herein, the individual Motions to Dismiss filed by Defendants Polymershapes, Mercury, and W.R. Grace are hereby **GRANTED**. All claims against Defendants Polymershapes, Mercury, W.R. Grace, and Adell Plastics are hereby **DISMISSED** with prejudice. Defendants' Joint Motion to Dismiss is hereby **GRANTED** in part as to Counts VI (violation of Baltimore City Ordinance 23-0424), VII (violation of Maryland Consumer Protection Act), VIII (continuing trespass), IX (strict liability for design

defect), X (negligent design defect), XII (strict liability for failure to warn), XIII (negligent failure to warn), and XIV (negligence).

A ruling on the remaining Count of Plaintiff's Complaint, Count XI (public nuisance), against remaining Defendants PepsiCo, Inc., Frito-Lay, Inc., Frito-Lay North America, Inc., and Coca-Cola, Inc., is hereby **STAYED**.

INTRODUCTION

The Plaintiff in this matter is the Mayor and City Council of Baltimore ("Plaintiff" or "the City"). The City brought this action against eight (8) Defendants, each of which the City claims produces, manufactures, and/or distributes single-use plastic products. Complaint at ¶¶ 9-24. The City's Complaint (hereinafter "Complaint") asserts claims under the Baltimore City Code, the Maryland Illegal Dumping and Litter Control Law, and the Maryland Consumer Protection Act, along with tort claims for continuing trespass, design defect, failure to warn, negligence, and public nuisance. *Id.* at ¶¶ 166, 172, 84, 238-39, 6. The City alleges that Defendants collectively "manufacture, market, distribute, and sell a majority of single-use plastic packaging purchased and/or used in" Baltimore City. *Id.* at ¶ 9.

In its Complaint, the City seeks relief for the costs it has incurred and will continue to incur as a result of single-use plastic packaging that is littered on City property and in City waterways. *Id.* at ¶¶ 87-100. More than mere unsightly litter, the Plaintiff argues, once discarded, these types of plastics remain in the environment and break down into micro- and nano-plastics. *Id.* at ¶¶ 34-38. The City explains this phenomenon:

> [P]lastic debris undergoes continuous fragmentation into microplastics and even smaller nanoplastics. The threat to humans is also increased through their ingestion of the pollution by animals and plants that are subsequently consumed as food… The ingestion of microplastics and nanoplastics has been observed in several marine organisms, including those used as seafood, suggesting their widespread infiltration into the human population's food sources. Further, plants can absorb nanoplastics through their roots and transfer them to their structures above ground,

> creating additional risk to humans and animals who subsequently consumer [sp] the plant food.

Complaint at ¶ 35. The City alleges that microplastics from single-use plastics contaminate Baltimore's water and marine life, resulting in serious adverse effects on human health and the environment:

> 36. In 2019, a study confirmed that humans are indeed ingesting plastics. Plastic particles are becoming more frequently discovered in bodily fluids and tissues. In fact, nanoplastics and microplastics have been discovered to be capable of infiltrating every organ, including the brain. It has even been found in human placentas. […]
>
> 37. Microplastics and nanoplastics can enter the body [, which] gives them the potential to negatively affect various bodily systems, including the digestive, respiratory, endocrine, reproductive, and immune systems. The human's body tissues perceive microplastics and nanoplastics as foreign bodies…. [M]icroplastic and nanoplastic ingestion can lead to inflammation or an altered intestinal microbiome in the digestive tract…potentially leading to symptoms like abdominal pain, bloating, changes in bowel habits, irritable bowel syndrome, and colon cancer in people under age 50. Individuals with nanoplastics in their body are twice as likely to have a heart attack or stroke, or die from any cause within three years, than individuals who had none present in their body.

Id. at ¶¶ 36-37.

The City describes at length the environmental, societal, and aesthetic consequences of mass plastic production on Baltimore:

> 204. Defendants' conduct caused and continues to cause permanent harm and serious damage to the property values and utility of the residential and commercial properties in the City by increasing crime and decreasing the real estate property value and commercial sales, thereby causing the City to, upon information and belief, lose, and spend, millions of dollars in tax revenue for decades.[…]
>
> 208 (a). Interference with the City's rights due to contaminated soil and groundwater, hampered plant growth, polluted waterways, deteriorated critical aquatic habitats, and poisoned pets, wildlife and fish when ingested, ingestion by humans, and the associated consequences of those environmental damages has caused material deprivation of and/or interference with the use, enjoyment, and value of public and private property in Baltimore[.]

Id. at ¶¶ 204, 208.

On March 19, 2025, Plaintiff filed a Stipulation of Voluntary Dismissal of Counts I (violation of the Maryland Illegal Dumping and Litter Control Act), II (violation of the Baltimore City Code §§7-606 and 7-607), III (violation of the Baltimore City Code §7-608), IV (violation of the Baltimore City Code § 7-609), and V (violation of the Baltimore City Code § 7-702) of its Complaint. This Opinion will therefore not address Counts I-V.

This Opinion will address two issues. First, the Court will consider whether to grant any of Defendants' Individual or Joint Motions to Dismiss the Complaint. Second, in light of recent developments in the Supreme Court of Maryland, the Court will consider whether Count XI of Plaintiff's Complaint, which alleges public nuisance, should be stayed pending a forthcoming ruling by the Supreme Court of Maryland.

MOTIONS TO DISMISS

The Court will first address the Motions to Dismiss and response briefs filed by the parties.

I. PROCEDURAL BACKGROUND

The City filed its Complaint on June 20, 2024.

Defendant Polymershapes filed an individual Motion to Dismiss ("Polymershapes MTD") on October 10, 2024, arguing that there is no existent legal entity known as "Polymershapes Baltimore." Polymershapes MTD at 1. In its Motion to Dismiss, Polymershapes asserts that there *is* an entity called "Polymershapes LLC," but that the Plaintiff misidentified this corporation's headquarters and principal place of business, which are in Delaware and North Carolina, respectively. *Id*. at 2-3. Polymershapes further claims that they are not involved with the manufacture, sale, or distribution of single-use plastics and they have no relationship with the other named defendants in this matter. *Id*. at 3. Polymershapes argues that allowing Plaintiff to amend its Complaint to properly identify Polymershapes "would be

futile," as Polymershapes is not responsible for the manufacture, sale, or distribution of single-use plastics. *Id*. at 4-5.

In its response to Defendant Polymershapes' Motion to Dismiss, the Plaintiff argues that it should be afforded the opportunity to conduct discovery before the Court issues a decision on the merits of these claims. Memorandum of Law in Opposition to Motion to Dismiss ("Opp. to Polymershapes MTD") at 1-2. Plaintiff also points out that Polymershapes' website contains information concerning the company's involvement in the production of single-use plastics, despite Polymershapes' denial of this. *Id*. at 3. Lastly, Plaintiff argues that instead of dismissing the claim against Polymershapes, the Court should allow Plaintiff to amend its Complaint in order to properly identify Polymershapes by their true name. *Id*. at 4.

Defendant Mercury Plastics filed an individual Motion to Dismiss ("Mercury MTD") on November 26, 2024, arguing that Plaintiff's Complaint "does not plead with sufficient specificity any allegations related to Mercury Plastics." Mercury MTD at 2. Specifically, Mercury argues that Plaintiff arbitrarily groups Mercury in with a list of Defendants, despite failing to provide any evidence that Mercury produces any of the single-use plastics in question. *Id*. at 4. Due to what Mercury depicts as flaws in Plaintiff's pleading, Mercury argues that Plaintiff should not be allowed to amend its Complaint. *Id.*

In its response to Mercury's Motion to Dismiss ("Opp. to Mercury MTD"), the City argues that if Mercury viewed Plaintiff's Complaint as vague, Mercury should have filed a Motion for More Definite Statement rather than a Motion to Dismiss. Opp. to Mercury MTD at 1. Plaintiff maintains that its allegations against Mercury are well-founded and that asserting the same allegation against several defendants responsible for the same conduct is common practice under Maryland law. *Id*. at 1-2.

Defendant W.R. Grace filed an individual Motion to Dismiss ("W.R. Grace MTD") on November 26, 2024, in which it claims that it "does not make plastics of any kind, let alone the single-use plastics on which the City's liability theories rest." W.R. Grace MTD at 3. W.R. Grace explains that while it does produce catalysts that may be used in the production of single-use plastics, it does *not* produce single-use plastics. *Id*. W.R. Grace goes on to state that the Complaint lacks any specific facts or allegations regarding their supposed production or distribution of single-use plastics. *Id*. at 6. Additionally, W.R. Grace argues that the Plaintiff fails to properly link the City's alleged injuries to W.R. Grace's sale of chemical catalysts. *Id*. at 9-10.

In its response ("Opp. to W.R. Grace MTD"), the City again counters that W.R. Grace may file a Motion for a More Definite Statement to gain clarity as to the allegations against it in lieu of filing a Motion to Dismiss. Opp. to W.R. Grace MTD at 1-2. Plaintiff alternatively argues that it should have the opportunity to amend its Complaint to more properly specify the allegations against W.R. Grace. *Id*. at 7.

In addition to the three individual Motions to Dismiss, all eight Defendants filed a Joint Motion to Dismiss on November 26, 2024 (hereinafter "Joint Motion to Dismiss" or "Joint MTD"), alleging chiefly that Plaintiff fails to state a claim upon which relief can be granted as to each count in the Complaint. The Plaintiff filed Oppositions to each Motion, and the Defendants filed Replies to each of the Oppositions.

II. STANDARD OF REVIEW

Pursuant to Maryland Rule 2-322(b)(2), a defendant may move to dismiss a civil action for failure to state a claim upon which relief can be granted. In evaluating such a motion, a court must assume the truth of the facts asserted in the plaintiff's complaint and any reasonable inferences that can be drawn from such facts. *Porterfield v. Mascari II, Inc.*, 374 Md. 402, 414

(2003) (citing *Bd. of Educ. v. Browning*, 333 Md. 281, 286 (1994)); *RRC Northeast, LLC v. BAA Md., Inc.*, 413 Md. 638, 643 (2010) (explaining that a motion to dismiss for failure to state a claim should be granted only if the "allegations and permissible inferences, *if true*, would not afford relief to the plaintiff") (emphasis added). The court must view the facts alleged in the complaint in the light most favorable to the non-moving party. *Converge Servs. Grp., LLC v. Curran*, 383 Md. 462, 475 (2004); *RRC*, 413 Md. at 643.

In its analysis, the court may consider only what is contained within the "four corners" of the complaint. *Adventist Healthcare, Inc. v. Behram*, 488 Md. 410, 431 (2024); *RRC*, 413 Md. at 643-44 (reiterating the "four corners" rule under which the "universe of facts" relevant to the court's analysis of a motion to dismiss is limited to the complaint and any supporting exhibits). For a complaint to survive a motion to dismiss for failure to state a claim, the facts must be plead with sufficient specificity; mere "bald assertions" and "conclusory statements" are not sufficient. *RRC*, 413 Md. at 644 (citing *Adamson v. Corr. Med. Servs., Inc.*, 359 Md. 238, 246 (2000); *Bobo v. State*, 346 Md. 706, 708-09 (1997)). Dismissal is proper only if the facts alleged in the complaint would, if proven, nonetheless fail to afford relief to the plaintiff. *Ricketts v. Ricketts*, 393 Md. 479, 492 (2006); *Porterfield*, 374 Md. at 414; *RRC*, 413 Md. at 643.

A court may dispose of a motion to dismiss by dismissing the action or by granting "such lesser or different relief as may be appropriate." Md. Rule 2-322(c).

III. ANALYSIS

a. Dismissal of individual Defendants

Each of the individual Motions to Dismiss relies on the same general premise: That these individual defendants should not be held liable for damage caused by single-use plastics because they do not produce single-use plastics.

Notwithstanding Plaintiff's claim to the contrary, the focus of the Complaint is single-use plastics. The following excerpts from the Complaint exemplify this focus:

> **Single-use plastics** contribute in particular to litter, given their inherent throwaway nature. . .
>
> **Single-use plastic** beverage bottles, bottle caps, and snack food wrappers are common types of plastic waste found in the City. These products are produced, distributed, and sold by Defendants, who account for the majority of this waste within the City. . .
>
> Defendants, collectively, manufacture, market, distribute, and sell a majority of **single-use plastics** and plastic packaging purchased and/or used in the United States, including in Baltimore City, Maryland. . .
>
> As a result of Defendants' persistent manufacturing, production, distribution, and sale of plastic products and/or beverages and snack foods in **single-use plastic** packaging, plastic litter has become a substantial form of pollution in Baltimore. . .
>
> Defendants' products are the primary contributor to the plastic pollution affecting Baltimore, and their **single-use plastic packaging** is found regularly on its streets and sidewalks, its harbor, and other waterways. . .
>
> Non-recyclable materials like **single-use plastic bags and beverage containers** make up almost half of the litter polluting Baltimore's streets and waterways. . .
>
> **Single-use plastics** wash into rivers, creeks, the Baltimore Harbor, and other water resources. They further migrate into storm and sewer systems. . .
>
> Defendants know, of course, that their consumers continue to discard their plastic packaging after a single use, but Defendants continue to produce millions of metric tons of **single-use plastics**. None of this plastic packaging is reusable, and only a tiny fraction is recycled. The inevitable result is that most of it is littered, with significant quantities discarded into the environment of American cities, including Baltimore. . .
>
> Even with alternatives to **single-use plastic** being readily available, Defendants continue to churn out millions of metric tons of plastic each year, rather than implement programs that would dramatically reduce their plastic footprint in Baltimore and end their contamination of its sidewalks, roads, and waterways. . .
>
> Defendants, and each of them, breached their duty of due care by, inter alia: Placing their **single-use plastics** into the stream of commerce, despite knowing them to be defective due to the fact that they are nonbiodegradable and they inevitably would be discarded into the environment. . . .

See Complaint at ¶¶ 1, 4, 9, 43, 44, 46, 47, 60, 74, 196a (emphasis added).

Plaintiff's Complaint fails to plead specific and adequate allegations against Polymershapes, Mercury, W.R. Grace, or Adell regarding their liability for Plaintiff's damages due to their production, distribution, and/or marketing of single-use plastic waste. In other words, the Plaintiff fails to detail any actions taken by these aforementioned parties that indicate their responsibility for causing single-use plastic waste. Much of this failure likely derives from the fact that these parties do not directly produce single-use plastics, as W.R. Grace details in its Motion to Dismiss. *See* W.R. Grace MTD at 3 ("Although other companies use Grace's chemical catalysts at certain stages in the plastic production process, Grace itself does not make plastics of any kind, let alone the single-use plastics on which the City's liability theories rest."). Plaintiff's lack of specific allegations against these parties creates the additional issue of these parties lacking adequate notice of the claims which they must defend against, providing further justification as to why dismissal of these claims is proper.

b. Analysis of counts against remaining Defendants

i. Violation of Baltimore City Code, Art. 2, § 4 (Count VI)

In Count VI of its Complaint, Plaintiff alleges that the Defendants' failure to include warnings about the harms of single-use plastic waste violates a Baltimore City Code provision that prohibits deceptive trade practices. Complaint at ¶¶ 153-54. The Ordinance in question states in relevant part as follows:

> § 4-1. Prohibited conduct. It is unlawful for any person, firm, or corporation that offers for sale merchandise, commodities, or service to make, publish, disseminate, circulate, or place before the general public within this City, in a newspaper or other publication, in a public notice or announcement broadcast on radio or television, or in the form of a book, notice, handbill poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement describing such merchandise, commodities, or service, as part of a plan or scheme: (1) with the intent not to sell such merchandise,

> commodities, or service so advertised at the price stated therein; or (2) with the intent not to sell such merchandise, commodities, or service so advertised.
>
> § 4-2. Practices generally prohibited. In Baltimore City, a person may not engage in any unfair, abusive, or deceptive trade practice in" the offer for, or actual, "sale, lease, rental, loan, or bailment of any […] consumer good".

Baltimore City Code, Art. 2, § 4. Plaintiff argues that the Defendants had awareness that their single-use plastic production would result in environmental harm to the city, and that Defendants' failure to include this information on their products amounts to a deceptive and unfair trade practice in violation of the ordinance. Complaint at ¶¶ 155-57.

In response, the Defendants argue that such an allegation is equivalent to a criminal charge, and that the Plaintiff cannot pursue this in a civil complaint. Joint MTD at 28. Regardless, the Defendants maintain that Plaintiff's allegations under the Ordinance fail for several reasons. *Id.* First, the Defendants refer to Article 21 of the Declaration of Rights in the Maryland Constitution, which offers protections for accused parties in the form of being informed of the allegations against them and being served a copy of their charges. *Id.* The Defendants argue that the Maryland Rules specify the manner in which a plaintiff can comply with Article 21, which they allege the City fails to do in the present case. *Id.* at 28-29. For instance, the Defendants note that Maryland Rule 4-201(c) provides that a plaintiff can file only an "indictment" or "information" to bring forth criminal charges, not a civil complaint. Md. Rule 4-201(c). Here, the Defendants argue, the Plaintiff has filed the latter rather than the former. *Id.* at 28. Moreover, the Defendants argue that the Complaint does not comply with Maryland Rules 4-202(a) or 4-202(b)(1)(C)-(D), as it does not specifically detail the time and place of the offense and does not contain notice of the Defendants' rights and responsibilities nor a foreperson or State's Attorney's signature. Joint MTD at 28-29. Additionally, the Defendants state that the Plaintiff's filing violates Maryland Rule 4-203(b), as it alleges charges

against multiple defendants when a party may only do so against one defendant under this rule. *Id.* at 29.

Second, the Defendants cite provisions of the Maryland Code which give the Circuit Court concurrent jurisdiction with the District Court over charges that may result in confinement of three (3) or more years or which enact a fine of $2,500 or more. Joint MTD at 29. The Defendants allege that violation of the aforementioned Baltimore City Ordinance does not result in such penalties and, therefore, the Circuit Court lacks jurisdiction over this potential violation. *Id.* at 29-30.[1]

Third, the Defendants argue that the aforementioned Baltimore City Ordinance "is unconstitutional and invalid" and, thus, the Plaintiff cannot rely on it to bring charges against the Defendants. *Id.* at 31. This is because the City can solely pass local laws which touch on Baltimore's territorial limits under the Maryland Constitution, as forwarded by the Defendants. *Id.* Since the Complaint "purports to restrict the conduct of persons outside of Baltimore City (including many of the Defendants)," the Defendants present this violation as an additional reason as to why the Baltimore City Ordinance is unconstitutional. *Id.*

In addition to challenging the constitutionality of the Baltimore deceptive trade practices ordinance, the Defendants also allege that Plaintiff fails to present evidence that the Defendants violate the ordinance in general. Joint MTD at 34. In support of this, the Defendants stress that "the Complaint nowhere identifies the goods about which any defendant made [] allegedly misleading claims or when such a claim was made[,]" refuting the notion that the Defendants truly engage in deceptive practice as outlawed by the ordinance. *Id.* Next, the Defendants

[1] The penalties available under the Baltimore City Code for violation of this provision include a civil penalty of not more than $1,000, (**§** 4-3(a)), a criminal fine of not more than $1,000 (§ 4-4(a)), and civil legal action by the City Solicitor, on behalf of the Mayor and City Council, "for injunctive relief and for the imposition and collection of civil penalties in a court of competent jurisdiction" (§ 4-5(d)).

challenge Plaintiff's allegation that the former did not include warnings about single-use plastics products. *Id.* at 35. In doing so, the Defendants forward that the Plaintiff fails to specify a product which lacked a warning, that Defendants are not obligated to provide such a warning, and that consumers would not have seen such a warning as material. *Id.* at 35-36. Additionally, the Defendants characterize the Plaintiff's claims of misrepresentative declarations as "general statements about corporate goals, which cannot support Plaintiff's claim." *Id.* at 36. Lastly, the Defendants state that even if there is merit to Plaintiff's allegations that the Defendants engage in deceptive or misrepresentative business practices, "Defendants' statements did not cause third parties to litter, nor cause Plaintiff to suffer its alleged injury. To the contrary, had Defendants not labeled their products as recyclable and encouraged recycling, the result would have been more litter, not less." Joint MTD at 37. Consequently, the Defendants conclude that Plaintiff's Complaint fails to present any meritorious allegations of wrongdoing by the Defendants. *Id.* at 27.

Viewing the facts in the light most favorable to the Plaintiff, Plaintiff fails to allege that the Defendants violate Baltimore City's ordinance prohibiting deceptive trade practices. Count VI of Plaintiff's Complaint is thus dismissed with prejudice.

ii. Maryland Consumer Protection Act (Count VII)

Plaintiff claims in Count VII of its Complaint that the Defendants' conduct violates the Maryland Consumer Protection Act ("MCPA"). Complaint at ¶ 160. The MPCA prohibits any "unfair, abusive, or deceptive trade practice" in the sale or offer for sale of consumer goods and services. Md. Code Ann., Com. Law § 13-303. Unfair or deceptive trade practices are "false, falsely disparaging, or misleading oral or written statement[s], visual description[s], or other representation[s] of any kind which as the capacity, tendency, or effect of deceiving or misleading consumers." *Id*. at § 13-301.

In its Complaint, Plaintiff alleges that the Defendants violate the MCPA by "purposely omitting warnings or notice about the known and foreseeable risks that result from the intended and foreseeable misuse of its plastic products." Complaint at ¶ 162. Plaintiff claims that such action constitutes a violation of the MCPA since these actions deceive consumers and do not provide consumers with enough information about the harms of single-use plastics. *Id.* at ¶ 163.

In their Joint Motion to Dismiss, the Defendants state that Plaintiff's Complaint does not contain any meritorious allegations regarding Defendants' violations of the MCPA. Joint MTD at 38. First, the Defendants allege that the MCPA solely permits "persons" to bring private action under the state, not a governmental body like the Plaintiff. *Id.* Second, the Defendants cite *D&G Flooring, LLC v. Home Depot U.S.A., Inc.*, which establishes the premise that only a purchaser of consumer goods – defined as goods used for "personal, household, family, or agricultural purposes[,]" *Id.* at 38, (citing *Morris v. Osmose Wood Preserving*, 340 Md. 519, 540-41 (1995) – can cite a violation of the MCPA. *Id.* at 38-39. Since the City is not an entity that can purchase such goods, the Defendants deny Plaintiff's ability to cite an MCPA violation. *Id.* at 39. Third, the Defendants also cite how caselaw establishes that "a plaintiff must [] suffer[] an identifiable loss . . . as a result of his or her reliance on the sellers' misrepresentation or other wrongful conduct." *Id.* at 39 (citing *Lloyd v. Gen. Motors Corp.*, 397 Md. 108, 143 (2007)). On this basis, the Defendants allege that Plaintiff's Complaint fails to specify any alleged reliance on the Defendants' supposedly misrepresentative statements to support an MCPA violation. Joint MTD at 39. Due to all aforementioned failings to allege a valid MCPA violation, the Defendants conclude that this Court should dismiss the Plaintiff's MCPA claim. *Id.*

Viewing the facts in the light most favorable to the Plaintiff, Plaintiff's Complaint does not assert facts from which a reasonable inference can be drawn that the Defendants have

violated any of the provisions of the Maryland Consumer Protection Act. Accordingly, Count VII of the Plaintiff's Complaint is dismissed with prejudice.

iii. Continuing Trespass (Count VIII)

Plaintiff claims in Count VIII of its Complaint that Defendants' conduct constitutes a "continuing trespass upon City property." Complaint at ¶¶ 50-51. In making this allegation, the City does not specify any particular actions by the Defendants that amount to a trespass, referring only to the "Defendants' conduct as described" and Defendants' knowledge that their products, if littered, would likely "result in contamination" of City lands and waters. *Id.* As the Defendants point out in their Joint Motion to Dismiss, this is not sufficient to establish a claim for trespass. Joint MTD at 20.

Maryland law defines trespass as "an intentional or negligent intrusion upon or to the possessory interest in property of another." *Royal Inv. Grp., LLC v. Wang*, 183 Md. App. 406, 444–45 (2008) (quoting *Mitchell v. Baltimore Sun Co.*, 164 Md.App. 497 (2005)). "In order to prevail on a cause of action for trespass, the plaintiff must establish: (1) an interference with a possessory interest in his property; (2) through the defendant's physical act or force against that property; (3) which was executed without his consent." *Id*. Recovery for trespass requires a showing that the alleged trespasser "entered or caused something harmful or noxious to enter" the plaintiff's property. *Exxon Mobil Corp. v. Albright*, 433 Md. 303, 408 (2013). When a plaintiff alleges trespass on the basis that a defendant merely *caused* something to enter another's property, the plaintiff must demonstrate some "legally attributable causal connection" between the defendant's conduct and the alleged injury. 75 Am. Jur. 2d Trespass § 6. The defendant's actions "must cause an invasion of the plaintiff's property" in some "tangible manner." *Schuman v. Greenbelt Homes, Inc.*, 212 Md.App. 451 (2013). Where the alleged trespasser does not enter the land at issue or direct another to intrude on the land, courts decline

to hold them liable for trespass because they lack the requisite trespassory intent. *See, e.g., Commonwealth v. Monsanto Co.*, 269 A.3d 623, 654–55 (Pa. Commw. Ct. 2021) (hereinafter "Commonwealth v. Monsanto") (dismissing trespass claim against product manufacturer where plaintiff did not claim that defendants "intentionally entered" or "intentionally directed the PCB mixtures or a third party to" enter plaintiff's land). The defendant must have some "connection with" or "control over" the invading object to be liable for trespass. *JBG/Twinbrook Metro Ltd. P'ship v. Wheeler*, 346 Md. 601, 623 (1997) (quoting *Rockland Bleach & Dye Works Co. v. H. J. Williams Corp.*, 242 Md. 375, 387 (1966)).

Plaintiff's claim for continuing trespass fails because Plaintiff fails to allege that the Defendants invaded or caused the alleged invasion of property. As the Court's analysis of Counts I-V articulates, Plaintiff does not accuse the Defendants of actually dumping plastic waste on City property. The Complaint's facts cannot plausibly be read to show that the Defendants caused their plastic products to enter City land. The Complaint cites to no particular actions by the Defendants that cause their plastic products to litter City property. Plaintiff does not allege that Defendants encourage littering or personally litter the products. Even if, as Plaintiff claims, the Defendants *knew* consumers might litter their products, this still would not amount to Defendants having *caused* their products to be littered. Complaint at ¶ 46. Thus, the Plaintiff fails allege trespassory intent.

Additionally, under the City's theory of trespass – that Defendants are liable for consumers leaving trash on City property – the Defendants do not have control over Defendants' plastic products when they are discarded on Plaintiff's property. Defendants' only involvement in this scenario is the production of said plastics. The mere production of these plastic products is not a sufficient cause of their being littered where the producing companies lack control over the products at the time another party litters them.

Viewing the facts in the light most favorable to the Plaintiff, Plaintiff fails to allege causation or trespassory intent. Further, Plaintiff does not allege that Defendants control the invading items at the time they enter City lands. Lacking these elements, Plaintiff fails to state a claim for trespass, continuing or otherwise. Count VIII of Plaintiff's Complaint is dismissed with prejudice.

It is worth noting that several other corporations are involved in the sale, manufacture, or distribution of single-use plastic products that end up littered in Baltimore City, yet the City fails to mention them in their Complaint.[2] Plaintiff provides no specific justification as to why it chose the specific entities it did to bring charges against, for continuing trespass or otherwise, as opposed to any of the other numerous corporations whose products also fill Baltimore's streets and waterways.

iv. Products Liability Claims (Counts IX, X, XII, and XIII)

Plaintiff asserts products liability claims for design defect and failure to warn, each under theories of negligence and strict liability. To establish a claim for product liability in Maryland, a Plaintiff must show that

> (1) the product was in defective condition at the time that it left the possession or control of the seller, (2) that it was unreasonably dangerous to the user or consumer, (3) that the defect was a cause of the injuries, and (4) that the product was expected to and did reach the consumer without substantial change in its condition.

Phipps v. Gen. Motors Corp., 278 Md. 337, 344 (1976) (citing Restatement (Second) of Torts § 402A). *See also Ford Motor Co. v. Gen. Accident Ins. Co.,* 365 Md. 321, 335, 779 A.2d 362, 369–70 (2001) (identifying the three "product litigation basics" as defect, attribution of defect to seller, and a causal relationship between the defect and the injury). In a strict products liability

[2] Examples of potential single use plastic manufacturers, distributors, and producers who were not named as defendants include but are not limited to Mars, Inc. (candy packaging), BlueTriton Brands, Inc. (Deer Park water bottles), and Sazerac Company, Inc. (liquor bottles such as Fireball, Svedka, and Dr. McGillicuddy's).

action, "the plaintiff need not prove any specific act of negligence on the part of the seller." *Phipps v. Gen. Motors Corp.*, 278 Md. at 337, 344, 363. The relevant inquiry focuses on the product itself rather than the manufacturer's conduct. *Id*. In products liability claims based on both negligence and strict liability, proximate cause is a "necessary element." *State v. Exxon Mobil Corp.*, 406 F. Supp. 3d 420, 452 (D. Md. 2019).

1. Design Defect

Plaintiff claims in its Complaint that Defendants put forth a "defective" product and should be held liable under theories of strict and/or negligence liability. Complaint at ¶¶ 51-52. Plaintiff's theory is that the eventual harms of plastic to the environment and human health amount to a "defect" in the plastic products and that this made the products "unreasonably dangerous to the flora and fauna of Baltimore." *Id.* The Plaintiff further alleges that plastics are unreasonably dangerous "because their use damages the environment and costs the City millions of dollars in cleanup costs." *Id.* at 52. Further, Plaintiff argues that "[c]onsumers do not expect plastics to "pollute waterways, contaminate the public water supply […] be ingested by humans, and cost the City millions of dollars in cleanup costs and reduce tax revenue." *Id*. at 52-53. In their Joint Motion to Dismiss, Defendants argue that the Plaintiff has failed to establish the existence of a design defect. Joint MTD at 17.

In a products liability claim, the harm alleged must be to the consumer of the product itself. *Gourdine v. Crews*, 405 Md. 722, 780 (2008) (stating that a seller of a defective product is liable "for physical harm thereby caused *to the ultimate user or consumer*, or to his property") (citing *Phipps v. General Motors Corp.*, 278 Md. 337, 341 (1976)) (emphasis added).

Here, Plaintiff's claims for design defect fail because the City fails to establish any harm to the consumer of the product. As Defendants note in their Joint Motion to Dismiss, the Plaintiff "do[es] not plead that Defendants' products pose any danger to their ultimate users,

i.e., the consumers who purchase and consume them." Joint MTD at 17. The Complaint does not allege that a plastic soda bottle or snack wrapper, for example, causes physical injury to the person drinking or eating from it. The injuries alleged in this action do not occur at the point of consumption or use of the product; rather, the alleged harm occurs after the product is discarded or once it enters the waterway. The injury is the potential for microplastic contamination to all those who consume and interact with Baltimore's natural resources. This is insufficient to state a claim for design defect. Plaintiff's design defect claims (Counts IX and X) are dismissed with prejudice.

2. Failure to Warn

Plaintiff asserts two claims for failure to warn, under theories of strict and negligence liability. Under Plaintiff's theory, Defendants has a duty to warn "the City, the public, consumers, and public officials" of the harms stemming from plastic pollution. Complaint at ¶ 62. Plaintiff alleges that Defendants "failed to adequately warn Plaintiff or Defendants' consumers of the environmental consequences that would inevitably flow from the intended use of their plastics." *Id*. Defendants contest the failure to warn claims on the basis that the risk of plastic litter is well known. Joint MTD at 18.

Maryland courts state there is "no duty to 'warn the world.'" *Exxon*, 406 F. Supp. 3d at 463 (quoting *Gourdine v. Crews*, 405 Md. 722 (2008)). A manufacturer only has a duty to warn if its product "has an inherent and hidden danger about which the producer knows, or should know, could be a substantial factor in bringing injury to an individual or his property". *Gourdine v. Crews*, 405 Md. at 739 (internal quotation omitted).

Here, Plaintiff's failure to warn theory is illogical. In a failure to warn claim, the purpose of a Defendant's warning is to ensure proper use of a product to avoid danger or injury. It follows that if a warning had been provided, and heeded by the consumer, the danger would

have been avoided. This speaks to the causation element of a products liability claim. In other words, the idea behind a failure to warn claim is that the injury would not have occurred but for the lack of a warning. *See, e.g., Exxon*, 406 F. Supp. 3d at 463.

Moreover, the City and its residents could not have used the plastics products at issue in such a way to avoid the "danger" they pose to the environment. The Plaintiff's theory is a far cry from the typical failure to warn case in which a manufacturer fails to warn a consumer to use a safety guard to avoid injury from a household product. *See Liriano v. Hobart Corp.*, 92 N.Y.2d 232 (1998). One can only use a plastic bottle in one manner, and any "warning" the Defendants might provide to the City would serve no purpose.

Moreover, just as the Plaintiff provides no justification for bringing charges of continuing trespass against the particular defendant corporations named in its Complaint, Plaintiff similarly provides no specific reasoning as to why it brought charges of failure to warn against these specific Defendants when many similarly situated entities could have been included in the Complaint.

Plaintiff's failure to warn claims (Counts XII and XIII) are not plausible and are dismissed with prejudice.

v. Negligence (Count XIV)

To sustain a cause of action for negligence in this context, the City must allege: "(1) that the defendant was under a duty to protect the plaintiff from injury, (2) that the defendant breached that duty, (3) that the plaintiff suffered actual injury or loss, and (4) that the loss or injury proximately resulted from the defendant's breach of the duty." *City v. Monsanto* at *12. (citing *Gourdine v. Crews*, 405 Md. 722, 738 (2008)).

In support of their allegation of negligence against Defendants, Plaintiff argues that the Defendants owe the City a duty of care not to discard plastics that litter its environment via

Plaintiff's placement of such products into the stream of commerce. Complaint at ¶ 238. In designing and distributing such products into the stream of commerce, which are actions that the City alleges the Defendants "knew or should have known" would cause harm, the Plaintiff argues the Defendants breach this duty of care. *Id.* at 241. This "conscious disregard for the probable disastrous consequences of their conduct" that "was committed with actual malice[,]" the Plaintiff claims, makes the Defendants liable for negligence. *Id.* at 242.

In their Joint Motion to Dismiss, Defendants claim that the Plaintiff has failed to establish a prima facie case for negligence against them stemming from the alleged harm Plaintiff suffers as a result of single-use plastic littering. Joint MTD at 6. First, the Defendants argue that they do not owe the City a duty of care to stop potential harm caused by others' improper disposal of single-use plastic products. *Id.* at 6. In support of this argument, the Defendants point to the Maryland Supreme Court's ruling in *Gourdine v. Crews* as evidence that under Maryland law, a "special relationship" must exist between the party imposing a duty and the party responsible for fulfilling the duty. *Id.* at 8. Since the alleged harmful actions in the present case occurred in part as a result of the actions of third parties and not the Defendant corporations, the requisite special relationship needed to establish a duty does not exist. *Id.* Moreover, the Defendants emphasize how, to sue a party for negligence, the defendant must have control over the tortious conduct. Joint MTD at 8-9. Here, the Defendants claim that they did not control the actions of third-party litterers in failing to recycle and ignoring litter laws and, thus, the element of control is not satisfied. *Id.*

Second, the Defendants argue that a myriad of other unsavory policy and legal implications would result if the Plaintiff were to prevail on its tort claims. *Id.* at 9. Defendants point out how the "Plaintiff's theory . . . would impose a duty on all product manufacturers and distributors to prevent harm . . . to anyone and everyone who may end up being affected by

those products well after the products are purchased and used and then littered or otherwise disposed." *Id.* Defendants cite to *Gourdine*, for the proposition that one cannot impose a duty on an endless category of people. *Id.* Additionally, the Defendants note that courts are hesitant to impose a similar duty on firearm manufacturers whose products result in harm via third-party use, making it far more difficult to establish the existence of such a duty for single-use plastics manufacturers. Joint MTD at 10.

Third, Defendants state that Plaintiff's allegations do not align with the decision-making (or lack thereof) of the Maryland General Assembly or the Baltimore City Council. *Id.* at 12. The Defendants stress that the General Assembly "has decided not to ban plastic packaging, but instead has decided to allow such packaging subject to certain requirements." *Id*. They further emphasize that, regarding the decision-making of the City, the Baltimore City Council's "own legislative efforts to regulate plastic use do not reach as far as it now asks this Court to go through the judicial process." *Id.* at 13. The Defendants suggest that, if a change in policy regarding the disposal of single-use plastics is desired by the City, the City Council may impose one through legislative means rather than through the judicial process. Joint MTD at 13.

Lastly, as with the other claims, the Plaintiff's claim of negligence raises questions as to why other companies involved in the sale of single-use plastics were not included in the Complaint.

Viewing the facts in the light most favorable to the Plaintiff, Plaintiff fails to allege sufficient facts to support a claim of negligence. Accordingly, Plaintiff's negligence claim (Count XIV) is dismissed with prejudice.

IMPOSITION OF TEMPORARY STAY

The Court will next address the issue of whether a temporary stay should be imposed pending resolution of a related case pending in the Supreme Court of Maryland.

I. PROCEDURAL BACKGROUND

In its Complaint, Plaintiff claims that the Defendants' plastic production creates a public nuisance in the reduction of property values due to litter as well as the environmental and public health consequences of plastics' presence in Baltimore's waterways. Complaint at ¶¶ 57-59. Plaintiff asserts that Defendants' actions are the "overwhelming causative factor" in creating the alleged nuisance because Defendants "knew that their conduct would create a continuing litter problem with long-lasting significant negative effects" and that the harms alleged would not have occurred absent Defendants' conduct. *Id*. at ¶ 60. Because Defendants "control[ed] every step of the plastics supply chain" and "affirmatively and knowingly promot[ed] the sale and use of products which Defendants knew to be hazardous to the City's environment," the City argues that Defendants should be held liable for the adverse consequences of their products being discarded on City property. *Id.* at ¶ 58. In their Joint Motion to Dismiss, Defendants argue that Plaintiff fails to state a plausible public nuisance claim because (1) Defendants' plastic products are lawful and (2) Defendants lack control over "littered plastic." Joint MTD at 21. This Court has yet to rule on the merits of the parties' public nuisance arguments.

On April 24, 2025, the Supreme Court of Maryland granted certiorari in the consolidated matter *Mayor and City Council of Baltimore v. B.P. P.L.C., et al.*; *Anne Arundel County v. B.P. P.L.C., et al.*; and *City of Annapolis v. B.P. P.L.C., et al*. (Case No. 11, September Term, 2025) (collectively "the *BP* case"). In the *BP* case, similarly to the arguments made in the above-captioned matter, the plaintiff alleges that gas manufacturers create a public nuisance. The plaintiff in *BP* argues that defendants' creation and use of hazardous fossil fuels – the environmental consequences of which the defendants were allegedly aware – constitutes a public and private nuisance. Appellants' Opening Brief in *BP* case at 35-48. In doing so, the City stresses that Defendants either directly create or constitute "a substantial factor" in

producing fossil fuel-releasing products. *Baltimore v. BP* at 21. The case was dismissed, and the dismissal appealed.

In their grant of certiorari in the *BP* case, the Supreme Court certified the following questions, among others:

> (1) Does Maryland law preclude nuisance claims based on injuries allegedly caused by the worldwide production, promotion, and sale of a lawful consumer product?
>
> (2) Do appellants/cross-appellees' complaints state claims for public and private nuisance?

Order of the Maryland Supreme Court Granting Certiorari in *BP* case at 1-2.

Upon learning that the Maryland Supreme Court granted certiorari in the *BP* matter, on May 20, 2025, this Court issued an Order directing the parties in the above-captioned case to brief the question of a potential stay pending resolution of the *BP* case.

In its Memorandum in Support of Stay of Proceedings ("P's Brief on Stay"), filed on May 30, 2025, the Plaintiff argues that this Court should issue a stay pending the Maryland Supreme Court's ruling in the *BP* case. P's Brief on Stay at 1. Because the outcome of the BP case may complicate the "ultimate conclusion" of the present case, the Plaintiff argues, it is in the best interests of judicial efficiency to stay the above-captioned case pending the Supreme Court's decision. P's Brief on Stay at 1-2. Plaintiff also argues that a stay will not unduly burden the Defendants and that a Supreme Court will likely issue a decision that may inform this case soon. P's Brief on Stay at 5. Plaintiff also points to numerous parallels between the pending Supreme Court case and the present case, including how both involve allegedly deceptive business practices by Defendant corporations, the desire by Plaintiffs in both cases to induce the corporations to bear the costs of their pollution, and how both cases contain allegations of "nuisance, strict liability for failure to warn, negligent failure to warn, strict

liability for design defect, negligent design defect, trespass, and violations of the Maryland Consumer Protection Act." P's Brief on Stay at 4.

In their Joint Brief Regarding a Stay ("Ds' Joint Brief on Stay"), filed on May 30, 2025, all eight Defendants argue that the case should not be stayed. Ds' Joint Brief on Stay at 1. Defendants assert that the pending Supreme Court case may have no impact on the issues to be decided in the present case. Ds' Joint Brief on Stay at 2. The Defendants emphasize that one of the central issues in the pending Supreme Court case relates to federal preemption, a factor that is not a consideration in the present case. Ds' Joint Brief on Stay at 1. The Defendants also claim that the pending Supreme Court decision will not answer "the independently dispositive arguments for dismissal" inherent to their present motions to dismiss. Ds' Joint Brief on Stay at 3.

Defendants reiterate that littering by third parties is not a tort duty that is attributable to the manufacturers of the product being littered, an issue that they argue the pending Supreme Court case does not raise. Ds' Joint Brief on Stay at 3-4. They point out that the Supreme Court continually denies that manufacturers owe this kind of duty in cases in which "the relationships between the plaintiff, the actual tortfeasor, and defendant [are] far closer than anything present in this case." Ds' Joint Brief on Stay at 5. Since this case introduces "a straightforward application of this Maryland rule," unlike what the pending Supreme Court cases may end up litigating, the Defendants argue that the issuance of a stay is unwarranted. Ds' Joint Brief on Stay at 6.

II. STANDARD OF REVIEW

Courts have the "inherent power to stay proceedings before them." *Moser v. Heffington*, 465 Md. 381, 398 (2019) (citing *Dodson v. Temple Hill Baptist Church, Inc.*, 254 Md. 541, 546 (1969); *Waters v. Smith*, 27 Md. App. 642, 651–52 (1975)). Whether or not to stay a proceeding

is within discretion of the trial court. *Vaughn v. Vaughn*, 146 Md. App. 264, 279 (2002). A court may, in the exercise of its discretion, stay a case before it "pending the determination of another proceeding that may affect the issues raised." *Id*.

III. ANALYSIS

Pivotal to resolution of the above-captioned matter is the issue of public nuisance. In the parties' submissions, they argue as to whether a public nuisance requires control over the alleged nuisance-causing instrument. Defendants challenge the Plaintiff's public nuisance claim in part on the basis that they did not control the plastic products at the time they were littered. Joint MTD at 21. Under the current prevailing Maryland caselaw ("*Monsanto*/*Exxon*"), a defendant does not need to have control over the alleged nuisance in order to be held liable for its creation. *Mayor & City Council of Baltimore v. Monsanto Co.*, 2020 WL 1529014, at *9 (D. Md. Mar. 31, 2020) (hereinafter "City v. Monsanto") (noting that "control is not a required element to plead public nuisance under Maryland law"). Rather, a party who "created or substantially participated in the creation of the nuisance may be held liable even though he (or it) no longer has control over the nuisance-causing instrumentality." *Id*. ("control is not a required element to plead public nuisance under Maryland law"); *State v. Exxon Mobil Corp*., 406 F. Supp. 3d 420, 468 (D. Md. 2019) (citing *Adams v. NVR Homes, Inc.*, 193 F.R.D. 243, 256-57 (D. Md. 2000) ("where the finished product of a third party constitutes a public nuisance, the third party may be held liable for creation of the public nuisance, even though it no longer has control of the product creating the public nuisance"); *E. Coast Freight Lines v. Consol. Gas. Elec. Light & Power Co. of Balt.*, 187 Md. 385, 397-98 (1946); *Gorman v. Sabo*, 210 Md. 155, 161 (1956); *Maenner v. Carroll*, 46 Md. 193, 215 (1877)).

In *State v. Exxon Mobil Corporation*, the United States District Court for the District of Maryland heard a claim brought by the State of Maryland against a group of defendant

corporations for alleged water contamination caused by the corporations' use of an oxygen additive. 406 F.Supp. 3d 420 at 432. Likewise, in *City v. Monsanto,* the Mayor and City Council's case against manufacturers of Polychlorinated Biphenyls ("PCBs"), the plaintiff alleged that the PCBs produced by the defendants and used in products such as electrical equipment, caulks, and road paints had contaminated the City's waters and amounted to a public nuisance. *City v. Monsanto*, 2020 WL at *1-2. PCBs "regularly leach, leak, off-gas, and escape their intended applications, contaminating runoff during storms and other rain events" and entering bodies of water. *Id.* As a result, PCBs have "been detected in the tissues of. . . marine life, animals and birds, plants and trees, and humans." *City v. Monsanto*, 2020 WL at *1. Exposure to PCBs can lead to various adverse health effects. *Id.* at *2.

Both the *Monsanto* and *Exxon* courts rejected the respective defendants' argument that establishing public nuisance liability requires that an accused defendant maintain exclusive control over the discharging of nuisance-causing substances. *City v. Monsanto*, 2020 WL at *10; *State v. Exxon Mobil Corporation*, 406 F.Supp.3d 420 at 468. Instead, both the *Exxon* and *Monsanto* courts held that it was sufficient that the plaintiffs plausibly alleged that defendants marketed, sold, and distributed the nuisance-causing substances in order to establish defendants' liability for public nuisance. *See City v. Monsanto*, 2020 WL at *10; *State v. Exxon Mobil Corporation*, 406 F.Supp.3d 420 at 469. In ruling on a motion to dismiss the plaintiff's claim that PCB production constituted a public nuisance, the *Monsanto* court found that the plaintiff stated a plausible claim for public nuisance against the manufacturer defendants:

> "The City has sufficiently alleged that Defendants created or substantially participated in the creation of PCBs, **even though Defendants may not have maintained control over the contaminants once disseminated in the City's waters**. The City has alleged that Monsanto manufactured, distributed, marketed, and promoted PCBs, resulting in the creation of a public nuisance that is harmful to health and obstructs the free use of the City's stormwater and other water systems and waters."

Id. at *10 (emphasis added).

The Maryland Supreme Court's ruling in the *BP* case could shed additional light on the issue of control in similarly situated public nuisance cases, which is currently governed by the *Monsanto/Exxon* framework. Significantly, in both the *BP* case and the above-captioned matter, the defendant corporations point to a purported lack of control over third parties as inhibiting the plaintiffs from establishing the causation necessary to bring claims of nuisance against them. Memorandum Opinion and Order in *BP* case at 23-24; Ds' Joint Brief on Stay at 3-4. Moreover, just as the plaintiff in *BP* asserts that the defendants' actions have and will continue to result in infrastructure and public health damages, Appellants' Opening Brief in *BP* case at 8, the City here similarly asserts that the breakdown of single-use plastics damages human health and property values. Complaint at ¶¶ 2-6. Two of the questions granted certiorari in *BP* are relevant to the plaintiff's public nuisance claims, and the Supreme Court's answers to those questions could guide this Court's ruling on the Plaintiff's nuisance claim. By granting certiorari in the *BP* case, the Maryland Supreme Court has the opportunity to either endorse or reject the *Monsanto/Exxon* rulings, thereby providing clarity that could inform this Court's ruling on the Plaintiff's public nuisance claim. For this reason, the outcome of the *BP* case has the potential to be outcome-determinative for the above-captioned case.

In the interest of fairness and consistency, this case is stayed as it relates to Defendants PepsiCo, Inc.; Frito-Lay, Inc.; Frito-Lay North America, Inc.; and Coca-Cola, Inc. pending the Maryland Supreme Court's ruling in *BP* on questions involving public nuisance.

Audrey J.S. Carrión

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Entered: Clerk, Circuit Court for Baltimore City, MD
July 21, 2025

The Honorable Audrey J.S. Carrión
Circuit Court for Baltimore City
Case No. C-24-CV-24-001003

CLERK TO SEND COPIES TO:

All counsel of record.

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