THE ESTATE OF KATHERINE SARAH MORRIS, *et al.*	*	IN THE
	*	CIRCUIT COURT
Plaintiffs		
v.	*	FOR ANNE
DR. DAVID R. FOWLER	*	ARUNDEL COUNTY
Defendant	*	Case No. C-02-CV-18-000655
	*	

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

DEFENDANT'S MOTION TO DISMISS

Defendant Dr. David R. Fowler, through counsel, submits this Motion to Dismiss pursuant to Md. Rule 2-322 and requests that this Honorable Court dismiss Plaintiffs' Complaint for Writ of Mandamus with prejudice and provide any further relief it may deem appropriate.

1. Plaintiffs filed a Complaint for Writ of Mandamus seeking to have the Autopsy Report for Katherine Sarah Morris amended so as to change the manner of death from "suicide" to "undetermined." Plaintiffs also seek compensatory damages for alleged negligence and attorneys' fees. *See* Compl. at p. 142, ¶¶ 348-49.

2. Plaintiffs' claim must be dismissed because there is no final administrative decision for review in the Circuit Court.

3. Plaintiffs' claim must be dismissed because they have failed to exhaust administrative remedies prior to filing in the Circuit Court.

4. Plaintiffs' claim must be dismissed because there is a separate statutory avenue for which Plaintiffs can seek the requested relief.

5. Plaintiffs' claim must be dismissed because it is barred by the applicable statute of limitations and/or laches.

6. To the extent Plaintiffs are attempting to assert a tort claim, it should be dismissed because Defendant is immune from suit.

7. Plaintiffs do not have an attorney and are not entitled to attorneys' fees as a matter of law.

8. This Court cannot assume jurisdiction over this matter until the filing fee is paid.

9. Plaintiffs' claim must be dismissed because they have failed to properly serve the Complaint for Writ of Mandamus.

10. Defendant incorporates the attached Memorandum of Law in Support of his Motion to Dismiss as if stated fully herein.

11. Defendant Dr. David R. Fowler respectfully requests that this Honorable Court enter an Order dismissing Plaintiff's Complaint for Writ of Mandamus filed against Dr. Fowler with prejudice, and that this Honorable Court provide any further relief as it may deem appropriate.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

/s/ James N. Lewis
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Attorneys for Defendant

May 4, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May 2018, a copy of the foregoing Motion to Dismiss, accompanying Memorandum of Law, and Proposed Order were served by mailing a copy, first class to:

Ms. Marguerite Morris
701 Harvest Run Drive, Apt. # 104
Odenton, Maryland 21113
Plaintiff, individually and as
Administrator of the
Estate of Katherine Sarah Morris

/s/ James N. Lewis
Attorneys for Defendant
CPF#: 1212120174

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THE ESTATE OF KATHERINE SARAH MORRIS, *et al.*	*	IN THE
	*	CIRCUIT COURT
Plaintiffs		
v.	*	FOR ANNE
DR. DAVID R. FOWLER	*	ARUNDEL COUNTY
Defendant	*	Case No. C-02-CV-18-000655
	*	

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

ORDER

Upon consideration of the Defendant's Motion to Dismiss, any opposition thereto, and any argument thereon, it is this ____ day of _____ 2018, by the Circuit Court for Anne Arundel County,

ORDERED that the Motion to Dismiss be, and it is hereby **GRANTED**; and it is further

ORDERED that Plaintiffs' Complaint for Writ of Mandamus be, and it is hereby **DISMISSED WITH PREJUDICE.**

_____
Judge, Circuit Court for Anne Arundel County

cc: All parties and counsel of record

THE ESTATE OF KATHERINE SARAH MORRIS, *et al.*	*	IN THE
	*	CIRCUIT COURT
Plaintiffs		
v.	*	FOR ANNE
DR. DAVID R. FOWLER	*	ARUNDEL COUNTY
Defendant	*	Case No. C-02-CV-18-000655
	*	

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

MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS

Defendant Dr. David R. Fowler, through counsel, submits this Memorandum of Law in Support his Motion to Dismiss pursuant to Md. Rule 2-322, and states:

I. INTRODUCTION

Marguerite R. Morris filed this Complaint for Writ of Mandamus on behalf of herself and the Estate of Katherine Sarah Morris, her daughter, pursuant to Maryland Rule 15-701. Specifically, Ms. Morris seeks to have the Autopsy Report for Katherine Sarah Morris amended so as to change the manner of death from "suicide" to "undetermined." Plaintiffs also seek compensatory damages for alleged negligence and attorneys' fees. *See* Compl. at p. 142, ¶¶ 348-49.

Ms. Morris filed a lengthy and detailed Complaint for Writ of Mandamus, complete with hundreds of pages of exhibits. This matter is, understandably, of great importance to Ms. Morris and her devotion to this lawsuit is readily apparent in reading her allegations. The Statement of Facts below is not a complete summary of her

allegations, but rather a brief overview of its highlights. Unfortunately, the relief that she seeks is not available as a matter of law.

II. STATEMENT OF FACTS

Ms. Morris filed a lengthy and detailed Complaint for Writ of Mandamus, complete with hundreds of pages of exhibits. This matter is, understandably, of great importance to Ms. Morris and her devotion to this lawsuit is readily apparent in reading her allegations. This Statement of Facts is not a complete summary of her allegations, but rather a brief overview of its highlights.

"On Saturday, May 6, 2012 at approximately 6:00 p.m., Katherine Sarah Morris . . . dies of carbon monoxide poisoning from charcoal grills lit in [her] vehicle." *See* Compl. at p. 4, ¶ 7. The police investigated her death and determined that it was a suicide. *Id.* at ¶ 8. Ms. Morris alleges that the investigation was replete with error. *Id.* at pp. 4-7, ¶¶ 8-11. Ms. Morris alleges that the Anne Arundel County Police Department ("AACPD") abused its power, which resulted in a failure to conduct "a clear and proper death investigation." *Id.* at pp. 7-8, ¶¶ 14-15. Ms. Morris alleges that the abuse by the AACPD resulted in the Office of the Chief Medical Examiner ("OCME") improperly relying upon the results of an error-ridden investigation. *Id.* at p. 8, ¶¶ 16-20.

Ms. Morris lays out, in great detail, the facts that she alleges support her contention that her daughter was a victim of homicide, rather than of suicide. *Id.* at pp. 9-13, ¶¶ 21-46. The basis for this allegation is that (1) her daughter married a member of the military ("Mr. Goodwin") who collected Basic Allowance for Housing without sending any money to his wife; (2) Mr. Goodwin collected $100,000 in life insurance

from a policy that did not exclude suicide; (3) Mr. Goodwin had been cheating on Katherine Morris; and (4) Katherine Morris threatened to report Mr. Goodwin to the Office of the Inspector General within 24 hours before her death. *Id.* Marguerite Morris argues that these facts, collectively, should have prompted a more thorough investigation. *Id.* at p. 8, ¶ 19.

Dr. Patricia Aronica, a medical examiner for the OCME, conducted a partial autopsy on May 6, 2012, and determined that the mode of death was carbon monoxide poisoning and the means of death was suicide. *Id.* at pp. 13-14, ¶¶ 47-48. After the autopsy, Ms. Morris issued Public Information Act requests; she had conversations with Dr. Aronica; she monitored an AACPD Homicide Panel that investigated this case; and she met with members of the Anne Arundel County Executive and AACPD. *Id.* at pp. 14-19, ¶¶ 49-57.

On May 26, 2015, more than three years after Katherine Morris died, Marguerite Morris emailed the OCME to request that the manner of death be changed to "undetermined" and to consider exhuming the body. *Id.* at p. 22, ¶ 65. On June 11, 2015, Dr. Fowler—the Chief Medical Examiner—sent a letter denying the request. Ms. Morris attended a meeting with Dr. Fowler and, after the meeting; she received a letter dated August 25, 2015, which denied her request and detailed the findings by the OCME. *Id.* at p. 24, ¶¶ 69-70. Ms. Morris transcribed the entire letter in the Complaint, which includes her own commentary refuting or challenging the substance of Dr. Fowler's letter. *Id.* at pp. 24-49, ¶¶ 71-104. Ms. Morris then inquired about the appeal process on August 26, 2015. *Id.* at p. 19, ¶ 58. Ms. Morris appealed the case by letter to Van T.

Mitchell (former Secretary of Health and Mental Hygiene) on either September 2, 2015 or September 4, 2015. *Id.* at p. 19, ¶ 60; *id.* at p. 49, ¶ 107.

Ms. Morris alleges that "Dr. Fowler may never have personally reviewed any of the information submitted to his office, but instead failed the Plaintiff and citizens of the State of Maryland, by allowing a subordinate to repeatedly copy and paste information *(See Exhibits 11, and 14)*, for which they had colluded with the AACPD in preparing. *(See Exhibit 13 and 17).*" *Id.* at ¶ 61 (emphasis in original). Ms. Morris alleges that the OCME failed to follow industry standards when it did not test Ms. Morris' liver or investigate the reason for Katherine Morris to have had an empty bladder. *Id.* at pp. 21-22, ¶ 64.

Ms. Morris is critical of the AACPD and certain employees of the AACPD. *Id.* at pp. 57-73, ¶¶ 111-45. Ms. Morris also alleges that the AACPD deliberately suppressed facts that contradict its determination that Katherine Morris committed suicide; that it manipulated facts to influence the outcome of its investigation; and that it failed to investigate certain aspects of this case. *Id.* at pp. 73-112, ¶¶ 146-269; *see also id.* at pp.116-133, ¶¶ 282-313. Ms. Marguerite Morris also challenges the facts and circumstances regarding the consumption of sleeping pills and the burn marks from the fire. *Id.* at pp. 113-16, ¶¶ 270-281. Ms. Morris concludes her Complaint for Writ of Mandamus by summarizing her allegations and requesting various forms of relief. *Id.* at pp. 133-143, ¶¶ 314-51. Ms. Morris specifically notes that "[t]he Plaintiffs do not dispute the cause of death but rather the manner of death for [Katherine Morris]." *Id.* at p. 133, ¶ 314.

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III. STANDARD OF REVIEW

A motion to dismiss is appropriate where there is no justiciable controversy. *Broadwater v. State,* 303 Md. 461, 467 (1985). The standard of review is "whether the well-pleaded allegations of fact contained in the complaint, taken as true, reveal any set of facts that would support the claim made." *Rivera et al. v. Prince George's County Health Department et al.,* 102 Md. App. 456, 472 (1994)(quoting *Tafflin v. Levitt*, 92 Md. App. 375, 379 (1992)). The Court must assume the truth of all relevant and material facts that are well pleaded and all inferences which can be reasonably drawn from those pleadings. *Ronald M. Sharrow, Chartered v. State Farm Mut. Auto. Ins. Co.*, 306 Md. 754, 768 (1986). "Bald assertions and conclusory statements by the pleader will not suffice . . . Further, while the words of a pleading will be given reasonable construction, when a pleading is doubtful and ambiguous, it will be construed most strongly against the pleader in determining its sufficiency." *Bobo v. State*, 346 Md. 706, 708-09 (1997)(citing *Continental Masonry Co. v. Verdel Constr. Co.,* 279 Md. 476, 481 (1977) and *Hixon v. Buchberger,* 306 Md. 72, 75 (1986)). To withstand dismissal, a Complaint must contain "a clear statement of the facts necessary to constitute a cause of action." *Continental* 279 Md. at 480.

IV. ARGUMENT

A. Plaintiffs do not have a claim because there is no final administrative decision for review in the Circuit Court.

"When a legislature provides an administrative remedy as the exclusive or primary means by which an aggrieved party may challenge a government action, the doctrine of administrative exhaustion requires the aggrieved party to exhaust the

prescribed process of administrative remedies before seeking '*any other*' remedy or 'invok[ing] the ordinary jurisdiction of the court.'" *Priester v. Baltimore County, Maryland*, 232 Md. App. 178, 193 (2017) (emphasis in original) (internal citation omitted). Furthermore, "[t]he rule of finality overlaps the rule of exhaustion. . . . '[A] party must exhaust the administrative remedy **and** obtain a final administrative decision . . . before resorting to the courts.'" *Id.* (emphasis in original) (internal citations omitted).

Here, the legislature provides an administrative remedy in Md. Code Ann., Health-Gen. § 5-310(d)(2). The process requires a request by a person in interest—*within 60 days* after the medical examiner files the final findings and conclusions as to the cause and manner of death—to request a correction. *Id.* § 5-310(d)(2)(i). If denied, a person in interest can appeal the decision to the Secretary of Health who would then refer the case to the Office of Administrative Hearings for a contested case hearing regarding the (1) denial and (2) the cause and manner of death. *Id.* § 5-310(d)(2)(ii). The administrative law judge hearing the case would then issue findings of fact to the Secretary of Health. *Id.* § 5-310(d)(2)(iii). The Secretary of Health reviews the findings of the administrative law judge, and issues a final order. *Id.* § 5-310(d)(2)(iv). A person in interest could then appeal an adverse decision to the appropriate circuit court. *Id.* § 5-310(d)(2)(v).

Ms. Morris, a person in interest, waited more than three years to make a request (Compl. at p. 22, ¶ 65), which makes the entire process untimely as a matter of law. To the extent that Ms. Morris attempted to engage in the statutorily prescribed method for changing the manner of death, there is no final decision until the Secretary of Health

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rejects the findings of an administrative law judge, which has not happened. In addition to the extraordinary delay, which is a violation of the statute of limitations, there is no final decision for this Court to review and, therefore, this matter should be dismissed with prejudice.

B. Plaintiffs do not have a claim because they have failed to exhaust administrative remedies prior to filing in the Circuit Court.

Ms. Morris has no claim because she has failed to exhaust her administrative remedies, which is a precondition to pursuing this action in circuit court. "The exhaustion doctrine fulfills the legislature's intent of delegating a matter to an agency for initial review and decision, promotes the policy of allowing agencies to exercise their expertise, and furthers judicial economy by limiting the number of appeals before the court, allowing the administrative process to narrow the scope of those issues that do eventually warrant judicial review." *Priester*, 232 Md. App. at 200 (internal citation omitted).

Ms. Morris has not exhausted her administrative remedies prior to filing a lawsuit, nor can she because of the extraordinarily long delay in requesting an amendment to the manner of death. As a result, this case should be dismissed with prejudice.

C. Plaintiffs do not have a claim for a writ of mandamus because there is a separate statutory avenue for which Plaintiffs can seek the requested relief.

Ms. Morris brings this lawsuit pursuant to Maryland Rule 15-701 for a writ of mandamus, which is not to be confused with actions for an "administrative mandamus pursuant to Title 7, Chapter 400 of [the Maryland rules] or mandamus in aid of appellate jurisdiction." MD Rule 15-701. With respect to a writ of mandamus, it is "'generally

used to compel corporations, inferior tribunals, or public officers to perform their functions, or some particular duty imposed upon them, which in its nature is imperative, and to the performance of which the party applying for writ has a clear legal right.'" *City of Seat Pleasant v. Jones*, 364 Md. 663, 672-73 (2001) (internal citation omitted). Furthermore; "'[t]he process is extraordinary, and if the right be doubtful, or the duty discretionary, or of a nature to require the exercise of judgment, or if there be any ordinary adequate legal remedy to which the party applying could have recourse, this writ will not be granted.'" *Id.* at 673 (internal citations omitted).

The Court has held that a writ of mandamus is a vehicle "'"to correct abuses of discretion and arbitrary, illegal, capricious, or unreasonable acts; but in exercising that power, care must be taken not to interfere with the legislative prerogative, or with the exercise of sound administrative discretion, where discretion is clearly conferred.'"" *Id.* (internal citations omitted). Furthermore, "'"[m]andamus is *an original action*, as distinguished from an appeal.'"" *Id.* (emphasis added) (internal citations omitted). A writ of mandamus is further limited because "'judicial review is properly sought through a writ of mandamus 'where there [is] no statutory provision for hearing or review and where public officials [are] alleged to have abused the discretionary powers reposed in them.' . . . Thus, prior to granting a writ of mandamus to review discretionary acts, *there must be both a lack of an available procedure for obtaining review* and an allegation that the action complained of is illegal, arbitrary, capricious or unreasonable.'" *Id.* at pp. 674-75 (emphasis added) (internal citations omitted).

In this case, Ms. Morris seeks an amendment to the manner of death. There is statutory procedure to obtain that relief. That process is the appropriate vehicle for relief, not a writ of mandamus. If Ms. Morris is able to receive a final decision and exhaust her administrative remedies, then she would be able to have that decision reviewed by the appropriate circuit court, which would likely be in the form of a Petition for Judicial Review.

A writ of mandamus is not the proper vehicle for which relief can be granted and, therefore, this case should be dismissed with prejudice.

D. Plaintiffs do not have a claim because it is barred by the applicable statute of limitations and/or laches.

As noted above, the statute applicable to the relief that Ms. Morris seeks requires that a request to amend the manner of death must be made within 60 days. Md. Code Ann., Health-Gen. § 5-310(d)(2)(i). The time period enumerated in this statute establishes the applicable statute of limitations,[1] and it has clearly been violated because Ms. Morris first sought amendment to the manner of death more than 3 years after her daughter's passing. Compl. at p. 22, ¶ 65.

In the alternative, Maryland courts have also held that laches is a proper grounds for dismissal. *Ipes v. Bd. of Fire Comm'rs of Baltimore*, 224 Md. 180, 183-84 (1961); *see also O'Brien v. Bd. of License Commr's for Washington Cty.*, 199 Md. App. 563, 580 (2011). Laches is closely analogous to a violation of the statute of limitations because it

[1] If the statutory period is not considered the applicable statute of limitations, then a standard civil action requires that it be "filed within three years from the date it accrues unless another provide of the Code provides a different period of time within which an action shall be commenced." Md. Code Ann., Cts. and Jud. Proc. § 5-101. Using the standard civil statute of limitations, this action would still be a violation of the applicable statute of limitations.

is an "[u]nreasonable delay in pursuing a right or claim – almost always and equitable one – in a way that prejudices the party against whom relief is sought. Also termed *sleeping on rights*." *See* Laches, Black's Law Dictionary (10th ed. 2014) (emphasis in original). If this Honorable Court determines that the 60 days prescribed by statute is not a statute of limitations, then the lengthy delay in seeking amendment to the manner of death should be considered barred by laches for equitable reasons.

Ms. Morris expressed, in great detail, the extent to which she has been consumed by the investigation surrounding her daughter's death. Waiting more than three years after her daughter's death to seek amendment to the manner of death is detrimental, not only to the process by which a medical examiner is expected conduct the business of performing autopsies, but also to the procedure established for making changes to the cause and manner of death.

The extraordinary delay makes amendment to the manner of death difficult because, while Ms. Morris has been living with this case every day, the medical examiner has not. Memories fade, which is important because reexamining the evidence years later is difficult, if not impossible. To conduct an examination years later would require heavy reliance upon notes and records because the body itself is unavailable, absent the extreme measure of exhuming it for further analysis.

The delay is a violation of the statute of limitations and this case should be dismissed with prejudice.

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E. To the extent Plaintiffs are attempting to assert a tort claim, it should be dismissed because Defendant is immune from suit.

The Office of the Chief Medical Examiner is a State agency. *See* https://health.maryland.gov/ocme/Pages/Home.aspx; *see also* Md. Code Ann., Health-Gen. §§ 5-301, *et seq.* As a general matter, the State's sovereign immunity, which is applicable to State entities, remains intact unless the General Assembly waives it. *Condon v. State*, 332, Md. 481, 492 (1993). In that regard, the Maryland legislature has made a limited waiver of sovereign immunity for tort actions. Md. Code Ann., State Gov't §§ 12-101 – 110 (Maryland Tort Claims Act). When a plaintiff proceeds in tort against the State or one its agencies, however, certain procedural requirements must be met. If they are not met, the State and its agencies retain their sovereign immunity, and no suit may be maintained against them. *See Hansen v. City of Laurel*, 420 Md. 670, 689 (2011) (explaining that conditions precedent arise when the General Assembly creates new legal liabilities that did not exist before, such as the waiver of sovereign immunity, and also creates conditions that must be met to pursue those actions); *Condon*, 332 Md. at 492-93; *Simpson v. Moore*, 323 Md. 215, 228-29 (1991); *Rivera v. Prince George's County Health Department*, 102 Md. App. 456, 471 (1994); *Gardner v. State*, 77 Md. App. 237, 246-47 (1988).

One condition precedent to waiving the State's sovereign immunity requires that the Treasurer be served with process.[2] Md. Code Ann., State Gov't § 12-108(a).

[2] At the time of her death, the Maryland Tort Claims Act also required that a tort claim be filed with the Treasurer within one year of the alleged tortious conduct to put the State on notice, and a lawsuit had to be filed within three years.

Plaintiff has not served the Treasurer with process.[3] Plaintiffs seek monetary damages for the "grievous negligence" of the State, which appears to be an action in tort. *See Espina v. Jackson*, 442 Md. 311, 325 (2015) (explaining that "tort[s] encompass[] all 'civil wrong[s]'" for which a remedy can be obtained). Accordingly, Dr. Fowler, as an agent of the Office of the Chief Medical Examiner, maintains his sovereign immunity for Plaintiffs claim. *See* Md. Code Ann., State Gov't § 12-105; *see also* Md. Code Ann., Cts. and Jud. Proc. § 5-522(b).

To the extent that Plaintiffs are attempting to assert a tort claim, notably in their claim for monetary damages due to the "grievous negligence of State and County agencies" (Compl. at p. 142, ¶ 348), it should be dismissed with prejudice.

F. Plaintiffs do not have an attorney and are not entitled to attorneys' fees as a matter of law.

"*[P]ro se* litigants are not entitled to attorneys' fees for their personal defense of a claim because 'the plain language of Rule 1-341 limits the attorney's fees recoverable to those *incurred* . . . . [and] [a] *pro se* attorney litigant has not 'incurred' any actual expenses in the nature of attorney's fees.' . . . Thus, an award of attorneys' fees for all or some of the billable hours [defendant] alleged to have incurred while acting *pro se* would be improper." *Todd Allan Mailing, LLC v. Holocomb*, No. 525 2018 WL 1081366, *7 (Md. Ct. Spec. App. Feb. 23, 2018). Ms. Morris acknowledges that she is *pro se* for this lawsuit. *See* Compl. at p. 1, introductory paragraph. As a result, any claim for attorneys' fees should be denied.

[3] The Complaint contains no allegations regarding satisfaction of conditions precedent to the waiver of sovereign immunity, even though Plaintiffs are required to affirmatively plead them. *See Hansen*, 420 Md. at 684 ("Ordinarily, a plaintiff must plead affirmatively satisfaction of a condition precedent.").

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G. This Court cannot assume jurisdiction over this matter until the filing fee is paid.

According to a docket entry dated April 4, 2018, the filing fee for the Complaint for Writ of Mandamus has not been paid. "Unless otherwise provided by law, a clerk is not required to record any paper filed with him or to provide any person with a copy of a paper until the applicable charge has been paid." *See* Md. Code Ann., Cts. & Jud. Proc. Article § 2-201(b). To the extent that a Complaint for Writ of Mandamus requires its accompanying fee to be docketed before this Honorable Court can assume jurisdiction over this matter, the Complaint for Writ of Mandamus should be dismissed without prejudice.

H. Plaintiffs failed to properly serve the Complaint for Writ of Mandamus.

The Complaint for Writ of Mandamus was served upon Bruce Goldfarb. *See* Docket Entry dated March 26, 2018. The sole defendant in this lawsuit is Dr. David Fowler. To the extent that Plaintiffs are attempting to sue Dr. Fowler personally, service was improper because it was not served on Dr. Fowler. Md. Rule 2-124(b). To the extent that Plaintiffs are attempting to assert a tort claim, service was improper because Dr. Fowler is a State employee and service is only proper when made upon the Treasurer. Md. Code Ann., State Gov't § 12-108(a). To the extent that Plaintiffs are attempting to sue Dr. Fowler in his official capacity as Chief Medical Examiner, "[s]ervice is made upon an officer or agency of the State of Maryland by serving (1) the resident agent designated by the officer or agency, or (2) the Attorney General or an individual designed by the Attorney General in a writing filed with the Clerk of the Court of Appeals." MD

Rule 2-124(k). Service is improper under these circumstances as well because Mr. Goldfarb is not a resident agent for Dr. Fowler, nor is he the Attorney General.

It is for these reasons that Plaintiffs' Complaint for Writ of Mandamus should be dismissed without prejudice.

V. CONCLUSION

WHEREFORE, for the reasons set forth above, Dr. David R. Fowler respectfully requests that this Honorable Court enter an Order dismissing Plaintiff's Complaint for Writ of Mandamus filed against Dr. Fowler with prejudice, and that this Honorable Court provide any further relief as it may deem appropriate.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

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April 20, 2018