

**IN THE MATTER OF
2022 LEGISLATIVE
DISTRICTING OF THE STATE**

*** IN THE
* COURT OF APPEALS
* OF MARYLAND
* MISC. NO. 21
* SEPTEMBER TERM, 2021**

SCHEDULING CONFERENCE ORDER

On January 27, 2022, the General Assembly of Maryland enacted Senate Joint Resolution 22, which constitutes the Legislative Redistricting Plan of 2022. On January 28, 2022, at the request of the Attorney General of Maryland, the Court of Appeals issued an Order (amended February 3, 2022) promulgating certain procedures to govern all actions brought under Article III, § 5 of the Maryland Constitution challenging the validity of that Plan. That Order immediately was posted on the Judiciary website, thus giving full public notice of both the Plan and the Order governing any challenges to it.

The Order noted that, “[g]iven the nature of this matter, and limitations and constraints attendant thereto, time is of the essence in determining the validity of [the Plan].” To that end, the Order directed that (1) any petitions challenging the validity of the Plan be filed on or before 4:30 p.m. on February 10, 2022; (2) the State’s response to such petitions and any alternative plans be filed on or before 4:30 p.m. on February 15, 2022; (3) the undersigned be appointed as the Court’s Special Magistrate; and (4) the Special Magistrate conduct a virtual scheduling conference on Thursday, February 17, 2022 at 10:00 a.m.

The Order added that, by further orders of the Court to be issued upon advice of the Special Magistrate, who may confer with the parties and counsel, the Court would establish deadlines and procedures for discovery, preliminary and dispositive motions, briefs filed as amicus curiae, the location, date, and time of evidentiary or other hearings, the filing of the Special Magistrate's written Report of findings of fact and conclusions of law, the filing of exceptions to that Report, hearings on those exceptions, and other appropriate procedures, including those relevant to the Election Calendar.

To those ends and in conformance with the Order and the Court's applicable COVID-19 Administrative Orders and Orders on Remote Proceedings,¹ the Special Magistrate directs that a virtual scheduling conference be conducted on February 17, 2022, beginning at 10:00 a.m., by Zoom for Government videoconferencing. In advance of the virtual scheduling conference, the Clerk of the Court will advise the parties concerning participation procedures. The virtual scheduling conference will be webcast on the Court of Appeals' website at this link: <https://www.courts.state.md.us/coappeals/webcasts>.

¹ The August 6, 2021 *Third Amended Administrative Order Expanding Statewide Judiciary Operations in Light of the COVID-19 Emergency* and the January 14, 2022 *Extension of Interim Administrative Order of December 27, 2021 Restricting Statewide Judiciary Operations in Light of the Omicron Variant of the COVID-19 Emergency* provide that, pending further order of the Chief Judge of the Court of Appeals, the courts are authorized and shall conduct remote proceedings to the greatest extent possible during the health emergency, using communication platforms consistent with the *Administrative Order on the Implementation of Remote Electronic Participation in Judicial Proceedings*, filed June 18, 2018, and the *Amended Administrative Order on Remote Proceedings Held During the COVID-19 Emergency*, filed May 1, 2020.

All participants shall be prepared to discuss the following topics, which will be embraced at the virtual scheduling conference:

- (1) a deadline for the exchange of all discovery, including documents, the identification of expected witnesses, and a fair summary of their qualifications and expected testimony;
- (2) the nature and proposed resolution of anticipated scheduling and procedural issues; and
- (3) any other matter relevant to the development of an appropriate scheduling order to be recommended to the Court.

To the extent possible, the Special Magistrate's objective is to ensure a fair opportunity for the presentation and resolution of all legitimate claims with minimal impact on the current Election Calendar.

/s/ Alan M. Wilner
Alan M. Wilner
Special Magistrate

Filed: February 7, 2022

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

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Suzanne C. Johnson, Clerk