

IN THE SUPREME COURT OF MARYLAND

THE KEY SCHOOL, INC., ET AL.,

Defendants-Appellants,

v.

VALERIE BUNKER,

Plaintiff-Appellee.

Misc. No. 2

September Term, 2024

THE CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS,

Defendant-Appellant,

v.

JANE DOE,

Plaintiff-Appellee.

Misc. No. 1

September Term, 2024

BOARD OF EDUCATION OF HARFORD COUNTY

Defendant-Appellant,

v.

JOHN DOE, ET AL.,

Plaintiffs-Appellees.

No. 10

September Term, 2024

**JOINT MOTION TO CONSOLIDATE BRIEFING, CONSOLIDATE
ARGUMENT, AND MODIFY BRIEFING SCHEDULE**

1. Pursuant to Maryland Rules 8-431 and 8-502(b), Defendants-Appellants The Key School, Inc. et al., The Church of Jesus Christ of Latter-Day Saints, and Board of Education of Harford County (collectively, Appellants) and Plaintiffs-Appellees Valerie Bunker, Jane Doe, and John Doe et al. (collectively,

Appellees) hereby move this Court to file consolidated briefing addressing the common issue in the above-captioned cases. The parties further move to consolidate argument in all three cases. Finally, the parties respectfully request the Court modify the briefing schedules in the above-captioned cases to align with the latest-filed schedule in *Board of Education of Harford County v. John Doe, et al.* No. 10, September Term, 2024 (SCM-REG-0010-2024).

2. This Court recently agreed to hear the same question in four related cases, all of which are set for argument on September 10, 2024: “Does the Maryland Child Victims Act of 2023, 2023 Md. Laws ch. 5 (S.B. 686), (codified at Md. Code Ann., Cts. & Jud. Proc. § 5-117), constitute an impermissible abrogation of a vested right in violation of Article 24 of the Maryland Declaration of Rights and/or Article III, Section 40 of the Maryland Constitution?” Those cases are as follows: *The Church of Jesus Christ of Latter-Day Saints v. Jane Doe* (Misc. No. 1) (certified question accepted May 7, 2024); *The Key School, Inc., et al. v. Valerie Bunker* (Misc. No. 2) (certified question accepted May 9, 2024); *Roman Catholic Archbishop of Washington v. John Doe, et al.* (No. 9) (certiorari granted May 28, 2024); and *Board of Education of Harford County v. John Doe, et al.* (No. 10) (certiorari granted May 28, 2024).

3. Undersigned counsel represent Appellants and Appellees in three of these four cases: *Bunker*, *Jane Doe*, and *Harford County*. The parties in *Roman Catholic Archbishop of Washington* are represented by separate counsel.

4. The parties seek to consolidate their briefing in the three above-captioned cases in which the undersigned are counsel. Specifically, because the question of the Maryland Child Victims Act's (MCVA) constitutionality is identical in all three cases, the parties move to file one set of briefing addressing the constitutionality issue across all three cases. The parties request an extension of the usual briefing length—from 13,000 words to 18,000 words—for their MCVA opening and response briefs, to allow them to fully address the arguments in all three cases. The parties also request an extension of the usual briefing length—from 6,500 words to 9,000 words—for Appellants' consolidated reply brief. In addition, the parties request leave to file separate briefing to address the standing question presented in *Harford County*. The parties request 6,500 words for their opening and response briefs on the standing issue, and 3,900 words for Appellants' reply brief. In total, Appellants request 37,400 words and Appellees request 24,500 words for their consolidated briefs. This is a substantial reduction from the 58,500 words Appellants would receive and 39,000 words Appellees would receive were they to file separately in each case. Consolidating the briefing thus aids judicial economy by streamlining arguments and eliminating redundancies.

5. The parties also move to consolidate argument in the three above-captioned cases. The four cases are currently set to be argued one after another over two hours. The parties propose holding one argument for the three consolidated cases on the constitutionality question, followed by a separate argument in *Roman Catholic Archbishop of Washington* on the constitutionality question, and concluding with argument on the standing question in *Harford County*. This proposed consolidation will promote efficiency given the substantial overlap in the issues, and because the same counsel will be arguing on behalf of Appellees in all three cases. Consolidated argument for Appellants may be split between two advocates, with final notice of arguing counsel to be submitted to the Court no later than August 26, 2024. With respect to the amount of time allotted for argument for the three consolidated cases, the parties request 40 minutes for Appellants, including time reserved for rebuttal, and 40 minutes for Appellees.

6. Finally, the parties move for an extension of time to file their briefs in two of the above-captioned cases. There are currently two separate briefing schedules for the cases, with *Bunker* and *Jane Doe* on one schedule, and *Harford County* on another. The parties respectfully request the Court modify the briefing schedules to align the briefing deadlines across all three cases as follows:

Appellants' Opening Briefs due July 8, 2024

Appellees' Response Briefs due August 7, 2024

Appellants' Reply Briefs due August 26, 2024

The proposed briefing schedule aligns with the requirements in Maryland Rule 8-502(b).

WHEREFORE, for these reasons, the parties respectfully request that this Court consolidate the briefing for the above-captioned cases, consolidate oral argument for these cases, and modify the briefing schedules as proposed.

June 20, 2024

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This filing was prepared in 14-point Times New Roman font; complies with the font, line spacing, and margin requirements of Maryland Rule 8-112; and contains 793 words.

/s/ Danielle Desaulniers Stempel
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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2024, a copy of the foregoing was sent by the e-filing system to:

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[PROPOSED] ORDER

Upon consideration of the Joint Motion to Consolidate Briefing, Consolidate Argument, and Modify Briefing Schedule filed by the parties in the above-captioned cases, it is on this ____ day of June, 2024

ORDERED, by the Supreme Court of Maryland, that the motion be, and it is hereby, **GRANTED**, and it is further

ORDERED, that the above-captioned cases are consolidated for purposes of briefing, and it is further

ORDERED, that the briefing schedules will be modified to align the above-captioned cases as follows: Opening Briefs due Monday, July 8, 2024, Response Briefs due Wednesday, August 7, 2024, and Reply Briefs due Monday, August 26, 2024, and it is further

ORDERED, that the briefing length is extended to 18,000 words for the opening and response briefs and 9,000 words for the reply brief to address the constitutionality question presented in the consolidated cases, and it is further

ORDERED, that the parties are **GRANTED** leave to file separate consolidated briefing to address the standing question presented in No. 10, with the parties receiving 6,500 words for the opening and response briefs and 3,900 words for the reply brief, and it is further

ORDERED, that argument regarding the constitutionality question is consolidated for the above-captioned cases, and it is further

ORDERED, that the Court will first hear argument on the constitutionality question in consolidated cases, followed by argument in *Roman Catholic Archbishop of Washington v. John Doe, et al.*, No. 9, followed by argument on the standing question presented in No. 10, and it is further

ORDERED, that Appellants and Appellees will each receive 40 minutes for argument in the above-captioned cases.

Chief Judge