

THE KEY SCHOOL, INC., *et al.*,

*Appellants,*

v.

VALERIE BUNKER,

*Appellee.*

\* IN THE  
\* SUPREME COURT  
\* OF MARYLAND  
\* September Term, 2024  
\* Misc. No. 2

\* \* \* \* \*

BOARD OF EDUCATION OF  
HARFORD COUNTY,

*Appellant,*

v.

JOHN DOE,

*Appellee.*

\* IN THE  
\* SUPREME COURT  
\* OF MARYLAND  
\* September Term, 2024  
\* No. 10

\* \* \* \* \*

**AMICUS CURIAE ATTORNEY GENERAL OF MARYLAND’S  
MOTION FOR PERMISSION TO PARTICIPATE IN ORAL ARGUMENT**

The Attorney General of Maryland, who has filed an amicus brief in each of the above-captioned cases in support of the appellees, respectfully requests, under Maryland Rule 8-511(f), permission to participate in oral argument on September 10, 2024, on the question of whether the Maryland Child Victims Act of 2023 is constitutional. The Attorney General respectfully requests that the Court grant the Attorney General an additional 10 minutes for oral argument on the constitutionality question. Appellees have consented to this motion; attorneys for appellants have not yet responded to the Attorney General’s request for consent.

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) allows victims of child sexual abuse greater opportunity to hold accountable those who enabled or harbored their perpetrators. Passed overwhelmingly by a combined vote of 175-5 in the General Assembly and signed into law by the Governor, the Act removed existing time limitations for when victims may file civil claims arising out of their abuse. Appellants argue that the Act violates the Maryland Constitution.

The Attorney General has a strong interest in defending Maryland laws. *See Maryland State Admin. Bd. of Election Laws v. Talbot County*, 316 Md. 332, 341 (1988). The General Assembly has recognized this important responsibility. *See* Md. Code Ann., Cts. & Jud. Proc. § 3-405(c) (LexisNexis 2020) (stating that if a statute “is alleged to be unconstitutional, the Attorney General . . . shall be served with a copy of the proceedings” and “is entitled to be heard, submit his views in writing . . . or seek intervention pursuant to the Maryland Rules”). And this Court’s own rules acknowledge the important role of the Attorney General “in any appeal in which the State of Maryland may have an interest.” Md. Rule 8-511(a)(2).

Upon notification of the defendant’s challenge to the Act in *Jane Doe v. The Church of Jesus Christ of Latter-Day Saints*, No. 1:23-cv-02900-JKB, United States District Court for the District of Maryland, the Attorney General intervened to defend the Act. In that case, the district court certified the constitutional question to this Court, and this Court accepted. Misc. No. 1, Sept. Term, 2024. That case was consolidated by this Court with the two instant cases before recently settling. The Attorney General also filed in support

of the Act in *John Doe, et al. v. Roman Catholic Archbishop of Washington*, No. C-16-CV-23-004497, Circuit Court for Prince George’s County, which is currently on appeal before this Court, No. 9, Sept. Term 2024, and which is scheduled for argument on the same day as these consolidated cases. Further, upon being notified of challenges to the Act, the Attorney General intervened in *Doe v. Friends Community School, Inc.*, No. 8:23-cv-03004-PX, United States District Court for the District of Maryland, and filed in support of the Act in *Schappelle v. Roman Catholic Archbishop of Washington, et al.*, No. C-15-CV-23-003696, Circuit Court for Montgomery County. Both these cases are stayed pending this Court’s decision in these cases on the constitutionality of the Act.

The Attorney General “has general charge of the legal business of the State,” Md. Code Ann., State Gov’t § 6-106(a) (LexisNexis 2021), and shall “[p]rosecute and defend on the part of the State all cases pending in the appellate courts of the State, in the Supreme Court of the United States or the inferior Federal Courts, by or against the State, or in which the State may be interested,” Md. Const. art. V, § 3(a)(1). As part of these duties, the Attorney General has a substantial interest in the proper interpretation of the Maryland Constitution as applied to existing retroactive statutes and to future legislation that would apply retroactively. Participation of the Attorney General in oral argument would assist the Court in its consideration of this case.

WHEREFORE, the Attorney General respectfully requests that the Court grant permission to the Attorney General to participate in oral argument in support of appellees.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that, on this 19th day of August, 2024, this Motion of Amicus Curiae Attorney General of Maryland was filed electronically and served electronically by the MDEC system on all persons entitled to service

/s/ Jeffrey S. Luoma

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Jeffrey S. Luoma