

ROBERT F. CHERRY, JR., ET AL.

Plaintiffs

v.

**MAYOR & CITY COUNCIL OF
BALTIMORE CITY**

Defendant.

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Civil Case No.: 24-C-16-004670

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ORDER

As set forth in the accompanying Memorandum Regarding Three Remaining Damages Issues, for purposes of damages calculations in accordance with the Memorandum Opinion and Orders of May 13, June 25, and July 30, 2019, it is this 27th day of August 2019, by the Circuit Court for Baltimore City:

ORDERED, for purposes of calculating Variable Benefit damages (Counts II and III), actuarial valuation of the Annuity Savings Fund as of July 1, 2010, shall employ the following method: the portion of the Annuity Savings Fund attributable to Active Sub-Class members shall be transferred to the new/post-Ordinance 10-306 Plan and subtracted from the market value and actuarial valuation of assets of the old/closed/pre-Ordinance 10-306 Plan on a dollar for dollar basis; and further it is

ORDERED, for purposes of calculating Variable Benefit damages (Counts II and III), the ratio for calculating the amount of assets available for Variable Benefits when the sum of the Pension Accumulation Fund and Annuity Savings Fund is negative shall be, and is hereby, one (1); and further it is

ORDERED, for purposes of calculating Variable Benefit damages (Counts II and III), the Annuity Reserve Fund and Pension Reserve Fund shall receive asset transfers from the Annuity Savings Fund and the Pension Accumulation Fund for new retirements in accordance with the old/closed/pre-Ordinance 10-306 Plan at sections 36(b)(4) and 36(d)(7); and further it is

ORDERED, pursuant to the parties' request set forth in the Joint Status Report filed July 29, 2019, for purposes of calculating Variable Benefit damages (Counts II and III), the parties shall use actual data through FY 2019 and projected data thereafter (as discussed in the Memorandum Opinion of May 13, 2019); and further it is

ORDERED, subject to the foregoing, the Order Modifying Class Certification Order and Providing Requested Clarification as to Damages, issued June 25, 2019, remains in full force and effect; and further it is

ORDERED, as discussed on the record in open court at the status conference on July 30, 2019, and pursuant to the Memorandum and Order issued later that same day, on or before September 4, 2019, the parties shall submit a proposed order incorporating stipulations of the parties relevant to the calculation of damages; and further it is

ORDERED, as discussed on the record in open court at the status conference on July 30, 2019, and pursuant to the Memorandum and Order of that same date, on or before September 4, 2019, Plaintiffs shall submit a proposed class notice to the City; seven days thereafter, the City shall make a counter-proposal (or consent to Plaintiffs' proposal). Seven days following the City's counter-proposal to Plaintiffs, the parties shall submit a single, jointly-proposed class notice to the court.

[JUDGE'S SIGNATURE APPEARS ON ORIGINAL]

Judge Julie R. Rubin

Madam Clerk: Please mail copies to all counsel and named parties of record.