

ROBERT F. CHERRY, JR., ET AL.

Plaintiffs

v.

**MAYOR & CITY COUNCIL OF
BALTIMORE CITY**

Defendant.

*

*

*

*

*

*

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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

* * * * *

ORDER

Upon consideration of The City’s Motion for the Court’s Reconsideration or Clarification of a Single Issue Contained in its August 27, 2019 Decision (Doc. No. 157; hereafter, the “Motion”), Plaintiffs’ Opposition thereto (Doc. No. 157/1), and the City’s reply (Doc No. 157/2), as set forth in the accompanying Memorandum on Operation of Pre-Ordinance Sub-Section 36(d)(7), it is this 4th day of November 2019, by the Circuit Court for Baltimore City:

ORDERED that the Motion shall be, and is hereby, **GRANTED IN PART AND DENIED IN PART**; and further it is

ORDERED that the Order of August 27, 2019 (Doc. No. 149) remains in full force and effect; and further it is

ORDERED that for purposes of calculating damages, the actuaries shall assume the City’s required contributions will be calculated in accordance with sub-sections 36(d)(2) through 36(d)(5) of Article 22 of the Baltimore City Code; and further it is

ORDERED that for purposes of calculating Variable Benefit damages, the actuaries shall reflect in their calculations transfers from the Pension Accumulation Fund to the Pension Reserve

Fund in accordance with the pre-Ordinance 10-306 Plan (also referred to as the “old Plan”) at sub-section 36(d)(7); and further it is

FOUND and **ORDERED** that the above-referenced sub-section 36(d)(7) transfers do not, in and of themselves, require that the City’s required contribution be calculated in a manner different from sub-sections 36(d)(2) through 36(d)(5).

[JUDGE’S SIGNATURE APPEARS ON ORIGINAL]

Judge Julie R. Rubin

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