

The following are cases in which Andy Baida wrote or co-authored briefs and/or presented oral argument:

### **THE UNITED STATES SUPREME COURT**

*Virginia v. Maryland*, 540 U.S. 56 (2003) (briefed and argued) (addressing whether Maryland has the right to regulate water withdrawal and construction activities carried out by Virginia and its citizens from the Virginia side of the Potomac River)

*Federal Maritime Comm'n v. South Carolina State Ports Authority*, 535 U.S. 743 (2002) (amicus brief) (state sovereign immunity prohibited a federal agency from adjudicating a private party's complaint that a state-run port violated the federal Shipping Act)

*Buckhannon Bd. and Care Home, Inc. v. West Virginia Dept. of Health and Human Resources*, 532 U.S. 598 (2001) (amicus brief) (rejecting catalyst theory as means of claiming prevailing party status for purposes of recovering attorneys' fees)

*Alden v. Maine*, 527 U.S. 706 (1999) (amicus brief) (Congress lacks authority under Article I of the federal constitution to abrogate the states' immunity from suits in their own courts)

*Wilson v. Layne*, 526 U.S. 603 (1999) (briefed) (qualified immunity barred claims against Maryland law enforcement officers who brought the media into a home during attempted execution of an arrest warrant)

*U.S. v. Virginia*, 518 U.S. 515 (1996) (amicus brief) (exclusion of women from all-male state military college violated federal equal protection clause)

*Farmer v. Brennan*, 511 U.S. 825 (1994) (amicus brief) (defining deliberate indifference standard in action brought by pre-operative transsexual prisoner placed in the general prison population)

*Allied-Signal, Inc. v. Director, Div. of Taxation*, 504 U.S. 768 (1992) (amicus brief) (deciding Commerce Clause and Due Process Clause restraints on states' ability to tax multistate income of non-domiciliary corporations)

*Baltimore City Dept. of Social Services v. Bouknight*, 493 U.S. 549 (1990) (briefed) (mother could not invoke right against self-incrimination in refusing compliance with juvenile court order to produce her child or disclose his whereabouts)

*Pennsylvania v. Union Gas Co.*, 491 U.S. 1 (1989) (amicus brief) (four Justices concluding that Congress has the authority under the Commerce Clause to render the states liable for damages in federal court)

## MARYLAND COURT OF APPEALS

*Allmond v. Dept. of Health and Mental Hygiene*, 448 Md. 992 (2016) (amicus brief) (upholding constitutionality of Maryland statute authorizing the involuntary medication of individuals committed to mental health facilities)

*Little v. Schneider*, 434 Md. 150 (2013) (briefed and argued) (reversing Court of Special Appeals' decision and reinstating \$2.8 million jury verdict in favor of client for injuries she suffered as a result of a vascular surgeon's negligence during an attempted aortobifemoral bypass surgery)

*Polek v. J.P. Morgan Chase Bank, N.A.*, 424 Md. 333 (2012) (briefed) (holding that lenders did not violate Maryland's Secondary Mortgage Loan Law)

*Cathey v. Bd. of Review, Dept. of Health and Mental Hygiene*, 422 Md. 597 (2011) (briefed and argued) (holding that developmentally disabled individual is entitled to services from the Maryland Developmental Disabilities Administration during the time she lives with her father in Maryland in accordance with an interstate custody order)

*Grimstead v. Brockington*, 417 Md. 332 (2010) (briefed) (Maryland Rule 2-512 prohibited substitution of alternate for regular juror once the jury began to deliberate)

*DRD Pool Service, Inc. v. Freed*, 416 Md. 46 (2010) (briefed and argued) (upholding constitutionality of Maryland cap on non-economic damages and jury's right to decide drowning victim's conscious pain and suffering claim)

*Office of Public Defender v. State*, 413 Md. 411 (2010) (briefed and argued) (trial court has authority to order the Public Defender to represent an indigent individual upon finding that the individual cannot afford a lawyer and the Public Defender's previous indigency determination was erroneous)

*Proctor v. Washington Metropolitan Area Transit Authority*, 412 Md. 691 (2010) (briefed and argued) (Maryland Tort Claims Act's \$200,000 damages limitation does not apply to a negligence claim filed against the Washington Metropolitan Area Transit Authority)

*Smith v. Housing Authority of Baltimore City*, 411 Md. 661 (2009) (briefed) (summarily vacating adverse judgment in lead paint case)

*Master Financial, Inc. v. Crowder*, 409 Md. 51 (2009) (briefed) (deciding applicable statute of limitations for claims brought under Secondary Mortgage Loan Law)

*Olde Severna Park Improvement Ass'n, Inc. v. Gunby*, 402 Md. 317 (2007) (briefed and argued) (holding that conveyance of waterfront property included riparian rights)

*Diamond Point Plaza Ltd. Partnership v. Wells Fargo Bank, N.A.*, 400 Md. 718 (2007) (briefed) (upholding trial court's finding of carve-out liability in default of non-recourse loan)

*Conaway v. Deane*, 401 Md. 219 (2007) (briefed) (upholding Maryland statute prohibiting same-sex marriage)

*BAA, PLC v. Acacia Mut. Life Ins. Co.*, 400 Md. 136 (2007) (briefed) (accountant-client privilege and goodwill issues under the Fraudulent Conveyance Act)

*Swam v. Upper Chesapeake Medical Center, Inc.*, 397 Md. 528 (2007) (briefed and argued) (claim improperly filed with the Health Care Alternative Dispute Resolution Office tolled statute of limitations)

*Eastside Vend Distributors, Inc. v. Pepsi Bottling Group, Inc.*, 396 Md. 219 (2006) (briefed) (reviewing denial of preliminary injunction in antitrust case)

*Duckworth v. Deane*, 393 Md. 524 (2006) (briefed and argued) (Maryland legislators and other officials not permitted to intervene in same-sex marriage litigation)

*Maryland Aviation Admin. v. Noland*, 386 Md. 556 (2005) (briefed) (upholding sanction imposed against state medic who struck a psychiatric patient)

*Walther v. Sovereign Bank*, 386 Md. 412 (2005) (briefed) (upholding binding arbitration provision in class action alleging illegal fees charged for second mortgage loans)

*Piper Rudnick LLP v. Hartz*, 386 Md. 201 (2005) (briefed) (upholding personal representative's request for counsel fees in successfully rebuffing beneficiaries' removal attempt)

*Sifrit v. State*, 383 Md. 77 (2004) (briefed and argued) (criminal prosecution did not violate written agreement or due process)

*Piscatelli v. Bd. of Liquor License Comm'rs*, 378 Md. 623 (2003) (briefed and argued) (upholding liquor license statute's restrictions on live entertainment)

*Larsen v. Chinwuba*, 377 Md. 92 (2003) (briefed) (state insurance commissioner not liable for statements made during investigation into HMO's financial affairs)

*Mateen v. Saar*, 376 Md. 385 (2003) (briefed and argued) (state may not appeal illegal sentence)

*Pollock v. Patuxent Inst. Bd. of Review*, 374 Md. 463 (2003) (briefed and argued) (adopting *Accardi* doctrine in upholding nonrenewal of inmate's parole based on positive urine test)

*Oglesby v. Williams*, 372 Md. 360 (2002) (briefed and argued) (holding candidate for Worcester County State's Attorney was ineligible for the office because his domicile was in another county)

*Maryland Environmental Trust v. Gaynor*, 370 Md. 89 (2002) (briefed and argued) (holding the Maryland Environmental Trust did not commit fraud in procuring conservation easement on landowners' property)

*Jackson v. Millstone*, 369 Md. 575 (2002) (briefed and argued) (invalidating state regulation that only “appropriate” medical services would be preauthorized for those under age of 21)

*Plein v. Dept. of Labor, Licensing and Regulation*, 369 Md. 421 (2002) (briefed) (claimant who quit first job to accept higher paying second position and was thereafter laid off not entitled to unemployment benefits)

*Maryland Transp. Authority v. King*, 369 Md. 274 (2002) (briefed and argued) (neither the Administrative Procedure Act nor general Maryland administrative law principles authorize judicial review of whether employee’s termination was disproportionate to the offense)

*Maryland Comm’r of Labor and Industry v. Cole Roofing Co., Inc.*, 368 Md. 459 (2002) (briefed and argued) (employer has the burden of proving that violation of the Maryland Occupational Safety and Health Act was unforeseeable or unpreventable)

*Robinson v. Bunch*, 367 Md. 432 (2002) (briefed and argued) (holding State Personnel and Pensions Code provides the exclusive administrative and judicial review remedy for adjudicating state parole and probation officers’ claims for overtime under the Fair Labor Standards Act)

*Zetty v. Piatt*, 365 Md. 141 (2001) (briefed and argued) (police officer not authorized to initiate constructive civil contempt proceeding against individual accused of violating domestic violence protection order)

*Becker v. State*, 363 Md. 77 (2001) (briefed and argued) (Maryland drug nuisance abatement statute did not authorize the destruction of a building used to store and sell illegal drugs)

*Office of Attorney General v. Gallagher*, 359 Md. 341 (2000) (briefed and argued) (investigatory records exemption of the Public Information Act does not override other exemptions)

*Puddester v. Felton*, 359 Md. 336 (2000) (briefed and argued) (individual members of the Montgomery County Board of Education have no property right in disposition of public funds)

*Motor Vehicle Admin. v. Richards*, 356 Md. 356 (1999) (briefed and argued) (Fourth Amendment exclusionary rule does not apply in driver’s license revocation proceeding)

*Giant Food, Inc. v. Dept. of Labor, Licensing and Regulation*, 356 Md. 180 (1999) (briefed and argued) (work stoppage existed at food chain’s warehouse and distribution centers preventing striking workers from receiving unemployment benefits)

*Office of State Prosecutor v. Judicial Watch*, 356 Md. 118 (1999) (briefed) (Public Information Act did not override grand jury secrecy rule and require prosecutor to compile “Vaughn” index of documents relating to investigation of Monica Lewinsky scandal)

*Exxon Co., U.S.A. v. State Highway Admin., Maryland Dept. of Transp.*, 354 Md. 530 (1999) (briefed and argued) (gas station operator could not collaterally attack in condemnation proceeding relocation expense condition made part of prior, unchallenged special exception)

*Bd. of Physician Quality Assur. v. Banks*, 354 Md. 59 (1999) (briefed and argued) (upholding agency determination that physician committed immoral or unprofessional conduct in the practice of medicine by sexually harassing female staff while on call at hospital)

*Mesmer v. Maryland Auto. Ins. Fund*, 353 Md. 241 (1999) (briefed and argued) (liability insurer's breach of duty to defend gives rise to breach of contract damages only which are subject to policy limits)

*One 1995 Corvette VIN No. 1G1YY22P585103433 v. Mayor and City Council of Baltimore*, 353 Md. 114 (1999) (briefed and argued) (Fourth Amendment exclusionary rule applies in *in rem* forfeiture proceeding)

*Bd. of Physician Quality Assur. v. Levitsky*, 353 Md. 188 (1999) (briefed and argued) (procedural irregularities in physician peer review process did not justify nullification of disciplinary charges)

*Secretary, Dept. of Public Safety and Correctional Services v. Henderson*, 351 Md. 438 (1998) (briefed and argued) (calculation of good conduct credits for inmates who commit drug crimes while on mandatory supervisory release following incarceration for violent crimes)

*Fioretti v. Maryland State Bd. of Dental Examiners*, 351 Md. 66 (1998) (briefed) (dental board's records relating to investigation of dental hygienist were not investigatory files exempt from disclosure under Public Information Act)

*Maryland Bd. of Nursing v. Nechay*, 347 Md. 396 (1997) (briefed and argued) (circuit court judge has authority to revise, alter, or amend the order of another circuit court judge)

*McCulloch v. Glendening*, 347 Md. 272 (1997) (briefed) (gubernatorial executive order authorizing collective bargaining did not violate separation of powers doctrine)

*Stanford v. Maryland Police Training and Correctional Comm'n*, 346 Md. 374 (1997) (briefed and argued) (termination of police officer's employment results in automatic revocation of police officer certification)

*Comptroller of Treasury v. Nelson*, 345 Md. 706 (1997) (briefed and argued) (gubernatorial directive to Maryland Comptroller to institute hiring freeze did not justify freezing employee reclassifications and denying back pay requests)

*Dept. of Health and Mental Hygiene v. Chimes, Inc.*, 343 Md. 336 (1996) (briefed and argued) (cost containment measure was not a regulation requiring compliance with Administrative Procedure Act's notice and hearing requirements)

*Baltimore Sun Co. v. State*, 340 Md. 437 (1995) (briefed and argued) (invalidating court order requiring media in juvenile proceedings to refer to juvenile's first name only and restricting use of information obtained from non-judicial sources)

*Ward v. Dept. of Public Safety and Correctional Services*, 339 Md. 343 (1995) (briefed and argued) (double jeopardy clause does not apply to employee disciplinary sanctions)

*Dept. of Public Safety and Correctional Services v. Howard*, 339 Md. 357 (1995) (briefed and argued) (employment termination of correctional officers not arbitrary or capricious)

*Fogle v. H & G Restaurant, Inc.*, 337 Md. 441 (1995) (briefed) (upholding validity of regulation prohibiting smoking in the workplace)

*Fish Market Nominee Corp. v. G.A.A., Inc.*, 337 Md. 1 (1994) (amicus brief) (Maryland legislature may delegate to Baltimore City authority to set redemption rate on real estate tax sales at higher rate than that provided in the Maryland Constitution)

*United Parcel Service, Inc. v. People's Counsel for Baltimore County*, 336 Md. 569 (1994) (amicus brief) (upholding zoning commissioner's issuance of building permit for United Parcel Service facility)

*Christ v. Maryland Dept. of Natural Resources*, 335 Md. 427 (1994) (briefed) (regulation prohibiting persons under the age of 14 from operating personal watercraft did not violate separation of powers doctrine)

*Harris v. Baltimore Sun Co.*, 330 Md. 595 (1993) (briefed and argued) (addressing newspaper's Public Information Act request for records indicating Public Defender's expenses in defending capital murder prosecution)

*Patuxent Inst. Bd. of Review v. Hancock*, 329 Md. 556 (1993) (briefed) (improper revocation of parole)

*3011 Corp., Inc. v. District Court of Maryland*, 327 Md. 463 (1992) (briefed and argued) (corporation charged with criminal offense carrying maximum penalty in excess of 90 days has a statutory jury trial right)

*State Roads Comm'n of State Highway Admin. v. 370 Ltd. Partnership*, 325 Md. 96 (1991) (briefed) (deciding quick-take condemnation issues)

*Maryland State Dept. of Health and Mental Hygiene v. Phoebus*, 319 Md. 710 (1990) (briefed and argued) (government has burden to show that individual who terminated employee had the authority to do so)

*Maryland Dept. of Human Resources v. Bo Peep Day Nursery*, 317 Md. 573 (1989) (briefed) (due process not violated by admission of children's hearsay statements in day care license revocation proceeding)

*State v. Broadwater*, 317 Md. 342 (1989) (briefed and argued) (upholding convicted felon's right to register to vote once he completed sentences imposed for multiple counts)

*In re Maurice M.*, 314 Md. 391 (1988) (briefed) (order requiring mother to produce previously abused child or disclose his whereabouts violated her Fifth Amendment right against self-incrimination)

*Friends School v. Supervisor of Assessments of Baltimore City*, 314 Md. 194 (1988) (briefed) (application of educational institution tax exemption to building superintendent's residence located on private school's property)

*Golden Sands Club Condominium, Inc. v. Waller*, 313 Md. 484 (1988) (amicus brief) (upholding constitutionality of Maryland Contract Lien Act)

*American Trucking Associations, Inc. v. Goldstein*, 312 Md. 583 (1988) (briefed) (state cannot collect unlawful tax in reliance on prior Court of Appeals decision upholding tax statute's constitutionality)

*Dept. of Transp. v. Armacost*, 311 Md. 64 (1987) (briefed) (upholding constitutionality of Maryland Vehicle Emissions Inspection Program)

*McKenzie v. C.C. Kottcamp & Sons, Inc.*, 311 Md. 54 (1987) (briefed) (addressing rate at which compensation apportioned to employer is to be paid in workers' compensation case involving permanent total disability and a subsequent injury)

*Maryland Port Admin. v. QC Corp.*, 310 Md. 379 (1987) (briefed) (state's operation of hazardous waste disposal site did not result in taking of leasehold interest in adjacent property)

*Washington Nat. Arena Ltd. Partnership v. Comptroller of Treasury*, 308 Md. 370 (1987) (briefed and argued) (addressing allocation of admission charge for admission tax purposes)

*Supervisor of Assessments of Montgomery County v. Group Health Ass'n, Inc.*, 308 Md. 151 (1986) (briefed) (HMO not a charitable organization for property tax exemption purposes)

*Broadwater v. State*, 306 Md. 597 (1986) (briefed) (upholding constitutionality of requirement that holder of public office be a registered voter)

*Mitchell v. Goodyear Service Store*, 306 Md. 27 (1986) (briefed) (Workers' Compensation Commission had standing to defend attorney fee determination on appeal)

Andy also briefed and/or argued the following cases in which the Court of Appeals entered an order dismissing the writ of certiorari as improvidently granted:

*Johns Hopkins Bayview Medical Center v. Carr*, 416 Md. 207 (2010) (briefed and argued) (guardianship case)

*Diamond Point Ltd. Partnership v. Wells Fargo Bank, N.A.*, 403 Md. 66 (2008) (briefed) (foreclosure sale ratification proceeding)

*Motor Vehicle Administration v. Golliday*, 377 Md. 304 (2003) (briefed) (breath alcohol test refusal)

*Maryland Health Resources Planning Comm'n v. Suburban Hosp., Inc.*, 364 Md. 353 (2001) (briefed and argued) (Open Meetings Act)

*Phipps v. State*, 360 Md. 600, 759 A.2d 293 (2000) (briefed and argued) (civil contempt proceeding)

*Dept. of Health and Mental Hygiene v. Martin*, 348 Md. 243 (1997) (briefed and argued) (involuntary medication issues)

*Bd. of Physician Quality Assur. v. Young*, 346 Md. 314 (1997) (briefed) (physician disciplinary proceeding)

*Office of Administrative Hearings v. Will*, 344 Md. 571 (1997) (briefed and argued) (employee reclassification)

#### **MARYLAND COURT OF SPECIAL APPEALS**

*VEI Catonsville, LLC v. Einbinder Props., LLC*, 212 Md.App. 286 (2013) (briefed) (addressing interpretation of a purchase option appraisal provision)

*Brault Graham, LLC v. Law Offices of Peter G. Angelos, P.C.*, 211 Md.App. 638 (2013) (briefed) (quantum meruit claim for the reasonable value of legal services provided to former clients)

*Barnes v. Greater Baltimore Medical Center*, 210 Md.App. 457 (2013) (briefed and argued) (reinstating a jury verdict awarding \$1,123,000 in damages to an emergency room patient for injuries sustained as a result of health care providers' negligence in failing to prevent him from having a stroke)

*Nance v. Gordon*, 210 Md.App. 26 (2013) (briefed and argued) (holding that a board certified nephrologist was qualified under the Health Care Malpractice Claims Act to testify that a board certified urologist deviated from the standard of care in treating a fifteen-year-old patient when he went to a hospital emergency department complaining of blood in his urine)

*Dakrish, LLC v. Raich*, 209 Md.App. 119 (2012) (briefed and argued) (upholding denial of liquor license application)

*Yaffe v. Scarlett Place Residential Condo., Inc.*, 205 Md.App. 429 (2012) (briefed and argued) (addressing liability and damages issues arising out of condominium units' reoccurring water leaks and moisture infiltration)

*Univ. of Md. Med. Sys. Corp. v. Gholston*, 203 Md.App. 321 (2012) (briefed and argued) (upholding \$3.6 million jury verdict awarded plaintiff for injuries caused by hospital's negligence)



*Freed v. D.R.D. Pool Service, Inc.*, 186 Md.App. 477 (2009) (briefed and argued) (reversing trial court's dismissal of drowning victim's conscious pain and suffering claim)

*Brockington v. Grimstead*, 176 Md.App. 327 (2007) (briefed and argued) (improper substitution of alternate juror following start of jury deliberations)

*Wells Fargo Bank Minnesota, N.A. v. Diamond Point Plaza L.P.*, 171 Md.App. 70 (2006) (briefed and argued) (carve-out liability for default of non-recourse loan)

*Arrabal v. Crew-Taylor*, 159 Md.App. 668 (2004) (briefed) (addressing issues of informed consent and conscious pain and suffering)

*Maryland Dept. of Environment v. Ives*, 136 Md.App. 581 (2001) (briefed) (state employee not entitled to use accident leave for treatment of occupational disease)

*In re Criminal Investigation No. 51,843 in Circuit Court for Prince George's County*, 119 Md.App. 112 (1998) (briefed and argued) (addressing propriety of trial court order in civil case which ordered disclosure of grand jury testimony provided in related criminal proceeding)

*Long v. American Legion Potomac Post 202, Inc.*, 117 Md.App. 18 (1997) (briefed and argued) (district court did not have exclusive original jurisdiction over charges that licensee committed misdemeanor by violating laws governing operation of tip jars)

*Bell Atlantic-Maryland, Inc. v. Maryland Stadium Authority*, 113 Md.App. 640 (1997) (briefed and argued) (expansion of city convention center was a governmental function requiring utility to pay for the cost of relocating underground cables)

*Simms v. Constantine*, 113 Md.App. 291 (1997) (briefed and argued) (prosecutors not entitled to absolute immunity in offering to dismiss charges against police officers if they resigned)

*State v. Card*, 104 Md.App. 439 (1995) (briefed and argued) (amendment to Maryland Tort Claims Act which included sheriffs among covered personnel applied retroactively)

*University of Maryland at Baltimore v. Boyd*, 93 Md.App. 303 (1992) (briefed) (upholding Human Relations Commission decision that university grooming policy adversely affected African-American population and violated Article 49B of the Maryland Code)

*Tafflin v. Levitt*, 92 Md.App. 375 (1992) (briefed) (depositors' claims concerning private agency's improper failure to regulate insolvent savings and loan could be brought only by government agency as private agency's successor-in-interest)

*Berry v. Dept. of Human Resources*, 88 Md.App. 461 (1991) (briefed and argued) (affirming dismissal of state employees' complaint alleging civil rights violations and misapplication of merit system law)

*Kinser v. State*, 88 Md.App. 17 (1991) (briefed) (affirming racial assault conviction)

*Meredith v. Talbot County*, 80 Md.App. 174 (1989) (briefed and argued) (developer who entered into agreement resulting in immediate approval of subdivision plat could not challenge on taking grounds endangered species restrictions imposed on certain lots)

*Q C Corp. v. Maryland Port Admin.*, 68 Md.App. 181 (1986) (briefed and argued) (state's operation of hazardous waste facility resulted in taking of leasehold interest in adjacent property)

*Greenberg v. State*, 66 Md.App. 24 (1986) (briefed and argued) (upholding constitutionality of airport noise zone regulations)

The following are cases Andy briefed and/or argued in the Court of Special Appeals which resulted in unreported decisions:

*Bob Smith Automotive Group, Inc. v. Ally Financial, Inc.*, No. 1655, Sept. Term 2014 (briefed) (upholding Circuit Court's decision that lender had properly demanded payment of more than \$13 million of floor-plan financing extended to auto dealerships)

*Hardy v. Estate of Charles J.E. Arnold*, Nos. 1603 and 2611, Sept. Term 2014 (briefed and argued) (medical malpractice appeal)

*Viveros v. Landcrafters, LLC*, No. 2506, Sept. Term 2014 (briefed and argued) (reversing dismissal of client's worker's compensation claim and remanding the case for trial)

*Glen-Ham Bel-Har Comm. Ass'n v. Mayor and City Council*, No. 2086, Sept. Term 2013 (briefed and argued) (holding that administrative board's issuance of corrected decision containing new condition required new public hearing and deliberation)

*Sullivan v. QW Properties, LLC*, No. 1565, Sept. Term 2013 (briefed) (holding that administrative board arbitrarily denied residential planned development application when a majority of the board voted in favor of the applicant on each of the governing criteria)

*Hernandez v. State*, Nos. 651 and 652, Sept. Term 2013 (briefed and argued) (request for coram nobis relief was rendered moot when the challenged state court convictions were not used to enhance the petitioner's federal sentence)

*Nusbaum v. Stolof*, No. 899, Sept. Term 2013 (briefed) (holding summary judgment was inappropriate in parties' dispute over whether they had an agreement to split fees and expenses incurred for their mutual defense and benefit)

*St. Joseph Med. Ctr. v. Fallows*, No. 1347, Sept. Term 2011 (briefed and argued) (dismissing challenge to a trial court order requiring a hospital to disclose the names and addresses of hundreds of former patients who received letters from the hospital raising issues about coronary stents they had undergone)

*Denburg & Low, P.A. v. Reservoir Ltd. P'ship*, No. 1452, Sept. Term 2012 (briefed) (holding that party which rescinded contract and took back deposit could not seek damages)

*Univ. of Md. Med. Sys. Corp. v. Sheldon*, No. 911, Sept. Term 2012 (briefed and argued) (upholding \$2.8 million jury verdict awarded plaintiff for injuries caused by hospital's negligence)

*Wrightson v. Ashburn*, No. 2142, Sept. Term 2011 (briefed and argued) (overturning multiple jury verdicts based on claims arising out of a contract)

*DiCarlo v. Cohen & Greene, P.A.*, No. 1867, Sept. Term 2009 (briefed and argued) (holding that attorney retained on a contingent fee agreement may not recover compensation in *quantum meruit* based on reasonable value of services rendered prior to discharge until the contingency occurs)

*DiCarlo v. John W. Tieder, Inc.*, No. 1763, Sept. Term 2009 (briefed and argued) (upholding dismissal of plaintiff's claim as a result of attorney's discovery violations)

*William S. v. Maryland Dept. of Health and Mental Hygiene*, No. 2328, Sept. Term 2009 (briefed and argued) (involuntary hospital admission)

*Radiosurgery Management Associates, LLC v. Medstar-Georgetown Medical Center, Inc.*, No. 1762, Sept. Term 2009 (briefed) (business venture dispute)

*Peremel v. Peremel*, No. 1596, Sept. Term 2009 (briefed and argued) (alimony and monetary award challenge)

*Martinez v. Holy Cross Hospital*, No. 894, Sept. Term 2009 (briefed and argued) (medical malpractice)

*In the Matter of Thomas Carr*, No. 752, Sept. Term 2009 (briefed and argued) (guardianship)

*Kraitichman v. Davis*, No. 412, Sept. Term 2009 (briefed and argued) (special exception challenge)

*Charles Towers, LLC v. Mullan Enterprises, Inc.*, No. 2500, Sept. Term 2008 (briefed) (petition to compel arbitration)

*Booth v. Shepard*, No. 116, Sept. Term 2008 (briefed and argued) (medical malpractice)

*Star Hotels, LLC v. G&R Maple Lawn (K), LLC*, No. 390, Sept. Term 2007 (briefed) (specific performance of purchase and sale agreement)

*Camden Industrial Gas Station Owners Ass'n v. Two Farms, Inc.*, No. 2933, Sept. Term 2006 (briefed and argued) (zoning permit challenge)

*Pappas v. McCrone, Inc.*, No. 1086, Sept. Term 2006 (briefed) (proximate causation issues)

*Patton Boggs, LLP v. Deveney*, No. 485, Sept. Term 2006 (briefed) (arbitration award challenge)

*Schwartz v. Isaac*, No. 2604, Sept. Term 2005 (briefed and argued) (child custody dispute)

*Grossman v. Grossman*, No. 1571, Sept. Term 2005 (briefed) (monetary award and indefinite alimony challenge)

*County Comm'rs of Carroll County v. Carrolltowne 4B, LLC*, No. 1303, Sept. Term 2005 (briefed) (site plan and subdivision plat approval)

*Atlantic Builders Group v. East Harbor Marine Corp.*, No. 1573, Sept. Term 2003 (briefed) (oral modification of construction contract)

*Wall v. Smith*, No. 1444, Sept. Term 2004 (briefed and argued) (child custody issues)

*Cherry v. Maryland Military Dept.*, No. 1135, Sept. Term 2002 (briefed) (overtime compensation)

*Washington v. State*, No. 1169, Sept. Term 1993 (briefed) (admissibility of confession)

*In re Kenneth H.*, No. 1721, Sept. Term 1992 (briefed) (sufficiency of juvenile court finding)

*Calhoun v. State*, No. 1328, Sept. Term 1990 (briefed) (rape conviction challenge)

*Hopewell v. Attorney Grievance Comm'n*, No. 492, Sept. Term 1990 (briefed and argued) (mandamus action)

*Wilt v. Maryland Criminal Injuries Comp. Bd.*, No. 1330, Sept. Term 1989 (briefed) (administrative exhaustion)

*State v. Donnick*, No. 128, Sept. Term 1989 (briefed and argued) (sovereign immunity waiver)

*Little v. State*, No. 1500, Sept. Term 1988 (briefed and argued) (state liability for bodysurfer's injuries)

*Maryland Dept. of Health and Mental Hygiene v. Phoebus*, No. 516, Sept. Term 1988 (briefed and argued) (propriety of employee termination)

*Conservation Associates v. People's Counsel for Baltimore County*, No. 1724, Sept. Term 1987 (briefed) (zoning classification)

*Maryland State Retirement and Pension System v. Howard*, No. 1704, Sept. Term 1987 (briefed and argued) (terminated employee's eligibility for retirement benefits)

*Foster v. State*, No. 1597, Sept. Term 1984 (briefed) (murder conviction challenge)

## U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

*United States v. Shreeves*, No. 15-4022 (4<sup>th</sup> Cir. 2015) (briefed) (vacating criminal conviction on the ground that the magistrate judge impermissibly participated in plea negotiations)

*Scott v. Merck & Co., Inc.*, 497 Fed.Appx. 331 (4<sup>th</sup> Cir. 2012) (briefed and argued) (termination of at-will employee)

*U.S. v. Naidu*, 465 Fed.Appx. 264 (2012) (briefed) (district court did not constructively amend the indictment)

*United States v. Oakley*, 441 Fed.Appx. 989 (2011) (briefed) (police did not seize defendant when they blocked his car with vehicles using activated lights because he tried to escape and did not yield to authority)

*McEwen v. Baltimore Washington Medical Center Inc.*, 404 Fed.Appx. 789 (2010) (briefed and argued) (experts' testimony not sufficiently reliable under *Daubert v. Merrell Dow Pharmaceuticals*)

*U.S. v. Ashley*, 606 F.3d 135 (2010) (briefed and argued) (prosecution of case was not an unlawful constructive amendment of the indictment)

*U.S. v. Burman*, 225 Fed.Appx. 198 (2007) (briefed) (sentencing not improper)

*Montgomery v. Maryland*, 72 Fed.Appx. 17 (2003) (briefed) (state employee's reassignment to another position following medical leave did not violate the Family and Medical Leave Act)

*TFWS, Inc. v. Schaefer*, 325 F.3d 234 (2003) (briefed) (addressing defense on Twenty-first Amendment grounds of Maryland's statutory scheme regulating wholesale pricing of liquor and wine)

*Montgomery v. Maryland*, 266 F.3d 334 (2001) (briefed and argued) (Eleventh Amendment barred action against state employer for allegedly violating the Family and Medical Leave Act)

*Dajani v. Governor and General Assembly of State of Maryland*, 15 Fed.Appx. 122 (2001) (briefed) (federal court lacked jurisdiction on *Rooker-Feldman* grounds over challenge to Maryland's red light camera law)

*Columbia Union College v. Oliver*, 254 F.3d 496 (2001) (briefed and argued) (private college's pervasively sectarian status did not prevent it from receiving aid under Maryland grant program)

*Von Gunten v. Maryland*, 243 F.3d 858 (2001) (briefed and argued) (assorted allegations of harassment over an 18-month period did not constitute adverse employment action which violated Title VII)

*South Carolina State Ports Authority v. Federal Maritime Comm'n*, 243 F.3d 165 (2001) (briefed and argued) (state sovereign immunity prohibited a federal agency from adjudicating a private party's complaint that a state-run port violated the federal Shipping Act)

*Henderson v. Simms*, 223 F.3d 267 (2000) (briefed and argued) (arrest and reincarceration of inmates who had been prematurely released did not violate rights under the Fourth and Fourteenth Amendments)

*Ostrzenski v. Seigel*, 177 F.3d 245 (1999) (briefed and argued) (physician accused of procedural irregularities in peer review process entitled to absolute quasi-judicial immunity)

*Hicks v. Cassilly*, 153 F.3d 720 (1998) (unpublished) (briefed and argued) (prosecutors entitled to qualified immunity in applying for warrants to seize allegedly obscene materials without a pre-seizure hearing)

*In re Creative Goldsmiths of Washington, D.C., Inc.*, 119 F.3d 1140 (1997) (briefed and argued) (Eleventh Amendment barred Chapter 7 adversary proceeding against Maryland Comptroller seeking to avoid debtor's income tax payment as preferential transfer)

*Terry v. Grasmick*, 114 F.3d 1177 (1997) (briefed and argued) (plaintiff not entitled to award of attorneys' fees in action brought under the Individuals with Disabilities in Education Act when the state never disputed or denied plaintiff's request for special education services)

*Podberesky v. Kirwan*, 38 F.3d 147 (1994) (briefed) (University of Maryland blacks-only scholarship program violated the Equal Protection Clause because it did not remedy the present effects of past discrimination and was not narrowly tailored)

*Center for Auto Safety Inc. v. Athey*, 37 F.3d 139 (1994) (briefed and argued) (upholding constitutionality of Maryland's Charitable Organizations Solicitation Law's requirement that non-exempt charities pay a sliding scale fee based on charity's nationwide contributions)

*Persaud v. Morgan State University*, 34 F.3d 1066 (1994) (briefed) (denial of tenure and termination of associate professor did not violate Title VII)

*Podberesky v. Kirwan*, 956 F.2d 52 (1992) (briefed and argued) (blacks-only scholarship program cannot survive equal protection challenge without showing it remedied present effects of past discrimination)

*Maryland Highways Contractors Ass'n, Inc. v. State of Md.*, 933 F.2d 1246 (1991) (briefed) (contractors association lacked standing to challenge constitutionality of minority business enterprise statute)

*Hoffman v. State*, 928 F.2d 646 (1991) (briefed) (upholding constitutionality of Maryland voter purge statute)

*South Carolina State Educ. Assistance Authority v. Cavazos*, 897 F.2d 1272 (1990) (briefed and argued) (upholding constitutionality of federal laws requiring state agencies to transfer excess student loan reserves to the federal government)

*Reigh v. Schleigh*, 829 F.2d 1334 (1987) (briefed and argued) (upholding award of attorneys' fee under catalyst theory in action challenging constitutionality of Maryland's post-judgment garnishment rules)

*Hooper v. Sachs*, 823 F.2d 547 (1987) (briefed and argued) (private physician did not act as government agent in searching records resulting in Medicaid fraud prosecution)

*John Hanson Sav. & Loan, Inc. v. State of Md.*, 812 F.2d 1401 (1987) (briefed) (Eleventh Amendment barred suit against state seeking return of insurance contributions)

*McClelland v. Massinga*, 786 F.2d 1205 (1986) (briefed) (upholding constitutionality of program authorizing the interception of tax refunds to satisfy outstanding child support obligations)

*Reigh v. Schleigh*, 784 F.2d 1191 (1986) (briefed) (upholding constitutionality of Maryland's post-judgment garnishment rules)

#### **U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT**

*Edmond v. U.S. Postal Service General Counsel*, 949 F.2d 415 (1991) (briefed) (no personal jurisdiction over Maryland prosecutor under the D.C. long-arm statute for allegedly suborning perjury in a Maryland bankruptcy proceeding)

#### **COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA**

*Estate of Kurstin v. Lordan*, 25 A.3d 54 (2011) (briefed and argued) (recognizing a settling defendant's right to contribution from a non-settling tortfeasor)

*Convit v. Wilson*, 980 A.2d 1104 (2009) (briefed and argued) (plastic surgeon who performed surgery on cerebral shunt violated standard of care and proximately caused plaintiff's injuries)

*Giordano v. Sherwood*, 968 A.2d 494 (2009) (briefed and argued) (jury verdict that surgeon violated the standard of care was speculative)

*George Washington University v. Violand*, 940 A.2d 965 (2008) (argued) (university waived statute of limitations defense in pay discrimination case)

*Caglioti v. District Hosp. Partners, LP*, 933 A.2d 800 (2007) (briefed and argued) (upholding assignment of indemnification claims to plaintiff as valid additional consideration)

Andy also argued the following case in the District of Columbia Court of Appeals which resulted in an unreported decision:

*Leslie v. George Washington University*, No. 11-CV-618 (upholding trial court's decision that private university was not on notice of or responsible for defective chair which suddenly collapsed)

## TRIAL COURT CASES

Andy has also been counsel at the trial court level in many cases, including the following federal court cases in which he wrote or co-authored memoranda and/or presented oral argument:

*Moxley v. Town of Walkersville*, 601 F.Supp.2d 648 (D. Md. 2009) (briefed and argued) (upholding claim that town violated Religious Land Use and Institutionalized Persons Act by denying permit to build a mosque)

*Henderson v. Simms*, 54 F.Supp.2d 499 (D. Md. 1999) (briefed) (public safety officials entitled to qualified immunity in reincarcerating inmates after recalculating their good conduct credits)

*American Medical Sec., Inc. v. Larsen*, 31 F.Supp.2d 502 (D. Md. 1998) (briefed and argued) (plaintiff who successfully challenged Maryland Insurance Commissioner regulation not entitled to award of attorneys' fees and expenses under ERISA)

*Hicks v. Cassilly*, 971 F.Supp. 956 (D. Md. 1997) (briefed and argued) (addressing liability of prosecutors in applying for search warrants resulting in seizure of presumptively protected First Amendment materials from adult bookstore)

*Podberesky v. Kirwan*, 838 F.Supp. 1075 (D. Md. 1993) (briefed) (upholding on equal protection grounds University of Maryland blacks-only scholarship program)

*Cameco Industries, Inc. v. Mayatrac, S.A.*, 789 F.Supp. 200 (D. Md. 1992) (briefed) (addressing constitutionality of Maryland prejudgment attachment procedure)

*Podberesky v. Kirwan*, 764 F.Supp. 364 (D. Md. 1991) (briefed and argued) (rejecting equal protection challenge to blacks-only scholarship program)

*Hoffman v. State*, 736 F.Supp. 83 (D. Md. 1990) (briefed) (upholding voter purge statute)

*Chesapeake B & M, Inc. v. Cassilly*, 729 F.Supp. 1106 (D. Md. 1990) (briefed and argued) (*Younger* absention doctrine barred federal court injunction which would prevent ongoing state court obscenity prosecution)

*Matter of Kapp*, 69 B.R. 652 (D. Md. 1987) (briefed) (adopting Attorney General's interpretation of Maryland statute in adversary proceeding seeking declaration that security interest and judicial lien are avoidable)