

**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**

This matter came before the court for trial on Plaintiffs' First Amended Class Action Complaint (Docket Entry 37) beginning October 29, 2018. In accordance with the Memorandum Opinion issued herewith, it is this 13<sup>th</sup> day of May, 2019, by the Circuit Court for Baltimore City:

**FOUND** and **ORDERED** in accordance with Maryland Rule 2-231(i), and as set forth in the accompanying Memorandum Opinion and Class Certification Order, this order pertains to the Class, the Retired Sub-Class, the Retirement-Eligible Sub-Class, and the Active Sub-Class as follows: The Class includes all members and beneficiaries of the Fire and Police Employees' Retirement System of the City of Baltimore (the "Plan") as of June 30, 2010. The Retired Sub-Class includes all members and beneficiaries of the Plan who, as of June 30, 2010, were entitled to, and receiving, retirement benefits (including line-of-duty and non-line-of-duty disability retirement benefits) under the Plan. The Retirement-Eligible Sub-Class includes all members of the Plan who, as of June 30, 2010, were eligible to retire but not entitled to receive benefits because they were continuing to work. The Active Sub-Class includes all members of the Plan who, as of June 30, 2010, were working and not yet eligible to receive benefits under the Plan; and further it is

**ORDERED** that **JUDGMENT** as to liability only shall be entered in favor of Plaintiff Retired Sub-Class, and against Defendant Mayor & City Council of Baltimore City, on Count II for breach of contract by enactment of Ordinance 10-306; and further it is

**ORDERED** that **JUDGMENT** shall be entered in favor of Defendant Mayor & City Council of Baltimore City, and against Plaintiff Retired Sub-Class, on Count II for breach of contract by underfunding the Plan; and further it is

**ORDERED** that **JUDGMENT** as to liability only shall be entered in favor of Plaintiff Retirement-Eligible Sub-Class, and against Defendant Mayor & City Council of Baltimore City, on Count III for breach of contract by enactment of Ordinance 10-306; and further it is

**ORDERED** that **JUDGMENT** shall be entered in favor of Defendant Mayor & City Council of Baltimore City, and against Plaintiff Retirement-Eligible Sub-Class, on Count III for breach of contract by underfunding the Plan; and further it is

**ORDERED** that **JUDGMENT** shall be entered in favor of Defendant Mayor & City Council of Baltimore City, and against Plaintiff Active Sub-Class, on Count IV for breach of contract; and further it is

**ORDERED** that any damages to which members of the Retired and Retirement-Eligible Sub-Classes are entitled as to Counts II and III, respectively, shall be determined in accordance with the Memorandum Opinion and Class Certification Order issued herewith, and Maryland Rule 2-231, and shall be set forth by and subject to further order of court.

*[JUDGE'S SIGNATURE ON ORIGINAL]*

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Judge Julie R. Rubin

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