FILED

APR 18 2024

GREGORY HILTON, CLERK
SUPREME COURT OF MARYLAND

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
OFFICE OF THE CLERK

Catherine M. Stavlas, Clerk of Court
David E. Ciambruschini, Chief Deputy

Reply to Northern Division Address

April 17, 2024

RECEIVED

APR 18 2024

GREGORY HILTON, CLERK
SUPREME COURT OF MARYLAND

Gregory Hilton, Clerk
Supreme Court of Maryland
361 Rowe Boulevard
Annapolis, Maryland 21401

RE: Doe v. The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole et al
JKB 23-cv-2900 Misc. No. 1, September Term, 2024

Dear Mr. Hilton:

Enclosed is an Order issued in the above captioned case, along with seven (7) certified copies and a certified copy of the record, as required by Maryland Rule 8-305. There are 2 checks for the $61.00 filing fee enclosed.. If you need any further information about this case, please contact me at 410-962-3887.

Sincerely,

B Ames

Brian Ames,
Deputy Clerk

Enclosures

I hereby attest and certify on 4/17/2024
that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.
CATHERINE M. STAVLAS
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By B Ames Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JANE DOE,	*	
Plaintiff,	*	
v.	*	**Civ. No. JKB-23-02900**
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,	*	Misc. No. 1, September Term, 2024
Defendant.	*	

* * * * * * * * * * * *

MEMORANDUM AND ORDER

On March 18, 2024, the Court issued a Memorandum and Order declaring its intention to certify a question to the Supreme Court of Maryland addressing the constitutionality of 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). (ECF No. 29.) In that Memorandum and Order, the Court invited the parties to submit any objections to the Court's formulation of the proposed certified question. (*Id.*)

The Court has reviewed the parties' filings in response to the proposed certified question. (ECF Nos. 30, 31.) Defendant indicates that it has no objection to how the question was phrased. (ECF No. 31.) Plaintiff, however, objects to the question and has provided the Court with a proposed alternative framing. (ECF No. 30.) The Court understands Plaintiff's objection to be that the Court's proposed wording was improperly suggestive of an answer to the question in the affirmative (*i.e.*, an answer that the statute does violate the Maryland Constitution). Any such suggestiveness was not intentional, and the Court's intent is to present the issue in a neutral manner.

In furtherance of this goal, the Court has carefully reviewed Plaintiff's proposed rewording of the question and re-examined the Court's original wording of the question in light of Plaintiff's objection. The Court finds that Plaintiff's proposed wording does not clarify the issues and may implicate other issues that need not be resolved by the state court.

The Court remains satisfied that the proposed certified question, as originally worded, is a generally fair presentation of the issue before the Court. However, the Court finds that the word "retroactive," which appeared in its original proposed certified question, is unnecessary and could possibly be construed as reflecting the Court's intent to improperly shade the issue in favor of one side. For this reason, the Court will remove the word "retroactive" from the certified question.

Accordingly, Plaintiff's Objection (ECF No. 30) is SUSTAINED IN PART and OVERRULED IN PART. A separate Order will issue, certifying the following question to the Supreme Court of Maryland: Does 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), constitute an impermissible abrogation of a vested right in violation of Article 24 of the Maryland Declaration of Rights?

DATED this 5 day of April, 2024.

BY THE COURT:

James K. Bredar

James K. Bredar
Chief Judge

I hereby attest and certify on 4/17/2024
that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.
CATHERINE M. STAVLAS
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By B Ames Deputy

FILED

APR 18 2024

GREGORY HILTON, CLERK
SUPREME COURT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JANE DOE,	*	
Plaintiff,	*	
v.	*	Civ. No. JKB-23-02900
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,	*	Misc. No. 1, September Term, 2024
Defendant.	*	

* * * * * * * * * * * *

ORDER

Pursuant to the Maryland Uniform Certification of Questions Act, Md. Code Ann., Cts. & Jud. Proc. §§ 12-601–12-613, and Maryland Rule 8-305, and in aid of this Court's correct resolution of issues presented in this case, it is ORDERED that:

1. The Court CERTIFIES the following question to the Supreme Court of Maryland:

   Does 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), constitute an impermissible abrogation of a vested right in violation of Article 24 of the Maryland Declaration of Rights?

2. The answer to this question is dispositive to the resolution of the Defendant's currently pending Motion for Judgment on the Pleadings (ECF No. 18), and there is no controlling Maryland appellate decision, constitutional provision, or statute.

3. The Supreme Court of Maryland, acting as the receiving court, may reformulate the question herein certified.

4. For the purpose of providing the "[t]he facts relevant to the question, showing fully the nature of the controversy out of which the question arose," Md. Code Ann., Cts. & Jud.

Proc. §12-606, the Court sets forth the following facts:[1]

a. Plaintiff Jane Doe has brought this action against the Church of Jesus Christ of Latter-day Saints (the "LDS Church"), alleging negligence and recklessness in connection with its failure to protect her from sexual abuse committed by an LDS Church minister when she was a minor. (Compl., ECF No. 4.) Plaintiff filed the Complaint in the Circuit Court for Baltimore City, Maryland, and Defendant timely removed the action to this Court in October 2023, citing this Court's diversity jurisdiction under 28 U.S.C. § 1332. (Notice of Removal, ECF No. 1.)

b. The alleged sexual abuse occurred at an LDS Church congregation in Camp Springs, Maryland between approximately 1983 and 1985. (*See* Compl. at ¶¶ 25–35, ECF No. 4 at 5–6.) The parties have stipulated to the fact that Plaintiff turned 18 years old in 1991. (ECF No. 20.)

c. The parties appear to agree that Plaintiff's claims would be barred as untimely under Maryland law, were it not for the recent enactment of the Maryland Child Victims Act of 2023 ("CVA"), 2023 Md. Laws ch. 5 (S.B. 686) (codified at Md. Code Ann., Cts. & Jud. Proc. § 5-117). The CVA provides that, effective October 1, 2023, "an action for damages arising out of an alleged incident or incidents of sexual abuse that occurred while the victim was a minor may be filed at any time," notwithstanding any statute of limitations, statute of repose, or any other law, provided that the plaintiff is still alive at the time the lawsuit is commenced. *Id.*

d. Defendant argues that the CVA, by abolishing a previously applicable statute of limitations, violates Article 24 of the Maryland Declaration of Rights.

[1] These facts are excerpted verbatim from portions of this Court's March 18, 2024 Memorandum and Order. (ECF No. 29.)

5. The Defendant shall be treated as the Appellant in the certification procedure, and the Plaintiff shall be treated as the Appellee. The Attorney General of Maryland has been granted Intervenor status in this case (*see* ECF No. 29 at 3–4); this Court takes no position on what standing and status, if any, Intervenor shall have in the certification procedure and instead defers that question to the judgment of the Supreme Court of Maryland.
6. The Plaintiff and the Defendant are DIRECTED to each provide a check to the Clerk of this Court payable to the Clerk of the Supreme Court of Maryland for their respective halves of the filing fee for docketing regular appeals, pursuant to Maryland Rule 8-305(b), within 7 days of the date this Order is docketed.
7. Upon receipt of the filing fee referenced in Paragraph 6, the Clerk of this Court is DIRECTED to transmit to the Supreme Court of Maryland, under the official seal of this Court, the original and seven copies of this Order, and seven copies of all other docket entries in this case, together with the filing fee.
8. The Clerk of this Court is DIRECTED to otherwise fulfill any request for all or part of the record in this matter upon notification from the Clerk of Court for the Supreme Court of Maryland.
9. This case shall remain STAYED with respect to proceedings in this Court until this Court orders otherwise.
10. The names and addresses of counsel of record in this matter are as follows:
    a. Plaintiff Jane Doe:
        - Renee Elizabeth Franchi
          Andreozzi & Foote
          4503 North Front Street
          Harrisburg, PA 17110
          717-525-9124
          Email: renee@vca.law

- Ryan Rudy Dickriede
  Holzman & Dickriede
  233 E. Redwood Street
  Suite 400J
  Baltimore, MD 21202
  410-539-4222
  Email: ryan@hd-attorneys.com

b. Defendant the Church of Jesus Christ of Latter-day Saints:

- Allen M Gardner
  Latham & Watkins LLP
  555 11th Street NW
  Suite 1000
  Washington, DC 20004
  202-637-2200
  Email: allen.gardner@lw.com

- Sarah Gragert
  Latham & Watkins LLP
  555 11th Street NW
  Suite 1000
  Washington, DC 20004
  202-637-2200
  Email: sarah.gragert@lw.com

c. Intervenor the Attorney General of Maryland:

- Jeffrey Luoma
  Maryland Office of the Attorney General
  200 St. Paul Place
  20th Floor
  Baltimore, MD 21202
  410-576-6441
  Email: jluoma@oag.state.md.us

I hereby attest and certify on 4/17/2024 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.
CATHERINE M. STAVLAS
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
By B Amer Deputy

DATED this 5 day of April, 2024.

BY THE COURT:

James K. Bredar

James K. Bredar
Chief Judge