

C81C
Office of the Attorney General

Operating Budget Data

(\$ in Thousands)

	<u>FY 10</u> <u>Actual</u>	<u>FY 11</u> <u>Working</u>	<u>FY 12</u> <u>Allowance</u>	<u>FY 11-12</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$17,589	\$16,979	\$20,389	\$3,411	20.1%
Contingent & Back of Bill Reductions	0	0	-305	-305	
Adjusted General Fund	\$17,589	\$16,979	\$20,085	\$3,106	18.3%
Special Fund	5,461	5,999	3,993	-2,006	-33.4%
Contingent & Back of Bill Reductions	0	0	-23	-23	
Adjusted Special Fund	\$5,461	\$5,999	\$3,970	-\$2,029	-33.8%
Federal Fund	1,713	2,450	2,225	-225	-9.2%
Contingent & Back of Bill Reductions	0	0	-15	-15	
Adjusted Federal Fund	\$1,713	\$2,450	\$2,210	-\$240	-9.8%
Reimbursable Fund	2,154	2,549	2,542	-6	-0.3%
Contingent & Back of Bill Reductions	0	0	-18	-18	
Adjusted Reimbursable Fund	\$2,154	\$2,549	\$2,525	-\$24	-1.0%
Adjusted Grand Total	\$26,917	\$27,977	\$28,790	\$812	2.9%

- When adjusted for across-the-board actions, the fiscal 2012 allowance increases \$812,245, or 2.9%, above the fiscal 2011 working appropriation. This is due to a \$1.5 million increase for personnel-related expenditures including \$1.0 million to restore fiscal 2011 furlough savings and \$163,997 for the employee retirement system.
- General funds increase to replace special funds due to a declining fund balance in the Consumer Protection Fund.

Note: Numbers may not sum to total due to rounding.

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Personnel Data

	<u>FY 10 Actual</u>	<u>FY 11 Working</u>	<u>FY 12 Allowance</u>	<u>FY 11-12 Change</u>
Regular Positions	241.50	241.50	241.50	0.00
Contractual FTEs	<u>9.75</u>	<u>8.25</u>	<u>7.25</u>	<u>-1.00</u>
Total Personnel	251.25	249.75	248.75	-1.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	15.99	6.62%
Positions and Percentage Vacant as of 12/31/10	17.00	7.04%

- The fiscal 2012 allowance includes no new regular positions. The agency gained 2 positions from the Department of Health and Mental Hygiene to assist with increased workload resulting from Chapter 4 of 2010 (Maryland False Health Claims Act). However, 2 vacant positions were abolished in accordance with Section 44 of the fiscal 2011 budget bill.
- The agency loses 1.0 contractual full-time equivalent (FTE) position in the fiscal 2012 allowance.
- The turnover rate of 6.6% requires an average of 15.99 vacant positions to achieve the desired savings.

Analysis in Brief

Major Trends

Managing for Results Indicate Continued Success: OAG exceeds projected recovery amounts in its Securities and Consumer Protection divisions.

Issues

Indirect Cost Recoveries to the Division of Legal Counsel and Advice: Fiscal 2011 budget bill language required OAG to submit a report estimating indirect cost recoveries to the Division of Legal Counsel and Advice. Based on the number of employees in the division that provide services or assistance to other divisions or agencies, OAG was able to estimate a cost of \$2.7 million. **The Department of Legislative Services recommends reducing general funds for the Division of Legal Counsel and Advice by \$1.6 million. OAG and the Department of Budget and Management should jointly create a schedule of indirect cost recoveries to the Executive Branch agencies for support services provided by the Division of Legal Counsel and Advice. The Governor is authorized to process a reimbursable fund budget amendment in the amount of \$1.6 million to recover those costs.**

Recommended Actions

1. Add budget language to reduce general funds for Division of Legal Counsel and Advice.

C81C
Office of the Attorney General

Operating Budget Analysis

Program Description

The Attorney General acts as legal counsel to the Governor; General Assembly; Judiciary; and all departments, boards, and commissions (except the Commission on Human Relations, Public Service Commission, and State Ethics Commission). The Office of the Attorney General (OAG) represents the State in all matters of interest to the State, including civil litigation and criminal appeals in all State and federal courts. The office also reviews legislation passed by the General Assembly prior to consideration by the Governor. The office is currently supported by 13 divisions: Legal Counsel and Advice; Securities; Consumer Protection; Anti-trust; Medicaid Fraud Control; Civil Litigation; Criminal Appeals; Criminal Investigations; Educational Affairs; Correctional Litigation; Contract Litigation; People's Insurance Counsel; and the Juvenile Justice Monitoring Unit.

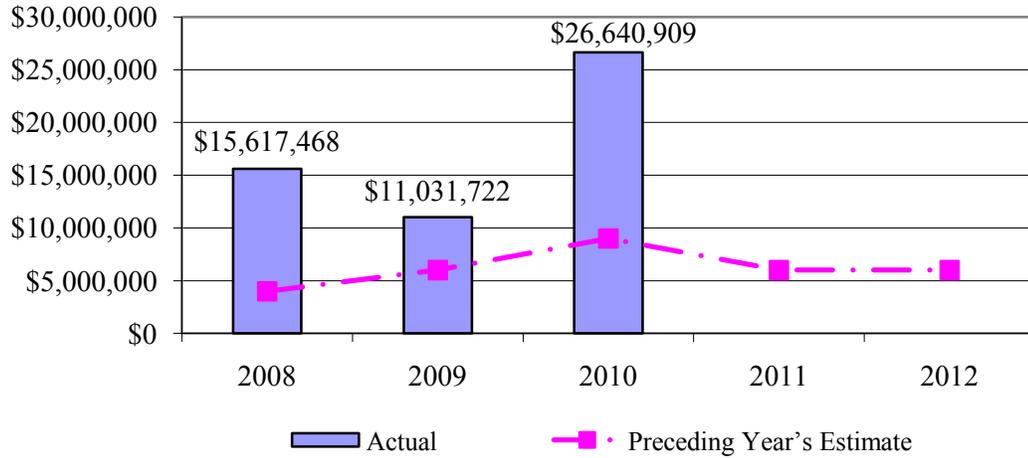
In addition to the aforementioned duties, OAG also provides assistant attorneys general and staff attorneys to State agencies. These positions are located within each of the respective agencies' budgets. **Appendix 4** provides a list of significant civil litigation currently being handled by OAG.

Performance Analysis: Managing for Results

Overall, OAG's Managing for Results (MFR) data shows continued success within its Security, Consumer Protection, and Medicaid divisions. **Exhibit 1** illustrates the actual amount of money collected by OAG's Securities Division compared to the preceding year's MFR estimate. The primary mission of the Securities Division is to protect Maryland investors from investment fraud and misrepresentation. In fiscal 2010, OAG collected approximately \$26.6 million in fines and restitution, nearly three times the preceding year's estimate. OAG notes that recoveries vary from year to year depending on the type of cases and time of settlement, and fiscal 2010 included a few large restitution orders.

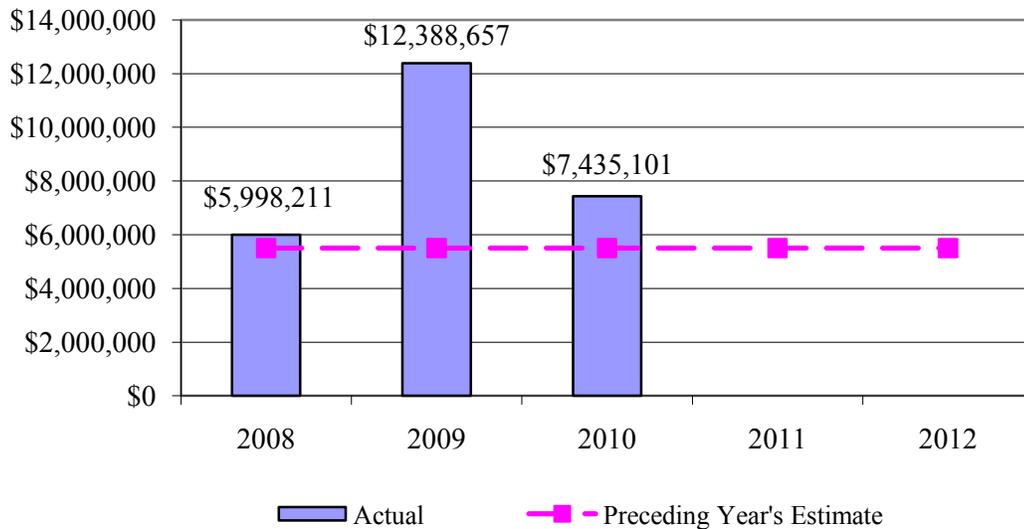
Exhibit 2 displays the actual amount of money recovered for consumers via OAG's Consumer Protection Division compared to the preceding year's MFR estimate. The Consumer Protection Division provides mediation and arbitration service to consumers to help resolve complaints against businesses and health insurance carriers. In fiscal 2010, OAG collected approximately \$7.4 million, a \$5.0 million drop in consumer recoveries as compared to fiscal 2009. OAG notes the variations in recoveries results from case types and timing of settlements. Recoveries are sometimes paid directly to the affected consumers or otherwise restricted to consumer protection activities of OAG.

Exhibit 1
Securities Division Fines and Restitution Collected
Fiscal 2008-2012



Source: Office of the Attorney General

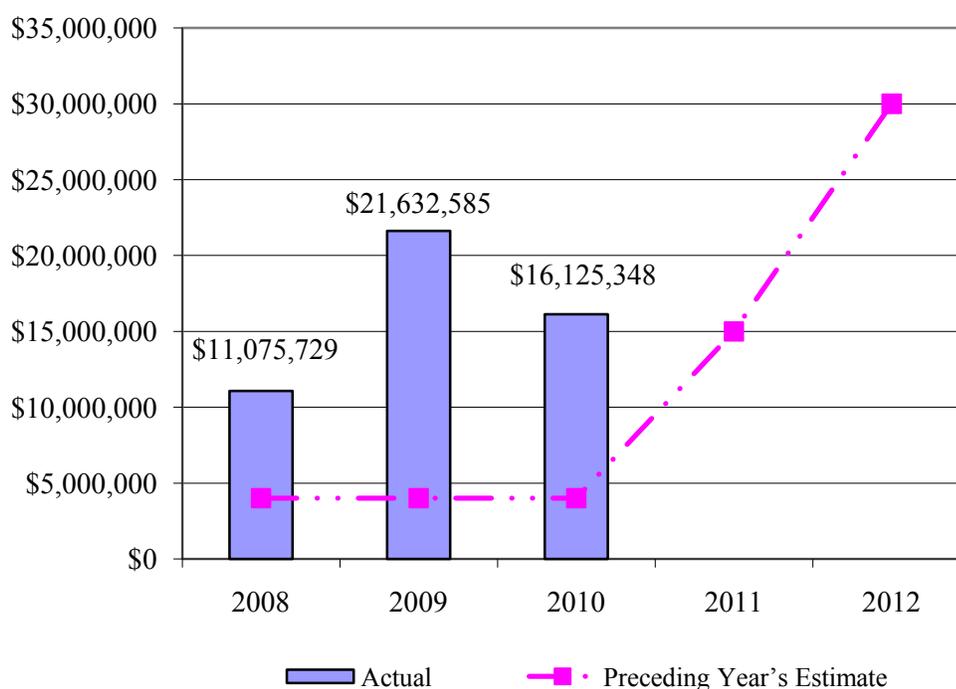
Exhibit 2
Consumer Protection Division Recoveries for Consumers
Fiscal 2008-2012



Source: Office of the Attorney General

Exhibit 3 shows the actual amount of money collected by OAG’s Medicaid Fraud Unit compared to the preceding year’s MFR estimate. The Medicaid Fraud program investigates and prosecutes provider fraud in statewide Medicaid programs. In fiscal 2010, this unit collected \$16.1 million in fines, more than four times the preceding year’s estimate. However this was \$5.5 million less than what was collected in 2009, which included three very large global settlement cases in 2009.

**Exhibit 3
Medicaid Fraud Control Unit – Fines and Collections
Fiscal 2008-2012**

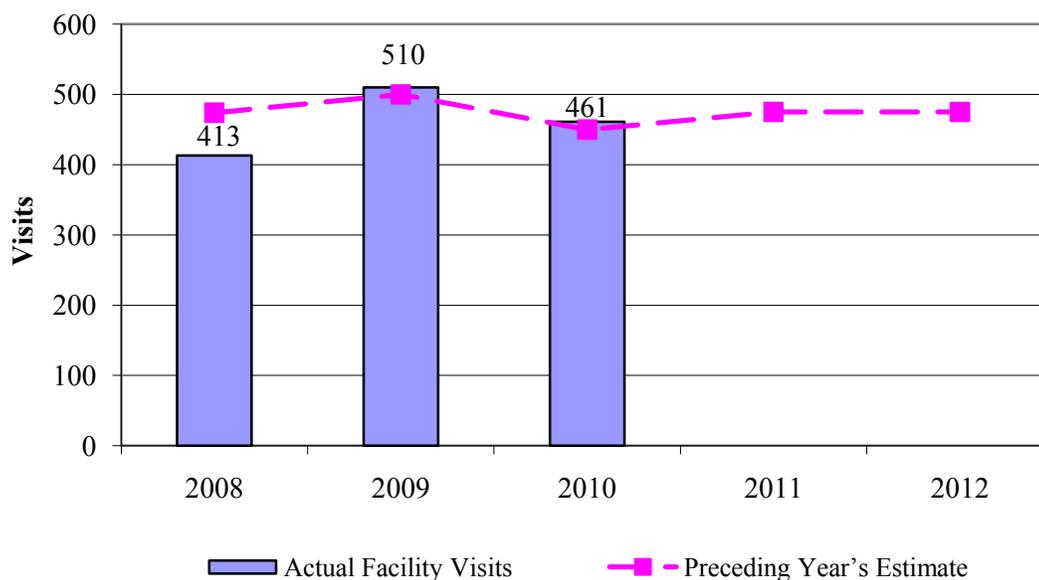


Note: Includes State and federal collections.

Source: Office of the Attorney General

Exhibit 4 shows the actual number of facility visits made by the Juvenile Justice Monitoring Unit (JJMU) compared to the preceding year’s MFR estimate. JJMU made 461 facility visits in fiscal 2010. While this was a 2% increase from its preceding year’s estimate, it reflects 49 fewer visits than fiscal 2009. Six group homes closed in late fiscal 2009 and 2010, and one new facility was opened. OAG notes that this allowed JJMU to increase the frequency of visits to several secure detention centers.

Exhibit 4
Juvenile Justice Monitoring Program
Fiscal 2008-2012



Source: Office of the Attorney General

Fiscal 2011 Actions

Impact of Cost Containment

Section 44 of the fiscal 2011 budget bill required the Governor to abolish 500 positions in the Executive Branch as of June 30, 2011. The positions and the funds associated with them have been removed from the fiscal 2011 working appropriation. OAG's share of the reduction was 2 full-time equivalent positions (FTEs) and \$60,086 in fiscal 2011, which represents an ongoing annualized savings of \$165,384 for employee salary and fringe benefit expenditures. This action abolished 1 assistant attorney general position and 1 associate library position. Both positions were vacant.

Proposed Budget

As shown in **Exhibit 5**, the OAG budget increases by \$812,245, or 2.9%, when adjusted for across-the-board actions in the Back of the Bill. This is attributable to \$1.5 million in increases for personnel expenses. The increase includes \$1.0 million to restore fiscal 2011 furloughs, \$163,997 for the employee retirement system, and \$147,997 for workers' compensation. Health insurance costs for employees are expected to increase by \$27,623. Total nonpersonnel expenditures decrease by \$671,710. The agency lost 2.5 contractual FTEs in the amount of \$454,747 due to one-time federal funds from Consumer Assistance Program Grants made available by the federal Patient Protection and Affordable Care Act of 2010. Grants also decrease by \$198,608 to reflect the loss of a one-time grant in fiscal 2011 from the Governor's Office of Crime Control and Prevention. Additionally, reductions in cases referred for administrative hearings (\$143,543), legal services (\$122,631), and office equipment (\$42,184) help to offset personnel increases.

The proposed budget also reflects a shift in fund sources. General funds increase \$3.4 million, or 20.1%, while special funds decrease \$2.0 million, or 33.4%. This is due to a declining fund balance in the Division of Consumer Protection. This division's special fund expenditures increased from fiscal 2009 through 2011 as general funds were eliminated from the budget. Combined with lower-than-expected revenues in fiscal 2010 and 2011, the fund balance has been diminishing, and OAG expects only \$230,412 to remain at the close of fiscal 2011. As a result, the fiscal 2012 allowance includes \$2.6 million in general funds for this division to account for special funds that will not be available.

Impact of Cost Containment

The fiscal 2012 budget reflects several across-the-board actions. In fiscal 2012, OAG's share of the reduction is \$53,609 in general funds, \$8,738 in special funds, \$5,526 in federal funds, and \$6,717 in reimbursable funds for changes in employee health insurance. Reductions contingent upon statutory changes include \$88,738 in general funds, \$14,462 in special funds, \$9,145 in federal funds, and \$11,117 in reimbursable funds for retiree prescription drug benefits, and \$162,320 in general funds for retirement benefits. To the extent that OAG has positions abolished under the Voluntary Separation Program, additional reductions will be implemented by the Administration.

Exhibit 5
Proposed Budget
Office of the Attorney General
(\$ in Thousands)

How Much It Grows:	<u>General</u> Fund	<u>Special</u> Fund	<u>Federal</u> Fund	<u>Reimb.</u> Fund	<u>Total</u>
2011 Working Appropriation	\$16,979	\$5,999	\$2,450	\$2,549	\$27,977
2012 Allowance	<u>20,389</u>	<u>3,993</u>	<u>2,225</u>	<u>2,542</u>	<u>29,150</u>
Amount Change	\$3,411	-\$2,006	-\$225	-\$6	\$1,173
Percent Change	20.1%	-33.4%	-9.2%	-0.3%	4.2%
 Contingent Reduction	 -\$305	 -\$23	 -\$15	 -\$18	 -\$360
Adjusted Change	\$3,106	-\$2,029	-\$240	-\$24	\$812
Adjusted Percent Change	18.3%	-33.8%	-9.8%	-1.0%	2.9%

Where It Goes:

Personnel Expenses

Restore fiscal 2011 furlough.....	\$1,042
Health (net of across-the-board and contingent actions)	28
Employee retirement net of across-the-board actions.....	164
Workers' compensation	148
Social Security	55
Turnover	47

Other Changes

Contractual full-time equivalent positions.....	-455
Statewide cost allocation	325
One-time fiscal 2011 Governor's Office of Crime Control and Prevention grant...	-198
Administrative hearings.....	-144
Legal services	-123
Office equipment	-42
Other	-35

Total	\$812
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Note: Numbers may not sum to total due to rounding.

Issues

1. Indirect Cost Recoveries to the Division of Legal Counsel and Advice

Fiscal 2011 budget bill language required OAG to submit a report estimating indirect cost recoveries to the Division of Legal Counsel and Advice. Based on the number of employees in the division that provide services or assistance to other divisions or agencies, OAG was able to estimate a cost of \$2.7 million, or roughly \$7,682 in salaries and fringe benefits and \$2,738 in supplies for each OAG employee in another division. Using those figures, OAG estimated indirect cost recoveries to its other divisions based on the number of employees in each division.

The fiscal 2012 allowance for OAG includes 241.5 regular positions. However, there are 331 additional attorneys statewide that report to the Attorney General that are budgeted within other Executive Branch agencies (see **Appendix 3**). Those attorneys, therefore, account for 57.9% of all staff receiving services from the Division of Legal Counsel and Advice, which also provides services – and in some cases, supplies – to those employees. For instance, the Maryland Department of Health and Mental Hygiene employees 43 assistant attorneys general and staff attorneys that report to the Attorney General.

The Department of Legislative Services recommends reducing general funds for the Division of Legal Counsel and Advice by \$1.6 million. OAG and the Department of Budget and Management should jointly create a schedule of indirect cost recoveries to the Executive Branch agencies for support services provided by the Division of Legal Counsel and Advice. The Governor is authorized to process a reimbursable fund budget amendment in the amount of \$1.6 million to recover those costs.

Recommended Actions

1. Add the following language to the general fund appropriation:

, provided that this appropriation is reduced by \$1,584,485. The Governor is authorized to process a reimbursable fund budget amendment for \$1,584,485 to recover the indirect costs incurred by the Division of Legal Counsel and Advice to support assistant attorneys general budgeted in other Executive Branch agencies.

Explanation: The Office of the Attorney General (OAG) estimates it incurs \$2.7 million in indirect costs to the Division of Legal Counsel and Advice for support provided to its staff. The fiscal 2012 allowance for OAG includes 241.5 PINs. However, there are 331 additional attorneys statewide that report to the Attorney General that are budgeted within other agencies. Those attorneys, therefore, account for 57.9% of all staff receiving services from the Division of Legal Counsel and Advice, which also provides services – and in some cases, supplies – to those employees. This action would reduce the portion of funds the division spends on support staff in other agencies. The Governor is authorized to process a budget amendment that would allow OAG to recover those costs from the agencies with assistant attorneys general that receive central OAG support.

Current and Prior Year Budgets

Current and Prior Year Budgets Office of the Attorney General (\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2010					
Legislative Appropriation	\$18,877	\$4,772	\$2,046	\$2,480	\$28,175
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	407	1,165	0	223	1,795
Cost Containment	-1,685	-40	0	0	-1,725
Reversions and Cancellations	-10	-436	-333	-549	-1,328
Actual Expenditures	\$17,589	\$5,461	\$1,713	\$2,154	\$26,917
Fiscal 2011					
Legislative Appropriation	\$16,979	\$5,999	\$1,851	\$2,350	\$27,180
Budget Amendments	0	0	599	199	798
Working Appropriation	\$16,979	\$5,999	\$2,450	\$2,549	\$27,977

Note: Numbers may not sum to total due to rounding.

Fiscal 2010

OAG completed fiscal 2010 \$1.3 million below its legislative appropriation.

General Funds: Actual fiscal 2010 general fund expenditures were \$1.3 million below the legislative appropriation. While \$406,577 in general funds was added to the budget from the Board of Public Works' (BPW) Contingent Fund for outside legal counsel to assist with two large cases, it was largely offset by \$1.7 million in cost containment actions approved by BPW. In addition, OAG reverted \$9,745 in general funds.

Special Funds: Actual fiscal 2010 special fund expenditures were \$689,324 above the legislative appropriation. Budget amendments provided \$844,496 to replace general funds and \$320,870 for over-expenditures in the Division of Consumer Protection. This was slightly offset by BPW cost containment actions totaling \$39,939 and the cancellation of \$436,102 in unspent special funds.

Federal Funds: Actual fiscal 2010 federal fund expenditures were \$332,645 below the legislative appropriation due to federal funds that were anticipated but not received.

Reimbursable Funds: Actual fiscal 2010 reimbursable fund expenditures were \$326,276 below the legislative appropriation primarily due to \$549,150 in anticipated funds that were not realized. However, that was partially offset by a \$222,875 budget amendment for a grant from the Governor's Office of Crime Control and Prevention (GOCCP) for the Badges for Baseball Program.

Fiscal 2011

In fiscal 2011, the working appropriation for OAG is \$797,828 higher than the legislative appropriation. A federal fund budget amendment provided \$599,220 for the Health Advocacy Unit in the Division of Consumer Protection. Another budget amendment provided \$198,605 in reimbursable funds from GOCCP for the Badges for Baseball Program.

**Object/Fund Difference Report
Office of the Attorney General**

<u>Object/Fund</u>	<u>FY 10 Actual</u>	<u>FY 11 Working Appropriation</u>	<u>FY 12 Allowance</u>	<u>FY 11 - FY 12 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	241.50	241.50	241.50	0.00	0%
02 Contractual	9.75	8.25	7.25	-1.00	-12.1%
Total Positions	251.25	249.75	248.75	-1.00	-0.4%
Objects					
01 Salaries and Wages	\$ 21,406,613	\$ 21,122,010	\$ 22,968,595	\$ 1,846,585	8.7%
02 Technical and Spec. Fees	522,925	1,000,318	555,315	-445,003	-44.5%
03 Communication	434,266	350,035	357,119	7,084	2.0%
04 Travel	114,412	75,565	74,665	-900	-1.2%
07 Motor Vehicles	211,889	217,803	216,960	-843	-0.4%
08 Contractual Services	1,210,713	1,860,614	1,545,399	-315,215	-16.9%
09 Supplies and Materials	400,499	377,963	376,200	-1,763	-0.5%
11 Equipment – Additional	388,685	110,287	68,103	-42,184	-38.2%
12 Grants, Subsidies, and Contributions	361,215	585,128	711,805	126,677	21.6%
13 Fixed Charges	1,865,554	2,277,671	2,275,850	-1,821	-0.1%
Total Objects	\$ 26,916,771	\$ 27,977,394	\$ 29,150,011	\$ 1,172,617	4.2%
Funds					
01 General Fund	\$ 17,588,636	\$ 16,978,574	\$ 20,389,353	\$ 3,410,779	20.1%
03 Special Fund	5,461,344	5,999,481	3,993,183	-2,006,298	-33.4%
05 Federal Fund	1,713,202	2,450,481	2,225,063	-225,418	-9.2%
09 Reimbursable Fund	2,153,589	2,548,858	2,542,412	-6,446	-0.3%
Total Funds	\$ 26,916,771	\$ 27,977,394	\$ 29,150,011	\$ 1,172,617	4.2%

Note: The fiscal 2011 appropriation does not include deficiencies. The fiscal 2012 allowance does not include contingent reductions.

Agency Allocation of OAG Attorneys

<u>Agency</u>	<u>Attorneys</u>
Department of Health and Mental Hygiene	
Regulatory Services	20
Secretary's Office	17
Medicaid	6
Total Health	43
Transportation	
MD Department of Transportation – State Highway Administration	18
MD Department of Transportation – Secretary's Office	6
Maryland Transportation Authority	7
Total Transportation	31
Maryland Department of the Environment	23
Department of Labor, Licensing, and Regulation – Secretary's Office	21
Department of Human Resources – Secretary's Office	17
Maryland Insurance Administration	13
Department of Public Safety and Correctional Services – Secretary's Office	13
Department of Budget and Management	11
Maryland State Department of Education – Headquarters	10
Department of Housing and Community Development	10
Department of Natural Resources	10
Department of Business and Economic Development	8
Retirement and Pensions	7
University of Maryland at Baltimore	7
Subsequent Injury Fund	6
Treasurer's Office	6
Comptroller	6
Other	93
Total	335

Office of the Attorney General
Significant Litigation Fiscal 2010/2011
Civil Litigation – Claims of \$2 Million or More

<u>Agency</u>	<u>Case Name</u>	<u>Date Filed/Issues</u>	<u>Amount Claimed</u>
Contract Litigation	American Bridge Co. v. MSBCA	Appeal to MSBCA for additional costs under contract with the Maryland Transportation Authority (MDTA) for resurface of Chesapeake Bay Bridge.	\$20,237,924
Department of Health and Mental Hygiene (DHMH)	Bee Homes, Inc. v. John Colmers, et al.	Provider licensed by the Developmental Disabilities Administration of DHMH denied renewal application and seeks injunctive and declaratory relief, mandamus, and damages.	\$2,000,000+
Maryland Department of Transportation (MDOT)/Maryland Transit Administration (MTA)	Bennett, Mary v. State	Filed June 29, 2007, as mother and surviving parent of Richard Wilson, deceased and as PR of the estate; Baltimore City Circuit Court; MTA bus was pulling away from stop, deceased plaintiff ran up to side of bus, fell into street, and was run over by wheel of bus.	\$20,000,000
State Department of Assessments and Taxation (SDAT)	BGE v. SDAT	Application of franchise tax to BGE electricity charges.	\$6,437,229+
Maryland Health Insurance Plan (MHIP)	Brooks v. Popper, et al.	Disgruntled MHIP participant seeks financial remedy for termination from plan under premise of deprivation of due process.	\$3,300,000
Maryland Higher Education Commission (MHEC)	Coalition for Equity and Excellence in MHEC v. Ehrlich	Complaint alleges that Maryland maintains a racially segregated system of higher education and has engaged in a pattern and practice of racial discrimination that has prevented historically black institutions from achieving parity with traditionally white institutions.	\$2,000,000
DHMH	Corbett, Shannan Y v. State of Maryland, et al.	Claim against Clifton T. Perkins Hospital Center and State claiming malice and gross negligence.	\$10,000,000
DHMH	Davis v. Knipp, et al.	Claim against Maryland Board of Physicians and other for grossly negligently and maliciously prosecuting Dr. Davis.	\$78,000,000

C81C – Office of the Attorney General

<u>Agency</u>	<u>Case Name</u>	<u>Date Filed/Issues</u>	<u>Amount Claimed</u>
DHMH	Downes, et al. v. State of Maryland, et al.	Suit filed for negligence and wrongful death of dialysis patient.	\$2,000,000
Department of Public Safety and Correctional Services (DPSCS)	Duncan v. State	September 2005; Arises from parole retake warrant, where parole retake agent forced entry into Plaintiff's home through a locked window.	\$50,000,000
MDOT/MTA	Estate of Lelia Wright filed by Green, Fowler, et al. v. MTA	Filed December 28, 2007; Plaintiff Wright, age 80, stood up to notify bus operator that she wanted to get off at next stop and fell. Taken to ER, died next morning of cardiac arrest.	\$100,000,000
State Highway Administration (SHA)	Estate of R. Despres v. Schmidt's Baking Co.	Fatal accident on Maryland. Rt. Driver and company sued; company has filed third party.	\$20,000,000
MDOT/MTA	George, Regina v. MTA	January 14, 2008; Plaintiff was traveling westbound and made a left turn in front of the eastbound MTA bus.	\$2,000,000
Civil	Goldberg, Stanley, et al. v. State of Maryland	Ground Rent Case.	\$100,000,000+
Department of General Services (DGS)	Hill/Adams v. Mayor of Balt. et al	Filed March 7, 2006; 10 plaintiffs suing in tort for wrongful death due to mold in building. State not listed as a defendant, but State leases the building and lease states State will indemnify.	\$600,000,000
MDTA	Howard v. Dicks, et al.	Filed November 13, 2006 – Howard County Circuit Court; Motor vehicle accident. The suit is brought by the estate of plaintiff drivers against a tractor trailer driver, Dicks. The traffic control devices were inoperable due to a power failure at the intersection.	\$5,000,000
DHMH	Jon, et al. v. State of Maryland, et al.	Claim of withheld Medicaid payment authorization and counts of negligence, tortious interference with contractual relations, mandamus, and breach of contract.	\$9,000,000+
MDOT/MTA	Jones v. Marks	July 27, 2006; African American Plaintiff charges harassment and hostile work environment.	\$16,000,000

C81C – Office of the Attorney General

<u>Agency</u>	<u>Case Name</u>	<u>Date Filed/Issues</u>	<u>Amount Claimed</u>
DPSCS	Jones v. Marks, et al.	Claim alleges that detainees upon entering central booking were illegally strip searched.	\$2,000,000+
MDTA	Kent v. MDTA (#2)	Constitutional and tort claims relating to retaliation for filing discrimination complaints.	\$4,000,000
Maryland State Police (MSP)	Leech v. MSP	Mr. Leech was shot and killed following high speed chase and was firing his weapon upon MSP troopers.	\$2,000,000
DHMH	Maryland v. Centers for Medicare & Medicaid	Filed July 6, 2005; Disallowance of Medicaid FFP for Medicaid school-based services claim during fiscal 2000.	\$20,000,000+
Morgan State University (MSU) – Education Affairs	Mwabira-Simera, Samuel H. v. MSU, et al.	Student allegedly denied Civil Rights and denied rights under the Americans with Disabilities Act (ADA).	\$150,000,000+
University of Maryland Medical System – Educational Affairs	Nofi v. Cornell	Filed November 12, 1997; Negligence/strict liability case brought against the University of Maryland School of Medicine for its distribution of defective Human Growth Hormone in the 1970s and 1980s. Plaintiff died after contracting Cruetzfeld Jakob Syndrome from the hormone.	\$3,000,000
MDTA	Orff, et al. v. MDTA, et al.	Survival action by wife/mother claiming bridge design defects.	\$18,000,000+
DGS – Civil	Powell, et al. v. State of Maryland, et al.	Suit against State with 35 other Defendants alleging negligence and violation of Consumer Protection Act in connection with allegedly lead-paint contaminated properties.	\$4,000,000+
MDOT/MTA	Randall v. MTA	Filed November 6, 2007; False arrest case. Plaintiff eating while a patron on the light rail train. MTA Officer Mance requested plaintiff to dispose of food, refused, and then arrested.	\$4,000,000
DPSCS	Rodriguez v. State	May 2006; USDC, Inmate was murdered on bus while traveling from Baltimore City Circuit Court, §1983 claims, State Const. and other State law claims.	\$51,000,000
MDTA	Ryan v. MDTA	Tort claim received by Treasurer. Wrongful death claim pertaining to auto accident where road design defects were cause.	\$10,000,000

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<u>Agency</u>	<u>Case Name</u>	<u>Date Filed/Issues</u>	<u>Amount Claimed</u>
Comptroller	Sebree, Irvin v. State of Maryland, et al.	Claim of witness tampering; negative actions by State against individual.	\$20,000,000
DHMH	Self Pride v. Kronmiller, et al.	Filed July 17, 2007; claims that the department treated licensee in discriminatory fashion.	\$2,000,000 comp; \$10,000,000 punitive; plus costs
DHMH	Smith v. McCann and DHMH/ DHMH v. CMS	Filed August 9, 2005; Class action challenging DHMH policies regarding Medicaid deductions for nursing home costs incurred prior to eligibility. DHMH disputes CMS interpretation of Medicaid deduction policy.	\$21,000,000+
DHMH	Stouffer, Carol, et al. v. Western Maryland Hosp. Center, et al.	Survivor action for wrongful death, etc., alleging medical negligence/malpractice leading to death of patient.	\$1,000,000+
DHMH	Three Lower Counties v. DHMH	TLC, a federally funded qualified health center seeks reimbursement for payment for services provided between 2001 and 2010.	\$1,786,000
Tobacco Litigation	Tobacco Dilent Enforcement Arbitration	In pending arbitration proceedings, the cigarette manufacturers that participated in the 1998 Master Settlement Agreement (MSA) claim that they are entitled to a substantial reduction of their 2003 MSA payments, because the State allegedly did not "diligently enforce" the obligation that Maryland law imposes on tobacco manufactures who do <u>not</u> participate in the MSA to make certain payments into escrow. The participating manufacturers make an analogous claim with respect to all of the 52 states and territories that signed the MSA, and the pending arbitration proceeding, before three retired federal judges, involve all of the parties to the MSA – all of the participating manufacturers and all of the states and territories.	Up to \$144 million; (up to \$150,000 per year of adjustment)
MDTA	Tollenger v. Connor	Survival action by father claiming road design defects.	\$3,000,000

C81C – Office of the Attorney General

<u>Agency</u>	<u>Case Name</u>	<u>Date Filed/Issues</u>	<u>Amount Claimed</u>
Sheriff – Montgomery County	Turner v. Kight	Refiled in Circuit Court for Montgomery County August 2010. Maryland Constitution and tort claims arising from shooting plaintiff who resisted when deputy intended to tase.	\$15,000,000
DHMH	Victors, et al. v. Kronmiller, et al.	Filed August 28, 2007 USDC; claims that the department treated licensee in discriminatory fashion.	\$3,000,000 comp; \$10,000,000 punitive; plus costs
DHMH	Warfle, Merle v. DHMH, et al.	Suit filed pursuant to Title II of ADA; Title VII of the Civil Rights Act; and 4th Amendment – named Defendants are DHMH, Eastern Shore Hospital Center, and Maryland Sheltered Workshop as well as several current and former employees.	\$3.4M
Sheriff – Prince George’s County	Williams v. Prince George’s County	Filed May 5, 2006; tort claims alleging malice for excessive force in arrest.	\$7,000,000
MDTA	Williamson v. Grant, et al.	State and federal constitutional violations, false arrest, battery, and malicious prosecution arising out of arrest of Mr. Williamson at the Baltimore-Washington International Thurgood Marshall Airport after he became unruly after flight was canceled.	\$3,750,000
Department of Juvenile Services (DJS)	Wyatt, Raven v. State of Maryland	Youth under DJS supervision placed on home monitoring and accused of being involved in a shooting.	\$7,137,796

BGE: Baltimore Gas and Electric
 CMS: Centers for Medicare and Medicaid Services
 ER: emergency room
 FFP: federal financial participation
 MSBCA: Maryland State Board of Contract Appeals
 PR: personnel representative
 TLC : Three Lower Counties
 USDC: U.S. District Court