

UNITED STATES COURT FOR THE DISTRICT OF MARYLAND

BRIAN CHARLES VAETH,

*

Plaintiff

*

Civil Action No: RDB-08-708

v.

*

MAYOR AND CITY COUNSEL OF
BALTIMORE CITY, et al.,

*

*

Defendants.

* * * * *

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION
FOR HEARING FOR PRELIMINARY INJUNCTIVE RELIEF**

The Board of Trustees, Fire & Police Employees Retirement Systems of Baltimore City ("F&PRS"), Mayor and City Council of Baltimore City ("City"), William Goodwin, and Frederick McGrath (collectively "Defendants") by and through their undersigned attorney, submit this Response to Plaintiff's Motion for a Hearing for Injunctive Relief and request that the Court deny Plaintiff's motion.

On March 17, 2008, Plaintiff, Charles Vaeth, filed a Complaint with this Court against Defendants. (**Document [hereinafter, "Doc."] 1**). Since that time 52 documents have entered the docket in this case, all of them made by Plaintiff, or in response to a request made by Plaintiff. (**Civil Docket Sheet**).

Plaintiff's First Amended Complaint alleges Disability Discrimination under the Americans with Disabilities Act, 42 U.S.C. § 12131 and 42 U.S.C. § 1981 ("ADA") (**Count I**), Disability Discrimination under the Rehabilitation Act, 29 U.S.C §701, *et seq.* (**Count II**), Discriminatory Retaliation Under Maryland's Fair Employment Practices Act, Md. Code, Ann. Art. 49B (**Count III**), Violation of Procedural Due Process and

Equal Protection (**Count IV**), Judicial Misconduct (**Count V**) and Breach of Contract (**Count VI**). (**Doc. 34**).

Currently before the Court is Defendants Second Motion for Summary Judgment, filed October 8, 2008 (**Doc. 39**), Plaintiff's Motion to Compel Discovery (**Doc. 40**) and Plaintiff's Motion for Injunctive Relief (**Doc. 41**) and Plaintiff's Motion for an emergency Hearing (**Doc. 52**).

Defendants have maintained since Plaintiff filed his original Complaint that this Court does not have jurisdiction in this case and that Plaintiff fails to state any claim for which relief may be granted. For the reasons stated in Defendant's Memorandum in Support of their Motion for Summary Judgment (**Doc 39**) and discussed exhaustively in Defendants' Memorandum in Support of their Second Motion for Summary Judgment (**Doc. 39**) Defendants respectfully request that Plaintiffs' Motion for a Hearing and Motion for Preliminary Injunction be denied and, in addition, that Defendant's Motion for Summary Judgment be granted.

Respectfully submitted,

_____/s/_____

Sabrina Willis (# 25697)
Baltimore City Law Department
100 North Holliday Street
Baltimore, Maryland 21202
(410) 396-3938
Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of February 2009, the foregoing was electronically filed in accordance with the Electronic Filing Requirements and Procedures as established by the U.S. District Court for the District of Maryland and sent by regular U.S. Mail to Plaintiff at:

Brian Charles Vaeth
8225 Poplar Mill Road
Nottingham, Maryland 21236

/s/
Sabrina Willis