

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

<p>TRACY ALLISON</p> <p>Plaintiff,</p> <p>v.</p> <p>BOARD OF EDUCATION OF PRINCE GEORGE’S COUNTY</p> <p>Defendant.</p>	<p>*</p>	<p>Civil No. PJM 11-CV-1329</p>
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**MEMORANDUM IN SUPPORT OF DEFENDANT’S MOTION TO
RECONSIDER THE REOPENING OF THE CASE**

Defendant Board of Education of Prince George’s County (“School Board”), by and through its undersigned attorneys, respectfully moves this Court, in accord with Local Rule 105.10, to reconsider its Order (ECF No. 157) reopening the instant litigation after it had dismissed it through a Local Rule 111 Order (ECF No. 151). The School Board requests this because:

1. Plaintiff Tracy Allison (“Plaintiff”) filed her Motion to Reopen Case and Schedule Trial (ECF No. 156) on Sunday, November 16, 2014.
2. Under Local Rule 105.2 the School Board would normally have had fourteen (14) days until its Opposition to this Motion would have to be filed; which would be December 3, 2014 with the additional three (3) days applied for mailing even to electronic filings.
3. The Court ruled on the motion on Tuesday November 18, 2014 and granted it—thereby cutting short the School Board’s response period by fifteen (15) days. (ECF No. 157).

4. The School Board had intended to file an Opposition to Plaintiff's Motion to Reopen Case and Schedule Trial and a Cross Motion to Enforce Settlement Agreement today—November 19, 2014, just three days after Plaintiff filed her motion.
5. The Cross Motion would have requested enforcement of the settlement agreement in the event that the Plaintiff's motion to reopen was granted. Subsequent to the filing of the instant Motion to Reconsider, the School Board will be filing a Motion to Enforcement Settlement Agreement, as this case has now been reopened.
6. The granting of Plaintiff's Motion to Reopen only two days after it was filed deprived the School Board of the opportunity to argue against the reopening of this case.
7. Plaintiff Tracy Allison's lawsuit against the School Board should not be reopened because she has not shown "good cause" for a reopening as required by the Court's September 16, 2014 Order dismissing her lawsuit pursuant to Local Rule 111.

I. ARGUMENT

Local Rule 111 provides that a case dismissed pursuant to this Local Rule may be reopened for "good cause." Plaintiff has shown no good cause whatsoever for reopening her dismissed lawsuit. She has not set forth any reasons, whether through memoranda or affidavits, showing why she is entitled to have her case reopened. Plaintiff is not automatically entitled to have her case reopened and she should be held to the standard of persuading this Court that she has "good cause." Plaintiff's naked statement that "the efforts of the parties to consummate settlement in this case have failed, and the parties

do not have an agreement” is neither accurate nor does it state a “cause” to reopen the case, as it offers the Court no context or substance surrounding the incorrect assertion.

Because the School Board was not allowed an opportunity to file an Opposition to Plaintiff’s Motion to Reopen, it was denied the opportunity to demonstrate that there is a binding settlement agreement in this case, reached through email correspondence, which proves that there is no need to reopen this litigation. Given as that the School Board was denied the chance to make these arguments in an Opposition, it will make these arguments in the forthcoming Motion to Enforce Settlement, to be filed today, subsequent to the filing of this Motion to Reconsider. The School Board incorporates by reference all of the arguments and exhibits to be made in its Motion to Enforce Settlement to be filed today and avers that these arguments and exhibits show that a settlement has been reached and therefore no reopening is necessary.

II. CONCLUSION

Plaintiff has shown no good cause to reopen her case. Instead she has merely recited that the settlement has not been consummated without explaining *any* cause for this, let alone a good one. Accordingly, the School Board respectfully requests that the Court reconsider its Order reopening this case and deny Plaintiff's request to reopen this litigation—a settlement has been reached and there is no need for further Court involvement.

Respectfully submitted,

/s/

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