

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

**ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM
NOW, *et al.*,**

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Plaintiffs,

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v.

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Case No. 07-CV-00092-AMD

LISA L. DICKERSON, *et al.*,

*

Defendants.

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JOINT STATUS REPORT

In accordance with the Court's June 6, 2007 order to submit a status report by June 15, 2007, Plaintiffs Association of Community Organizations for Reform Now, Project Vote/Voting for America, Inc., Jonathan Pezold, and Sierra Leto, and Defendants Lisa L. Dickerson, Glenn M. Litsinger, and Officer Donald Morton, through undersigned counsel, submit the following status report:

1. On March 27, 2007, the parties submitted a Joint Motion to Place Case on Inactive Docket Pending Settlement (attached). The Joint Motion states, essentially, that the parties have mutually agreed in principle to settle this case, but require approximately six months to resolve all issues. During that period, the Maryland Transit Administration ("MTA") will take appropriate action to repeal its current regulations regarding the exercise of First Amendment rights, and promulgate new regulations, pursuant to the Maryland Administrative Procedures Act, Md. State Gov't Code Ann. §§ 10-101 *et seq.* The MTA also will suspend enforcement of these regulations (COMAR 11.06.01.06) and, instead, enforce only those regulations specified in the Joint Motion. In addition,

the parties will negotiate Plaintiffs' reasonable attorney fees, as may be awarded under 42 U.S.C. § 1988.

2. Since submission of the Joint Motion, MTA has instructed its police not to enforce the agency's current regulations on exercise of First Amendment rights. Rather, MTA police now enforce only the following restrictions:

a. No free speech activities are permitted in the underground areas of MTA stations or beyond the turnstiles or faregate positions for arriving and departing transit patrons;

b. No free speech activities are permitted closer than 15 feet to any escalator, elevator, tracks, emergency exit, stairway, faregate, kiosk, farecard machine, money changer, information center, main terminal entrance, bus stop, or bus shelter, or, if the public sidewalk is within 15 feet of any of these structures, free speech activities must be conducted on the public sidewalks; and

c. No free speech activities are permitted that in any way obstruct, delay, or interfere with the free movement of pedestrian traffic or the public's use of MTA facilities, including ingress and egress to MTA stations.

3. MTA is beginning the process of reviewing its current regulations and proposing new ones. The proposed regulations must be submitted to the Joint Committee on Administrative, Executive, and Legislative Review, and they must be published in the Maryland Register and undergo a thirty-day notice and comment period. *See* Md. State Gov't Code Ann. §§ 10-111 - 114 & 10-117.

4. The parties await the Court's approval of their Joint Motion, but are moving forward with resolving these outstanding issues.

Respectfully submitted,

/s/

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