

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(NORTHERN DIVISION)**

ARCHBISHOP EDWIN F. O'BRIEN, \*  
ARCHBISHOP OF BALTIMORE AND \*  
HIS SUCCESSORS IN OFFICE, A \*  
CORPORATION SOLE, *et al.* \*

Plaintiffs, \*

**No. 1:10-cv-00760 MJG**

v. \*

MAYOR AND CITY COUNCIL OF \*  
BALTIMORE, *et al.* \*

Defendants. \*

\* \* \* \* \* \* \* \* \* \* \* \* \*

**DEFENDANTS' MOTION TO DISMISS**

Defendants Mayor and City Council of Baltimore, Stephanie Rawlings-Blake, Olivia Farrow, Esq., and Baltimore City Health Department (collectively, "Defendants"), by their undersigned attorneys and upon the accompanying memorandum of law, hereby move pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Plaintiffs' Complaint for Injunctive and Declaratory Relief in its entirety for failure to state a claim upon which relief can be granted. In the alternative, Defendants move pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss the claims asserted by Plaintiffs Archbishop Edwin F. O'Brien and St. Brigid's Roman Catholic Congregation, Inc., for lack of subject matter jurisdiction and move pursuant to Fed. R. Civ. P. 17(a) to dismiss the claims asserted against Defendant Baltimore City Health Department because that agency lacks the capacity to sue or be sued.

Pursuant to Local Rule 105(6), Defendants request a hearing on this motion.

DATED: June 8, 2010

Respectfully submitted,

By: /s/ Suzanne Sangree  
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*\*Motion for Admission Pro Hac Vice  
Pending*

ATTORNEYS FOR DEFENDANTS