

**C81C**  
**Office of the Attorney General**

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 02</u> <u>Actual</u>	<u>FY 03</u> <u>Working</u>	<u>FY 04</u> <u>Allowance</u>	<u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Funds	\$17,368	\$17,776	\$18,085	\$309	1.7%
FY 2003 Cost Containment	0	-622	0	622	
Contingent & Back of Bill Reductions		-13	-76	-62	
<b>Adjusted General Funds</b>	<b>\$17,368</b>	<b>\$17,141</b>	<b>\$18,009</b>	<b>\$869</b>	<b>5.1%</b>
Special Funds	644	1,280	606	-674	-52.7%
Contingent & Back of Bill Reductions	-	-	-4	-3	
<b>Adjusted Special Funds</b>	<b>\$644</b>	<b>\$1,280</b>	<b>\$602</b>	<b>-\$677</b>	<b>-52.9%</b>
Federal Funds	1,275	1,504	1,435	-68	-4.5%
Contingent & Back of Bill Reductions	-	-1	-6	-5	
<b>Adjusted Federal Funds</b>	<b>\$1,275</b>	<b>\$1,503</b>	<b>\$1,429</b>	<b>-\$73</b>	<b>-4.9%</b>
Reimbursable Funds	2,214	2,561	2,522	-39	-1.5%
Contingent & Back of Bill Reductions	-	-2	-11	-9	
<b>Adjusted Reimbursable Funds</b>	<b>\$2,214</b>	<b>\$2,559</b>	<b>\$2,511</b>	<b>-\$48</b>	<b>-1.9%</b>
<b>Adjusted Grand Total</b>	<b>\$21,501</b>	<b>\$22,483</b>	<b>\$22,551</b>	<b>\$71</b>	<b>0.3%</b>

- Cost containment impacts the Consumer Protection Division, but note the Health Advocacy Unit was not impacted.
- The decrease in special funds reflects the resolution of the cigarette restitution case and the litigation with Mr. Peter G. Angelos over payment for his services in the cigarette restitution case.

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

For further information contact: James L. Stoops

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***Personnel Data***

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	<b><u>FY 02</u></b> <b><u>Actual</u></b>	<b><u>FY 03</u></b> <b><u>Working</u></b>	<b><u>FY 04</u></b> <b><u>Allowance</u></b>	<b><u>Change</u></b>
Regular Positions	260.50	247.50	247.50	0.00
Contractual FTEs	3.00	1.20	0.00	-1.20
<b>Total Personnel</b>	<b>263.50</b>	<b>248.70</b>	<b>247.50</b>	<b>-1.20</b>

***Vacancy Data: Regular Positions***

Budgeted Turnover: FY 04	14.0	5.69%
Positions Vacant as of 12/31/02	24.6	9.94%

- The Office of the Attorney General will meet cost reductions for fiscal 2003 with salary savings from current vacancies.

## ***Analysis in Brief***

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### **Recommended Actions**

	<b><u>Funds</u></b>
1. Delete funds for personal computers. The Office of the Attorney General replaced most computers in fiscal 2002.	\$ 62,000
2. Delete all out-of-State conferences except for elected Attorney General.	6,700
<b>Total Reductions</b>	<b>\$ 68,700</b>

### **Updates**

***Annual Report of Significant Statewide Litigation:*** The Attorney General has submitted the required report.

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**Office of the Attorney General**

***Operating Budget Analysis***

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**Program Description**

The Attorney General (AG) 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 supported by 11 divisions: Legal Counsel and Advice; Securities; Consumer Protection; Antitrust; Medicaid Fraud Control; Civil Litigation; Criminal Appeals; Criminal Investigations; Educational Affairs; Correctional Litigation; and Contract Litigation.

The office also provides assistant attorneys general and staff attorneys to State agencies. The positions are in the agency budgets, rather than in the budget of the AG. **Appendix 4** provides a breakdown of assistant attorneys by agency.

**Performance Analysis: Managing for Results**

The Managing for Results (MFR) analysis is less meaningful for the OAG than other State agencies because of what the agency does. In civil and criminal litigation, each case is different; the OAG is generally reacting to events and issues over which it has little control.

OAG is proactive in consumer protection and antitrust matters. The MFR key indicators in **Exhibit 1** indicate a reduction in arbitration issues. Cost containment actions in fiscal 2003 most heavily impacted the consumer protection division except for the Maryland Insurance Administration (MIA) funded Health Appeals Unit (HAU). HAU is not impacted by cost containment action. This unit handles cases where an individual is denied coverage under a health insurance policy for a medically necessary procedure, and the individual has exhausted the carrier's internal grievance process. HAU attempts to mediate the issue and if unsuccessful, assists in bringing the complaint before MIA for an administrative hearing to resolve the issue. Activity of HAU is well under what was projected when the legislation was enacted in 1998. However, after two years in which HAU handled approximately 900 appeals, the unit handled 1,366 appeals in fiscal 2002. This would seem to indicate that health carriers are once again aggressively denying medical procedures to control costs.

## Exhibit 1

### Managing for Results Key Indicators Office of the Attorney General

	<u>FY 01</u> <u>Actual</u>	<u>FY 02</u> <u>Actual</u>	<u>FY 03</u> <u>Est.</u>	<u>FY 04</u> <u>Est.</u>	<u>FY 02-03</u> <u>% Chg.</u>	<u>FY 03-04</u> <u>% Chg.</u>
<b><i>Consumer Protection:</i></b>						
Inquiries	87,253	85,665	90,000	90,000	5.1%	0.0%
Complaints	13,076	14,294	13,500	13,750	-5.6	1.8%
Cease & Desist Hearings	38	32	25	25	-21.9%	0.0%
Arbitrations	146	138	130	130	-6.2%	0.0%
<b><i>Health Appeals Unit:</i></b>						
Medically Necessary Appeals	885	1,366	n/a	n/a	n/a	n/a
General Cases	1,397	1,297	n/a	n/a	n/a	n/a
<b><i>Antitrust Division:</i></b>						
Investigations	629	802	700	700	-12.7%	0.0%
Enforcement Actions	17	16	17	17	6.2%	0.0%
<b><i>Civil Litigation Active Cases:</i></b>	n/a	n/a	183	n/a	n/a	n/a
<b><i>Criminal Appeals:</i></b>						
Federal Court Cases	118	141	150	150	6.4%	0.00%
State Court Cases	943	944	1,000	1,000	5.9%	0.00%

Source: Managing for Results Submission, OAG

## Fiscal 2003 Actions

Cost containment action, approved by the Board of Public Works on January 8, 2003, reduces the OAG budget by \$622,151 as noted in **Exhibit 2**. Fiscal 2003 cost containment reflects the reversion of appropriations to support free transit ridership for State employees, contingent upon enactment of a provision in the Budget Reconciliation and Financing Act of 2003.

### Impact of Cost Containment

OAG has targeted reductions in the following programs: Legal Counsel and Advice (\$91,832), Consumer Protection Division (\$414,422), criminal investigations (\$40,262), and Educational Affairs (\$75,635). All but \$40,139 of the reduction is in salaries, with the Consumer Protection Division taking \$406,990 of the salary reduction. Consumer protection investigations not funded by MIA will be impacted. The OAG receives \$549,360 from MIA to support HAU. HAU mediates patient care disputes regarding the medical necessity of a particular procedure and the willingness of managed care or HMO carriers to cover the medical procedure. All consumer protection programs, except for HAU, will be adversely impacted. Therefore, OAG will be less proactive on consumer protection issues. Currently, OAG has 24.6 vacant positions and a vacancy rate of 9.44% compared with a budgeted vacancy rate of

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5.69 %. The AG has a limited budget for equipment and other operating expenses. Therefore, there is limited ability to defer equipment purchases and reduce operating expenses to meet budget reductions.

**Exhibit 2**

**Governor's Proposed Budget  
Office of the Attorney General  
(\$ in Thousands)**

	<u>FY 02</u> <u>Actual</u>	<u>FY 03</u> <u>Working</u>	<u>FY 04</u> <u>Allow.</u>	<u>Change</u>	<u>% Change</u> <u>Prior Year</u>
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<b>Adjusted Grand Total</b>	<b>\$21,501</b>	<b>\$22,483</b>	<b>\$22,551</b>	<b>\$71</b>	<b>0.3%</b>

**Where It Goes:**

**Personnel Expenses**

Impact of Board of Public Works (01/08/03) cost reductions.....	\$582
Health insurance .....	460
Reduction in turnover expectancy .....	201
Prior cost containment 2003 restored .....	99
Miscellaneous adjustments.....	40
Transit subsidy .....	16
Salary payroll base .....	-524
Other adjustments.....	-12
<b>Subtotal salaries and wages FY 2004 increase</b>	<b>\$862</b>

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**Where It Goes:**

**Operating Expenses:**

Contractual per diem .....	18
Legal services (conclusion of outside counsel litigation).....	-937
Travel.....	-9
Office of Administrative Hearings .....	34
Across-the-board 2003 IT reduction (DBM).....	150
IT applications development .....	-125
Statewide cost allocation .....	-34
Insurance.....	105
Rent.....	-29
Cost containment – BPW action (01/08/03) restored in fiscal 2004 .....	40
Other changes .....	-4
<b>Total</b>	<b>\$71</b>

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

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**Governor's Proposed Budget**

The Governor's proposed fiscal 2004 allowance, as indicated in Exhibit 2, reflects an overall increase of \$71,000. The overall impact on the general fund budget is an increase of \$869,000 if the impact of the latest round of fiscal 2003 reductions is not continued in fiscal 2004. Without the latest round of reductions, the OAG budget would have decreased by \$472,192 and increased \$309,215 in general funds as indicated in **Appendix 1** and **2**. The fiscal 2004 allowance also reflects a significant \$524,000 decrease in the salary base to reflect budgeting of vacant positions at the salary base.

The significant increase is the \$460,000 for employee health benefits. The \$40,000 miscellaneous adjustment was added to the Contract Litigation Division to offset a turnover expectancy reduction calculation in the Contract Litigation Division. It should be noted that the salary of the AG is increased from \$100,000 to \$112,500 in January 2003, and \$116,667 next January 2004. The 2002 Budget Reconciliation and Financing Act approved increases for the constitutional officers for each year of the term of office.

**Impact of Cost Containment**

The fiscal 2004 allowance reflects the elimination of the appropriation for matching employee deferred compensation (401k) contributions up to \$600, contingent upon enactment of a provision in the Budget Reconciliation and Financing Act of 2003.

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If the personnel cost containment actions for fiscal 2003 are not continued in fiscal 2004, salaries will be increased \$582,000 if the vacant positions are filled.

**Cigarette Restitution Case – Peter G. Angelos Settlement**

Contract legal expenses decrease \$936,979 in fiscal 2004. The significant item is the fiscal 2003 settlement of the State's litigation with Peter G. Angelos who represented the State in the cigarette restitution case. The fiscal 2003 expenditure included \$850,000 from the Cigarette Restitution Fund State Reserve account to pay expenses for outside counsel of the litigation with Peter G. Angelos.

***Recommended Actions***

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	<b><u>Amount Reduction</u></b>	
1. Delete funds for personal computers. The Office of the Attorney General replaced most computers in fiscal 2002.	\$ 62,000	GF
2. Delete all out-of-State conferences except for elected Attorney General.	6,700	GF
<b>Total General Fund Reductions</b>	<b>\$ 68,700</b>	

## *Updates*

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### **1. Annual Report of Significant Statewide Litigation**

The 2002 *Joint Chairmen's Report* (JCR, page 18) required the OAG to submit an annual report on significant litigation. The required report was submitted and is included as **Appendix 5**.

## *Current and Prior Year Budgets*

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### 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>
<b>Fiscal 2002</b>					
Legislative Appropriation	\$17,625	\$422	\$1,521	\$2,067	\$21,635
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	98	240	3	318	659
Reversions and Cancellations	-355	-17	-249	-170	-791
<b>Actual Expenditures</b>	<b>\$17,368</b>	<b>\$644</b>	<b>\$1,275</b>	<b>\$2,214</b>	<b>\$21,502</b>
<b>Fiscal 2003</b>					
Legislative Appropriation	\$17,776	\$430	\$1,504	\$2,569	\$22,278
Budget Amendments	-635	850	-1	-8	206
<b>Adjusted Appropriation</b>	<b>\$17,141</b>	<b>\$1,280</b>	<b>\$1,503</b>	<b>\$2,561</b>	<b>\$22,484</b>

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

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## **Fiscal 2002 Amendments**

The special fund budget amendments for \$239,752 consist of two amendments to provide funds to the Consumer Protection Division and to operate the Home Builder Registration Unit from registration fees of homebuilders. The OAG receives reimbursable funds from MIA for the Consumer Protection Division to support HAU. The Department of General Services, the Maryland Department of Transportation, and the University of Maryland provide funds to support the contract litigation unit. An information technology (IT) application to make on-line processing of complaints in the OAG compatible with the web-enabled MIA complaints tracking system was not implemented as planned in fiscal 2002. Contract litigation expenses were less than anticipated.

General fund amendments included a \$71,000 reduction for cost containment and \$98,404 in amendments for telephone expenses (\$44,088) and litigation associated with legislative redistricting (\$54,316). The Department of Budget and Management (DBM) had underbudgeted telephone charges for the DBM-administered telephone system.

## **Fiscal 2003 Amendments**

The general fund amendments anticipate \$622,000 for the cost containment reduction discussed earlier, approved by the Board of Public Works on January 8, 2003, and a reduction of \$13,459 for the transit subsidy.

The special fund budget amendment for \$850,000 is for outside counsel expenses associated with the Peter G. Angelos litigation concerning the fee that Mr. Angelos would receive for his work in the cigarette restitution case. The actual budget amendment is for \$863,280 with \$13,280 going into the Advice and Counsel Program budget of the OAG. Due to a data entry error, this was not added to the program, and the adjusted working appropriation for fiscal 2003 does not reflect this amendment.

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Object/Fund		Object/Fund Difference Report Office of the Attorney General				Percent Change
		FY 02 Actual	FY 03 Working Appropriation	FY 04 Allowance	FY 03 – FY 04 Amount Change	
<b>Positions</b>						
01	Regular	260.50	247.50	247.50	0	0%
02	Contractual	3.00	1.20	0	-1.20	-100.0%
<b>Total Positions</b>		<b>263.50</b>	<b>248.70</b>	<b>247.50</b>	<b>-1.20</b>	<b>-0.5%</b>
<b>Objects</b>						
01	Salaries and Wages	\$ 16,286,331	\$ 17,155,693	\$ 17,435,429	\$ 279,736	1.6%
02	Technical & Spec Fees	98,982	23,000	41,000	18,000	78.3%
03	Communication	505,372	445,570	467,253	21,683	4.9%
04	Travel	126,765	119,000	109,708	-9,292	-7.8%
07	Motor Vehicles	201,816	246,840	247,383	543	0.2%
08	Contractual Services	855,577	1,823,419	975,096	-848,323	-46.5%
09	Supplies & Materials	149,783	337,800	333,000	-4,800	-1.4%
11	Equip - Additional	605,727	78,854	105,755	26,901	34.1%
12	Grants, Subsidies, Contr.	417,763	472,128	437,583	-34,545	-7.3%
13	Fixed Charges	2,254,178	2,418,251	2,496,156	77,905	3.2%
<b>Total Objects</b>		<b>\$ 21,502,294</b>	<b>\$ 23,120,555</b>	<b>\$ 22,648,363</b>	<b>-\$ 472,192</b>	<b>-2.0%</b>
<b>Funds</b>						
01	General Fund	\$ 17,368,451	\$ 17,775,745	\$ 18,084,960	\$ 309,215	1.7%
03	Special Fund	644,445	1,280,071	606,346	-673,725	-52.6%
05	Federal Fund	1,275,065	1,503,640	1,435,211	-68,429	-4.6%
09	Reimbursable Fund	2,214,333	2,561,099	2,521,846	-39,253	-1.5%
<b>Total Funds</b>		<b>\$ 21,502,294</b>	<b>\$ 23,120,555</b>	<b>\$ 22,648,363</b>	<b>-\$ 472,192</b>	<b>-2.0%</b>

Notes:  
 1. Full-time and contractual positions and salaries are reflected for operating budget programs only.  
 2. Fiscal 2003 appropriations and fiscal 2004 allowance do not include cost containment and contingent reductions.

**Breakdown of Assistant Attorneys General by Agency**

<u>Department</u>	<u>Amount</u>
Aging	2
Agriculture	2
Assessments and Taxation	3
Budget and Management	8 plus 3 staff attorneys
Business and Economic Development	11 plus 1 staff attorney
Education	23
Energy	2
Environment	22
Environmental Crimes	3
Environmental Services	2
Food Center Authority	1
General Services	6
Children & Youth	1
Health and Mental Hygiene	39 plus 8 staff attorneys
Health Services Cost Review	2
Housing and Community Development	13
Human Resources	19 plus 1 staff attorney
Insurance Administration	10
Insurance Fraud	3
Juvenile Justice	4
Labor, Licensing, and Regulation	25
Lottery	3
Maryland Automobile Insurance Fund	2
Maryland Center for Public Broadcasting	2
Natural Resources	9 plus 1 staff attorney
Planning	1
Public Safety and Correctional Services	13 plus 1 staff attorney
Stadium Authority	1
State Police	6
State Retirement Systems	4
State Treasurer	2
Subsequent Injury Fund	6
Transportation	44 plus 1 staff attorney
Comptroller	6
Uninsured Employers' Fund	3
Workers' Compensation	1
<b>Total</b>	<b>304 plus 16 staff attorneys</b>

Source: Office of the Attorney General

## Significant Litigation Fiscal 2002 through 2003

### Securities Division

#### *Completed:*

Legg Mason Wood Walker \$1.75 million for investors

#### *Pending:*

National Enforcement Cases Possible recoveries for State of Maryland of up to \$10 million

General Enforcement Matters Possible recoveries for State of Maryland of \$1 million  
\$2 million for investors

### Consumer Protection Division

#### *Completed:*

Bridgestone/Firestone \$6,280,749 to Maryland consumers

B&S Marketing/S&B Marketing \$1 million to Maryland consumers  
\$500,000+ to State of Maryland

Creative Financial & Housing Services, Inc \$710,000 to Maryland consumer  
\$500,000 to State of Maryland

Omega Financial Services \$300,000 to Maryland consumers  
\$867,000 to State of Maryland

Fresh Start \$164,000 to State of Maryland

May Company \$30,000 to State of Maryland

Ira Smolev \$181,000 to Maryland consumers

Sterling Mirror \$50,000 to Maryland consumers  
\$50,000 to State of Maryland

Paris George \$30,000 to Maryland consumers  
\$75,000 to State of Maryland

Chad Wilby \$31,000 to Maryland consumers  
\$100,000 to State of Maryland

#### *Pending:*

The Consumer Protection Division tried charges against sellers of houses, a lender, and appraisers in connection with real estate flipping.

The Consumer Protection Division has charged several related builders and their principals with violations of the Consumer Protection Act and Custom Home Protection Act in connection with their failure to perform as promised and failure to escrow payments as required by statute.

Household International Possible \$12 million to Maryland consumers

### Antitrust Division

#### *Completed:*

Maryland v. Mylan Labs \$1 million to Maryland consumers  
\$412,000 to Medicaid  
\$325,000 to State of Maryland

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Appendix 5 (continued)

Contact Lens	\$855,000 in product and services to consumers \$433,900 to State of Maryland
<i>Pending:</i>	
Compact Disks	\$900,000 for Maryland consumers \$1.3 million in CDs to be distributed to schools, libraries and charities
Salton	\$160,000 for charitable purposes over the next two years
Bristol Myers Squibb re: Buspar	Recoveries could be substantial
Bristol Myers Squibb re: Taxol	Recoveries undetermined at this point

**Medicaid Fraud Control Unit**

*Completed:*

Dr. Charles Bowie	\$16,874 to State of Maryland
CPM Corp. t/a Family Home Center and Barry Mehta	\$125,000 to State of Maryland \$125,000 to Medicaid Restitution
Regina Waites	\$126,706 to Medicaid Restitution
Dialysis With Heart and Paul Zakrzewski	\$100,000 to Medicaid & Medicare Restitution \$300,000 to State of Maryland
Dr. Nadu Tuakli	\$32,000 to Medicaid Restitution
NMC / Fresenius	\$108,760 to Medicaid Restitution \$192,128 to State of Maryland
Eckerd Corporation	\$5,578 to Medicaid Restitution \$4,075 to State of Maryland
TAP Pharmaceuticals	\$146,849 to Medicaid Restitution \$185,844 to State of Maryland
LifeScan	\$6,177 to Medicaid Restitution \$6,177 to State of Maryland

*Pending:*

There are a number of active national investigations for which Maryland may receive recoveries. While we cannot anticipate exact settlement dates, it is anticipated that Maryland will receive recoveries in the next year.

**Contract Litigation Division**

*Completed:*

Performing Arts Center at College Park	\$4.2 million to University of Maryland
Driggs Corporation	\$600,000 to Aviation Administration
EnviroServe, Inc.	\$101,500 to General Services

In addition, there were other claims completed, saving the State millions of dollars.

*Pending:*

*Claim of Poole and Kent Company:* Claimant was the general contractor for construction of the Baltimore City Juvenile Justice Center. It has submitted Requests for Equitable Adjustment for over \$9 million for extra work, delay and inefficiency resulting from contract revisions, clarifications and design changes.

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Appendix 5 (continued)

*Claim of Syscom, Inc.:* Syscom is the contractor for the development of new software for the Maryland State Retirement and Pension System. Syscom has filed claims for \$3.8 million, for work MSRPS directed Syscom to perform which Syscom claims was outside the scope of the contract. The State intends to vigorously contest these claims.

**Civil Litigation: Cases with Damages Claimed of \$1 million +**

**Pending:**

<i>Sandra Benson v. Richard N. Nixon, et al.</i> (Enjoining Collection of Phone Calls)	\$6 million
<i>Vines v. Armwood, et al.</i> (Correctional Lit. Wrongful Death)	\$30 million
<i>Lynn v. State</i> (Correctional Lit. Excessive Force)	\$9 million
<i>Chinwuba v. Larsen</i> (Defamation Claim)	\$1.0 million
<i>Manikhi v. MTA</i> (Sexual Harassment)	\$1.5 million
<i>NAACP v. MSP</i> (Racial Profiling)	\$8.2 million
<i>Lisa Marie Spicknall v. State Police</i> (Wrongful Death)	\$20 million
<i>Waterman v. MdTA</i> (Wrongful Death - Tort)	\$2 million
<i>Ford v. Baltimore City Sheriff</i> (Excessive Force)	\$7 million
<i>Wharton v. State of Maryland</i> (PIA - Fraud)	\$1.0 billion
<i>Parker v. Calvert County Sheriff</i> (Race Discrimination)	\$1.0 million +
<i>Boteler v. Calvert County Sheriff</i> (Abusive Discharge)	\$1.0 million +
<i>Boyle v. Harford County Sheriff</i> (Religious Discrimination)	\$1.0 million +
<i>Trent v. Phillips</i> (Tort Claims - Car Accident)	\$1.0 million +
<i>Lomax v. Baltimore City Sheriff</i> (Excessive Force)	\$1.0 million +
<i>USF&amp;G v. Comptroller of the Treasury</i> (Sales Tax Refund)	\$1.9 million
<i>Hill v. Consumer Protection Division</i> (Constitutional Violation from Enforcement Action)	\$26 million

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Appendix 5 (continued)

<i>Britton v. UMBC</i> (Gender Discrimination)	\$10 million
<i>Conte v. Towson University</i> (Breach of Employment Contract)	\$5 million
<i>Holland v. Boyd</i> (Police Brutality)	\$1.5 million
<i>Nofi v. Cornell</i> (Product Liability)	\$3 million
<i>Palotai v. UMCP</i> (Fair Labor Standards Act)	\$3 million
<i>UMUC German Competent Authority Request</i> (Treaty: German Tax Exemption)	\$1.1 million
<i>McCardell v. State of Maryland</i> (Misrepresentation of an Aquaculture System)	\$230 million
<i>BG&amp;E v. SDAT</i> (Tax Refund)	\$2.2 million per year for 7 years
<i>Residential Funding Corp. v. SDAT</i> (Franchise Tax Refund)	\$1.3 million
<i>Wolfkill v. Bauer</i> (Clean up of Contaminated Property)	\$1 million
<i>Brandt v. Clifton T. Perkins Hospital Center</i> (Civil Rights & Tort Claim - Excessive Restraint)	\$20 million
<i>Crawford v. Seidman</i> (Discrimination involving Licensing)	\$48 million
<i>Dahne v. Kusher</i> (Tort Claim - MD Declaration of Rights)	\$25 million
<i>Glover v. Glendening</i> (MD recipients seeking share of Tobacco Settlement)	\$200 million
<i>Dugan v. State of Maryland &amp; Bethany House, Inc.</i> (Wrongful Death)	\$3 million
<i>Millard v. Boys Home Society, et al.</i> (Assault)	\$10 million
<i>Spicer v. Muehleisen</i> (Wrongful Death)	\$2.0 million
<i>Appeal of PHP Healthcare</i> (Contract Issue)	\$355 million
<i>Appeal of Wackenhut Corp.</i> (Contract Issue)	\$1.3 million
<i>Sinnott v. Mitchell</i> (Excessive Force)	\$1.0 million

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Appendix 5 (continued)

<i>Brooks v. MSP</i> (Employment Discrimination)	\$3.0 million
<i>Candeloro v. TFC Cole</i> (False Arrest/Excessive Force)	\$32 million
<i>Carlson v. Town of Cheverly et al.</i> (Wrongful Termination)	\$247 million
<i>Gray v. State of Maryland</i> (Employment Discrimination)	\$240 million
<i>Harper v. State of Maryland</i> (Tort Claim - False Arrest)	\$10.6 million
<i>Keats v. MSP</i> (ADA Claim)	\$2 million +
<i>Morgan v. Ferrante</i> (Civil Rights - Wrongful Arrest)	\$5 million
<i>Singh v. MSP</i> (Race Discrimination)	\$1 million
<i>Tacino v. Maryland</i> (Illegal Traffic Stop)	\$1.7 million
<i>Carroll County Commissioners v. MSRPS</i> (County's Withdrawal Liability)	\$12 million
<i>Montgomery County Board of Education v. MSRPS</i> (Audit Assessments)	\$4.4 million
<i>Ceres Marine Terminal v. MPA</i> (Violation of Shipping Act)	\$8.2 million
<i>MPA v. Archer Daniels Midland Inc./CSX Railroad</i> (Liability for Property Damage)	\$20.0 million
<i>Barrett v. Hite</i> (Civil Rights)	\$4.8 million
<i>Campitelli v. Glendening</i> (Violation of 13 <sup>th</sup> Amendment)	\$7 million
<i>Claim of JJID Inc.</i> (Construction Claim)	\$3.1 million
<i>Ovstrovsky v. Cashen, et al.</i> (Wrongful Death)	\$52 million
<i>Waterman v. Batton</i> (Wrongful Death)	\$10.0 million
<i>Williams v. Bellman</i> (Civil Rights)	\$8.8 million
<i>Fishbeyn v. MTA</i> (Employment Discrimination)	\$1.3 million

**Tobacco Litigation:**

As a result of the Master Settlement Agreement in the States' tobacco litigation, Maryland has received \$488.3 million to date; expects to receive approximately \$180 million in fiscal year 2003, and will receive approximately \$4.4 billion dollars over the next twenty years. The State settled the attorneys' fees litigation against the Law Offices of Peter G. Angelos for \$150 million, to be paid over five years. This will be offset by the additional \$132 million the State will receive over the next twenty years awarded from the Tobacco Attorneys' Fees Arbitration Panel.

**Cases with Important Nonmonetary Issues:**

*Virginia v. Maryland* - As a result of Maryland's initial denial of a permit to Fairfax County to build a water intake pipe into the center of the Potomac River, Virginia has challenged Maryland's regulatory authority over Virginia citizens' activities in the Potomac River in an original jurisdiction action in the Supreme Court.