

CIRCUIT COURT FOR BALTIMORE CITY

Lavinia Alexander
Clerk of the Circuit Court
Courthouse East
111 North Calvert Street - Room 462
Baltimore, MD 21202-
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September 26, 2016

Case Number: 24-C-16-002852 / OG /
Pizza DI Joey LLC, et al vs Mayor And City Council

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Arlington, VA 22203

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PIZZA DI JOEY, LLC, *et al.*

Plaintiffs,

v.

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

Defendants

* *

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

Case No.: 24-C-16-002852

ORDER

Upon consideration of the Defendants’ Motion to Dismiss (Docket Entry #4000), Plaintiffs’ Opposition to Defendants’ Motion to Dismiss (Docket Entry #4002), Defendants’ Reply to Plaintiffs’ Response and Opposition to City’s Motion to Dismiss (Docket Entry #4003), and the arguments presented on August 5, 2016, it is, by the Circuit Court for Baltimore City, Part 18, this 16st day of September, 2016, for the reasons set forth on the record in this matter, hereby,

FOUND, that Plaintiffs operate mobile vendor trucks in the Baltimore-area (*see* Complaint); and it is further,

FOUND, that in Baltimore City “a mobile vendor may not park a vendor truck within 300 feet of any retail business establishment that is primarily engaged in selling the same type of food product, other merchandise, or service as that offered by the mobile vendor.” Baltimore City Code, Art. 15 §17-33 (hereinafter, “300-Foot Rule”); and it is further,

FOUND, that a vendor that violates the 300-Foot Rule is subject to a \$500 fine and license revocation upon three violations of the provision within a one (1) year period. *See* Baltimore City Code, Art. 15 §17-42 & §17-44 (b); and it is further,

FOUND, that the Defendants argue that the 300-Foot Rule is connected to a legitimate state interest in furthering the “general welfare by promoting economic stability” (Defendants’ Motion to Dismiss p. 8); and it is further,

FOUND, that the Plaintiffs argue they have a liberty interest in operating their food truck businesses; a right that has protection in Article 24 of the Maryland Declaration of Rights, and it is further,

FOUND, when the court assumes the truth of both all well pleaded facts and any reasonable inferences that may be drawn from these facts, Plaintiffs' complaint states a valid claim for relief under the equal protection and substantive due process guarantees of Article 24 Declaration of Rights. See *Pittway Corp v. Collins*, 409 Md. 218, 238-239 (2009); and therefore, it is hereby,

ORDERED, that the Defendant's Motion to Dismiss is **DENIED**.

Cynthia Jones
Judge's Signature Appeared
(On Original Document

Cynthia H. Jones
Associate Judge
Circuit Court for Baltimore City

Notice to Clerk:
Please send copies to all parties.

**TRUE COPY
TEST**

LAVINIA G. ALEXANDER

