

June 9, 2017

**By Email**

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**Re: Response to Request for Monitor Application**

Dear Ms. Cheema and Ms. Smyth:

It has come to our attention that our application did not raise one matter that may be responsive to the Request for Application's Conflicts of Interest section (RFA ¶ 39). Peter E. Keith, Esq., our proposed monitor, currently serves as co-counsel to the Mayor and City Council of Baltimore in *United States, et al. v. Mayor & City Council of Baltimore*, Civil Action No. JFM-02-1524, pending in the United States District Court for the District of Maryland. This lawsuit involves a consent decree negotiated between the City, Department of Justice, Environmental Protection Agency, and Maryland Department of the Environment. The case concerns sewer overflows and modifications to the City's sewer system. Mr. Keith served as outside counsel to the City in negotiations leading to entry of the consent decree on September 30, 2002. The Clerk's Office closed the case on the day of entry of the consent decree, September 30, 2002.

On June 1, 2016, the Department of Justice and Maryland Department of the Environment filed a proposed modification to the Consent Decree. On June 3, 2016, on motion of the Department of Justice, the Court reopened the case. Negotiations concerning possible modification to the decree are ongoing. Venable LLP, primarily through Thomas M. Langan, Esq., currently serves as lead counsel for the City and Department of Public Works in connection with proposed modifications. Thurman W. Zollicoffer, Jr., Esq. of Whiteford Taylor & Preston LLP also entered his appearance on behalf of the City. The City Law Department asked Mr. Keith to serve as co-counsel because of his knowledge of the 2002 Consent Decree.

GALLAGHER  
EVELIUS & JONES LLP

ATTORNEYS AT LAW

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We do not believe Mr. Keith's involvement in this environmental case poses a conflict, but if selected as Monitor we would be willing to withdraw as co-counsel if asked. Our withdrawal should not prejudice the City, as Venable serves as lead counsel and has taken a far more active role as lead counsel than Mr. Keith in representing the City and Department of Public Works over the past two years.

If we can provide any further information, please let me know.

Respectfully submitted,



Mark S. Saudek