

IN THE SUPREME COURT OF MARYLAND

**MAYOR AND CITY COUNCIL
OF BALTIMORE CITY,**

Appellant,

v.

BP P.L.C., et al.,

Appellees.

SCM-REG-0011-2025

(ACM-REG-1290-2024)

(Cir. Ct. No. 24-C-18-004219)

**ANNE ARUNDEL COUNTY,
MARYLAND,**

Appellant,

v.

BP P.L.C., et al.,

Appellees.

SCM-REG-0011-2025

(ACM-REG-2308-2024)

(Cir. Ct. No. C-02-CV-21-000565)

CITY OF ANNAPOLIS,

Appellant,

v.

BP P.L.C., et al.,

Appellees.

SCM-REG-0011-2025

(ACM-REG-2309-2024)

(Cir. Ct. No. C-02-CV-21-000250)

APPELLEES' MOTION TO STAY PROCEEDINGS

On February 23, 2026, the Supreme Court of the United States granted certiorari review in *Suncor Energy (U.S.A.) Inc. v. County Commissioners of Boulder County*, Docket No. 25-170 (“*Boulder*”). The *Boulder* petition presents the question:

Whether federal law precludes state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse-gas emissions on the global climate.

Boulder Pet. at I. On October 6, 2025, this Court heard argument on the same question:

Does the Federal Constitution and federal law preempt and preclude state law claims seeking redress for injuries allegedly caused by the effects of out-of-state and international greenhouse-gas emissions on the global climate?

See *Mayor & City Council of Baltimore v. B.P P.L.C.*, SCM-REG-0011-2025, Appellants’ O.B. at 6. The substantial overlap between the questions before this Court and those before the U.S. Supreme Court warrants a stay.

Courts have the “inherent power to stay proceedings before them.” *Moser v. Heffington*, 465 Md. 381, 398 (2019). “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which

must weigh competing interests and maintain an even balance.” *Id.* (quoting *Landis v. N. Am. Co.*, 299 U.S. 249, 254 (1936)).

The U.S. Supreme Court’s ultimate *Boulder* opinion (expected no later than June 2027) will necessarily impact—and may even resolve—this appeal. Staying this appeal now to allow the U.S. Supreme Court to resolve a question at the heart of this appeal would conserve valuable judicial resources without prejudice to the parties. If the U.S. Supreme Court holds in *Boulder* that federal law precludes state-law claims seeking relief for injuries caused by interstate and international greenhouse-gas emissions, this would affirm the federal preemption and preclusion arguments in this case and leave this Court with little more to do than to apply the U.S. Supreme Court’s precedent. And even if the U.S. Supreme Court does not side with the petitioners in *Boulder*, its decision would still provide important guidance that would undoubtedly shape this Court’s consideration of these appeals. A stay is also appropriate to avoid the risk of a decision by this Court that is inconsistent with that of the Supreme Court. “To consider and resolve [the merits of a case] in advance of the Supreme Court’s decision would be inefficient.” *Int’l Refugee Assistance Project v. Trump*, 323 F. Supp. 3d 726, 734 (D. Md. 2018). Courts in similar postures therefore often grant a stay to “prevent any possibility of inconsistent

rulings.” *See, e.g., In re Startec Glob. Commc’ns Corp.*, 303 B.R. 605, 609 (D. Md. 2004).¹

This Court regularly grants stays under similar circumstances. *See Demby v. State*, 444 Md. 45, 50 (2015) (noting that proceedings were stayed pending U.S. Supreme Court decisions on related issues); *Raynor v. State*, 440 Md. 71, 80 n.5 (2014) (same). In August 2023, for example, this Court granted the State’s motion to stay in *Fooks v. State*, 485 Md. 52 (2023), pending a decision by the U.S. Supreme Court in *United States v. Rahimi*, Docket No. 22-915, October Term 2023. The State argued that the “forthcoming decision in *Rahimi* will surely overlap with the issues and arguments currently before this Court in *Fooks*.” *Fooks Mot. to Stay* at 2. This Court stayed *Fooks* long after briefing was completed and five months after oral argument. *Id.* at 1.

The case for a stay is even stronger here. The *Boulder* decision will not just “overlap” with the issues and arguments here, it may conclusively resolve them.

¹ The U.S. Supreme Court also asked the parties to brief whether it has statutory and Article III jurisdiction to hear the case, but this does not complicate the analysis regarding whether a stay is appropriate. Instructing the parties to brief those jurisdictional questions indicates that the U.S. Supreme Court intends to carefully and thoroughly consider all issues implicated by the case. But the Court granted the petition even though the plaintiffs raised those jurisdictional objections in opposition to certiorari. Accordingly, there is a substantial probability that the U.S. Supreme Court will address the federal law preclusion question at issue here, which provides more than a sufficient basis for a stay.

Finally, a stay will not unduly prejudice Appellants. Because Appellants' suits principally challenge purported historical conduct and primarily seek monetary relief, a stay will not prejudice recovery of any damages. In fact, the U.S District Court for the District of Maryland reached the same conclusion when it stayed its remand decision in this very case, observing that "[t]he urgency of the threat of climate change writ large is distinct from" Appellants' "interest in a speedy determination" of their primarily compensatory claims. *City of Annapolis v. BP P.L.C.*, 2021 WL 2000469, at *4 (D. Md. May 19, 2021).

For these reasons, Appellees request a stay pending a final opinion from the U.S. Supreme Court in *Boulder*.²

Date: March 6, 2026

[signatures follow on next page]

² Counsel for Appellees Chevron Corporation and Chevron U.S.A. Inc. conferred with Plaintiffs' counsel, who have advised that they intend to oppose this motion.

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(ACM-REG-2309-2024)

(Cir. Ct. No. C-02-CV-21-000250)

ORDER

The Court having considered Appellees' Motion to Stay Proceedings, and any response thereto, it is this _____ day of March, 2026, hereby

ORDERED that, pending a decision by the United States Supreme Court in *Suncor Energy (U.S.A.) Inc. v. County Commissioners of Boulder County*, Docket No. 25-170, October Term, 2026, this case is stayed. Upon a final disposition by the United States Supreme Court in *Boulder*, the parties shall promptly notify the Clerk and propose a schedule for supplemental briefing.

Chief Justice, Supreme Court of Maryland

cc: All Counsel of Record