



Weekly Wright Report (7/9/17)

Trademarks

As many as 14 applications to register “**Covfefe**” as a trademark have already been submitted by various companies and individuals. Nine were filed in the United States and the remaining five in Europe (Sweden, Norway, the UK and Switzerland). **Covfefe** appears to be especially popular as a clothing brand and as a trademark for beer, coffee, catering services and cultural activities.

New Minimum Wage Requirements in Effect in MD

Jurisdiction	Current Minimum Wage	July 1 Minimum Wage	Current Minimum Cash Wage (Tipped Employees)	July 1 Minimum Cash Wage (Tipped Employees)	Current Tip Credit	July 1 Tip Credit
Maryland	\$8.75	\$9.25	\$3.63	No change	\$5.12	\$5.62
Montgomery County, MD	\$10.75	\$11.50	\$4.00	No change	\$6.75	\$7.50

Corporate Minutes

Corporate housekeeping and compliance should include updating minutes from corporate meetings. Well-documented meetings provide important historical records which prove useful during Board disagreements, litigation, Attorney General investigations, audits and other governmental enforcement actions. As strategic documents which reflect and reinforce an organization’s strategic priorities and goals, these should be maintained to reflect discussions, dissensions and agreements reached.

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Administrative Law

In *Balfour Beatty Infrastructure, Inc. v. Mayor and City Council of Baltimore*, 2017 U.S. App. Lexis 7252 (4th Cir. 2017), the United States Court of Appeals for the Fourth Circuit upheld the requirement that administrative remedies must be exhausted before litigation may proceed. The dispute arose between the City of Baltimore and Balfour Beatty Infrastructure regarding the renovation and expansion of the City’s wastewater treatment plant. The City contended that Balfour delayed the project and was assessing \$40,000 a day in liquidated damages. Balfour contended that the City’s defective designs prevented timely completion of the project.

The project was governed by the City’s “Department of Public Works Specifications – Materials, Highways, Bridges, Utilities and Incidental Structures 2006,” known as the “Green Book.” The Green Book has an administrative dispute resolution process which requires contractors to seek administrative review by the City’s Department of Public Works of any dispute related to their contracts before suing the City in court. Balfour argued that the City had abandoned the required administrative dispute resolution process by assessing the liquidated damages without first initiating a delay claim through the administrative dispute resolution process. Balfour contended that such abandonment relieved Balfour of any obligation to use the administrative dispute resolution process and filed suit in federal court. The Fourth Circuit held that whether the City acted unlawfully by assessing liquidated damages without first engaging in the administrative dispute resolution process is a regulatory interpretation issue that should be decided administratively before proceeding to judicial review. The Court noted that under Maryland law, the only exception to the exhaustion requirement is when the reviewing administrative agency does not have jurisdiction to adjudicate the claim and the complaining party would suffer irreparable injury by postponing litigation until the completion of administrative review.