

|                                     |   |                            |
|-------------------------------------|---|----------------------------|
| PAUL JOHN CISAR, <i>et. al.</i>     | * | IN THE                     |
| Plaintiffs                          | * | CIRCUIT COURT              |
| v.                                  | * | FOR                        |
| F.O. MITCHELL & BRO, <i>et. al.</i> | * | ANNE ARUNDEL COUNTY        |
| Defendants                          | * | Case No. C-02-CV-22-000988 |

\* \* \* \* \*

**CHESAPEAKE REAL ESTATE GROUP, LLC’S MOTION TO DISMISS AND  
REQUEST FOR HEARING**

Chesapeake Real Estate Group, LLC, Defendant, by and through its attorneys, Joseph F. Snee, Jr. and Laura E. Bechtel, with Snee, Lutche, Helmlinger & Spielberger, P.A., pursuant to Maryland Rule 2-322, hereby files this Motion to Dismiss and in support thereof states the following:

1. On July 15, 2022, Defendant F.O. Mitchell & Bro. filed a Motion to Dismiss, a Memorandum of Law in Support of Motion to Dismiss and supporting exhibits (collectively the “Mitchell Motion to Dismiss”).

2. On July 15, 2022, Defendant Harford County, Maryland filed a Motion to Dismiss – Hearing Requested and supporting exhibits (collectively the “Harford County Motion to Dismiss”).

3. The Mitchell Motion to Dismiss sets forth multiple arguments in support of the dismissal of the Plaintiffs’ Complaint (the “Complaint”) including: 1) improper venue; 2) lack of a justiciable controversy; 3) failure to exhaust administrative remedies; 4) failure to state a claim; and 5) failure to add necessary parties.

4. The Harford County Motion to Dismiss sets forth multiple arguments in support of the dismissal of the Complaint including: 1) improper venue; 2)

failure to exhaust administrative remedies; 3) lack of final administrative decision; 4) lack of a justiciable controversy; 5) Count Four does not state an independent cause of action; 6) failure to join a necessary party; and 6) *forum non conveniens*.

5. Defendant Chesapeake Real Estate Group, LLC joins in the Mitchell Motion to Dismiss and adopts and incorporates by reference all pleadings, arguments and exhibits submitted in support of the Mitchell Motion to Dismiss.

6. Defendant Chesapeake Real Estate Group, LLC joins in the Harford County Motion to Dismiss and adopts and incorporates by reference all pleadings, arguments and exhibits submitted in support of the Harford County Motion to Dismiss.

7. In support of Defendant Chesapeake Real Estate Group, LLC's Motion to Dismiss, attached hereto and incorporated by reference herein as Exhibit A, is the Affidavit of James Lighthizer. Chesapeake Real Estate Group, LLC carries on a regular business in Harford County, Maryland and owns property in Harford County, Maryland. The appropriate venue is the Circuit Court for Harford County and not the Circuit Court for Anne Arundel County.

WHEREFORE, Defendant Chesapeake Real Estate Group, LLC respectfully requests that this Honorable Court enter an Order:

- A. Granting Chesapeake Real Estate Group, LLC's Motion to Dismiss;
- B. Dismissing the Complaint filed by the Plaintiffs; and
- C. Granting such other and further relief as the nature of Defendant's cause may require or allow.

Joseph F. Snee, Jr.

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Laura E. Bechtel (1012140050)  
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*Attorneys for Chesapeake Real Estate Group, LLC*

**REQUEST FOR HEARING**

Defendant Chesapeake Real Estate Group, LLC hereby requests a hearing on the foregoing Chesapeake Real Estate Group, LLC's Motion to Dismiss.

Joseph F. Snee, Jr.

Joseph F. Snee, Jr. (8501180012)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of July, 2022, a copy of the foregoing Motion to Dismiss was electronically served via MDEC on all parties hereto except for Defendant Frederick Ward Associates, Inc., which was served via regular mail:

Reginald W. Baldwin, V  
Michael Andrew Cuches  
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*Attorneys for Plaintiffs*

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*Attorney for Harford County, Maryland*

Torrence Pierce  
Frederick Ward Associates, Inc.  
845 Flintlock Drive  
Bel Air, MD 21015  
*Resident Agent for Frederick Ward Associates, Inc.*

*Joseph F. Snee, Jr.*  
\_\_\_\_\_  
Joseph F. Snee, Jr. (8501180012)

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\* \* \* \* \*

**ORDER**

This Court, having read and considered Defendant Chesapeake Real Estate Group, LLC’s Motion to Dismiss and any response(s) thereto, hereby

**ORDERS** that Defendant Chesapeake Real Estate Group, LLC’s Motion to Dismiss is **GRANTED**; and

**ORDERS** that the Complaint filed by the Plaintiffs is **DISMISSED**.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Judge, Circuit Court for Anne Arundel County

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| Plaintiffs,                   | * | CIRCUIT COURT              |
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| F.O. MITCHELL & BRO., et al., | * | ANNE ARUNDEL COUNTY        |
| Defendants.                   | * | Case No. C-02-CV-22-000988 |

**AFFIDAVIT OF JAMES LIGHTHIZER**

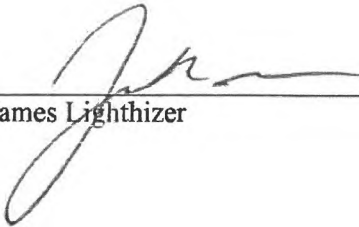
1. I, James Lighthizer, am over the age of 18 and am competent to testify.
2. I am a member of Chesapeake Real Estate Group, LLC and have personal knowledge of its activities.
3. Chesapeake Real Estate Group, LLC carries on a regular business in Harford County, Maryland, and owns property there.
4. Chesapeake Real Estate Group, LLC has developed more than nine hundred thousand square feet (900,000 sq. ft.) of property in Harford County since 2016.
5. Chesapeake Real Estate Group, LLC is currently developing approximately one hundred thousand square feet (100,000 sq. ft.) of property in Harford County.
6. Chesapeake Real Estate Group, LLC is currently engaged in the development planning process of approximately five million one hundred ninety-seven thousand square feet (5,197,000 sq. ft.) of property in Harford County.
7. Chesapeake Real Estate Group, LLC has managed over two million three hundred seventy-three thousand eight hundred square feet (2,373,800 sq. ft.) of property in Harford County since 2016.
8. Chesapeake Real Estate Group, LLC and its executives have sold and/or leased approximately four million five hundred thousand square feet (4,500,000 sq. ft.) of property in Harford County.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

2 : 7/14/22  
4 : 20311.doc  
309346

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

7-15-22  
Date

  
James Lighthizer