

PAUL JOHN CISAR, *et. al.* * IN THE
Plaintiffs * CIRCUIT COURT
v. * FOR
F.O. MITCHELL & BRO, *et. al.* * 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.

Joseph F. Snee, Jr. (8501180012)
Laura E. Bechtel (1012140050)
Snee, Lutche, Helmlinger & Spielberger, P.A.
112 South Main Street
Bel Air, Maryland 21014
Tel. 410-893-7500
Fax 410-893-8774
jsnee@slhslaw.com
lbechtel@slhslaw.com
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 18th 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
Baldwin Seraina, LLC
111 South Calvert Street
Suite 1805
Baltimore, MD 21202
Attorneys for Plaintiffs

Robert S. Lynch
David S. Lynch
Stark and Keenan PA
30 Office Street
Bel Air, MD 21014
Attorneys for F.O. Mitchell & Bro

David M. Wyand
Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201
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)