

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
* * * * *		

**DEFENDANT F.O. MITCHELL & BRO.’S MOTION TO DISMISS AND
REQUEST FOR A HEARING**

F.O. Mitchell & Bro. (“Mitchell”), by and through its undersigned counsel, Robert S. Lynch, Esquire, David S. Lynch, Esquire, and Stark and Keenan, P.A., hereby moves, pursuant to Maryland Rule 2-322, to dismiss Plaintiffs’ Verified Complaint for Injunctive Relief and Declaratory Judgment and Private Action for Nuisance and Public Nuisance (“Complaint”), and in support thereof, states as follows:

1. For the reasons more fully stated in its Memorandum of Law in Support of Defendant F.O. Mitchell and Bro.’s Motion to Dismiss, filed concurrently herewith and incorporated herein by reference, Plaintiffs’ Complaint must be dismissed because venue is improper in Anne Arundel County, there is no justiciable controversy between the parties, Plaintiffs failed to exhaust administrative remedies, Plaintiffs failed to state a claim upon which relief can be

granted for private and public nuisance, Plaintiffs failed to state a claim upon which relief can be granted for preliminary and permanent injunctive relief, and Plaintiffs failed to add necessary parties.

WHEREFORE, Mitchell respectfully requests that this Honorable Court grant this Motion to Dismiss and enter an Order dismissing Plaintiffs' Complaint with prejudice.

Respectfully submitted,

/s/

Robert S. Lynch, Esquire
AIS# 8212010279

/s/

David S. Lynch, Esquire
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REQUEST FOR A HEARING

Defendant Mitchell, by and through its undersigned counsel and pursuant to Maryland Rule 2-311(f), respectfully requests a hearing on its Motion to Dismiss.

_____/s/_____
David S. Lynch, Esquire
AIS# 08121708228

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 15th day of July, 2022, that a copy of the foregoing Defendant F.O. Mitchell & Bro.'s Motion to Dismiss was served via MDEC on:

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* * * * *

ORDER

This Court, having considered Defendant F.O. Mitchell & Bro.’s (“Mitchell”) Motion to Dismiss and any opposition thereto,

It is this _____ day of _____, 2022,

ORDERED, that Mitchell’s Motion to Dismiss is GRANTED; and it is further

ORDERED, that Plaintiffs’ Verified Complaint for Injunctive Relief and Declaratory Judgment and Private Action for Nuisance and Public Nuisance is dismissed with prejudice.

Judge, Circuit Court for Anne Arundel County