

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
ANSWERS TO THE FIRST SET OF INTERROGATORIES TO PLAINTIFF
3P PROTECT PERRYMAN PENINSULA

Defendant F.O. Mitchell & Bro., through its undersigned attorneys and pursuant to MD. RULE 2-421(b), hereby Answers the Interrogatories propounded upon it by Plaintiff 3P Protect Perryman Peninsula (“Plaintiff”) in the above-captioned matter as follows:

a. The information supplied in these Answers is not based solely on the knowledge of the executing party, but includes the knowledge of the party, its agents, representatives, and attorneys, unless privileged.

b. The word usage and sentence structure may be that of the attorney assisting in the preparation of these answers and thus does not necessarily purport to be the precise language of the executing party.

c. By providing the information requested, Defendant F.O. Mitchell & Bro. does not waive objections to the admission of evidence on grounds of materiality, relevancy, or any other proper ground for objection.

d. Defendant F.O. Mitchell & Bro. has not yet completed discovery of the

facts in this lawsuit nor fully prepared for trial, and, therefore, reserves the right to amend, modify, or supplement these objections and answers.

GENERAL OBJECTIONS

1. Defendant F.O. Mitchell & Bro. objects to each interrogatory to the extent that it is vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Defendant F.O. Mitchell & Bro. objects to each interrogatory to the extent it calls for the disclosure of information protected by the attorney-client privilege, attorney work product privilege, the accountant-client privilege, or any other legally applicable privilege.

3. Defendant F.O. Mitchell & Bro. objects to each interrogatory to the extent it exceeds the discovery permitted by the Maryland Rules.

4. Defendant F.O. Mitchell & Bro. objects to the definitions and instructions delineated in the Interrogatories to the extent that they request information that exceeds the scope of the Maryland Rules.

5. All answers stated below incorporate each of the above-stated general objections. That Defendant F.O. Mitchell & Bro. does not repeat each of the foregoing objections for each specific interrogatory is not a waiver of the above-stated objections.

ANSWERS:

INTERROGATORY NO. 1: Identify all persons providing information in response to these Interrogatories, including as part of the identification, the person's full name, date of birth, residential and business address, job title and occupation.

ANSWER NO. 1: F.O. Mitchell & Bro. objects to this interrogatory because Plaintiff seeks to avail itself of discovery based on a lawsuit that is improperly before this Court. Indeed, Plaintiff's lawsuit seeks an advisory opinion regarding development plans (i.e. final plan approval) which have not yet been approved by Harford County. There is no justiciable controversy and Plaintiff has failed to exhaust its administrative remedies, which, if aggrieved, would include filing a petition for judicial review in the Circuit Court for Harford County after the relevant development plan is approved. Harford County Subdivision Regulations, § 268-28(A). On judicial review, the Circuit Court for Harford County would review the administrative appeal on the record, which procedure explicitly prohibits discovery. Md. Rule 7-208; *Venter v. Bd. of Educ.*, 185 Md. App. 648, 349 (2009) (Rule authorizing the issuance of a scheduling order for civil actions filed in circuit court does not provide a right to discovery when the circuit court is reviewing the decision of an administrative agency). Furthermore, Plaintiffs have inappropriately pleaded an anticipatory private and public nuisance. Such claims are not recognized in Maryland. *Leatherbury v. Gaylord Fuel Corp.*, 276 Md. 367 (1975).

INTERROGATORY NO. 2: Identify each person, other than a person intended to be called as an expert witness at trial, having discoverable information that tends to support a position that you have taken or intend to take in this action, including any claim for damages, and state the subject matter of the information possessed by that person. (Standard General Interrogatory No. 1.)

ANSWER NO. 2: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 3: Identify each person whom you expect to call as an expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the findings and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and, with respect to an expert whose findings and opinions were acquired in anticipation of litigation or for trial, summarize the qualifications of the expert, state the terms of the expert's compensation, and attach to your answers any available list of publications written by the expert and any written report made by the expert concerning the expert's findings and opinions. (Standard General Interrogatory No. 2.)

ANSWER NO. 3: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 4: If you intend to rely upon any documents, electronically stored information, or tangible things to support a position that you have taken or intend to take in the action, including any claim for damages, provide a brief description, by category and location, of all such documents, electronically stored information, and tangible things, and identify all persons having possession, custody, or control of them. (Standard General Interrogatory No. 3.)

ANSWER NO. 4: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 5: If any person carrying on an insurance business might be liable to satisfy part or all of a judgment that might be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment, identify that person, state the applicable policy limits of any insurance agreement under which the person might be liable, and describe any question or challenge raised by the person relating to coverage for this action. (Standard General Interrogatory No. 5.)

ANSWER NO. 5: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 6: Set forth in detail the roles, as you understand them, of all Defendants in the Mitchell Property Development.

ANSWER NO. 6: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 7: Set forth in detail the intended purpose for the Mitchell Property Development.

ANSWER NO. 7: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 8: If you deny the allegation set forth in Numbered Paragraph 1 of Plaintiffs Complaint which states that Defendants' plans for the Mitchell Property is to develop it into a Freight Terminal state all facts upon which you rely thereon,

identify all supporting Documents, and identify all persons having personal knowledge thereof.

ANSWER NO. 8: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 9: State the name, residence, business addresses, phone numbers, and job position of all person(s) and/or entities who has, and/or had, any involvement in the Mitchell Property Development or has knowledge of any facts relating to matters alleged in plaintiffs' Complaint and/or defendants' Answer, and/or who may testify as witnesses at the trial or any hearing thereof, describing generally each individual's involvement (*e.g.*, broker, realtor, appraiser, communications with sellers or buyers, preparation of documents, disbursement of funds, collection of rent, etc.) and identify each and every written or recorded statement made by such potential witnesses.

ANSWER NO. 9: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 10: Please describe all communications in your possession concerning the preparation, publication, submission and/or filing of the site plans comprising the Mitchell Property Development, including but not limited to investigation, research or studies relating to the following aspects of the Mitchell Property Development and/or the Site: zoning, septic, wastewater, wetlands, rivers, streams, stormwater, drainage, drinking water, groundwater and wells, including the Perryman wellfield, endangered and protected species, soil, Site access, ingress and

egress, noise, traffic, vibration, air quality, dust and particulate matter, lighting, historical, archeological, or environmental issues, and potential impacts on the health, safety, and wellbeing of the Perryman Peninsula residential community.

ANSWER NO. 10: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 11: Please describe all communications you, or anyone on your behalf has had with any member, agent, employee, officer, official or representative of, the Harford County Council regarding or concerning the Mitchell Property Development, and/or the Site, including in your response the date, time, method of communication, location, who was present, and the substance of the communication.

ANSWER NO. 11: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 12: Please state whether you have or anyone on your behalf has had oral or written communications with any abutters or area residents of the Site concerning the Site and/or the Mitchell Property Development and if so please describe such communications, including the date, time, method of communication, location, who was present, and the substance of the communication.

ANSWER NO. 12: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 13: Please state whether you or anyone on your behalf has had oral or written communications with any members, agents, employees, officers, officials, or representatives of Harford County government concerning the Mitchell Property Development and/or the Site and if so, please describe such communications, including the date, time, method of communication, location, who was present, and the substance of the communication.

ANSWER NO. 13: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 14: If you contend that the Mitchell Property Development, as proposed, will not bring at least 1,000 additional tractor trailers and over 2,000 additional passenger vehicles onto a single rural road, state all facts and identify all documents that support such contention.

ANSWER NO. 14: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 15: Set forth in detail all communications among the defendants discussing the proposed use of the Mitchell Property Development, and/or the proposed use of the Site, and all communications that pertain to the manner in which to describe the proposed use in plans submitted to the Harford County Planning and Zoning Department.

ANSWER NO. 15: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 16: If you contend that the Mitchell Property Development will not create hazardous traffic conditions, state all facts and identify all documents that support such contention.

ANSWER NO. 16: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 17: If you contend that the Mitchell Property Development will not hinder emergency service response times, state all facts and identify all documents that support such contention.

ANSWER NO. 17: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 18: If you contend that the Mitchell Property Development will not endanger school aged children and other pedestrians, state all facts and identify all documents that support such contention.

ANSWER NO. 18: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 19: If you contend that the Mitchell Property Development has not already impaired Plaintiff's property values, state all facts and identify all documents that support such contention.

ANSWER NO. 19: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

ANSWER NO. 23: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 24: Set forth in detail all actions you have taken in developing the Site in furtherance of the Mitchell Property Development.

ANSWER NO. 24: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 25: Identify every employee, consultant, or other representative of F.O. Mitchell & Bro. who has or had any responsibility for, provided any information with respect to, or otherwise participated in any aspect of the design, construction, development or potential use, and summarize the responsibility, information provided by, and participation of each such person.

ANSWER NO. 25: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 26: State the name, address and telephone number of any person, other than counsel, with whom you have communicated, whether orally or in writing, concerning your answers to these interrogatories, and identify the date, location and a description of the substance of the communication.

ANSWER NO. 26: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 27: Identify all documents reviewed, cited or relied upon in preparing these Answers to Interrogatories.

ANSWER NO. 27: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING ANSWERS TO INTERROGATORIES ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

11/14/22
Date

Louis F. Friedman
Louis F. Friedman
Trustee of Trusts under the Last Will and Testament of Parker Mitchell, Jr., dated April 14, 1985

/s/
Robert S. Lynch, Esquire
AIS# 8212010279

/s/
David S. Lynch, Esquire
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