

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 HARFORD COUNTY, MARYLAND ANSWERS TO
TO PLAINTIFF 3P'S FIRST SET OF INTERROGATORIES**

Defendant Harford County, Maryland by its undersigned counsel, hereby responds and objects to the Interrogatories propounded by Plaintiff 3P and states:

INTRODUCTION

The information supplied in these answers is not based solely upon the knowledge of the executing party, but includes the knowledge of the party's agents, representatives, and attorneys, unless privileged. Moreover, the documentary record may contain information that Harford County is not able to recall or cannot reasonably include in these answers. Harford County reserves the right to rely upon the documentary record, which is being or has been produced in discovery to the extent it is in Harford County's possession.

The word usage and sentence structure are that of the attorneys who in fact prepared these answers, and the language does not purport to be the exact language of the executing party.

Harford County construes each request for information as not seeking information protected from disclosure by the attorney-client privilege, the accountant-client privilege, the spousal privilege, the attorney work-product privilege and/or the joint defense privilege. Harford County shall not provide such information. By attempting to answer the Interrogatories in good faith, Harford County does not waive any privilege objections.

OBJECTION

Harford County objects to each interrogatory as improper under the circumstances of this case. Plaintiffs improperly filed this case in Anne Arundel County without exhausting administrative remedies and without waiting for a final administrative decision. Had Plaintiffs followed the required process under established Maryland law, Plaintiffs would have waited for the administrative decision(s), and (if aggrieved) their remedy would have been to seek judicial review in the Circuit Court for Harford County pursuant to Chapter 200 of Title 7 of the Maryland Rules, which proceeding would not provide for discovery under Chapter 400 of Title 2 of the Maryland Rules. Plaintiffs, therefore, are seeking to use an improper procedure to obtain discovery to which they are clearly not entitled under Maryland law. Harford County will not respond to Plaintiffs' improperly issued interrogatories and will continue to follow the administrative process as required by law.

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: Harford County incorporates the Objection stated above.

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: Harford County incorporates the Objection stated above.

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 experts' 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: Harford County incorporates the Objection stated above.

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 N. 3.)

ANSWER: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 5: Set forth in detail the roles, as you understand them, of all Defendants in the Mitchell Property Development.

ANSWER: Harford County incorporates the Objection stated above. Harford County further objects to this interrogatory as vague in that "the roles ... of all Defendants" is unclear and not defined.

INTERROGATORY NO. 6: Set forth in detail the intended purpose, as Harford County understands it to be, for the Mitchell Property Development.

ANSWER: Harford County incorporates the Objection stated above. Harford County further objects to this interrogatory as vague in that "the intended purpose ... for the Mitchell Property Development" is unclear and not defined.

INTERROGATORY NO. 7: Set forth in detail the definition of "light industrial" as that term is used in the Harford County Zoning Code, including any prohibited uses.

ANSWER: Harford County incorporates the Objection stated above. Harford County further objects to this interrogatory as overly broad.

INTERROGATORY NO. 8: If you contend that the intended purpose, as Harford County understands it to be, of the Mitchell Property Development meets the definition of “light industrial” as that term is used in the Harford County Zoning Code, state all facts and identify all documents which support such contention.

ANSWER: Harford County incorporates the Objection stated above. Harford County further objects to this interrogatory as vague in that “the intended purpose ... of the Mitchell Property Development” is unclear and not defined.

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 investigation inspection, research, studies and/or permitting review process of the Site plans comprising the Mitchell Property Development and/or the Mitchell Property Development itself, including, but not limited to the following: 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: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 10: Set forth in detail all investigations, inspections, research, studies and/or any permitting review conducted by you of the Site plans comprising the Mitchell Property Development, and/or the Mitchell Property Development itself, including but not limited to the following: 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: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 11: Please describe all communications you, or anyone on your behalf have had with anyone not heretofore mentioned concerning the inspection and/or review of the site plans comprising the Mitchell Property Development, including but not limited to investigation, research, studies or reports relating, but not limited to, the following: 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 aspects, and potential impacts on the health, safety, and wellbeing of the Perryman Peninsula residential community.

ANSWER: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 12: State the name, residence, business addresses, phone numbers, and job position of all person(s) and/or entities who 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 and identify each and every written or recorded statement made by such potential witnesses.

ANSWER: Harford County incorporates the Objection stated above. Harford County further objects to this interrogatory as duplicative.

INTERROGATORY NO. 13: Please describe all communications you, or anyone on your behalf has had with any member, agent, employee, officer, official or representative of, F.O. Mitchell & Bro. 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: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 14: Please describe all communications you, or anyone on your behalf has had with any member, agent, employee, officer, official or representative of, Frederick Ward Associates, Inc. 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: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 15: Please describe all communications you, or anyone on your behalf has had with any member, agent, employee, officer, official or representative of, Chesapeake Real Estate Group, LLC 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: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 16: 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: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 17: 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 the (sic) pertain to the manner in which to describe the proposed use in plans submitted to the Harford County Planning and Zoning Department.

ANSWER: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 18: Set forth in detail all facts and identify all documents detailing all investigations done by you or anyone on your behalf into the purported intended purpose for the development of the Mitchell Property as “light manufacturing, warehousing and service uses.”

ANSWER: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 19: Set forth in detail all actions you have taken in relation to approving the development or permitting of the Site in furtherance of the Mitchell Property Development.

ANSWER: Harford County incorporates the Objection stated above.

INTERROGATORY NO. 20: 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: Harford County incorporates the Objection stated above.

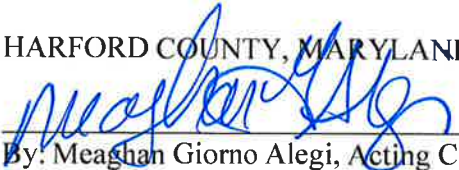
INTERROGATORY NO. 21: Identify all documents reviewed, cited or relied upon in preparing these Answers to Interrogatories.

ANSWER: Harford County incorporates the Objection stated above.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

HARFORD COUNTY, MARYLAND

Date: November 14, 2022


By: Meaghan Giorno Alegi, Acting County Attorney

/s/ David M. Wyand

David M. Wyand, AIS No. 9412150301

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Attorney for Defendant, Harford County, Maryland

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 2022, a copy of Defendant Harford County, Maryland Answers to Plaintiff 3P's First Set of Interrogatories was served through MDEC on: Rignal W. Baldwin V, Esq., Michael A. Cuches, Esq., Baldwin Seraina, LLC, 111 South Calvert Street, Suite 1805, Baltimore, Maryland 21202, rbaldwinv@baldwin-seraina.com, mcuches@baldwin-seraina.com; David S. Lynch, Esq. and Robert Lynch, Esq., Stark and Keenan, P.A., 30 Office Street, Bel Air, Maryland 21014, dlynch@starkandkeenan.com, rlynch@starkandkeenan.com; Joseph F. Snee, Jr., Esq. and Laura Bechtel, Esq., Snee, Lutch, Helminger & Spielberger, P.A., 112 S. Main Street, Bel Air, Maryland 21014, jsnee@slhslaw.com, lbechtel@slhslaw.com; and Andrew T. Stephenson, Esq. and Jessica D. Corace, Esq., Franklin & Prokopik, P.C., Two North Charles Street, Suite 600, Baltimore, Maryland 21201, astephenon@fandpnet.com, jcorace@fandpnet.com.

/s/ David M. Wyand

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F.O. MITCHELL & BRO, et al.,	*	ANNE ARUNDEL COUNTY
Defendants.	*	CASE NO.: C-02-CV-22-000988
* * * * *	*	* * * * *

NOTICE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 2022, copies of (1) Defendant Harford County, Maryland Responses to Plaintiff 3P’s First Request for Production of Documents, and (2) Defendant Harford County, Maryland Answers to Plaintiff 3P’s First Set of Interrogatories were served through MDEC on: Rignal W. Baldwin V, Esq., Michael A. Cuches, Esq., Baldwin Seraina, LLC, 111 South Calvert Street, Suite 1805, Baltimore, Maryland 21202, rbaldwinv@baldwin-seraina.com, mcuches@baldwin-seraina.com; David S. Lynch, Esq. and Robert Lynch, Esq., Stark and Keenan, P.A., 30 Office Street, Bel Air, Maryland 21014, dlynch@starkandkeenan.com, rlynch@starkandkeenan.com; Joseph F. Snee, Jr., Esq. and Laura Bechtel, Esq., Snee, Lutch, Helminger & Spielberger, P.A., 112 S. Main Street, Bel Air, Maryland 21014, jsnee@slhslaw.com, lbechtel@slhslaw.com; and Andrew T. Stephenson, Esq. and Jessica D. Corace, Esq., Franklin & Prokopik, P.C., Two North Charles Street, Suite 600, Baltimore, Maryland 21201, astephenson@fandpnet.com, jcorace@fandpnet.com.

/s/ David M. Wyand
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Attorney for Defendant, Harford County, Maryland

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/s/ David M. Wyand

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