

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 RESPONSES TO
PLAINTIFF 3P’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant Harford County, Maryland (“Harford County”), by its undersigned attorneys, responds to the Request for Production of Documents (“Document Requests”) propounded by Plaintiff 3P (“3P”), and states:

INTRODUCTION

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 respond to these Requests in good faith, Harford County does not waive any privilege objections.

Harford County expressly reserves any and all objections as to relevance and materiality. Any and all responses are not intended to waive or prejudice any objections which may later be asserted. Harford County’s response should not be construed as an admission of the existence of any document or that any document is in its possession, custody or control.

To the extent Plaintiff is seeking electronically stored information, Harford County objects to producing it in native format, as the cost of doing so is outweighed by the utility in this case.

OBJECTION

Harford County objects to each document request 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 document requests and will continue to follow the administrative process as required by law.

RESPONSES

REQUEST NO. 1: All documents relating to the Mitchell Property Development.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 2: All communications between you and any other Defendant relating to the Mitchell Property Development and/or the Site.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 3: All communications between you and anyone other than another Defendant relating to the Mitchell Property Development and/or the Site.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 4: All communications to, from, or by any abutters or area residents of the Site concerning the Mitchell Property Development or the Site.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 5: All communications relating to the preparation, publication, submission or filing of the Site plans comprising the Mitchell Property Development, 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 aspects, and potential impacts on the health, safety, and wellbeing of the Perryman Peninsula residential community.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 6: All investigations, research, studies and reports relating to the following aspects of the Mitchell Property Development and 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 aspects, and potential impacts on the health, safety, and wellbeing of the Perryman Peninsula residential community.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 7: All communications with any member, agent, employee, officer, official or representative of the Harford County Council regarding or concerning the Mitchell Property Development and the Site.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 8: All communications to or from the County Executive regarding or concerning the Mitchell Property Development and the Site.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 9: All documents constituting or relating to traffic studies projecting the type, amount, routes, and daily flow of traffic that the Mitchell Property Development will generate (a) during development and construction and (b) upon completion.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 10: All documents, including communications, on which you rely to contend that the Mitchell Property Development will not create hazardous traffic conditions for the Plaintiffs and other residents of the Perryman Peninsula.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 11: All documents, including communications, on which you rely to contend that the Mitchell Property Development will not affect the air quality for the Plaintiffs and other residents of the Perryman Peninsula.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 12: All documents, including communications, on which you rely to contend that the Mitchell Property Development will not affect the water quality and supply for the Plaintiffs and other residents of the Perryman Peninsula.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 13: All documents, including communications, on which you rely to contend that the Mitchell Property Development will not increase the amount of noise in the area for the Plaintiffs and other residents of Perryman Peninsula.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 14: All documents, including communications, on which you rely to contend that the Mitchell Property Development will not endanger the Plaintiff's school aged children and the children of other residents of the Perryman Peninsula as they travel to and from school.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 15: All documents, including communications, on which you rely to contend that the Mitchell Property Development will not endanger the Plaintiffs and other residents of the Perryman Peninsula when they are walking or jogging along the roadway used for ingress and egress to the Site.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 16: All documents, including communications, on which you rely to contend that the Mitchell Property Development will not adversely affect the quality of life that the Plaintiffs and other residents of the Perryman Peninsula currently enjoy.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 17: All documents, including communications, on which you reply to contend that the property values of the Plaintiffs and other residents of the Perryman Peninsula will not be negatively impacted by the Mitchell Property Development.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 18: All documents, including communications, on which you rely to contend that the property values of the Plaintiffs and other residents of the Perryman Peninsula have not already been negatively impacted by the submission of the Mitchell Property Development for the County's review and approval.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County's contentions.

REQUEST NO. 19: All documents, including communications, that support your contention that the Mitchell Property Development's proposed use is in accordance with the

Harford County Zoning Code and meets the definition of “light manufacturing, warehousing and service uses” as defined in the Harford County Code.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County’s contentions.

REQUEST NO. 20: All documents, including communications, that support your contention that the Mitchell Property Development should not be considered for zoning and use purposes as a Freight Terminal.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County’s contentions.

REQUEST NO. 21: All documents, including communications, that support your contention that the Mitchell Property Development does not constitute a public nuisance.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County’s contentions.

REQUEST NO. 22: All documents, including communications, that support your contention that the Mitchell Property Development does not constitute a private nuisance.

RESPONSE: Harford County incorporates the Objection stated above. Harford County further objects to this request as assuming Harford County’s contentions.

REQUEST NO. 23: All reports and the supporting documents for any expert on whom you are relying in submitting and/or reviewing the Mitchell Property Development.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 24: All reports and the supporting documents of experts on whom you will rely at trial.

RESPONSE: Harford County incorporates the Objection stated above.

REQUEST NO. 25: All documents electronically stored and tangible things that support any position you have taken or intend to take in submitting and reviewing the Mitchell Property Development.

RESPONSE: Harford County incorporates the Objection stated above.

/s/ David M. Wyand

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 2022, a copy of Defendant Harford County, Maryland Responses to Plaintiff 3P's First Request for Production of Documents 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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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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