

PAUL JOHN CISAR, et al.

Plaintiffs,

v.

F.O. MITCHELL & BRO, *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* HARFORD COUNTY
* CASE NO.: C-12-CV-22-000888

* * * * *

**DEFENDANT FREDERICK WARD ASSOCIATES, INC.’S
MOTION TO DISMISS THE COMPLAINT AND REQUEST FOR HEARING**

Defendant Frederick Ward Associates, Inc. (“FWA”), by and through its undersigned counsel, pursuant to Maryland Rule 2-322, moves this Honorable Court for an order dismissing Plaintiff’s Verified Complaint for Injunctive Relief and Declaratory Judgment and Private Action for Nuisance and Public Nuisance (“Complaint”) due to failure to exhaust administrative remedies and failure to state a claim upon which relief can be granted. In support thereof, FWA relies upon its Memorandum of Law filed concurrently herewith and incorporated hereby reference.

Respectfully submitted,

/s/
Andrew T. Stephenson, Esq., (0006210412)
Jessica D. Corace, Esq., (1012140158)
FRANKLIN & PROKOPIK, P.C.
Two North Charles Street, Suite 600
Baltimore, Maryland 21201
[t] (410) 752-8700
[f] (410) 752-6868
astephenson@fandpnet.com
jcorace@fandpnet.com
Counsel for Frederick Ward Associates, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of January 2023, a copy of Defendant, Frederick Ward Associates, Inc., Motion to Dismiss, Memorandum and proposed Order were e-filed and served on:

Rignal W. Baldwin V, Esq.
Michael A. Cuches, Esq.
Baldwin Seraina, LLC
111 South Calvert Street, Suite 1805
Baltimore, MD 21202
rbaldwinv@baldwin-seraina.com
mcuches@baldwin-seraina.com
Attorneys for Plaintiffs

David M. Wyand, Esq.
Rosenberg Martin Greenberg, LLP
25 South Charles Street, Suite 2115
Baltimore, MD 21201
dwyand@rosenbergmartin.com
Attorneys for Defendant Harford County, Maryland

Joseph F. Snee, Jr., Esq.
Snee, Lutch, Helmlinger & Spielberger, P.A.
112 S. Main Street
Bel Air, MD 21014
jsnee@slhslaw.com
Attorneys for Defendant Chesapeake Real Estate Group, LLC

Robert S. Lynch, Esq.
David S. Lynch, Esq.
Stark and Keenan, P.A.
30 Office Street
Bel Air, MD 21014
rlynch@starkandkeenand.com
dlynch@starkandkeenand.com
Attorneys for F.O. Mitchell & Bro.

/s/
Jessica D. Corace

REQUEST FOR HEARING

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

Respectfully submitted,

/s/

Andrew T. Stephenson, Esq., (0006210412)

Jessica D. Corace, Esq., (1012140158)

FRANKLIN & PROKOPIK, P.C.

Two North Charles Street, Suite 600

Baltimore, Maryland 21201

[t] (410) 752-8700

[f] (410) 752-6868

astephenson@fandpnet.com

jcorace@fandpnet.com

Counsel for Frederick Ward Associates, Inc.

PAUL JOHN CISAR, et al.

Plaintiffs,

v.

F.O. MITCHELL & BRO, *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* HARFORD COUNTY
* CASE NO.: C-12-CV-22-000888

* * * * *

ORDER

Upon consideration of Defendant Frederick Ward Associates, Inc.’s Motion to Dismiss and opposition thereto, it is this _____ day of _____, 2023, hereby ORDERED that Defendant Frederick Ward Associates, Inc.’s Motion to Dismiss is GRANTED; and it is further

ORDERED that Plaintiffs’ Verified Complaint is DISMISSED WITH PREJUDICE.

Judge
Circuit Court of Harford County