

PAUL JOHN CISAR, et al. * IN THE
Plaintiffs, * CIRCUIT COURT
v. * FOR
F.O. MITCHELL & BRO, et al. * HARFORD COUNTY
Defendants. *
* CASE NO.: C-12-CV-22-000888
* * * * *

**DEFENDANT F.O. MITCHELL & BRO.’S MOTION TO DISMISS
AMENDED COMPLAINT 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 Amended Complaint for Injunctive Relief and Declaratory Judgment and Private Action for Nuisance and Public Nuisance, with Compensatory Damages (“Amended Complaint”), and in support thereof, states as follows:

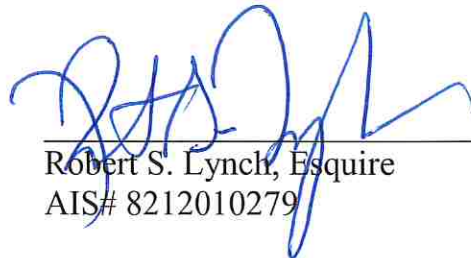
1. Mitchell adopts and incorporates as if fully set forth herein, the Motions to Dismiss and accompanying Memoranda and exhibits thereto, filed, respectively, by Mitchell and Harford County, Maryland on July 15, 2022 in Anne Arundel County, Maryland Circuit Court Case No. C-02-CV-22-000988.

2. Additionally, for the reasons more fully stated in Memorandum of Law in Support of Defendant F.O. Mitchell and Bro.’s Motion to Dismiss Amended

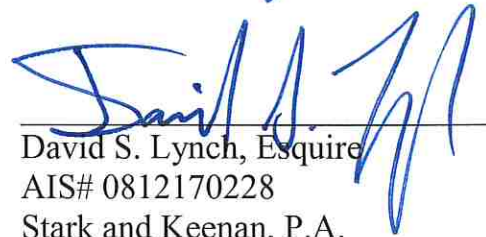
Complaint, filed concurrently herewith and incorporated herein by reference, Plaintiffs' Complaint must be dismissed because there is no justiciable controversy between the parties, Plaintiffs failed to exhaust administrative remedies, Plaintiffs failed to state a claim upon which relief can be granted for private and public nuisance, and Plaintiffs failed to state a claim upon which relief can be granted for preliminary and permanent injunctive relief.

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

Respectfully submitted,



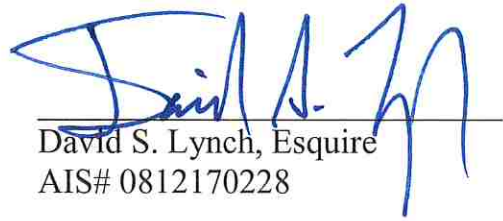
Robert S. Lynch, Esquire
AIS# 8212010279



David S. Lynch, Esquire
AIS# 0812170228
Stark and Keenan, P.A.
30 Office Street
Bel Air, Maryland 21014
(410) 879-2222
rlynch@starkandkeen.com
dlynch@starkandkeen.com
Attorneys for Defendant Mitchell

REQUEST FOR A HEARING

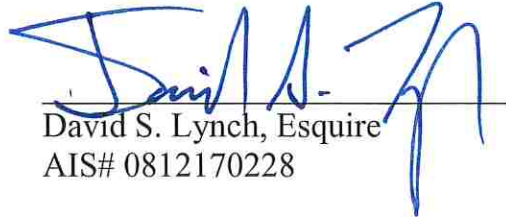
Defendant Mitchell, by and through its undersigned counsel and pursuant to Maryland Rule 2-311(f), respectfully requests a hearing on its Motion to Dismiss.



David S. Lynch, Esquire
AIS# 0812170228

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 15th day of February, 2023, that a copy of the foregoing Defendant F.O. Mitchell & Bro.'s Motion to Dismiss Amended Complaint was served on all parties registered for services via MDEC e-filing.



David S. Lynch, Esquire
AIS# 0812170228