

PAUL CISAR, ET AL	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	OF MARYLAND
FO MITCHELL AND BRO, ET AL	*	FOR
Defendants	*	HARFORD COUNTY
	*	Case No. C-12-CV-22-000888
* * * * *		

**HARFORD COUNTY MOTION TO DISMISS THE VERIFIED AMENDED COMPLAINT FOR INJUNCTIVE RELIEF AND DECLARATORY JUDGMENT AND PRIVATE ACTION FOR NUISANCE AND PUBLIC NUISANCE, WITH COMPENSATORY DAMAGES**

Now comes Harford County, Maryland (the “County”), by its attorneys, Jefferson L. Blomquist, County Attorney, and Sean P. Carven, Senior Assistant County Attorney pursuant to Rule 2-322, respectfully files this Motion to Dismiss, and states:

1. The Verified Amended Complaint (“Complaint”) makes no factual allegations that County has approved any plans for the development of the property.
2. There are no factual allegations that any permits have been issued.
3. With no approved plans or permits there is nothing for the Court to review.
4. The County in its Motion to Dismiss and Memorandum in Support filed on July 15, 2022, argued Plaintiffs failed to exhaust remedies, finality, and justiciability in its Motion with respect to Count I and Count IV that applied to the County, and it incorporates the arguments herein.
5. Count I “Declaratory Action” and Count IV “For Preliminary and Permanent Injunctive Relief.”

6. On February 15, 2023, Defendant F.O. Mitchell Bros. filed a Motion to Dismiss Verified Amended Complaint and Memorandum in support of its motion.
7. The F.O. Mitchell Bros. motion asserts several arguments:
  - A. Lack of justiciable controversy.
  - B. Failure to exhaust administrative remedies.
  - C. Failure to state a claim for which relief can be granted.
8. The County additionally incorporates the arguments by F.O. Mitchell Bros in memorandum as they relate to the County.
9. The material facts remain the same as stated in the County’s Memorandum in Support of the Motion to Dismiss filed July 15, 2022. There has been no plan subdivision or site plans approvals. The only approval is the “Forest Stand Delineation Plan.”
10. There is no justiciable matter for the Court to review for the reasons stated and in the County’s July 15, 2022, Memorandum so the complaint must be dismissed.

WHEREFORE, for the foregoing reasons, Harford County, Maryland moves the Court to enter an Order Dismissing the Verified Amended Complaint and any other further relief.

Respectfully submitted,

/s/ Jefferson L. Blomquist  
Jefferson L. Blomquist (CPF #8312010046)  
County Attorney  
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/s/ Sean P. Carven

Sean P. Carven (CPF# 9406230043)  
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Attorneys for Harford County, Maryland

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22<sup>ND</sup> day of February, 2023, a copy of the foregoing Motion for Extension of Time for Harford County, Maryland to respond to the Verified Amended Complaint was filed electronically and served on all parties registered for services via MDEC e-filing.

/s/ Sean P. Carven

Sean P. Carven (CPF# 9406230043)  
Senior Assistant County Attorney

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\* \* \* \* \*

**ORDER**

Upon consideration of Harford County’s Motion to Dismiss the Verified Amended Complaint for Injunctive Relief and Declaratory Judgment and Private Action for Nuisance and Public Nuisance, With Compensatory Damages, and all papers filed and any proceedings conducted pursuant thereto, it is the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the Circuit Court for Harford County, hereby

ORDERED, that Harford County’s Motion to Dismiss Verified Amended Complaint is GRANTED.

\_\_\_\_\_  
Judge, Circuit Court for Harford County