

PAUL JOHN CISAR, <i>et al.</i> ,	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
v.	*	FOR
F.O. MITCHELL & BRO, <i>et al.</i> ,	*	HARFORD COUNTY
Defendants.	*	Case No.: C-12-CV-22-000888
* * * * *	*	* * * * *

PLAINTIFF'S MOTION TO COMPEL AND FOR SANCTIONS

Plaintiff 3Protect Perryman Peninsula, Inc. ("3P"), by and through its attorneys,
Rignal W. Baldwin V and Baldwin | Seraina, LLC, move this Court to compel Defendant
F.O. Mitchell & Bro to respond to discovery served in this matter and states as follows:

FACTS

1. Plaintiff propounded requests for production of documents on Defendant on October 17, 2022. Exs. A-B (Plaintiff 3P's Request for Production of Documents to Defendant F.O. Mitchell & Bro; Plaintiff 3P's Interrogatories to Defendant F.O. Mitchell & Bro).
2. Defendant sent non-responsive "objections" to each request and interrogatory, but did not move for a protective order pursuant. Exs. C-D (Defendant F.O. Mitchell & Bro's Response to Requests for Production of Documents; Defendant F.O. Mitchell & Bro's Answers to Interrogatories).
3. Undersigned counsel spoke with Defendant's counsel, and noted that Defendant's response was not in keeping with the Maryland Rules.
4. Counsel for Defendant noted his disagreement.

5. Defendant has made no subsequent effort to satisfy its discovery obligations.

ARGUMENT

A. The Court should sanction Defendant by disallowing objections

6. A party is required to respond to discovery by serving "a written response within 30 days after service of the request. "The response shall state, with respect to each item or category, that (1) inspection and related activities will be permitted as requested, (2) the request is refused, or (3) the request for production in a particular form is refused. The grounds for each refusal shall be fully stated." Rule 2-422(c).

7. Defendant's Answers and Responses fail to respond, as required by Rule 2-422(c) to Plaintiff's discovery requests.

8. In fact, F.O. Mitchell & Bro, in its "responses" flatly states that it refuses to respond to 3P's requests. *See* Ex. A, p. 2; Ex B, p. 2.

9. "A discovering party may move for sanctions under Rule 2-433(a) without first obtaining an order compelling discovery . . . if a party . . . fails to serve a response . . . to a request for production or inspection under Rule 2-422, after proper service. Rule 2-432(a).

10. "Any such failure to serve a response may not be excused on grounds that the discovery sought is objectionable unless a protective order has been obtained under Rule 2-403." *Id.*

11. Due to the Defendant's failure to provide a response to Plaintiff's requests for production of documents or interrogatories in accordance with Rule 2-422(c), Plaintiff is entitled to immediate sanctions under Rule 2-432(a).

12. "A court may fashion an appropriate sanction to fit the particular facts of the case." Paul V. Niemeyer & Linda M. Schuett, Maryland Rules Commentary 565 (5th ed. 2019).

13. By failing to comply with Rule 2-422(c) or move for a protective order under Rule 2-403, Defendant has deprived Plaintiff and the Court of the specific responses and objections by which good faith process or motion could proceed in an orderly way to resolve Defendant's bona fide objections (if any) so that discovery can be produced consistent with the Court's scheduling order.

14. Plaintiff requests the Court sanction Defendant by disallowing it from interposing objections to Plaintiff's pending Requests for Production and Interrogatories.

B. The Court should compel Defendant to respond

15. Rule 2-432(b) states, "[a] discovering party, upon reasonable notice to other parties and all persons affected, may move for an order compelling discovery if . . . a party fails to comply with a request for production or inspection under Rule 2-422."¹

16. Defendant has failed to respond to Plaintiff's discovery requests as required by Rule 4-422(c).

¹ Rule 4-432(b)(2) states, "The motion need not set forth . . . the requests when no response has been served."

17. Plaintiff requires the answers and documents responsive to its requests to prosecute this action because these requests and interrogatories are reasonably calculated to lead to the discovery of admissible evidence. It is therefore in the interest of justice that the Court compel Defendant to produce responses to Plaintiff's discovery requests.

WHEREFORE, Plaintiff 3P Protect Perryman Peninsula, Inc. requests this Court sanction Defendant F. O. Mitchell & Bro's failure to timely respond to Plaintiff's discovery requests by prohibiting objections to the requests and interrogatories, and compel Defendant to immediately produce documents and answers responsive to Plaintiff's discovery requests.

/s/ Rignal W. Baldwin
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Telephone (410) 385-5695
Facsimile (443) 703-7772
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of February 2023, a copy of the forgoing Motion to Compel and for Sanctions, with proposed Order, was efiled with MDEC, which will provide electronic notice to all counsel of record.

/s/ *Rignal W. Baldwin*

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

* * * * *

**ORDER GRANTING PLAINTIFF'S MOTION
TO COMPEL AND FOR SANCTIONS**

This Court having considered the motion of Plaintiff for an order compelling Defendant F. O. Mitchell & Bro to provide discovery responses, it is, this _____ day of _____, 2023, ORDERED, that Defendants shall provide full responses to Plaintiff's discovery requests, without further objection, within 10 days of this Order.

Circuit Court Judge

EXHIBIT A

PAUL JOHN CISAR, <i>et al.</i> ,	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
v.	*	FOR
F.O. MITCHELL & BRO, <i>et al.</i> ,	*	ANNE ARUNDEL COUNTY
Defendants.	*	Case No.: C-02-CV-22-000988
* * * * *		

**PLAINTIFF 3P'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT F.O. MITCHELL & BRO**

Plaintiff, 3P Protect Perryman Peninsula, through its undersigned attorneys, pursuant to Maryland Rule, 2-422, propounds the following First Request for Production of Documents to Defendant F.O. Mitchell & Bro ("Request"). Defendant shall file a written response to this Request on the undersigned attorneys within 30 days and shall produce to the undersigned attorneys all documents responsive to this Request on or before November 15, 2022; otherwise, responsive documents shall be produced for inspection and copying on November 15, 2022, at 10:00 a.m., at the Annapolis offices of Baldwin | Seraina, LLC, 191 Main Street, Suite 205, Annapolis, Maryland 21401

This Request shall be construed in accordance with the instructions and definitions set forth below.

Instructions

1. These Requests shall be deemed continuing in nature so as to require immediate supplementation should you identify, receive, or find additional responsive documents subsequent to your initial response.

2 If it is claimed that any discovery request calls for disclosure of confidential data, Plaintiff is prepared to receive responses pursuant to an appropriate stipulation or order with respect to confidentiality.

3. Should you object to the production of any documents or documents requested on the basis of any alleged privilege or immunity from discovery, please list in your written response to this request all such documents in chronological order, setting forth as to each the following information:

- (a) Date
- (b) Author
- (c) Addressee
- (d) Title
- (e) Type of document (e.g., letter, report, memorandum, etc.)
- (f) Subject matter (without revealing the information as to which privilege or immunity is claimed or objection made)
- (g) Basis for the claim of privilege, immunity or objection, and
- (h) Identity of all persons to whom copies of such documents were sent.

4. If you perceive any ambiguities in a question, instruction, or definition, set forth the matter deemed ambiguous, and the construction used in answering.

Definitions

In this Request, the following definitions apply:

1. The term “Document” is intended to be as comprehensive as the meaning provided in the applicable court rules, and to include without limitation, any and all written,

printed, typed, or graphic material of any kind or nature, as well as all mechanical, electronic, sound recordings, or video recordings in your possession or control. Document includes electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form. It shall also mean all drafts and non-identical copies differing only as to marginalia of documents, by whatever means made. The documents requested herein include all Documents in your possession, custody, or control.

2. The term "Communication" refers to any and all verbal communications, personal conferences, meetings, correspondence, written documents, electronic messages and email, text messages, social media applications, electronic messenger programs and other exchanges of information between two or more persons. Electronic messages that have been deleted shall be identified and described with sufficient particularity as to understand the nature of the contents of the document and shall be produced if they are available from back-up tapes and other storage media. The communications requested herein include all Communications in your possession, custody, or control.

3. The terms "Identify," "Identity," or "Identification," (a) when used in reference to a natural person, means that person's full name, last known address, home and business telephone numbers, and present occupation or business affiliation; (b) when used in reference to a person other than a natural person, means that person's full name, a description of the nature of the person (that is, whether it is a corporation, partnership, etc.

under the definition of person below), and the person's last known address, telephone number, and principal place of business; (c) when used in reference to any person after the person has been properly identified previously means the person's name; and (d) when used in reference to a document, requires you to state the date, the author (or, if different, the signer or signers), the addressee, the identity of the present custodian of the document, and the type of document (e.g., letter, memorandum, telegram, or chart) or to attach an accurate copy of the document to your answer, appropriately labeled to correspond to the interrogatory.

4. The term "Person" includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership, limited liability company, the State, an agency or political subdivision of the State, a court, and any other governmental entity.

5. The terms "you" and "your" the party to whom these Interrogatories are propounded and includes all of its owners, agents, employees, officers, managers, members, successors and assigns.

6. The phrase "relating to" means to embody, comprise, represent, refer to, comment on, summarize, pertain to, concern, constitute, reflect, report on, result from, or set forth in any way the specified subject matter.

7. The singular of any word or phrase includes the plural.

8. The term "or" means and/or, and the term "and" means and/or.

9. The term "Site" means the real property located on the north and south sides of Canning House Road and Fords Lane, east and west side of Perryman Road and includes the following:

Parcel 1 – Park Farm North

Tax Map 63, Grid 2B, Parcel 53

Tax Account No.: 02-060833

Address: 1714 Perryman Road
Aberdeen, Maryland 21001

Deed Reference: CGH 2174/633

Area: +/-357.8324 Acres

Parcel 2 – Park Farm South

Tax Map 63, Grid 3B, Parcel 53

Tax Account No.: 02-098393

Address: Perryman Road
Perryman, Maryland 21130

Deed Reference: CGH 2174/633

Area: +/-280.5230 Acres

Parcel 3 – Fords Lane County Swap

Tax Map 63, Grid 1B, Parcel 306

Tax Account No.: 02-095734

Address: Fords Lane
Aberdeen, Maryland 21001

Deed Reference: CGH 2256/904

Area: +/-36.0809 Acres

Parcel 4A – Lee Field, South Part

Tax Map 63, Grid 2C, Parcel 62

Tax Account No.: 02-060868

Address: 1625 Perryman Road
Aberdeen, Maryland 21001-4216

Deed Reference: CGH 2174/633

Area: +/-23.9054 Acres

Parcel 4B – Lee Field, North Part

Tax Map 63, Grid 2D, Parcel 62

Tax Account No.: 02-060868

Address: Michaelsville Road
Perryman, Maryland 21130
Deed Reference: CGH 2174/633
Area: +/-5.4436 Acres

Parcel 216

Tax Map 63, Grid 2C, Parcel 216
Tax Account No.: 02-059711
Address: 1607 Perryman Road
Perryman, Maryland 21130
Deed Reference: 10661/443
Area: +/-4.6370 Acres

10. The term “Mitchell Property Development” means the proposed construction, development, and improvement of the Site as set forth in the following site report and plan submissions and filings with the Harford County Planning and Zoning Department: Mitchell Property Development Preliminary Plan (Plan No. 628-2021); Site Plan (Plan No. 629-2021); Forest Conservation Plan (Plan No. 630-2021); Landscape Plan (Plan No. 633-2021); Traffic Impact Study (932-2021); Forest Stand Delineation Plan (FSD584-2021); and Stormwater Management Concept Plan and Report (Contract / Project Number: 91977/2061196.10); Plan Number: EG SWMENG-000641-2021).

11. The term “Harford County Code” means the provisions, chapter, Articles, and sections constituting the Harford County, Maryland Code.

12. The term “Defendants” means the named defendants in this lawsuit, to wit: F.O. Mitchell & Bro., Frederick Ward Associates, Inc., Harford County, Maryland, and Chesapeake Real Estate Group.

13. F.O. Mitchell & Bro. means Defendant F.O. Mitchell & Bro.

14. Frederick Ward Associates, Inc. means Defendant Frederick Ward Associates, Inc.

15. Harford County means Defendant Harford County, Maryland.

16. CREG means Defendant Chesapeake Real Estate Group.

REQUESTS

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

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

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

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

REQUEST NO. 17: All documents, including communications, on which you rely 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.

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.

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.

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.

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

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

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

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

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.

REQUEST NO. 26: All documents constituting or relating to any insurance policies under which all or part of a judgment entered in this action might be paid or a Defendants might be indemnified as a result of this action.

/s/ Rignal W. Baldwin V

Rignal W. Baldwin V, CPF # 1212110046

Baldwin | Seraina, LLC

111 South Calvert Street, Suite 1805

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Attorneys for Plaintiffs

PAUL JOHN CISAR, <i>et al.</i> ,	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
v.	*	FOR
F.O. MITCHELL & BRO, <i>et al.</i> ,	*	ANNE ARUNDEL COUNTY
Defendants.	*	Case No.: C-02-CV-22-000988
* * * * *		

NOTICE OF SERVICE OF PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO DEFENDANT F.O. MITCHELL & BRO

I HEREBY CERTIFY that on the 14th day of October 2022, copies of Plaintiff's First Request for Production of Documents to Defendant F.O. Mitchell & Bro were served via MDEC and first-class mail, postage prepaid, on:

David M. Wyand, Esquire
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/s/Rignal W. Baldwin V
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Facsimile (443) 703-7772
rbaldwinv@baldwin-seraina.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of October 2022, copies of the foregoing Notice of Service of Plaintiff's First Request for Production of Documents to F.O. Mitchell and Bro were served through MDEC and First-Class Mail, postage prepaid, on:

David M. Wyand, Esquire
Rosenberg Martin Greenberg, LLP
25 South Charles Street, Suite 2115
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dyand@rosenbergmartin.com
Attorneys for Defendant Harford County, Maryland

David S. Lynch, Esquire
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Attorneys for Defendant Frederick Ward Associates, Inc.

/s/Rignal W. Baldwin V

Rignal W. Baldwin V, CPF # 1212110046

EXHIBIT B

PAUL JOHN CISAR, <i>et al.</i> ,	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
v.	*	FOR
F.O. MITCHELL & BRO, <i>et al.</i> ,	*	ANNE ARUNDEL COUNTY
Defendants.	*	Case No.: C-02-CV-22-000988
* * * * *	*	* * * * *

PLAINTIFF 3P'S FIRST SET OF INTERROGATORIES
TO DEFENDANT F.O. MITCHELL & BRO

Plaintiff, 3P Protect Perryman Peninsula., through its undersigned attorneys, pursuant to Maryland Rule 2-421, propounds the following Interrogatories to Defendant F.O. Mitchell & Bro to be answered fully, under oath, within thirty (30) days from the date of service and to be supplemented as new information becomes available to the responding party. These interrogatories shall be construed in accordance with the instructions and definitions set forth below.

Instructions

Pursuant to Rule 2-421, you are required to answer the following interrogatories within 30 days or within the time otherwise required by court order or by the Maryland Rules:

(a) In accordance with Rule 2-421(b), your response shall set forth the interrogatory, and shall set forth the answer to the interrogatory "separately and fully in writing under oath" or "shall state fully the grounds for refusal to answer any interrogatory." The response shall be signed by you.

(b) Also in accordance with Rule 2-421(b), your answers “shall include all information available” to you “directly or through agents, representatives, or attorneys.”

(c) Pursuant to Rule 2-401(e), these interrogatories are continuing. If you obtain further material information before trial you are required to supplement your answers promptly.

(d) If pursuant to Rule 2-421(c), you elect to specify and produce business records of yours in answer to any interrogatory, your specification shall be in sufficient detail to enable the interrogating party to locate and identify the records from which the answer may be ascertained.

(e) If you perceive any ambiguities in a question, instruction, or definition, set forth the matter deemed ambiguous, and the construction used in answering.

Definitions

In these interrogatories, the following definitions apply:

(a) Document includes electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form.

(b) Identify, identity, or identification, (1) when used in reference to a natural person, means that person's full name, last known address, home and business telephone numbers, and present occupation or business affiliation; (2) when used in reference to a person other than a natural person, means that person's full name, a description of the nature of the person (that is, whether it is a corporation, partnership, etc. under the definition of

person below), and the person's last known address, telephone number, and principal place of business; (3) when used in reference to any person after the person has been properly identified previously means the person's name; and (4) when used in reference to a document, requires you to state the date, the author (or, if different, the signer or signers), the addressee, the identity of the present custodian of the document, and the type of document (e.g., letter, memorandum, telegram, or chart) or to attach an accurate copy of the document to your answer, appropriately labeled to correspond to the interrogatory.

(c) Person includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership, limited liability company, the State, an agency or political subdivision of the State, a court, and any other governmental entity.

(d) The terms “you” and “your” the party to whom these Interrogatories are propounded and includes all of its owners, agents, employees, officers, managers, members, successors and assigns.

(e) The term possession includes possession, custody, or control.

(f) The term “Site” means the real property located on the north and south sides of Canning House Road and Fords Lane, east and west side of Perryman Road and includes the following:

Parcel 1 – Park Farm North
Tax Map 63, Grid 2B, Parcel 53
Tax Account No.: 02-060833
Address: 1714 Perryman Road
Aberdeen, Maryland 21001
Deed Reference: CGH 2174/633
Area: +/-357.8324 Acres

Parcel 2 – Park Farm South

Tax Map 63, Grid 3B, Parcel 53
Tax Account No.: 02-098393
Address: Perryman Road
Perryman, Maryland 21130
Deed Reference: CGH 2174/633
Area: +/-280.5230 Acres

Parcel 3 – Fords Lane County Swap

Tax Map 63, Grid 1B, Parcel 306
Tax Account No.: 02-095734
Address: Fords Lane
Aberdeen, Maryland 21001
Deed Reference: CGH 2256/904
Area: +/-36.0809 Acres

Parcel 4A – Lee Field, South Part

Tax Map 63, Grid 2C, Parcel 62
Tax Account No.: 02-060868
Address: 1625 Perryman Road
Aberdeen, Maryland 21001-4216
Deed Reference: CGH 2174/633
Area: +/-23.9054 Acres

Parcel 4B – Lee Field, North Part

Tax Map 63, Grid 2D, Parcel 62
Tax Account No.: 02-060868
Address: Michaelsville Road
Perryman, Maryland 21130
Deed Reference: CGH 2174/633
Area: +/-5.4436 Acres

Parcel 216

Tax Map 63, Grid 2C, Parcel 216
Tax Account No.: 02-059711
Address: 1607 Perryman Road
Perryman, Maryland 21130
Deed Reference: 10661/443
Area: +/-4.6370 Acres

(g) The term “Mitchell Property Development” means the proposed construction, development, and improvement of the Site as set forth in the following site report and plan submissions and filings with the Harford County Planning and Zoning Department: Mitchell Property Development Preliminary Plan (Plan No. 628-2021); Site Plan (Plan No. 629-2021); Forest Conservation Plan (Plan No. 630-2021); Landscape Plan (Plan No. 633-2021); Traffic Impact Study (932-2021); Forest Stand Delineation Plan (FSD584-2021); and Stormwater Management Concept Plan and Report (Contract / Project Number: 91977/2061196.10); Plan Number: EG SWMENG-000641-2021).

(h) The term “Harford County Code” means the provisions, chapter, Articles, and sections constituting the Harford County, Maryland Code.

(i) The term “Defendants” means the named defendants in this lawsuit, to wit: F.O. Mitchell & Bro., Frederick Ward Associates, Inc., Harford County, Maryland, and Chesapeake Real Estate Group.

(j) F.O. Mitchell & Bro. means Defendant F.O. Mitchell & Bro.

(j) Frederick Ward Associates, Inc. means Defendant Frederick Ward Associates, Inc.

(k) Harford County means Defendant Harford County, Maryland.

(l) CREG means Defendant Chesapeake Real Estate Group.

INTERROGATORIES

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.

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.)

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 expert's 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.)

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 No. 3.)

5. If any person carrying on an insurance business might be liable to satisfy part or all of a judgment that might be entered in this action or to indemnify or reimburse

for payments made to satisfy the judgment, identify that person, state the applicable policy limits of any insurance agreement under which the person might be liable, and describe any question or challenge raised by the person relating to coverage for this action. (Standard General Interrogatory No. 5.)

6. Set forth in detail the roles, as you understand them, of all Defendants in the Mitchell Property Development.

7. Set forth in detail the intended purpose for the Mitchell Property Development.

8. If you deny the allegation set forth in Numbered Paragraph 1 of Plaintiff's Complaint which states that Defendants' plans for the Mitchell Property is to develop it into a Freight Terminal state all facts upon which you rely thereon, identify all supporting Documents, and identify all persons having personal knowledge thereof.

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 Mitchell Property Development or 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 (*e.g.*, broker, realtor, appraiser, communications with sellers or buyers, preparation of documents, disbursement of funds, collection of rent, etc.) and identify each and every written or recorded statement made by such potential witnesses.

10. Please describe all communications in your possession concerning the preparation, publication, submission and/or filing of the site plans comprising the

Mitchell Property Development, including but not limited to investigation, research or studies relating to the following aspects of the Mitchell Property Development and/or 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 issues, and potential impacts on the health, safety, and wellbeing of the Perryman Peninsula residential community.

11. Please describe all communications you, or anyone on your behalf has had with any member, agent, employee, officer, official or representative of, the Harford County Council 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.

12. 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.

13. Please state whether you or anyone on your behalf has had oral or written communications with any members, agents, employees, officers, officials, or representatives of Harford County government concerning the Mitchell Property Development and/or the Site and if so, please describe such communications, including

the date, time, method of communication, location, who was present, and the substance of the communication.

14. If you contend that the Mitchell Property Development, as proposed, will not bring at least 1,000 additional tractor trailers and over 2,000 additional passenger vehicles onto a single rural road, state all facts and identify all documents that support such contention.

15. 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 that pertain to the manner in which to describe the proposed use in plans submitted to the Harford County Planning and Zoning Department.

16. If you contend that the Mitchell Property Development will not create hazardous traffic conditions, state all facts and identify all documents that support such contention.

17. If you contend that the Mitchell Property Development will not hinder emergency service response times, state all facts and identify all documents that support such contention.

18. If you contend that the Mitchell Property Development will not endanger school aged children and other pedestrians, state all facts and identify all documents that support such contention.

19. If you contend that the Mitchell Property Development has not already impaired Plaintiff's property values, state all facts and identify all documents that support such contention.

20. If you contend that the Mitchell Property Development will not impair Plaintiff's property values, state all facts and identify all documents that support such contention.

21. State all facts and identify all documents which support your contention that the Mitchell Property Development's proposed use is in accordance with Harford County Zoning Code as "light industrial" as that term is defined in the Harford County Code.

22. State all facts and identify all documents which support your denial that the proposed development is unlawful as a prohibited use for Light Industrial Zoned property in Harford County.

23. Set forth in detail facts and identify all documents that the intended purpose and ultimate goals for the development of the Mitchell Property meets the definition of "light manufacturing, warehousing and service uses" in accordance with the Harford County Code.

24. Set forth in detail all actions you have taken in developing the Site in furtherance of the Mitchell Property Development.

25. Identify every employee, consultant, or other representative of F.O. Mitchell & Bro. who has or had any responsibility for, provided any information with respect to, or otherwise participated in any aspect of the design, construction, development or potential use, and summarize the responsibility, information provided by, and participation of each such person.

26. 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.

27. Identify all documents reviewed, cited or relied upon in preparing these Answers to Interrogatories.

/s/ Rignal W. Baldwin V

Rignal W. Baldwin V, CPF # 1212110046

Baldwin | Seraina, LLC

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Telephone (410) 385-5695

Facsimile (443) 703-7772

rbaldwinv@baldwin-seraina.com

Attorneys for Plaintiffs

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
* * * * *

NOTICE OF SERVICE OF PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO DEFENDANT F.O. MITCHELL & BRO.

I HEREBY CERTIFY that on the 14th day of October 2022, copies of Plaintiff's
First Set of Interrogatories to Defendant F.O. Mitchell & Bro were served via MDEC and
first-class mail on:

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

David S. Lynch, Esquire
Stark and Keenan, P.A.
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Bel Air, Maryland 21014
dlynch@starkandkeen.com
Attorneys for Defendant F.O. Mitchell & Bro

Joseph F. Snee, Jr., Esquire
Snee, Lutch, Helminger & Spielberger, P.A.
112 S. Main Street
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jsnee@slhslaw.com
Attorneys for Defendant Chesapeake Real Estate Group, LLC

Andrew T. Stephenson, Esquire
Jessica D. Corace, Esquire
Franklin & Prokopik, P.C
Two North Charles Street, Suite 600
Baltimore, Maryland 21201
astephenson@fandpnet.com
jcorace@fandpnet.com
Attorneys for Defendant Frederick Ward Associates, Inc.

/s/Rignal W. Baldwin V
Rignal W. Baldwin V, CPF # 1212110046
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Facsimile (443) 703-7772
rbaldwinv@baldwin-seraina.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of October 2022, copies of the foregoing Notice of Service of Plaintiff's First Set of Interrogatories to Defendant F.O. Mitchell & Bro were served through MDEC and U.S. Mail on:

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

David S. Lynch, Esquire
Stark and Keenan, P.A.
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Bel Air, Maryland 21014
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Attorneys for Defendant F.O. Mitchell & Bro

Joseph F. Snee, Jr., Esquire
Snee, Lutch, Helminger & Spielberger, P.A.
112 S. Main Street
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jsnee@slhslaw.com

Attorneys for Defendant Chesapeake Real Estate Group, LLC

Andrew T. Stephenson, Esquire
Jessica D. Corace, Esquire
Franklin & Prokopik, P.C
Two North Charles Street, Suite 600
Baltimore, Maryland 21201
astephenson@fandpnet.com
jcorace@fandpnet.com

Attorneys for Defendant Frederick Ward Associates, Inc.

/s/Rignal W. Baldwin V

Rignal W. Baldwin V, CPF # 1212110046

EXHIBIT C

Defendant F.O. Mitchell & Bro., through its undersigned attorneys and pursuant to MD. RULE 2-422(c) hereby Responds to the Request for Production of Documents propounded by Plaintiff 3P Protect Perryman Peninsula (“Plaintiff”) in the above-captioned matter as follows:

1. Each and every request is responded to subject to the General Objections set forth below. These objections and limitations form a part of the response to each and every request and are set forth here to avoid the duplication and repetition of restating them for each response. These general objections may be specifically referred to in response to certain requests for the purpose of clarity. The failure to specifically incorporate an objection, however, should not be construed as a waiver of the General Objections.

3. Defendant F.O. Mitchell & Bro. objects to each request to the extent it purports to exceed the discovery permitted by the Maryland Rules.

4. Defendant F.O. Mitchell & Bro. objects to each request to the extent it seeks disclosure of information not reasonable calculated to lead to the discovery of

admissible evidence.

5. Defendant F.O. Mitchell & Bro. objects to each request to the extent it seeks information and/or documents that are not in Defendant F.O. Mitchell & Bro.'s possession, custody or control.

6. Defendant F.O. Mitchell & Bro. objects to each request to the extent that it seeks discovery that is unreasonably cumulative or duplicative, is obtainable from some other source that is more convenient, less burdensome or less expensive.

7. Defendant F.O. Mitchell & Bro. objects to each request to the extent that it is vague, ambiguous, overbroad, unduly burdensome or oppressive.

8. Defendant F.O. Mitchell & Bro. has not yet completed discovery of the facts in this lawsuit nor fully prepared for trial and, therefore, reserves the right to supplement any of the foregoing Responses in a manner consistent with the Maryland Rules and any Scheduling Order then in force.

9. Defendant F.O. Mitchell & Bro. further reserves the right to supplement the foregoing Responses, and accompanying document production, upon agreement between counsel on protocol for the production of electronically stored information ("ESI") and, if necessary, a duly-executed Protection Order.

RESPONSES:

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

RESPONSE NO. 1: F.O. Mitchell & Bro. objects to this Request because Plaintiff seeks to avail itself of discovery based on a lawsuit that is improperly before this Court. Indeed, Plaintiff's lawsuit seeks an advisory opinion regarding development plans (i.e. final plan approval) which have not yet been approved by Harford County. There is no justiciable controversy, and Plaintiff has failed to exhaust its administrative remedies,

which, if aggrieved, would include filing a petition for judicial review in the Circuit Court for Harford County after the relevant development plan is approved. Harford County Subdivision Regulations, § 268-28(A). On judicial review, the Circuit Court for Harford County would review the administrative appeal on the record, which procedure explicitly prohibits discovery. Md. Rule 7-208; *Venter v. Bd. of Educ.*, 185 Md. App. 648, 349 (2009) (Rule authorizing the issuance of a scheduling order for civil actions filed in circuit court does not provide a right to discovery when the circuit court is reviewing the decision of an administrative agency). Furthermore, Plaintiffs have inappropriately pleaded an anticipatory private and public nuisance. Such claims are not recognized in Maryland. *Leatherbury v. Gaylord Fuel Corp.*, 276 Md. 367 (1975).

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

RESPONSE NO. 2: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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

RESPONSE NO. 3: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 4: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 5: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 6: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 7: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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

RESPONSE NO. 8: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 9: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 10: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 11: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 12: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 13: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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

RESPONSE NO. 14: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 15: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 16: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

REQUEST NO. 17: All documents, including communications, on which you rely 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 NO. 17: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 18: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 19: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 20: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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

RESPONSE NO. 21: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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

RESPONSE NO. 22: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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

RESPONSE NO. 23: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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

RESPONSE NO. 24: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

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 NO. 25: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

REQUEST NO. 26: All documents constituting or relating to any insurance policies under which all or part of a judgment entered in this action might be paid or a Defendants might be indemnified as a result of this action.

RESPONSE NO. 26: Defendant F.O. Mitchell & Bro. incorporates its response to Request No. 1.

Respectfully submitted,

/s/

Robert S. Lynch, Esquire
AIS# 8212010279

/s/

David S. Lynch, Esquire
AIS# 08121708228
Stark and Keenan, P.A.
30 Office Street
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(410) 879-2222
rlynch@starkandkeen.com
dlynch@starkandkeen.com
Attorneys for Defendant Mitchell

PAUL JOHN CISAR, et al.

Plaintiffs,

v.

F.O. MITCHELL & BRO, et al.

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* ANNE ARUNDEL COUNTY
*
* CASE NO.: C-02-CV-22-000988

* * * * *

NOTICE OF SERVICE OF DISCOVERY

TO THE CLERK:

PLEASE TAKE NOTICE that F.O. Mitchell & Bro., Defendant in the above-captioned matter, by Robert S. Lynch, Esquire, David S. Lynch, Esquire, and Stark and Keenan, P.A., its attorneys, served Plaintiff 3P Protect Perryman Peninsula with the following discovery materials:

Type of Discovery Material:	Responses to the First Request for Production of Documents from F.O. Mitchell & Bro., Defendant
Date/Manner of Service:	November 14 th . 2022/ MDEC/Odyssey File & Serve
Persons Served:	Rignal W. Baldwin V, Esquire Baldwin Seraina, LLC 111 South Calvert Street, Suite 1805 Baltimore, Maryland 21202 rbaldwinv@baldwin-seraina.com <i>Attorneys for Plaintiffs</i>

David M. Wyand, Esquire
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*Attorneys for Defendant Harford County,
Maryland*

Joseph F. Snee, Jr., Esquire
Laura E. Bechtel, Esquire
Snee, Lutch & Helmlinger, P.A.
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*Attorneys for Defendant Chesapeake Real
Estate Group, LLC*

Andrew T. Stephenson, Esquire
Jessica D. Corace, Esquire
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*Attorneys for Defendant Frederick Ward
Associates, Inc.*

Respectfully submitted,

/s/
Robert S. Lynch, Esquire
AIS# 8212010279

/s/
David S. Lynch, Esquire
AIS# 08121708228
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Bel Air, Maryland 21014
(410) 879-2222
rlynch@starkandkeen.com
dlynch@starkandkeen.com
Attorneys for Defendant Mitchell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of November, 2022 a copy of the foregoing Notice of Service of Discovery was served via MDEC on:

Rignal W. Baldwin V, Esquire
Baldwin | Seraina, LLC
111 South Calvert Street, Suite 1805
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Attorneys for Plaintiffs

David M. Wyand, Esquire
Rosenberg Martin Greenberg, LLP
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Attorneys for Defendant Harford County, Maryland

Joseph F. Snee, Jr., Esquire
Laura E. Bechtel, Esquire
Snee, Lutch & Helmlinger, P.A.
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jsnee@slhlawgroup.com
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Attorneys for Defendant Chesapeake Real Estate Group, LLC

Andrew T. Stephenson, Esquire
Jessica D. Corace, Esquire
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Two North Charles Street, Suite 600
Baltimore, Maryland 21201
astephenson@fandpnet.com
jcorace@fandpnet.com
Attorneys for Defendant Frederick Ward Associates, Inc.

_____/s/_____
Robert S. Lynch, Esquire
AIS# 8212010279

_____/s/_____
David S. Lynch, Esquire
AIS# 08121708228

EXHIBIT D

facts in this lawsuit nor fully prepared for trial, and, therefore, reserves the right to amend, modify, or supplement these objections and answers.

GENERAL OBJECTIONS

1. Defendant F.O. Mitchell & Bro. objects to each interrogatory to the extent that it is vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Defendant F.O. Mitchell & Bro. objects to each interrogatory to the extent it calls for the disclosure of information protected by the attorney-client privilege, attorney work product privilege, the accountant-client privilege, or any other legally applicable privilege.

3. Defendant F.O. Mitchell & Bro. objects to each interrogatory to the extent it exceeds the discovery permitted by the Maryland Rules.

4. Defendant F.O. Mitchell & Bro. objects to the definitions and instructions delineated in the Interrogatories to the extent that they request information that exceeds the scope of the Maryland Rules.

5. All answers stated below incorporate each of the above-stated general objections. That Defendant F.O. Mitchell & Bro. does not repeat each of the foregoing objections for each specific interrogatory is not a waiver of the above-stated objections.

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 NO. 1: F.O. Mitchell & Bro. objects to this interrogatory because Plaintiff seeks to avail itself of discovery based on a lawsuit that is improperly before this Court. Indeed, Plaintiff's lawsuit seeks an advisory opinion regarding development plans (i.e. final plan approval) which have not yet been approved by Harford County. There is no justiciable controversy and Plaintiff has failed to exhaust its administrative remedies, which, if aggrieved, would include filing a petition for judicial review in the Circuit Court for Harford County after the relevant development plan is approved. Harford County Subdivision Regulations, § 268-28(A). On judicial review, the Circuit Court for Harford County would review the administrative appeal on the record, which procedure explicitly prohibits discovery. Md. Rule 7-208; *Venter v. Bd. of Educ.*, 185 Md. App. 648, 349 (2009) (Rule authorizing the issuance of a scheduling order for civil actions filed in circuit court does not provide a right to discovery when the circuit court is reviewing the decision of an administrative agency). Furthermore, Plaintiffs have inappropriately pleaded an anticipatory private and public nuisance. Such claims are not recognized in Maryland. *Leatherbury v. Gaylord Fuel Corp.*, 276 Md. 367 (1975).

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 NO. 2: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

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 expert's 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 NO. 3: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

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 No. 3.)

ANSWER NO. 4: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 5: If any person carrying on an insurance business might be liable to satisfy part or all of a judgment that might be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment, identify that person, state the applicable policy limits of any insurance agreement under which the person might be liable, and describe any question or challenge raised by the person relating to coverage for this action. (Standard General Interrogatory No. 5.)

ANSWER NO. 5: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 6: Set forth in detail the roles, as you understand them, of all Defendants in the Mitchell Property Development.

ANSWER NO. 6: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 7: Set forth in detail the intended purpose for the Mitchell Property Development.

ANSWER NO. 7: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 8: If you deny the allegation set forth in Numbered Paragraph 1 of Plaintiffs Complaint which states that Defendants' plans for the Mitchell Property is to develop it into a Freight Terminal state all facts upon which you rely thereon,

identify all supporting Documents, and identify all persons having personal knowledge thereof.

ANSWER NO. 8: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

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 Mitchell Property Development or 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 (*e.g.*, broker, realtor, appraiser, communications with sellers or buyers, preparation of documents, disbursement of funds, collection of rent, etc.) and identify each and every written or recorded statement made by such potential witnesses.

ANSWER NO. 9: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 10: Please describe all communications in your possession concerning the preparation, publication, submission and/or filing of the site plans comprising the Mitchell Property Development, including but not limited to investigation, research or studies relating to the following aspects of the Mitchell Property Development and/or 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 issues, and potential impacts on the health, safety, and wellbeing of the Perryman Peninsula residential community.

ANSWER NO. 10: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 11: Please describe all communications you, or anyone on your behalf has had with any member, agent, employee, officer, official or representative of, the Harford County Council 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 NO. 11: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 12: 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 NO. 12: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 13: Please state whether you or anyone on your behalf has had oral or written communications with any members, agents, employees, officers, officials, or representatives of Harford County government concerning the Mitchell Property Development and/or the Site 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 NO. 13: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 14: If you contend that the Mitchell Property Development, as proposed, will not bring at least 1,000 additional tractor trailers and over 2,000 additional passenger vehicles onto a single rural road, state all facts and identify all documents that support such contention.

ANSWER NO. 14: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 15: 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 that pertain to the manner in which to describe the proposed use in plans submitted to the Harford County Planning and Zoning Department.

ANSWER NO. 15: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 16: If you contend that the Mitchell Property Development will not create hazardous traffic conditions, state all facts and identify all documents that support such contention.

ANSWER NO. 16: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 17: If you contend that the Mitchell Property Development will not hinder emergency service response times, state all facts and identify all documents that support such contention.

ANSWER NO. 17: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 18: If you contend that the Mitchell Property Development will not endanger school aged children and other pedestrians, state all facts and identify all documents that support such contention.

ANSWER NO. 18: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 19: If you contend that the Mitchell Property Development has not already impaired Plaintiff's property values, state all facts and identify all documents that support such contention.

ANSWER NO. 19: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

ANSWER NO. 23: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 24: Set forth in detail all actions you have taken in developing the Site in furtherance of the Mitchell Property Development.

ANSWER NO. 24: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 25: Identify every employee, consultant, or other representative of F.O. Mitchell & Bro. who has or had any responsibility for, provided any information with respect to, or otherwise participated in any aspect of the design, construction, development or potential use, and summarize the responsibility, information provided by, and participation of each such person.

ANSWER NO. 25: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 26: 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 NO. 26: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

INTERROGATORY NO. 27: Identify all documents reviewed, cited or relied upon in preparing these Answers to Interrogatories.

ANSWER NO. 27: Defendant F.O. Mitchell & Bro. incorporates its response to Answer No. 1.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING ANSWERS TO INTERROGATORIES ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

11/14/22
Date

Louis F. Friedman
Louis F. Friedman
Trustee of Trusts under the Last Will
and Testament of Parker Mitchell, Jr.,
dated April 14, 1985

/s/
Robert S. Lynch, Esquire
AIS# 8212010279

/s/
David S. Lynch, Esquire
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PAUL JOHN CISAR, et al.

Plaintiffs,

V.

F.O. MITCHELL & BRO, et al.

Defendants.

* * * * *

NOTICE OF SERVICE OF DISCOVERY

TO THE CLERK:

PLEASE TAKE NOTICE that F.O. Mitchell & Bro., Defendant in the above-captioned matter, by Robert S. Lynch, Esquire, David S. Lynch, Esquire, and Stark and Keenan, P.A., its attorneys, served Plaintiff 3P Protect Perryman Peninsula with the following discovery materials:

Type of Discovery Material: Answers to Interrogatories from F.O. Mitchell & Bro., Defendant

Date/Manner of Service: November 14th, 2022/ MDEC/Odyssey File & Serve

Persons Served:

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Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of November, 2022 a copy of the foregoing Notice of Service of Discovery was served via MDEC on:

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