

IN THE CIRCUIT COURT FOR HARFORD COUNTY, MARYLAND

PAUL JOHN CISAR, et al.

Plaintiffs,

v.

Case No.: c-12-cv-22-000888

F.O. MITCHELL & BRO, et al,

Defendants.

* * * * *

OPPOSITION OF PLAINTIFFS TO DEFENDANT CHESAPEAKE REAL ESTATE GROUP'S MOTION TO DISMISS AMENDED COMPLAINT

Plaintiffs, by and through their attorneys, hereby oppose Defendant Chesapeake Real Estate Group, LLC's ("CRG") motion to dismiss Plaintiffs' amended complaint.

As explained more fully in Plaintiffs' memorandum in opposition to the motion of Defendant F.O. Mitchell & Bros. to dismiss, filed on March 2, 2023, and incorporated herein, Plaintiffs' Verified Amended Complaint for Injunctive Relief, Declaratory Judgment and Private Action for Nuisance and Public Nuisance, With Compensatory Damages ("Amended Complaint"), alleges that Defendants, including CRG, are publicly proposing and have taken concrete steps to develop and construct a multi-building, 5.2 million square foot, Freight Terminal, with 3,956 parking spaces for tractor trailers and other vehicles, on a collection of parcels of real property located on the Perryman

Peninsula in Harford County. *Amended Complaint*, ¶¶1-7. There appears to be no dispute in this case that a Freight Terminal is a prohibited use in that location, which is zoned L1. *Amended Complaint*, ¶¶37-41. Plaintiffs, who all own real property in the vicinity of the proposed Freight Terminal, *Amended Complaint*, ¶¶31, also allege that the efforts by Defendants to develop and build the Freight Terminal has already adversely affected their property values, *Amended Complaint*, ¶¶9, 37, 45, 55, 59, 60, which will be exacerbated if the Freight Terminal is completed, in addition to the significant health and safety risks to them and other residents of Perryman Peninsula from the increased traffic the Freight Terminal will cause. *Amended Complaint*, ¶¶46-49.

As explained in Plaintiffs' memorandum in opposition to F.O. Mitchell's motion to dismiss, the Amended Complaint alleges facts that, if accepted as true, along with all permissible inferences therefrom, state valid causes of action for a declaratory judgment with respect to the illegality of a Freight Terminal (Count I), for public and private nuisance (Counts II and III), and for injunctive relief (Count IV).

CRG's motion to dismiss merely incorporates the arguments made in Defendant F.O. Mitchell's motion to dismiss and, for the same reasons explained in Plaintiffs' opposition to that motion, Maslin's motion to dismiss should also be denied.

/s/ Rignal W. Baldwin V
Rignal W. Baldwin V, CPF No. 1212110046
Baldwin|Seraina, LLC
111 South Calvert Street, Suite 1805
Baltimore, MD 21202
Telephone (410) 385-5695
Facsimile (443) 703-7772
rbaldwinv@baldwin-seraina.com

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March 2023, a copy of the forgoing Opposition to Defendant CREG's Motion to Dismiss, with proposed Order, was efiled with MDEC, which will provide electronic notice to all counsel of record.

/s/ Rignal W. Baldwin

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* * * * *

**ORDER DENYING MOTION OF DEFENDANT CHESAPEAKE REAL ESTATE
GROUP TO DISMISS AMENDED COMPLAINT**

This Court, having considered the arguments of counsel in this matter, and finding that the Plaintiffs' amended complaint pleads the elements of the causes of action asserted therein against Defendant Chesapeake Real Estate Group, LLC, that Defendant's motion to dismiss the amended complaint is, hereby, **DENIED**, this _day of _____, 2023.

Circuit Court Judge