

**IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

MARYLAND SHALL ISSUE, INC., *et al.*,

Plaintiffs

v.

MONTGOMERY COUNTY, MARYLAND

Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Case No. 485899V

**DEFENDANT’S OPPOSITION TO PLAINTIFFS’  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Montgomery County, Maryland, by and through its undersigned counsel, respectfully requests that this Court dismiss the Complaint for lack of standing or, alternatively, enter judgment in its favor as to all three counts of the Complaint (pending before this Court on remand from federal court) and further declare that:

Count I: Bill 4-21 is a valid local law under Md. Const. Art. XI-A (the Home Rule Amendment);

Count II: Bill 4-21 is authorized by, and not preempted by or in conflict with, State law; and

Count III: The restrictions of Bill 4-21 are *per se* not a taking and Bill 4-21 was properly enacted pursuant to the County’s police powers.

Respectfully submitted,

JOHN P. MARKOVS  
ACTING COUNTY ATTORNEY

/s/ Patricia Lisehora Kane  
Patricia Lisehora Kane, Chief  
Division of Litigation  
[patricia.kane@montgomerycountymd.gov](mailto:patricia.kane@montgomerycountymd.gov)  
CPF ID No. 8011010189

/s/ Edward B. Lattner  
Edward B. Lattner, Chief  
Division of Government Operations  
[edward.lattner@montgomerycountymd.gov](mailto:edward.lattner@montgomerycountymd.gov)  
CPF ID No. 861230002

/s/ Sean C. O'Hara  
Sean C. O'Hara  
Associate County Attorney  
[sean.ohara@montgomerycountymd.gov](mailto:sean.ohara@montgomerycountymd.gov)  
CPF ID No. 1212120337

Attorneys for Defendant Montgomery  
County, Maryland  
101 Monroe Street, Third Floor  
Rockville, Maryland 20850-2540  
(240) 777-6700  
(240) 777-6705 Fax

### **REQUEST FOR HEARING**

Pursuant to Rule 2-311(f), Defendant requests a hearing on Plaintiff's Motion for Partial Summary Judgment and Defendant's Motion to Dismiss or, alternatively, for Summary Judgment.

/s/ Edward B. Lattner  
Edward B. Lattner, Chief  
Division of Government Operations

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of February 2022, a copy of the foregoing was electronically served through MDEC to:

Mark W. Pennak  
Maryland Shall Issue, Inc.  
9613 Harford Rd., Ste. C #1015  
Baltimore, MD 21234-21502  
[mpennak@marylandshallissue.org](mailto:mpennak@marylandshallissue.org)

/s/ Edward B. Lattner  
Edward B. Lattner, Chief  
Division of Government Operations