IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

MARYLAND SHALL ISSUE, INC., et al.

9613 Harford Rd., Ste C #1015 Baltimore, MD 21234

Plaintiffs

v.

Case No. C-02-CV-22-000217

ANNE ARUNDEL COUNTY, MARYLAND

EXPEDITED HEARING REQUESTED

44 Calvert Street Annapolis, MD 21401 *Defendant*.

PLAINTIFFS' MOTION FOR EMERGENCY HEARING AND FOR CLARIFICATION

Pursuant to MD Code, Courts and Judicial Proceedings, § 3-409(e), plaintiffs respectfully request an emergency hearing and a decision on plaintiffs' pending motion for summary judgment and alternative motion for a preliminary injunction filed by plaintiffs as well as on the pending Motion to Dismiss and Alternative Motion for Summary Judgment filed by defendant. Plaintiffs respectfully request that such hearing take place on May 24, 2022, as originally scheduled by the April 24, 2022 Notice of Hearing, but, in any event, well prior to August 23, 2022, the date that the Anne Arundel County ordinance challenged in this case (Bill 109-21) takes effect for existing dealers. See Bill 109-21, Section 3, attached as Exhibit C. Plaintiffs also request a decision on these pending motions well prior to this August 23, 2022, effective date of Bill 109-21.

Plaintiffs filed a motion for an "expedited hearing and decision" of the parties' motions on April 4, 2022. That motion detailed the reasons for the requested expedition and was supported by declarations filed by the plaintiff dealers in this case. As there set forth, Bill 109-21 imposes extremely burdensome security requirements for the business operation of the plaintiffs dealers such that the dealers are faced with the risk of being forced out of business. Again, those requirements go into effect on June 1, 2022, for new dealers. See County Code Section 12-6-103,

as amended by Bill 109-21. Bill 109-21 goes into effect on August 23, 2022, for existing dealers. See Section 3 of Bill 109-21. Plaintiffs' motion for "expedited hearing and decision" was unopposed by the defendant, and, on April 28, 2018, that motion was granted by this Court. That order is attached as Exhibit D. Thereafter, undersigned counsel received in the mail a Notice of Hearing, also dated April 28, 2022, which stated that this case was scheduled for a hearing on May 24, 2022 at 9:00am. That notice is attached as Exhibit A. However, today, on May 10, 2022, the Court entered another order in this case that scheduled a hearing on plaintiffs' motion for summary judgment and alternative motion for a preliminary injunction for August 29, 2022. The May 10, 2022, order is attached as Exhibit B.

As is apparent, the May 24, 2022, hearing set by the April 28th Notice is in conflict with the May 10, 2022, order setting a hearing for August 29, 2022. **More importantly**, a hearing on August 29, 2022, is **after** the effective date of Bill 109-21 for existing dealers, thereby exposing the plaintiff dealers to full enforcement of Bill 109-21, even though the Bill 109-21 may be totally invalid. If Bill 109-21 is invalid, as plaintiffs contend, all those costs and expenses would be wasted or the plaintiffs would have gone out of business unnecessarily. If plaintiffs are correct, then these irreparable injuries warrant relief well prior to the August 23, 2022, effective date of Bill 109-21 for existing dealers. See, e.g., *DMF Leasing, Inc. v. Budget Rent-A-Car of Maryland*, 161 Md.App. 640, 646, 871 A.2d 63 (2005) ("Even assuming, as the trial judge concluded here, that damages were readily ascertainable, we hold that the loss of the movant's business constitutes irreparable injury under our injunctive relief analysis.") (collecting cases). Similarly, a hearing and decision prior to August 23, 2022, is essential on plaintiffs' alternative motion for a preliminary injunction if the Court is to maintain "the status quo between parties until the issues in contention are fully litigated." *Eastside Vend Distributors, Inc. v. Pepsi Bottling Grp., Inc.*, 396 Md. 219, 224, 913

1	A.2d 50 (2006). The Court should therefore issue an immediate order clarifying that the pending
2	motions of all parties will be heard on May 24, 2022, in accordance with the April 28, 2022, Notice
3	of Hearing.
4	CONCLUSION
5 6	For the foregoing reasons, the Court should hear plaintiffs' motion for summary judgment
7	or alternative motion for a preliminary injunction, and defendant's motion to dismiss and
8	alternative motion for summary judgment on May 24, 2022, as originally scheduled by the April
9	
10	28, 2022, Notice of Hearing. Plaintiffs' respectfully request that the Court decide all pending
11	motions well prior August 23, 2022, the effective date of Bill 109-21 for existing dealers.
12	Respectfully submitted,
13	<u>/s/ Mark W. Pennak</u> MARK W. PENNAK
14	MARYLAND SHALL ISSUE, INC.
15	9613 Harford Rd Ste C #1015
16 17	Baltimore, MD 21234-21502 mpennak@marylandshallissue.org
18	Phone: (301) 873-3671 MD Atty No. 1905150005
19	EDWARD N. HERSHON
20	HERSHON LEGAL, LLC 420-I Chinquapin Round Rd.
21	Annapolis, MD 21401
22	ed@hershonlegal.com Phone: (443) 951-3093
23	MD Atty No. 9306230157
24	Dated: May 10, 2022 Counsel for Plaintiffs
25	
26	
27	
28	3