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December 14, 2011

Circuit Court for Frederick County
100 W. Patrick Street
Frederick, MD 21701

Re: Friends of Frederick County, et al. v.
The Town of New Market
No. 10-C-11-000410

To the Clerk:

Enclosed please find a Response to Plaintiffs' Motion
for Extension of Time in the above-referenced action.

Very truly yours,

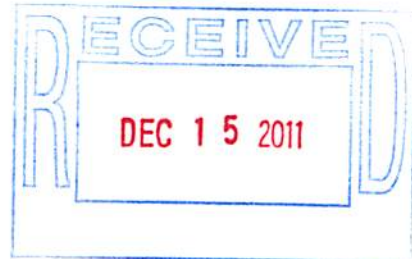


William C. Wantz

WCW/psm

Enclosure

cc: ✓ Counsel
Client



DEC 12 2011

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND
FRIENDS OF FREDERICK COUNTY, *et al.** No. 10-C-11-000410

Plaintiffs
v.
THE TOWN OF NEW MARKET,
Defendant

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RESPONSE TO PLAINTIFFS' MOTION FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

The Town of New Market, Defendant, by its undersigned counsel, in response to Plaintiffs' Motion for Extension of Time to Respond to Defendant's Motion for Summary Judgment, says:

1. Plaintiffs seek an extension of time to respond to the dispositive motion submitted by the Town of New Market. The Town believes that the dispositive motion may be considered as submitted, and that an extension is not warranted.

2. Plaintiffs' contention is that the Defendant, in adopting or amending its plan, has failed to give consideration to matters required to be considered under State law. In essence, the Plaintiffs' declaratory judgment action presents the issue of whether the Town has complied with the pertinent Maryland statute.

3. Plaintiffs have suggested no compelling reason for an extension of the time to file a response. Plaintiffs do not

allege the existence of any dispute of material facts.

Plaintiffs do not seek additional time to procure affidavits.

4. The Court may consider the issue of Defendant's compliance with State law based upon the comprehensive plan in effect at the time of the Court's decision. It would be anomalous for the Court to apply the Maryland statute to a previous version of the plan.

5. It cannot be logically or persuasively contended by the Plaintiffs that the supplementation of the plan in any way diminishes the consideration given in the plan to the matters enumerated in the statute. Accordingly, no amendment to the complaint is necessary in order for the Court to rule on the dispositive motion.

6. If the Court determines to grant an extension of time for response to the Defendant's Motion for Summary Judgment, Defendant requests that the time for response may be extended to no later than December 20, 2011, in order that the Court may schedule a hearing on the dispositive Motion at the scheduling conference on December 21, 2011.

7. Plaintiffs, in their Motion, suggest that the Town may "entirely replace the 2005 master plan" in early 2012. The Town has no intention of replacing its comprehensive plan during the pendency of this action.

8. Among the cardinal objectives of summary judgment is the avoidance of unnecessarily protracted litigation. *Saddler v. Dimension Health Care Corp.*, 378 Md. 509 (2003) The open-ended extension sought by the Plaintiffs conflicts with established principles of judicial policy.

WHEREFORE, Defendant prays that the Motion may be denied, or in the alternative, that Plaintiffs may be required to respond to the motion prior to the scheduling conference of December 21, 2011.

Respectfully submitted,



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Attorney for Defendant

CERTIFICATION

I hereby certify that on this 14th day of December, 2011, a copy of the above pleading or paper was mailed to: Norman G. Knopf, Esquire and Mollie N. Habermeier, Esquire, Knopf & Brown, 401 E. Jefferson Street, Suite 206, Rockville, MD 20850.



William C. Wantz