

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 *

MOTION FOR MORE DEFINITE STATEMENT

The Town of New Market, Defendant, by William C. Wantz, its attorney, in accordance with Rule 2-322(b), moves for a more definite statement, and says:

1. Plaintiffs have filed a Complaint in this action seeking declaratory and injunctive relief.

2. Plaintiffs allege that the Municipal Growth Element does not comply with the requirements of Article 66B, §3.05 (the Statute).

3. Defendant seeks a more definite statement identifying each specific provision, or part thereof, of the Municipal Growth Element which Plaintiffs contend is invalid.

4. It is incumbent upon the Plaintiffs to identify those provisions of the Municipal Growth Element which they consider invalid, in order for this Court to be in a position to provide complete declaratory relief.

5. Plaintiffs allege that the Municipal Growth Element fails to include provisions required to be included in the Municipal Growth Element by the Statute.

6. Defendants seek a more definite statement identifying each specific provision, or part thereof, which they contend is required to be included in the Municipal Growth Element, but which Plaintiffs contend has not been included.

7. It is incumbent upon the Plaintiffs to identify those provisions required by the Statute to be included in the Municipal Growth Element which they contend have not been included, in order for this Court to be in a position to provide complete declaratory relief.

8. In a declaratory judgment action, the assertion of mere examples of alleged invalid or omitted provisions is insufficient to enable the Court to fully and completely declare and adjudicate the rights and interests of the respective parties.

9. In the absence of clear identification of each alleged deficiency or omission asserted, the Court may not provide a specific declaration concerning the Municipal Growth Element, leaving the Defendant without sufficient judicial guidance upon which its planning commission may, if deemed appropriate, consider and revise the document.

WHEREFORE, Defendant requests that this Honorable Court enter an order requiring the Plaintiffs to provide a more definite statement, identifying each provision, or part thereof, of the Town's Municipal Growth Element which Plaintiffs contend is invalid; and identifying each provision, or part thereof, which Plaintiffs contend is required to be included in the Municipal Growth Element by the Statute, but which is omitted.

Respectfully submitted,

William C. Wantz
123 West Washington Street
Hagerstown, MD 21740
(301) 733-7972

Attorney for Defendant

CERTIFICATION

I hereby certify that on this _____ day of March, 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