

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

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NEIL PARROTT, et. al.

*

Plaintiffs,

v.

*

LINDA LAMONE, et. al.

*

CASE NO: C02CV21001773

Defendants

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* * * * *

PLAINTIFFS' MOTION TO RECONSIDER DENIAL OF MOTION TO CONSOLIDATE CASES FOR THE PURPOSE OF BRIEFING THE MOTION TO DISMISS, AND TO SHORTEN TIME

Plaintiffs Neil Parrott, et al, move to reconsider the Order dated February 11, 2022 (the “Order”) denying their Motion to Consolidate Cases for the Purpose of Briefing the Motion to Dismiss, and to shorten time pursuant to Rule 1-204 to rule on this motion for reconsideration (the “Motion”), stating:

1. All papers filed by these Plaintiffs have been served on the Defendants, and an Affidavit of Service Upon Defendants is being filed contemporaneously with this Motion. This is information the Court lacked when entering the Order.

2. Plaintiffs filed and served their Motion to Consolidate Cases for the Purpose of Briefing the Motion to Dismiss on February 8, 2022 (the “Motion to Consolidate”). The introduction to the Motion to Consolidate states, “Defendants in both this case and *Szeliga v. Lamone* **do not oppose** this motion. Plaintiffs in *Szeliga v. Lamone* **take no position** regarding this motion.” (Emphases in original). Attached hereto as Exhibit 1 is the affidavit of Robert Popper, Esq., that provides evidence that the respective parties stated these positions to him after reviewing a draft of the Motion to Consolidate. This is information the Court lacked when entering the Order. The companion Affidavit

of Service to this Motion establishes that the Motion to Consolidate was emailed to Andrea Trento, Assistant Attorney General.

3. The Court should shorten the time for responding to this Motion to February 14, 2022, for the following reasons. All of the papers filed by Plaintiffs in this action, including the Motion to Consolidate, were served in real time upon the Defendants. The Defendants, in fact, had seen the Motion to Consolidate prior to it being filed, and stated that they have no opposition to granting that motion. In advance of the filing of the Motion to Consolidate, the Defendants and the *Szeliga* Plaintiffs waived the right to oppose that motion.

4. Attached hereto as Exhibit 2 is Plaintiffs' Opposition to Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment that the *Parrott* Plaintiffs would file if this Motion is granted and the related cases are consolidated to the extent requested. Thus, shortening time and reconsidering the Order would not prejudice any party, as the paper these Plaintiffs seek to file will be on file by the deadline for answering the Motion to Dismiss or, in the Alternative, for Summary Judgment in *Szeliga*.

WHEREFORE, the *Parrott* Plaintiffs respectfully request that this Court shorten the time to answer their Motion to Reconsider Denial of Motion to Consolidate Cases for the Purpose of Briefing the Motion to Dismiss, and to Shorten Time until February 14, 2022, and reconsider the Order of February 11, 2022 and consolidate the related cases to the extent requested in the Motion to Consolidate.

Respectfully submitted,

/s/ Eric W. Lee

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Attorneys for All Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 11th day of February, 2022, a copy of the foregoing was served on all counsel of record via the Court's MDEC system, and to the State Defendants via their agent for the service of process, the Office of the Attorney General, and by U.S. Mail and email to:

Strider L. Dickson, Esq.
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/s/ Gardner M. Duvall

Gardner M. Duvall

EXHIBIT A

CERTIFICATE OF OUT OF STATE ATTORNEY

I, Robert Popper, HEREBY CERTIFY the following:

1. I am a member in good standing of the Bar of New York, No. 2357275 (admitted 6/18/1990).
2. I have never been disbarred, suspended or denied admission to practice.
3. I agree to observe and to be bound by the local and state laws, rules and regulations governing the practice of law in the state of Maryland.
4. I have been specially admitted in the state of Maryland zero time in the preceding twelve months.

Dated: 1/25/2022

/s Robert D. Popper

Robert Popper, Esq.

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