

IN THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY, MARYLAND

KATHRYN SZELIGA, *et al.*

Plaintiffs,

v.

Case No. C-02-CV-21-001816

LINDA H. LAMONE, *et al.*

Defendants.

PLAINTIFFS' RESPONSE TO SHOW CAUSE ORDER

Plaintiffs in the -1816 matter respectfully submit this response to the Court's February 23, 2022 Show Cause Order Regarding Court Consultant.

Notice of Potential Conflict

Plaintiffs understand that Dr. Gimpel is serving on the dissertation committee of Plaintiffs' expert, Sean P. Trende. Dr. Gimpel and Mr. Trende also are presenting a paper (unrelated to gerrymandering) at a conference in April 2022. Plaintiffs do not believe these facts present a conflict of interest but wish to bring them to the attention of the Court and other parties.

Plaintiffs' Conditional Objection

Plaintiffs have a conditional objection to Dr. Gimpel's appointment, which concerns costs. Maryland Rule 5-706(b) provides that court-appointed experts are "entitled to reasonable compensation in whatever sum the court may allow." Rule 5-706(b) further provides that, except in certain other types of cases, "the compensation shall be paid by the parties in such proportion and at such time as the court directs, and thereafter charged in like manner as other costs." Plaintiffs object to the appointment of Dr. Gimpel if they ultimately may bear costs for his services. Litigation is very expensive, particularly when it involves expert testimony. In this case, four

expert witnesses already have been identified by the parties. Substantial costs will be incurred in connection with those experts' reports, depositions, and trial testimony. Plaintiffs, moreover, are not seeking monetary damages in this case from which court-appointed expert costs may be drawn. Plaintiffs respectfully request that the Court not impose additional expert-related costs.

Plaintiffs' Recommendations Regarding the Proposed Scope of Dr. Gimpel's Work

If the Court elects to appoint Dr. Gimpel, Plaintiffs respectfully submit that his services should be limited to assisting the Court in understanding the technical information, concepts, and terms of art that may be presented during trial.

If the Court elects to appoint Dr. Gimpel to provide substantive opinion testimony in the case, Plaintiffs respectfully request that they receive a copy of Dr. Gimpel's report (or otherwise be notified of his findings and conclusions and the bases for them); be allowed to take his deposition if necessary; and be allowed to cross-examine him at trial if necessary. *See* Md. R. 5-706(a).

Respectfully submitted,

Dated: February 25, 2022

/s/ Strider L. Dickson
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on February 25, 2022 the foregoing Plaintiffs' Response to Show Cause Order was filed and served via the Court's MDEC system.

/s/ Strider L. Dickson
Strider L. Dickson

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