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July 25, 2022

Via electronic and first-class mail

Ms. Ashley Aguilar, Board Administrator
Howard County Zoning Board
3430 Court House Drive
Ellicott City, Maryland 21043
aaguilar@howardcountymd.gov

**Re: ZB 1119M - HRVC Limited Partnership, c/o Kimco Realty c/o Kimco Realty
Group
Motion to Retain Jurisdiction and Suspend Appellate Deadlines Pending
Production of Materials Responsive to Request Under Maryland Public
Information Act**

Dear Ms. Aguilar:

Please file the enclosed Motion in the above-referenced case.

Thank you for your assistance in this matter.

Very truly yours,

TALKIN & OH, LLP



Gina M. Pagani
Paralegal

Enclosure

_____)	
)	
HRVC Limited Partnership, c/o Kimco Realty)	BEFORE THE ZONING
c/o Kimco Realty Group)	BOARD OF HOWARD
)	COUNTY
Petitioner)	
)	CASE NO. ZB 1119M
)	
_____)	

Motion to Retain Jurisdiction and Suspend Appellate Deadlines Pending Production of Materials Responsive to Request Under Maryland Public Information Act

Petitioner HRVC Limited Partnership, c/o Kimco Realty Group, by and through undersigned counsel and pursuant to Section 2.405 of the Rules of Procedure for the Howard County Zoning Board (the “Rules”), moves this Zoning Board to retain jurisdiction over this matter and suspend appellate deadlines pending production of materials due to the Petitioner under the Maryland Public Information Act and states as follows:

1. On February 16, 2022, Petitioner filed a request under the Maryland Public Information Act (“MPIA”) requesting documentation regarding communication between the parties in the above captioned case and members of the Zoning Board.

2. Under the MPIA, “a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time,” Md. Code Ann. State Gov’t § 10-613(a)(1), and, “[t]he custodian shall grant or deny the application promptly, but not to exceed 30 days after receiving the application.” Md. Code Ann. State Gov’t § 10-615(b).

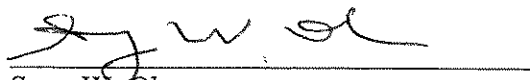
3. Over one hundred and fifty (150) days have passed since Petitioner submitted its February 16, 2022 request under the MPIA. No responsive documents have been produced. Michelle Harrod, as custodian of these records, has indicated that this request produced “thousands” of pages of documents that will require additional time to review.

4. Upon information and belief, responsive documents will be pertinent to Petitioner's decision-making regarding whether to file an appeal and/or seek reconsideration of the Decision and Order, dated July 18, 2022, in this case.

5. In the event Petitioner is forced to compel the production of documents in Howard County Circuit Court, it will be entitled to reasonable attorneys' fees and discovery related to the completeness of this production. Petitioner has drafted a Complaint and is prepared to request relief from the circuit court including, but not limited to, a temporary restraining order to stay appellate deadlines.

6. Petitioner is willing to forgo seeking immediate relief in circuit court if the Howard County Zoning Board will stay appellate deadlines and retain jurisdiction while the custodian of these records completes its review, produces the same, and Petitioner has had a reasonable time to review this production.

RESPECTFULLY SUBMITTED,



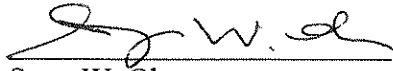
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*Counsel for HRVC Limited Partnership, c/o Kimco
Realty Group*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 25th day of July 2022, a copy of the foregoing Motion to Retain Jurisdiction and Suspend Appellate Deadlines Pending Production of Materials Responsive to Request Under Maryland Public Information Action was sent by electronic mail and first class mail, postage prepaid, to:

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Sang W. Oh