

HOWARD COUNTY BOARD OF APPEALS

IN THE MATTER OF : BEFORE THE HOWARD COUNTY
KINCAIDE, LLC, AND : BOARD OF APPEALS
IMH COLUMBIA, LLC :
:
Appellant : CASE NOS. BA-
: 795D/797D/799D/800D/801D/802D

JOINT REQUEST TO MOVE CASES TO UNSCHEDULED DOCKET

Pursuant to the Howard County Rules of Procedure for the Board of Appeals, The Howard Research and Development Corporation (“HRD”), IMH Columbia, LLC (“IMH”), and Kincaide, LLC (“Kincaide”), together referred to as the “Parties”, jointly and respectfully request that the Board of Appeals move all of the above-referenced cases to the unscheduled docket. The Parties acknowledge that any party may reactivate the case within six months.

Although not specifically addressed in the Board’s Rules of Procedure, the parties further state in support of this request and as discussed during the June 4, 2024 status conference with the Board as to the Board’s regularly scheduled meetings: (i) counsel for IMH is unavailable for the current scheduled hearing on July 18, 2024 due to previously scheduled out-of-state work travel; (ii) HRD’s chief witness is not available until October due to previously scheduled travel and previously scheduled commitments; (ii) the parties had previously requested a joint stay in the proceedings to engage in settlement discussions, during which time HRD agreed not to pursue any permits associated with the contested SDP and FDP; and (iv) the properties that are involved in the referenced appeals are also subject to pending civil litigation for which the Circuit Court has

issued an Order and Declaratory Judgment, but which has post-trial motions that have been filed by HRD and a possible further appeal by HRD. Considering all of the above factors, the parties jointly request that the collective matters be placed on the Board's unscheduled docket. The Parties have conferred and join in this request. Accordingly, no Party will be prejudiced by this request.

WHEREFORE, The Howard Research & Development Corp, IMH Columbia, LLC, and Kincade, LLC jointly and respectfully request that the Board of Appeals grant this Joint Request to Move BA-795D/797D/799D/800D/801D/802D to the unscheduled docket.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 7, 2024, I sent a copy of the foregoing Joint Request via email and overnight delivery to all known parties of record in the case and all persons known to have an interest in this case, including (but not limited to) the following:

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**ORDER MOVING BA-795D/797D/799D/800D/801D/802D
TO THE UNSCHEDULED DOCKET**

UPON CONSIDERATION of the Parties' Joint Request to Move BA-795D/797D/799D/800D/801D/802D to the unscheduled docket, it is hereby ORDERED, that Parties Joint Request is GRANTED; and it is FURTHER ORDERED, that any Party may reactivate any case within six months of the date of this Order.

CHAIR
Howard County Board of Appeals