

**HOWARD COUNTY BOARD OF APPEALS**

IN THE MATTER OF : BEFORE THE HOWARD COUNTY  
KINCADE LLC : BOARD OF APPEALS  
 :  
and : Case Nos. BA-795D, BA-797D,  
 : BA-800D and BA-802D  
THE MATTER OF :  
IMH COLUMBIA, LLC :  
 :  
Appellants :

**JOINT MOTION TO STAY**

IMH Columbia, LLC, Kincaide, LLC, Town Center East Parking Lot Business Trust, Town Center East Business Trust, Sterrett Building Holdings, LLC and HRD Parking Deck Business Trust (as appropriate, and collectively, “Parties”), by and through the undersigned counsel, hereby file this Joint Motion to Stay in each of the above-captioned matters and state:

1. These are separate appeals concerning Final Development Plan FDP-DC-L-2A (Case Nos. 797D, 800D, and 802D) and Site Development Plan SDP-22-042 (Case No. 795D).
2. To provide an opportunity for settlement considerations and to avoid potentially unnecessary proceedings and additional time and expense, the Parties have agreed to request a Stay of the instant proceedings.
3. Argument in the cases have been scheduled for February 22, 2024 (Preliminary Motions in Cases 795D and 797D) and February 28, 2024 (argument in cases 800D and 802D).
4. The requested Stay would take place immediately, with the scheduled arguments referred to in “3” above postponed until the Stay is lifted.
5. The Parties have further agreed the Stay, if granted, may be lifted by any party upon the filing of (i) a Notice of Intent to Lift Stay; and (ii) not earlier than ten (10) days thereafter, the

filing of a Notice to Lift Stay, upon the filing of which the Stay would be lifted and the proceedings in each of the above-captioned matters would recommence with appropriate scheduling by the Board of Appeals.

WHEREFORE, for the foregoing reasons and subject to the express understandings stated above, the Parties jointly request that the instant appeal be STAYED until such time as the Stay is lifted pursuant to appropriate Notices filed by any Party.

Counsel for IMH Columbia, LLC and Counsel for Kincade, LLC have agreed the foregoing Motion and proposed Order may be filed on their respective behalf by HRD.

Respectfully submitted,

SHULMAN ROGERS, P.A.

By:  \_\_\_\_\_

Todd D. Brown  
Kyle Kirby  
12505 Park Potomac Avenue, 6<sup>th</sup> Floor  
Potomac, Maryland 20854  
TEL: (301) 230-6579  
FAX: (301) 230-2891  
Email: [tbrown@shulmanrogers.com](mailto:tbrown@shulmanrogers.com)  
[kkirby@shulmanrogers.com](mailto:kkirby@shulmanrogers.com)

*Attorneys for HRD*

**CERTIFICATION**

A copy of the foregoing Joint Motion to Stay was provided to all parties to the case or to their designated representative and all persons known to have an interest in this case, including but not limited to the Appellant/Petitioner, the property owner, the Planning Board, the Department of Planning and Zoning, including IMH Columbia, LLC and Kincade, LLC.

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Todd D. Brown

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THE MATTER OF :  
IMH COLUMBIA, LLC :  
 :  
Appellants :

**ORDER GRANTING JOINT MOTION TO STAY**

UPON CONSIDERATION of the Joint Motion to Stay filed in each of the above-captioned matters, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2024,

ORDERED, that said Joint Motion to Stay be and hereby is GRANTED; and it is further

ORDERED, that all scheduled proceedings and the timing for the issuance of a written decision in each case are also STAYED; and it is further

ORDERED, that HRD shall not receive from the County nor act on any permit issued for construction within the SDP area during the Stay; and it is further

ORDERED, that at any time any Party may lift the Stay by: (i) filing a Notice of Intent to Lift Stay; and (ii) not earlier than ten (10) days thereafter, filing a Notice to Lift Stay, upon the filing of which the Stay shall be lifted and an appropriate schedule established by the Board of Appeals for the recommencement of each of the referenced cases as described in the Motion and for a decision to be issued in the each case; and it is further

ORDERED, that the parties shall appear for a hybrid status conference on June 6, 2024 to advise the Board of Appeals as to the status of each case and whether the Stay should be continued.

It is so ORDERED.

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Copies to: