

## HOWARD COUNTY BOARD OF APPEALS

AIDAN AND SARA MORRELL, ET AL.,

Petitioners,

vs.

HOWARD COUNTY DEPARTMENT OF  
PLANNING AND ZONING,

Respondent.

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W.R. GRACE & CO.-CONN

Appellant.

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BEFORE THE

HOWARD COUNTY BOARD OF APPEALS

BA Case No. BA-813D

### **RESPONSE IN OPPOSITION TO PETITIONERS' MOTION TO POSTPONE**

Appellant W.R. Grace & Co.-Conn ("Grace") opposes the Amended Motion for Postponement filed by Aidan Morrell, Sara Morrell, Golash Adadey, Nana Adadey, Hari Srinivasan, Mustafa Khaliqi, Anwer Hasan, Aisha Hasan, Rasa Ramadas, Padma Swamy, Shameika Preston, Raja Syed, Nusrat Siddique, Arundati Khuvel, Monica Tolentino, AmiCietta Clarke, Zain Qazi, and Sene il Achari (collectively, "Petitioners").<sup>1</sup> Grace does not oppose Petitioners' request to vacate the continuation date of August 28, 2025 due to Petitioners' counsel being out of state; Grace does, however, oppose a two-week continuation of the entire hearing.

Historically, when scheduling conflicts have arisen, both parties have directly engaged each other's counsel to work through the issues, often presenting a joint motion to conserve the Board of Appeals' ("Board's") valuable time and resources. In this instance, however, the Petitioners unilaterally proceeded with their motion without any prior outreach to the Grace's counsel.

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<sup>1</sup> Petitioners refer to themselves as the "Respondents" in their Amended Motion for Postponement. As the Board of Appeals Scheduling Order refers to the Petitioners as "petitioners," Grace will use the same naming convention as the Board for clarity.

The Petitioners contend that “key witnesses for [their] case have scheduling conflicts” on August 21, 2025—the day set by the Board for hearing. In the hearing before the Hearing Examiner, the Petitioners presented as many as six witnesses—a number that naturally makes it unlikely for all witnesses to be available on a single day—over two days. Should a witness not be available on the initial hearing date, Petitioners may request and be granted an opportunity to present their witness on a continuation date.

Moreover, Petitioners have provided no substantive explanation for why these witnesses cannot testify on the scheduled date. In contrast, even the vague “out of state” justification offered for their own counsel’s absence remains the only explanation provided. The absence of any detailed reasoning or evidence supporting the need for such a sweeping delay is particularly troubling, given the parties’ demonstrated ability to manage scheduling conflicts in the past.

Perhaps most critically, Petitioners have not identified the witnesses who are allegedly unavailable on August 21 and their subject matter expertise. Were the witnesses to be the same as Petitioners presented at the Hearing Examiner hearing—an assumption Grace is forced to make in the absence of any information from Petitioners—they may well have no relevant testimony to offer. Grace is contemporaneously filing a motion to appropriately limit the scope of the Board’s hearing to the Department of Planning and Zoning’s September 2024 determination that there were no zoning violations at Grace’s property. Before the Hearing Examiner, Petitioners called witnesses that testified exclusively about a potential future research use of Grace’s property. If the Board grants Grace’s contemporaneous motion, this testimony would be irrelevant and inadmissible. This exclusion may resolve any potential issues of witness unavailability.

One might suspect that Petitioners’ actual reason for requesting postponement is to allow Petitioners additional time to fuel the media circus surrounding this dispute. Since the Hearing Examiner’s decision, which has no effect during the pendency of this appeal, Petitioners have

made public statements suggesting that DPZ is required to take action on the Hearing Examiner's decision and order.

Grace requests that the Board retain the hearing on August 21, 2025 and maintain the uncontested continuance date of September 4, 2025. Should an additional date be required for continuation, Grace asks that the Board order the parties to select a mutually agreeable date at that time.

Date: July 29, 2025

/s/ Thomas G. Coale

Thomas G. Coale  
54 State Circle  
Annapolis, MD 21401  
(443) 630-0507

*Attorney for Interested Party W.R. Grace & Co.-  
Conn*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29th day of July, 2025, a copy of the foregoing Memorandum was served electronically to:

Grant Amadeus Giel  
Law Office of G. Macy Nelson, LLC  
600 Washington Avenue, Suite 202  
Towson, Maryland 21204  
*Counsel for Appellants*

David Moore  
Howard County Office of Law  
3430 Court House Dr  
Ellicott City, MD 21043  
*Counsel for the Howard County Department of Planning and Zoning*

I FURTHER CERTIFY, pursuant to Howard County Board of Appeals Rules and Procedures § 2.207(e), that I provided a copy of this Motion to all persons known to have an interest in the case, including but not limited to the Petitioner, the property owner, the administrative agency, and any person entitled to written notification under rule 2.203(e) and (f) with the following statement:

ANY PERSON INTERESTED IN RESPONDING TO THIS MOTION SHALL  
FILE A WRITTEN RESPONSE WITH THE BOARD WITHIN FIFTEEN  
DAYS OF THE DATE THIS MOTION WAS FILED.

/s/ Thomas G. Coale