

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

PETITION OF
WINDRIDGE PROPERTIES L.C.,

*

and

*

THEODORE H. BUTS,

*

FOR JUDICIAL REVIEW OF THE DECISION
OF THE FREDERICK COUNTY BOARD OF
ELECTIONS,

*

Case No. C-10-CV-26-000321

*

and

*

BARBARA WAGNER, *in her official capacity as
Election Director of the Board of Elections*

*

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IN THE MATTER OF THE PETITION OF THE
FREDERICK COUNTY DATA CENTER
REFERENDUM COMMITTEE FOR
REFERENDUM OF FREDERICK COUNTY
COUNCIL ORDINANCE 26-01-001

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WINDRIDGE PROPERTIES L.C.,

*

and

*

THEODORE H. BUTZ

*

Plaintiffs,

*

v.

*

FREDERICK COUNTY BOARD OF
ELECTIONS,

*

Case No. C-10-CV-26-000321

*

BARBARA WAGNER, *in her official capacity as
Election Director of the Board of Elections*

*

and

*

FREDERICK COUNTY DATA CENTER
REFERENDUM COMMITTEE,

*

*

Defendants.

* * * * *

MOTION TO EXTEND TIME REQUIREMENTS TO FILE AN ANSWER

Pursuant to Maryland Rule 1-204(a), Respondent, Frederick County Data Center Referendum Committee (“Respondent”), hereby moves to extend the time to file an Answer in response to Petitioners, Windridge Properties, L.C. and Theodore H. Butz (“Petitioners”) Complaint/Petition.

1. The Petition/Complaint was filed on April 13, 2026.
2. Respondent was served with the Complaint/Petition on April 21, 2026.
3. Pursuant to Maryland Rule 2-321(a), the deadline for filing an Answer is thirty (30) days after being served. Therefore, Respondent’s deadline to file an Answer or a Motion to Dismiss is currently May 21, 2026.
4. Currently pending in this matter is a Joint Motion to Consolidate this case with four (4) nearly identical cases, Case Nos. C-10-CV-26-000309, C-10-CV-26-000325, C-10-CV-26-000326, and C-10-CV-26-000327 (“companion cases”), which was filed by Petitioners in this case on April 29, 2026, as well as Petitioners in the companion cases.¹
5. Respondent is named as a party in two of the companion cases, Case Nos. C-10-CV-26-000309 and C-10-CV-26-000325.
6. Maryland Rule 1-204(a) provides that “for cause shown” the Court may “extend the period if the motion is filed before the expiration of the period originally prescribed or extended by a previous order....”

¹ Motions to Consolidate were also filed in Case Nos. C-10-CV-26-000309, C-10-CV-26-000325, C-10-CV-26-000326, and C-10-CV-26-000327, requesting the same.

7. Respondent respectfully requests that this Court extend the deadline to file its Answer to thirty (30) days after the Court has resolved the Joint Motion to Consolidate.

8. The requested extension will allow Respondent to prepare a single, consolidated Answer addressing all of its responses and defenses to the Complaint/Petition in the consolidated matter instead of filing Answers in three separate matters.

9. Additionally, undersigned counsel was just retained in this matter and the additional time will allow adequate time to prepare Respondent's Answer.

10. Respondent will be prejudiced if the deadline is not extended as it will be unable to fully or adequately prepare its Answer and will have to file three separate Answers in all companion cases before the Court rules on the Joint Motion to Consolidate.

11. There will be no prejudice to any party in this action, the motion is timely, and the interests of justice will be well served if the relief requested is granted.

For the foregoing reasons, the Court should extend the deadline for Respondent's Answer to thirty (30) days after this Court has resolved the Joint Motion to Consolidate.

WHEREFORE, the Respondent, Frederick County Data Center Referendum Committee, respectfully request that this Honorable Court:

1. Grant the Motion to Extend Time Requirements to File an Answer; and,
2. Extend the deadline as set forth in the Proposed Order; and,
3. For such other and further relief as the Court deems, just and proper.

Date: May 6, 2026

Respectfully submitted,



David B. Fischer

CPF# 9112170217

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Attorney for Respondent, Frederick


County Data Center Referendum

Committee

CERTIFICATE REGARDING RESTRICTED INFORMATION

I, David Fischer, HEREBY CERTIFY that this submission does not contain any restricted information.


May 6, 2026
Date


David B. Fischer (CPF# 9112170217)

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2026, the foregoing Motion was filed electronically in the Maryland Electronic Courts (MDEC) system in the above-captioned matter and served on all counsel of record.

May 6, 2026
Date


David B. Fischer