





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

\*  
\*  
\*  
\*  
\*  
\*  
\*

\* \* \* \* \*

NDR PROPERTIES, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF  
ELECTIONS, et al.

Defendants.

Case No. C-10-CV-26-000325

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

\* \* \* \* \*

PETITION OF ROWAN FREDERICK,  
LLC et al.,

Petitioners,

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

and

BARBARA WAGNER

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

Case No. C-10-CV-26-000326

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

\* \* \* \* \*

ROWAN FREDERICK, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF ELECTIONS, et al.

Defendants.

Case No. C-10-CV-26-000326

\* \* \* \* \*

PETITION OF FREDERICK DATA CENTER OWNER, LLC, et al.,

Petitioners,

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

and

BARBARA WAGNER

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

Case No. C-10-CV-26-000327

\* \* \* \* \*

FREDERICK DATA CENTER OWNER, LLC et al.

Plaintiffs,

v.

Case No. C-10-CV-26-000327

FREDERICK COUNTY BOARD OF \*  
ELECTIONS, et al. \*  
\*

Defendants.

\* \* \* \* \*

**PETITIONERS-PLAINTIFFS’ OPPOSITION TO**  
**THE FREDERICK COUNTY BOARD OF ELECTIONS AND BARBARA WAGNER’S**  
**MOTION TO DISMISS**

Petitioners-Plaintiffs Quantum Maryland, LLC (“**Quantum Maryland**”) and Joan Aquilino (“**Petitioners-Plaintiffs**”), by and through their undersigned counsel, respectfully file this opposition to the Motion to Dismiss filed by Defendants-Respondents Frederick County Board of Elections and Barbara Wagner (“**Board of Elections**”).

**INTRODUCTION**

Petitioners-Plaintiffs’ claims under Maryland Code, Election Law Article (“**Election Law**”) § 6-209(b) are expressly authorized by statute and must be allowed to proceed under Title 2 of the Maryland Rules. The Board of Elections seeks to dismiss the Title 2 declaratory judgment action simply because it does not wish to litigate the merits. That is not a valid basis for dismissal. Defendants do not get to dictate which claims a plaintiff may pursue when the General Assembly has expressly created two separate avenues for relief.

Petitioners-Plaintiffs’ factual assertions under Title 2 are just as dispositive as its legal assertions under Title 7. The Board insists that this case should proceed under Title 7 only, but that ignores Petitioners-Plaintiffs’ right to bring a declaratory judgment action under Election Law § 6-209. Worse, it attempts to suppress Petitioners-Plaintiffs’ due process rights to the only available avenue to litigate their claim that the Frederick County Data Center Referendum Committee made misrepresentations to induce petition signatures. Because Plaintiffs were not permitted to intervene, serve discovery, or submit evidence before the Board of Elections, they

properly exercised their rights under § 6-209(b) to pursue declaratory relief and discovery in a Title 2 action.

Election Law § 6-209(b) allows *any* “registered voter” to file a “complaint” for “declaratory relief” regarding *any* referendum petition. For good reason: the County’s broader citizenry and its representative government have a direct interest in preserving the integrity of the electoral process. To accurately represent the will of the people, the process must be open, honest, and fair. The electoral process cannot be accurate if those seeking a referendum are permitted to mislead or induce petition signatures based on false pretenses.

All involved—especially the Board of Elections—should want these issues resolved. The Board has a very strong institutional interest in ensuring that referendum petitions are not erroneous or procured through misrepresentations. Had the Board known the facts Petitioners-Plaintiffs seek to develop, it may well have declined to certify the petition. Its current stance—seeking to block discovery into those facts—is therefore surprising and appears motivated by a desire for speed at the expense of fairness, due process, and justice. That is not an outcome permitted under the law, especially where, as here, Petitioner-Plaintiffs assert a claim expressly authorized by the General Assembly.

This process is particularly important to registered voters such as Plaintiff-Petitioner Joan Aquilino. As a Frederick County registered voter, Ms. Aquilino has a direct and substantial interest in ensuring that the referendum petition process functions exactly as the General Assembly intended. Her voice must be heard. The Referendum Committee repeats the mantra that the matter should simply “go to the vote” because the voices of those who signed the petition matter, but those signers represent only a minority. And their “voices” do not trump Plaintiff-Petitioner Aquilino’s—or any other registered voter’s—statutory right under § 6-209(b) to challenge the

certification and protect the integrity of the process. The process is also important to Quantum Maryland, which has invested heavily in data center development on the former Eastalco site affected by Ordinance 26-01-001. For years Quantum Maryland has invested hundreds of millions of dollars to develop critical infrastructure, bringing electric power, public water, public sewer, and telecommunications infrastructure to the site in direct reliance on the County's own zoning and planning approvals.

All these interests can only be resolved through the Title 2 action under the Election Law. As explained further below, Election Law § 6-209 provides two distinct and parallel avenues for relief concerning referendum petitions. The first is a petition for judicial review under § 6-209(a), which is limited to the administrative record that was before the agency. The second is a complaint for declaratory judgment under § 6-209(b), which proceeds as a civil action under Title 2 and expressly permits discovery. Parties routinely bring both claims together. *See, e.g., Whitley v. Maryland State Bd. of Elections*, 2012 WL 9245964, at \*3-4 (Md. Cir. Ct. Aug. 10, 2012); *Kent Island Def. League, LLC v. Queen Anne's Cnty. Bd. of Elections*, 145 Md. App. 684, 688, 806 A.2d 341, 344 (2002); *Gray v. Howard Cnty. Bd. of Elections*, 218 Md. App. 654, 660, 98 A.3d 423, 427 (2014).

Proceeding under Title 2 is particularly important here, where discovery is needed to fully vet Petitioners-Plaintiffs' assertions that go beyond the administrative records. Parties bring actions under § 6-209(b) to litigate issues that fall outside the Board of Elections' determination, *Kent Island*, 145 Md. App. at 688, and courts routinely permit discovery in § 6-209(b) actions challenging referendum petitions. *See, e.g., Montgomery County Volunteer Fire-Rescue Ass'n v. Montgomery County Board of Elections*, No. 337172V (Mont. Cnty. Cir. Ct. 2010); *Doe v. Montgomery County Board of Elections*, No. 293857V (Mont. Cnty. Cir. Ct. 2008); *FOP Lodge*

*35 v. Montgomery County*, No. 355887V (Mont. Cnty. Cir. Ct. 2011). Only a Title 2 action under § 6-209(b) allows these issues to be properly litigated.

Indeed, at the scheduling hearing, counsel for the Board of Elections implicitly conceded this point, acknowledging the agency has no power to investigate allegations of misrepresentations. Nor did Petitioners-Plaintiffs have any right to intervene in its proceedings. Board of Elections' process unfolds almost entirely behind closed doors. It neither maintains a public docket nor alerts the public to its process. It has no investigatory powers to look beyond the face of the petitions submitted, consistent with its circumscribed authority under the Maryland Election Law Article. Even so, the Board of Elections has an interest in administering lawful referenda, and the agency should welcome discovery into alleged misrepresentations that undermine the integrity of the electoral process.

In light of the above, the Board's attempts to circumvent Petitioners-Plaintiffs' right to a Title 2 action not only undermines the integrity of the democratic process, but denies Petitioners-Plaintiffs' due process rights. This Court should deny the Board's motion.

## **ARGUMENT**

### **A. The Law Expressly Permits Plaintiffs' Declaratory Judgment Action To Proceed Under Title 2.**

Election Law § 6-209(b) expressly authorizes Petitioners-Plaintiffs' declaratory judgment claim under Title 2. The Board contends, however, that the claims may proceed only as a Title 7 petition for judicial review and "NOT Title 2 of the Maryland Rules." Board Mot. 2. That position is flatly incorrect. Section 6-209 creates two avenues for relief. First, § 6-209(a) permits "aggrieved" persons to seek judicial review of determinations regarding referendum petitions under Title 7. Second, Section 6-209(b) authorizes any "registered voter" to file a "complaint" for "declaratory relief" under Title 2. Accordingly, litigants routinely bring both claims together,

precisely because the avenues serve different purposes. *See Whitley*, 2012 WL 9245964, at \*3-4; *Kent Island*, 145 Md. App. at 688; *Gray*, 218 Md. App. at 660.

Nor are the two provisions redundant—Title 2 claims are *not* “superfluous and unnecessary” as the Board insists. Board Mot. 5. The separate standing requirements for § 6-209(a) and § 6-209(b) illustrate their distinct nature. As the court noted in *Whitley*, any registered voter has standing under § 6-209(b) given “the broad grant of authority afforded to registered voters” under that subsection, whereas a party must show it is “aggrieved” to have standing under § 6-209(a). *Whitley*, 2012 WL 9245964, at \*3-4. Moreover, different rules apply to each proceeding. A Title 7, Chapter 200 judicial review action under § 6-209(a) is confined to the administrative record. *See* Md. Rules 7-206, 7-207. But discovery is available under § 6-209(b) because it is an action under the “Maryland Uniform Declaratory Judgments Act,” which authorizes “a declaratory judgment or decree in a civil case.” Md. Code Ann., Cts. & Jud. Proc. § 3-409(a). Because such an action is a “civil case,” it proceeds under the Maryland Rules governing civil actions in Title 2, which permit discovery at Rules 2-401 through 2-434.

Crucially, parties bring declaratory judgment actions under § 6-209(b) to litigate issues that fall outside the Board of Elections’ determination. In *Kent Island*, for example, a developer filed a § 6-209(b) declaratory judgment action that raised “the same issues” presented to the Election Director “plus an additional issue as to the form of the referendum petition.” *Kent Island*, 145 Md. App. at 688.<sup>1</sup> That is the function § 6-209(b) serves: it gives an aggrieved party an independent vehicle to raise issues the administrative process did not resolve.

---

<sup>1</sup> The Maryland Supreme Court did not address the arguments as to invalid form because it held that the subject matter was not properly referable. *Kent Island Def. League*, 145 Md. App. at 686, 806 A.2d at 342-43.

**B. Discovery Is Proper.**

Maryland circuit courts routinely permit discovery in § 6-209(b) actions challenging referendum petitions. Three examples illustrate the point. In *Montgomery County Volunteer Fire-Rescue Ass’n v. Montgomery County Board of Elections*, the Montgomery County Circuit Court treated the challenge as a declaratory judgment action and authorized discovery, including interrogatories, requests for production of documents, and depositions, before resolving the case on summary judgment. No. 337172V (Mont. Cnty. Cir. Ct. 2010) (*see* Scheduling Order attached at **Exhibit 1**). The same occurred in *Doe v. Montgomery County Board of Elections*, where the court allowed requests for production of documents and depositions in a referendum petition challenge brought under § 6-209. No. 293857V (Mont. Cnty. Cir. Ct. 2008) (*see* Scheduling Order attached at **Exhibit 2**). And in *FOP Lodge 35 v. Montgomery County*, the court also allowed discovery in the form of interrogatories and requests for production of documents. No. 355887V (Mont. Cnty. Cir. Ct. 2011).

The Board of Elections therefore cannot claim that the “the relief sought by Petitioners can be accomplished under a Title 7 claim” or that the Title 2 claim would “needlessly complicate and confuse” the case. Board Mot. 5. Here, discovery is essential. The Title 2 action alleges that the Referendum Committee procured signatures through material misrepresentations about Ordinance 26-01-001’s acreage, scope, and effect—misrepresentations that violate Election Law § 16-401(a)(3) and render the signatures not “genuine and bona fide” under Charter § 308(b) or COMAR 33.06.03.08(B)(4)(a). Pet. ¶¶ 110-15. Those allegations turn on facts outside the administrative record: what scripts and materials the Referendum Committee distributed and what circulators actually told signers. The Board of Elections never investigated these issues, despite Quantum Maryland’s letter alerting it to the issues that stem directly from the Referendum

Committee's flyer(s). If the Title 2 claim is dismissed, § 6-209(b) becomes a dead letter for any claim that depends on facts the Board did not (and could not) reach.

**C. Petitioners-Plaintiffs Had No Avenue To Pursue Their Allegations Before The Board Of Elections.**

Section 6-209(b) is the only viable avenue for relief because the Board has no statutory authority to investigate the Referendum Committee's alleged misdeeds and Petitioners-Plaintiffs had no right to participate in the Board's closed-door certification process. An agency's authority is "measured and limited by the statutes or acts creating them or granting their powers." *Boyd v. Supervisor of Assessments of Baltimore City*, 57 Md. App. 603, 608, 471 A.2d 749 (1984) (quoting 1 Am. Jur. 2d 'Administrative Law' § 72g). An administrative agency "cannot enlarge its own jurisdiction," and actions beyond the statutory grant are void. *Id.* Under Maryland's Election Law, the Board of Elections' role in reviewing a referendum petition is carefully circumscribed to ensure that a petition's form is compliant, to count and verify signatures, and to confirm that the petition is otherwise authorized by law. *See* Election Law §§ 6-201–6-210. The statute grants the Board no subpoena power, no authority to compel testimony or documents, and no investigative function over circulator conduct. Indeed, the Board conceded this very point at last week's scheduling conference.

Petitioners-Plaintiffs likewise had no right to participate in the Board's review process. Nothing in the Election Law or local rules permit them to intervene, serve discovery, or submit evidence. Moreover, the certification process (understandably) unfolds behind closed doors: it maintained no public docket, gave no public notice, and communicated only with the Referendum Committee. Quantum Maryland did what it could: it inquired whether it could intervene (it could

not), and it sent an informal letter alerting the Board to apparent misrepresentations. But the Board simply lacks the legal tools to investigate further—hence the *need* for this exact action.<sup>2</sup>

The declaratory judgment action under § 6-209(b) is not merely “belt and suspenders,” Board Mot. 6; it is the only viable avenue for relief. Under Maryland law, where “the alternative judicial remedy is entirely independent of the statutory scheme containing the administrative remedy, and the expertise of the administrative agency is not particularly relevant to the judicial cause of action,” a plaintiff may proceed to court without exhausting its administrative remedy. *Zappone v. Liberty Life Ins. Co.*, 349 Md. 45, 65–66, 706 A.2d 1060 (1998). That is especially true here, where Petitioners-Plaintiffs have *no* administrative remedy to redress the Referendum Committee’s misrepresentations. Those assertions turn on facts that only Title 2 discovery can surface, which is precisely what § 6-209(b) was enacted to provide.

It does not matter that the current scheduling order is consistent with Title 7 rather than Title 2, *see* Board Mot. 4, as this Court is free to (and should) alter the schedule as due process requires. The Board also complains that allowing the Title 2 claim to proceed would do “nothing to promote an orderly and efficient administration of justice” and instead “create[] confusion, chaos and a mess.” Board Mot. 4. That statement, quite frankly, is alarming. As noted above, the Board should—on behalf of Petitioners like Ms. Aquilino—encourage an “orderly and efficient” discovery process to get to the bottom of the Referendum Committee’s alleged misconduct. *Id.*

The Board’s motion essentially asks this Court to write § 6-209(b) out of the statute because litigating the claim would be inconvenient. That is not a proper basis for dismissal. If the

---

<sup>2</sup> At the scheduling conference, the Board suggested that a temporary restraining order may have been appropriate. Nothing in the Election Law, however, authorizes third-party intervention in the process, and there was no basis to enjoin the Board of Elections from lawfully executing its obligations to verify form, count signatures, and assess the Petition’s legality. A party cannot be penalized for failing to pursue a remedy that does not exist.

General Assembly had intended an “efficient” Title 7 proceeding to be the exclusive way to challenge a referendum petition, it would not have separately enacted § 6-209(b).

Moreover, the Board’s warnings of “chaos” and disruption from allowing a Title 2 claim are overstated and unpersuasive. Discovery is the ordinary and essential mechanism by which the truth is uncovered and registered voters’ statutory rights under § 6-209 are vindicated. Focused discovery in this case will impose no undue burden and will serve as a critical check against any future attempt to procure signatures through misrepresentation. This Court can readily adjust the schedule as needed, and Maryland circuit courts routinely manage § 6-209 actions in an orderly fashion.

Contrary to the Board’s hyperbole, what invites “chaos” is dismissal of the Title 2 claim such that Petitioners-Plaintiffs are left with no forum, no discovery, and no recourse as permitted by § 6-209(b), thereby likely forcing them to seek immediate relief from the Maryland Supreme Court.

### **CONCLUSION**

The Court should deny the Motion to Dismiss filed by the Board of Elections.

[Remainder of this page left intentionally blank]

Date: May 28, 2026

Respectfully submitted,

**LONGMAN & VAN GRACK, LLC**

/s/ Adam L. Van Grack

Adam L. Van Grack, Esq. (CPF# 0212190262)

/s/ Theodore B. Kiviat

Theodore B. Kiviat, Esq. (CPF# 0101110004)

10411 Motor City Drive, Suite 750

Bethesda, Maryland 20817

Telephone: (301) 291-5027

Fax: (301) 291-5028

avangrack@lvglawfirm.com

tkiviat@lvglawfirm.com

**QUINN EMANUEL URQUHART &  
SULLIVAN, LLP**

Keith H. Forst

*(Special Admission)*

Asher Griffin

*(Special Admission)*

José R. Pereyó

*(Special Admission)*

Paul D. Henderson

*(Special Admission)*

555 13th Street NW, Suite 600

Washington, District of Columbia 20004

Telephone: (202) 538-8000

Fax: (202) 538-8100

keithforst@quinnemanuel.com

ashergriffin@quinnemanuel.com

josepereyo@quinnemanuel.com

paulhenderson@quinnemanuel.com

*Counsel for Petitioners-Plaintiffs Quantum  
Maryland, LLC and Joan Aquilino*

**CERTIFICATE REGARDING RESTRICTED INFORMATION**

I, Adam L. Van Grack, HEREBY CERTIFY that this submission does not contain any restricted information.

/s/ Adam L. Van Grack  
Adam L. Van Grack, Esq. (CPF# 0212190262)

**CERTIFICATE OF SERVICE**

I, Adam L. Van Grack, HEREBY CERTIFY that on this 28th day of May, 2026, a copy of the foregoing *Opposition* was filed electronically in the Maryland Electronic Courts (MDEC) system in the above-captioned matter and served upon all parties and/or their counsel as registered in the Maryland Electronic Courts (MDEC) system for this matter and all consolidated matters.

/s/ Adam L. Van Grack  
Adam L. Van Grack, Esq. (CPF# 0212190262)

# EXHIBIT 1

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

MONTGOMERY COUNTY  
FIRE-RESCUE ASSOCIATION

Plaintiffs

v.

MONTGOMERY COUNTY  
BOARD OF ELECTIONS

Defendant

Case No.: 337172-V

SCHEDULING ORDER

This case was before the court for a scheduling hearing on September 3, 2010. Upon consideration of the information presented and received, and by agreement of the parties, it is this 3<sup>rd</sup> day of September, 2010, by the Circuit Court for Montgomery County, Maryland,

**ORDERED**, that the response to the petition shall be filed on or before **September 7, 2010**; and it is further

**ORDERED**, that discovery, consisting of interrogatories, requests for production of documents, and depositions, shall be propounded on or before **September 9, 2010**, and it is further

**ORDERED**, that any opposition to the Motion to Intervene shall be filed on or before **September 10, 2010**, and it is further

**ORDERED**, that the disclosure of questioned signatures by the Plaintiff, first submission, shall be filed on or before **September 10, 2010**, and it is further

**ORDERED**, that the disclosure of questioned signatures by the Plaintiff, second submission, shall be filed on or before **September 14, 2010**, and it is further

**ENTERED**

**ORDERED**, that discovery shall be completed on or before **September 15, 2010**, and it is further

**ORDERED**, that the filing of dispositive motions shall be on or before **September 17, 2010**, and it is further

**ORDERED**, that the hearing on the motions and the trial in this matter shall be heard on **September 21, 2010, at 10:00 A.M.**, for two days.

  
ROBERT A. GREENBERG, JUDGE  
Circuit Court of Montgomery County

**ENTERED**

SEP 10 2010 *cc*

Clerk of the Circuit Court  
Montgomery County, Md.

# EXHIBIT 2





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

and

BARBARA WAGNER

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

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

\* \* \* \* \*

WINDRIDGE PROPERTIES, L.C. et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF  
ELECTIONS, et al.

Defendants.

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

\* \* \* \* \*

PETITION OF NDR PROPERTIES, LLC et  
al.,

Petitioners,

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

and

BARBARA WAGNER

IN THE MATTER OF THE PETITION OF

Case No. C-10-CV-26-000325

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

\*  
\*  
\*  
\*  
\*  
\*  
\*

\* \* \* \* \*

NDR PROPERTIES, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF  
ELECTIONS, et al.

Defendants.

Case No. C-10-CV-26-000325

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

\* \* \* \* \*

PETITION OF ROWAN FREDERICK,  
LLC et al.,

Petitioners,

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

and

BARBARA WAGNER

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

Case No. C-10-CV-26-000326

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

\* \* \* \* \*

ROWAN FREDERICK, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF ELECTIONS, et al.

Defendants.

Case No. C-10-CV-26-000326

\* \* \* \* \*

PETITION OF FREDERICK DATA CENTER OWNER, LLC, et al.,

Petitioners,

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

and

BARBARA WAGNER

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

Case No. C-10-CV-26-000327

\* \* \* \* \*

FREDERICK DATA CENTER OWNER, LLC et al.

Plaintiffs,

v.

Case No. C-10-CV-26-000327

FREDERICK COUNTY BOARD OF  
ELECTIONS, et al.

\*  
\*  
\*

Defendants.

\* \* \* \* \*

**[PROPOSED] ORDER**

Upon consideration of Defendants-Respondents Frederick County Board of Elections and Barbara Wagner’s Motion to Dismiss (“**Motion to Dismiss**”), and any/all oppositions filed thereto, it is this \_\_\_\_ day of \_\_\_\_\_ 2026,

ORDERED, that the Motion to Dismiss is DENIED.

**IT IS SO ORDERED**

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable \_\_\_\_\_  
Circuit Court for Frederick County, Maryland

Civil Clerk to provide copies to all parties via MDEC