

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

PETITION OF
QUANTUM MARYLAND, LLC,

and

JOAN AQUILINO,

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-26-000309

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QUANTUM MARYLAND, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

Defendants.

Case No. C-10-CV-26-000309

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PETITION OF WINDRIDGE
PROPERTIES, L.C. 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-26-000321

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WINDRIDGE PROPERTIES, L.C. et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

Defendants.

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

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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

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NDR PROPERTIES, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

Defendants.

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

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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

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

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ROWAN FREDERICK, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

Defendants.

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

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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

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FREDERICK DATA CENTER OWNER,
LLC et al.

Plaintiffs,

v.

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

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

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Defendants.

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**PETITIONERS ROWAN FREDERICK LLC, ROWAN FREDERICK II LLC AND
ROWAN FREDERICK III LLC’S MEMORANDUM OF LAW IN SUPPORT OF THEIR
PETITION FOR JUDICIAL REVIEW**

Petitioners-Plaintiffs, Rowan Frederick LLC, Rowan Frederick II LLC, and Rowan Frederick III LLC (the “Rowan Petitioners”), by and through their undersigned counsel Charles R. Schaller, Christopher C. Dahl, Michael A. Brown, and the law firm of Baker Donelson, Bearman, Caldwell & Berkowitz P.C., and pursuant to Maryland Election Law § 6-209(a) and Md. Rule 7-201, *et seq.*, hereby files this Memorandum of Law in Support of their Petition for Judicial Review. For the reasons set forth below, the Court should reverse the Board of Elections’ determination that the Referendum Petition is sufficient and remand to the Board of Elections with instructions to deny the Referendum Petition.

I. Introduction and Procedural Background.

This petition arises out of the flawed and incorrect decision of the Frederick County Board of Elections, via its election Director Barbara Wagner (collectively referred to as “the Board of Elections”), to certify a Referendum Petition targeting Frederick County Council Ordinance 26-01-001 (“the Ordinance”) – a zoning map amendment enacted under the Land Use Article (“LU Law”) §§ 4-203 and 4-204. The decision to certify the Referendum Petition is invalid, as the Ordinance is plainly not a law subject the referendum powers articulated in the Frederick County Charter (the “Charter”) Section 3.08, which unmistakably applies to laws – not a zoning map amendment under the LU Law.¹

¹ As articulated in the argument section below, and in the interest of judicial economy, the Rowan Petitioners adopt and incorporate by reference the relevant Introduction and Background sections

The Board of Elections certified the referendum petition on April 3, 2026. The Rowan Petitioners timely filed their Petition for Judicial Review of that decision on April 13, 2026, asserting three claims against the Board of Elections: 1) a petition for judicial review under Election Law § 6-209(a); 2) a request for a writ of administrative mandamus; and 3) a claim for declaratory judgment.² Four other Petitioners filed similar petitions, three of which also named the entity who filed the referendum petition, Respondent Frederick County Data Center Referendum Committee (“the Committee”). The three petitions that assert claims against the Committee include claims that the referendum petition itself is facially invalid, seeking to invalidate the referendum petition’s signatures. The Rowan Petitioners have not asserted that claim, and take no position on any of the arguments raised related to those claims. The five (5) Petitions were consolidated on May 13, 2026.

II. Factual Background of the Rowan Petitioners.

Petitioner Rowan Frederick LLC (“Rowan 1”) is a Delaware Limited Liability Company registered to do business in the state of Maryland and having a principal place of business in Denver, Colorado. Rowan 1 is the owner of the parcel of real property identified as: Lot 400 as shown on plat entitled “Final Plat, Lot 400, Open Space Parcel ‘Q’ & Happy Landing Road, Quantum Frederick” and recorded among the Land Records of Frederick County, Maryland in Plat Book 110, page 183.

Petitioner Rowan Frederick II LLC (“Rowan 2”) is a Delaware Limited Liability Company registered to do business in the state of Maryland and having a principal place of business in

in the Memorandum of Law filed by Petitioners-Plaintiffs Quantum Maryland, LLC and Joan Aquilino, filed in this consolidated case under the lead case number Case No. C-10-CV-26-000309.

² On May 29, 2026, the Court dismissed Count III in the Rowan Petitioners Complaint. No other counts in any of the other four Petitions or in the Rowan Petition were dismissed.

Denver, Colorado. Rowan 2 is the owner of two parcels of real property identified as: (a) Parcel One – Lot 302 as depicted on Plat Entitled “Addition Plat, part of the lands of Quantum Maryland, LLC (Lot 303, “Quantum Frederick”), Addition to Quantum Maryland, LLC (Lot 302, “Quantum Frederick”)” and recorded among the Land Records of Frederick County, Maryland in Plat Book 111, Page 180; and (b) Parcel Two – Lot 304 as depicted on a Plat Entitled “Lots 302-304, Outlot 3, Parcels D & E and Happy Landing Road” and recorded among the Land Records of Frederick County, Maryland in Plat Book 111, Page 164.

Petitioner Rowan Frederick III LLC (“Rowan 3”) is a Delaware Limited Liability Company registered to do business in the state of Maryland and having a principal place of business in Denver, Colorado. Rowan 3 is the owner of the three parcels of real property identified as: (a) Parcel One – “New Area of Lot 102 as shown on plat entitled “Addition Plat, Part of the Lands of Quantum Maryland, LLC (Lot 101 & Part of Lot 102, “Quantum Frederick”) to Quantum Maryland, LLC (Lot 100, “Quantum Frederick”) and Part of the Lands of Quantum Maryland, LLC (Lot 105, “Quantum Frederick”) to Quantum Maryland, LLC (Lot 102, “Quantum Frederick”) and recorded among the Land Records of Frederick County, Maryland in Plat Book 112, page 135; (b) Parcel Two - “Lot 112C as shown on plat entitled “Final Plat, Lots 100-102, 105, 112C & 112D, Quantum Frederick” and recorded among the Land Records of Frederick County, Maryland in Plat Book 112, page 123; and (c) Parcel Three – “Lot 112D as shown on the a plat entitled “Final Plat, Lots 100-102, 105, 112C & 112D, Quantum Frederick” and recorded among the Land Records of Frederick County, Maryland in Plat Book 112, page 123.

Each of the parcels owned by the Rowan Petitioners is located within the Critical Digital Infrastructure Overlay Zone and is within the zoning map amendment proposed by the Ordinance.

Accordingly, the Rowan Petitioners are persons aggrieved by the improper certification of the referendum petition.

III. Legal Standard.

The Court reviews the Board of Election's legal conclusions *de novo*, including the interpretation of Charter § 308 and Election Law §§ 6-206 and 6-208. The construction of a local charter presents a question of law that receives no deference. *Town of Bel Air v. Bodt*, 487 Md. 354, 366 (2024). And the construction of a charter begins and, where the text is unambiguous, ends with the plain language. *Id.* at 370.

IV. Argument.

A. The Ordinance is Not a Law Subject to Referendum Under the Charter.

The Rowan Petitioners assert that the Ordinance is not a law that is subject to the referendum provisions of the Section 3.08 of the Charter, and therefore is not subject to referendum. The Rowan Petitioners further refer to and incorporate by reference the law and arguments raised in Section I of the Memorandum of Law filed by Petitioners-Plaintiffs Quantum Maryland, LLC and Joan Aquilino, filed in this consolidated case under the lead case number Case No. C-10-CV-26-000309.

B. The Board of Elections' Referendum Certification is Independently Defective.

The Rowan Petitioners further assert that the Board of Elections' decision to certify the referendum decision was defective under the Election Code, which required the Election Director to affirmatively determine whether the petition was referable under the law. Since the Election Director was "unable to make a determination that the petition is not authorized by law,"³ the

³ See **Exhibit C** to the Petition for Judicial Review filed by the Rowan Petitioners in Case No. C-10-CV-26-000326.

Election Director failed to complete its mandatory duties under the Election Law. The Rowan Petitioners further refer to and incorporate by reference the law and arguments raised in Section II of the Memorandum of Law filed by Petitioners-Plaintiffs Quantum Maryland, LLC and Joan Aquilino, filed in this consolidated case under the lead case number Case No. C-10-CV-26-000309.

C. In the Alternative, a Writ of Mandamus Should Issue.

In the alternative to reversing the Board of Elections' determination that the referendum petition was sufficient, the Court should issue a writ of mandamus directing the Board of Elections to comply with its mandatory obligations under the Election Code. The Rowan Petitioners further refer to and incorporate by reference the law and arguments raised in Section IV of the Memorandum of Law filed by Petitioners-Plaintiffs Quantum Maryland, LLC and Joan Aquilino, filed in this consolidated case under the lead case number Case No. C-10-CV-26-000309.

V. Conclusion.

The Court should reverse the Board of Elections' determination that the Referendum Petition is sufficient and remand to the Board of Elections with instructions to deny the Referendum Petition.

DATED: June 4, 2026

Respectfully submitted,

/s/ Charles R. Schaller

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of June, 2026, a copy of the foregoing was served on all counsel of record via MDEC.

/s/ Charles R. Schaller

Charles R. Schaller (AIS #9106200250)