

**IN THE
SUPREME COURT OF MARYLAND**

September Term, 2025

No. 67

FREDERICK COUNTY DATA CENTER REFERENDUM COMMITTEE,
Appellant,

v.
QUANTUM MARYLAND, LLC, ET AL.,
Appellees.

**BRIEF OF APPELLEES ROWAN FREDERICK LLC,
ROWAN FREDERICK II LLC, AND ROWAN FREDERICK III LLC**

*On Appeal from the Circuit Court for Frederick County, Maryland
Case No. C-10-CV-26-000309*

*(Consolidated with C-10-CV-26-321, C-10-CV-26-325,
C-10-CV-26-326, and C-10-CV-26-327)*

The Honorable James A. Bonifant, Senior Judge, Specially Assigned

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2. The Charter requires that each petition paper “contain the full and accurate text of the law.” The Committee reproduced the Ordinance’s color-coded zoning maps in black and white, collapsing ten zoning classifications into indistinguishable shades of gray, and shrank the Ordinance’s text to a 4.5-point font. Did the petition contain the Ordinance’s “full and accurate text”?	
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STATEMENT OF THE CASE

This is an election law case arising under EL § 6-201, *et seq.*, concerning whether the Frederick County Board of Elections (the “Board”) properly certified a referendum petition seeking to overturn Frederick County Council Ordinance 26-01-001, a zoning map amendment establishing the Critical Digital Infrastructure Overlay Zone (“CDI Overlay Zone”).

On January 20, 2026, the Frederick County Council enacted Ordinance 26-01-001, which identifies specific areas in Frederick County where Critical Digital Infrastructure Facilities may be built and operated. The Frederick County Data Center Referendum Committee (“Referendum Committee”) thereafter submitted a petition to the Board to refer the Ordinance to referendum. On April 3, 2026, Election Director Barbara Wagner certified the referendum petition, finding sufficient signatures but stating she was “unable to make a determination that the petition is not authorized by law under EL §6-206(c)(5)(1).” (E014-015.)

On April 13, 2026, the Rowan Appellees timely filed their Petition for Judicial Review (Case No. C-10-CV-26-000326). On May 13, 2026, Rowan’s Petition was consolidated with four other petitions for judicial review challenging the Board’s decision. After a hearing and trial, on June 18, 2026, the Circuit Court for Frederick County rendered an oral opinion from the bench: (1) reversing the Election Director’s certification; (2) declaring the Ordinance is not a subject matter about which a referendum may be pursued under the Frederick County Charter; and (3) declaring the referendum petition deficient

under §6-206(c)(6) because it failed to provide a “full and accurate text of the law” as required by Charter §308(b). (E259-275)

On June 18, 2026, the Referendum Committee filed a notice of appeal. The Circuit Court’s decision was entered on June 22, 2026. The Referendum Committee filed a clarifying Notice of Appeal on that same day. This Court ordered expedited briefing on June 22, 2026.

QUESTIONS PRESENTED

The Rowan Appellees adopt the Questions Presented as stated in the Brief of Appellees Quantum Maryland, LLC and Joan Aquilino. For the convenience of this Court, those questions are:

1. Frederick County’s Charter permits referendum of “a law, or part of a law, enacted pursuant to this Charter,” and provides that the Council “may enact no law except by written Bill.” No bill produced Ordinance 26-01-001, a zoning map amendment adopted under the procedures of the Land Use Article. Is the Ordinance a “law” subject to referendum?
2. The Charter requires that each petition paper “contain the full and accurate text of the law.” The Committee reproduced the Ordinance’s color-coded zoning maps in black and white, collapsing ten zoning classifications into indistinguishable shades of gray, and shrank the Ordinance’s text to a 4.5-point font. Did the petition contain the Ordinance’s “full and accurate text”?

3. A referendum petition is valid only if each signature is “genuine and bona fide.” May signatures stand where the sponsor procured them through a documented campaign of factual claims its own chairman admitted were false?

STATEMENT OF FACTS

Pursuant to Maryland Rule 8-504(a)(4), the Rowan Appellees offer the following additional facts necessary to clarify and supplement the statement in Appellant’s Brief.

A. Identity of the Rowan Appellees

Rowan Frederick LLC (“Rowan 1”) is a Delaware limited liability company registered to do business in Maryland, with its principal place of business in Denver, Colorado. Rowan 1 owns Lot 400 as shown on the plat entitled “Final Plat, Lot 400, Open Space Parcel ‘Q’ & Happy Landing Road, Quantum Frederick” recorded in Plat Book 110, page 183, Land Records of Frederick County, Maryland.

Rowan Frederick II LLC (“Rowan 2”) is a Delaware limited liability company registered to do business in Maryland, with its principal place of business in Denver, Colorado. Rowan 2 owns two parcels: (a) Lot 302 recorded in Plat Book 111, Page 180; and (b) Lot 304 recorded in Plat Book 111, Page 164, Land Records of Frederick County, Maryland.

Rowan Frederick III LLC (“Rowan 3”) is a Delaware limited liability company registered to do business in Maryland, with its principal place of business in Denver, Colorado. Rowan 3 owns three parcels: (a) New Area of Lot 102 recorded in Plat Book 112, page 135; (b) Lot 112C recorded in Plat Book 112, page 123; and (c) Lot 112D recorded in Plat Book 112, page 123, Land Records of Frederick County, Maryland.

B. The Rowan Appellees' Property Interests Within the CDI Overlay Zone

All parcels owned by the Rowan Appellees are located within the Critical Digital Infrastructure Overlay Zone established by Ordinance 26-01-001. The Ordinance identifies specific areas in Frederick County where Critical Digital Infrastructure Facilities—*i.e.*, computer data centers—may be built and operated, and the Rowan Appellees' properties are within the zoning map amendment proposed by the Ordinance.

If the referendum were placed on the ballot and succeeded, the zoning designations applicable to the Rowan Appellees' properties would be overturned. Therefore, the Rowan Appellees therefore have a direct, specific, and legally cognizable interest in the outcome of this appeal.

C. Procedural History Specific to the Rowan Appellees

On April 13, 2026, the Rowan Appellees timely filed their Petition for Judicial Review in the Circuit Court for Frederick County (Case No. C-10-CV-26-000326), challenging the Election Director's April 3, 2026 certification of the referendum petition. The Rowan Appellees' petition was consolidated with four other petitions on May 13, 2026. On May 29, 2026, the Circuit Court dismissed Count III (declaratory judgment) of the Rowan Appellees' Complaint; no other counts were dismissed. The Rowan Appellees do not challenge the facial validity of referendum petition signatures and take no position on claims related to signature invalidation.

ARGUMENT

I. Standard of Review.

The Rowan Appellees adopt and incorporate the standard of review as stated in the Brief of Appellees Quantum Maryland, LLC and Joan Aquilino.

II. The Rowan Appellees Adopt and Incorporate by Reference the Arguments of the Quantum Appellees.

Pursuant to Maryland Rule 8-503(f), which provides that “[i]n a case involving more than one appellant or appellee, any appellant or appellee may adopt by reference any part of the brief of another,” the Rowan Appellees hereby adopt and incorporate by reference the legal arguments related to the claims pursued under Maryland Election Law § 6-209(a) and Md. Rule 7-201 as set forth in the Brief of Appellees Quantum Maryland, LLC and Joan Aquilino filed in this appeal. Since the Rowan Appellees do not have a claim for declaratory judgment, the Rowan Appellees take no position as to any of the legal arguments raised therein.

CONCLUSION

For the foregoing reasons, and for the reasons set forth in the Brief of Appellees Quantum Maryland, LLC and Joan Aquilino, which are adopted and incorporated herein by reference, the Rowan Appellees respectfully request that this Court affirm the Opinion and Order of the Circuit Court for Frederick County dated June 22, 2026.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 2026, a copy of the foregoing Brief of Appellees Rowan Frederick, LLC, Rowan Frederick II LLC, and Rowan Frederick III LLC was served electronically via MDEC on all counsel of record.



Charles R. Schaller

CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

1. This brief contains approximately 1,232 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the requirements stated in Rule 8-112.



Charles R. Schaller