



COMMISSION MEETING

April 19, 2023
10:00 to 11:30 a.m.

**The Commission will be meeting in a hybrid
in-person / videoconference meeting which
will be live-streamed from:**

Wheaton Headquarters

Auditorium

2425 Reddie Drive

Wheaton, Maryland 20902

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, April 19, 2023
10:00 to 11:30 am**

		<u>ACTION</u>	
		Motion	Second
1. Approval of Commission Agenda (10:00 a.m.)	(*) Page 1		
2. Approval of Commission Minutes (10:05 a.m.) a) Open Session – March 15, 2023	(*) Page 3		
3. General Announcements (10:05 a.m.) a) Stress Awareness Month b) Alcohol Awareness Month c) Arab-American Heritage Month d) Upcoming National Prevention Week (Mental and/or Substance Use Disorders) May 7-13 e) Financial Disclosure Statements due Apr 30			
4. Action and Presentation Items (10:10 a.m.) a) Resolution 23-06 Disposition of former WMATA Property through a Land Exchange for the future Wheaton Urban Recreational Park (Sandberg/Coppola) b) Central Administrative Services Salary Savings Requests (Kroll/Chiang-Smith) c) Annual Legislative Update (Borden)	(*) Page 5 (*) Page 23		H
5. Officers’ Reports (10:45 a.m.) <u>Executive Director’s Report</u> a) Late Evaluation Report, March 2023 (For Information Only) <u>Secretary Treasurer</u> No report scheduled <u>General Counsel</u> b) Litigation Report (For Information Only)		Page 29	
1. Closed Session (11:00 a.m.)			

Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9) and (15), a closed session is proposed to (i) consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees’ Organization to preserve the Commission’s negotiating position and (ii) to discuss cybersecurity matters that pose a risk to: 1. security assessments or deployments relating to information resources technology; 2. network security information; and 3. deployments or implementation of security personnel, critical infrastructure, or security devices, in order to protect and protect public safety.

(*) Vote (LD) Late Delivery (H) Handout (D) Discussion Only

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
March 15, 2023

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Wheaton Headquarters Building in Wheaton, Maryland. The meeting was broadcast by the Montgomery Planning Department.

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair
Dorothy Bailey
William Doerner
Manuel Geraldo

Montgomery County Commissioners

Roberto Piñero
Shawn Bartley
James Hedrick

NOT PRESENT

A. Shaunise Washington

Jeff Zyontz
Mitra Pedoeem

Chair Shapiro called the meeting to order at 10:22 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Passage without objection
7 approved the passage
Passed without objection

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – February 15, 2023
ACTION: Passage without objection
7 approved the passage

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Women's History Month
- b) St. Patrick's Day
- c) National Colorectal Cancer Awareness Month
- d) National Nutrition Month
- e) Upcoming Stress Awareness Month
- f) Upcoming Alcohol Awareness Month
- g) Financial Disclosure Filing Requirement Reminder

Chair Shapiro greeted the new Montgomery County Planning Board members, Commissioners Hedrick and Bartley, who said they looked forward to working with the Commission and staff and would do their best to make decisions to improve the lives of residents for both counties.

Commissioner Doerner noted that today was the first day of registration for the Prince George’s County Summer Youth Programs. He directed people to register through the pgparks.com or mncppc.org websites for an outstanding Recreation brochure that lists activities for summer camps. He provided examples of the wide variety of activities available and said sessions run June 26 through August 18, adding that before and aftercare are also available.

ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (for information only)

- a) Employees Retirement Association Board of Trustees Regular Meeting – March 7, 2023

ITEM 5 OFFICERS’ REPORTS

Executive Director’s Report

- a) Late Evaluation Report (February 2022) (For information only)
- b) Quarterly Budget Transfers (For information only)
- c) Quarterly MFD Report (For information only)

Secretary-Treasurer’s Report

No report scheduled

General Counsel’s Report

- d) Litigation Report (For information only).
- e) Legislative Update. General Counsel Borden briefed the new Commissioners on the agency’s involvement with the legislative session, adding the M-NCPPC carefully selects the legislation that impacts the agency before working with our county councils and county executives to provide input.

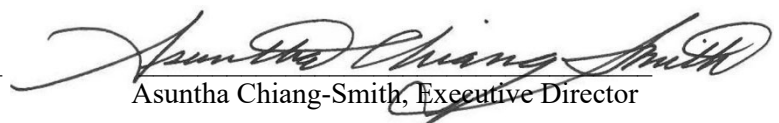
She provided updates on the agency’s involvement with proposed legislation, including recommending extensive amendments to SB 526 Forest Conservation Bill, which proposed a major restructuring of the Forest Conservation Act. She explained the issues with the bill, and the agency’s position, and said the legal department has been working intensively with sponsors on a wide variety of amendments. She said the sponsors have been helpful and responsive and the redraft expected from the Office of Legislative Services is expected to meet all concerns. She thanked Environmental Planning staff from both counties, whose work has been outstanding. Commissioner Hedrick asked for more information about terminology, which General Counsel Borden said was best addressed in the code which provides a robust legal definition. She will transmit the code to Commissioners for their review and answer any questions.

The General Counsel’s Office is still working on several other bills. General Counsel Borden said she is happy to discuss any of them with Commissioners and accept any suggestions or criticism. An annual legislative update is planned for the April Commission meeting, where she will present a retrospective on the legislative session.

Chair Shapiro and the Commissioners thanked General Counsel Borden for her work and for keeping them up-to-date and well-informed.

With no other business to discuss, Chair Shapiro adjourned the meeting at 10:44 pm.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Item 4a
Date: 4 / 19 / 2023

MEMORANDUM

DATE: April 11, 2023

TO: Maryland-National Capital Park and Planning Commission

VIA: Michael F. Riley, Director of Parks *MR*
 Miti Figueredo, Deputy Director, Administration *MF*
 Gary Burnett, Deputy Director, Operations
 Andrew Frank, Division Chief, Park Development Division (PDD)

FROM: Brenda Sandberg, Real Estate Management Supervisor, PDD *BCS*

SUBJECT: Land Exchange Recommendation: Wheaton Urban Recreational Park
 Former WMATA Property, Parcel P920
 11507 Georgia Avenue, Wheaton, MD 20902
 3.83 acres, more or less, improved

STAFF RECOMMENDATION

Montgomery Parks Staff requests that the Maryland-National Capital Park and Planning Commission adopt M-NCPPC Resolution No. 23-06 to:

Adopt the Montgomery County Planning Board’s findings, accept the Planning Board’s recommendations, and approve the disposition and conveyance of the Property as recommended and imposed in MCPB Resolution No. 19-103 as part of a land exchange to support affordable housing and parks within the Wheaton CBD.

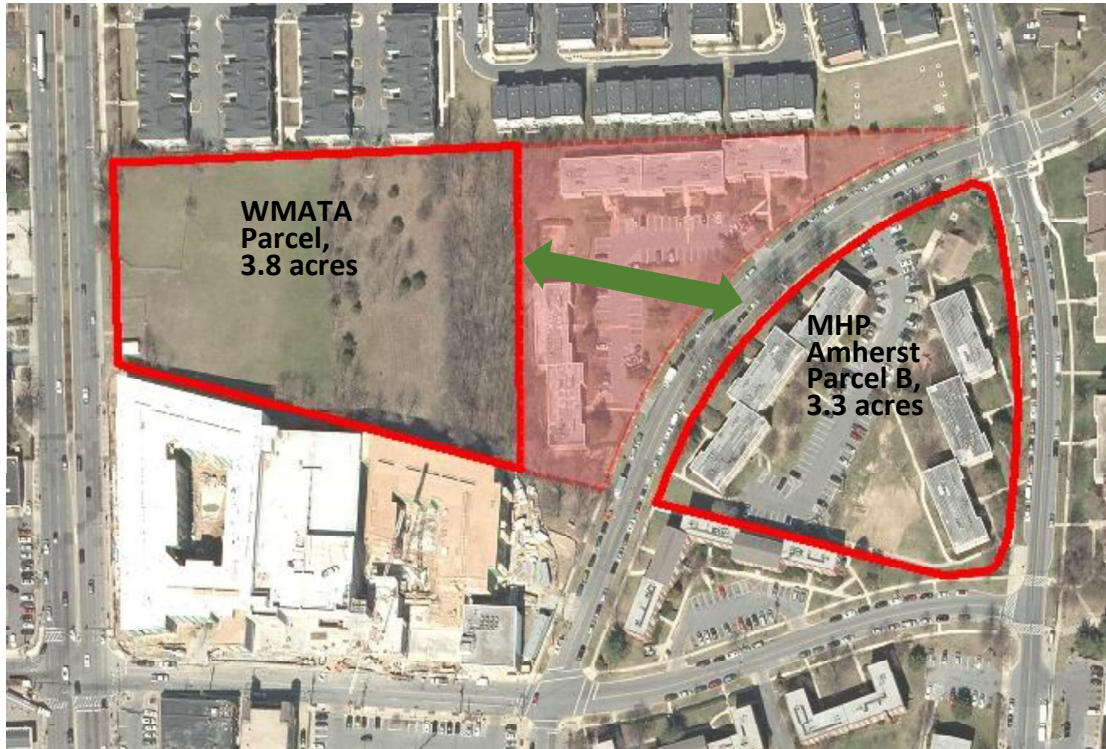
A draft of M-NCPPC Resolution No. 23-06, including MCPB Resolution 19-103 approved by the Montgomery County Planning Board on July 18, 2019, as Exhibit One, is attached to this memo (Attachment A).

SUMMARY

The WMATA Parcel on the north side of the Wheaton CBD was acquired in 2019 – 2020 as a rare opportunity to acquire land for urban recreational needs in a growing CBD. The intent of the acquisition, as approved by the Montgomery County Planning Board and the Montgomery County Council through their CIP approval, was to subsequently enter into a Land Exchange Agreement with Montgomery Housing Partnership to exchange the former WMATA Parcel for land owned by MHP (Amherst Parcel B). The Amherst Parcel B is a preferred location for an Urban Recreational Park to

serve the many multi-family dwellers in and near the CBD. The WMATA Parcel is a preferred location on which MHP intends to construct new affordable multi-family housing.

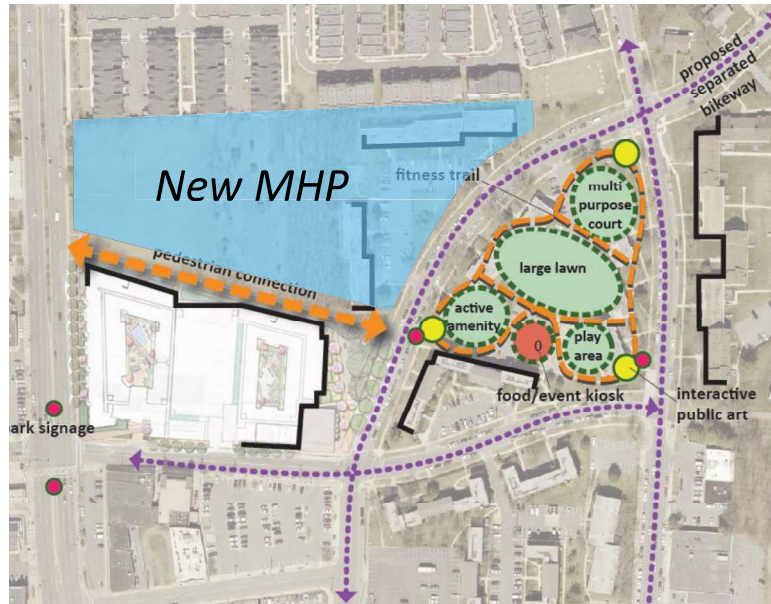
Figure 1: Aerial Photo, WMATA Parcel and Amherst Parcel B, Wheaton CBD



LAND EXCHANGE BACKGROUND

The initial impetus for acquiring the former WMATA property was to provide for urban recreational park amenities to serve the needs of the growing Wheaton community, as recommended in the Wheaton CBD and Vicinity Sector Plan (2012). The opportunity to exchange the WMATA parcel with an MHP parcel to create better affordable housing and a better urban park came about during acquisition negotiations and was subsequently approved by the Montgomery County Planning Board and the Montgomery County Council during CIP funding approvals. The property was acquired using County Bonds, so it is County-titled parkland under the management and control of Montgomery Parks, M-NCPPC. See the Parks Department memo to the Planning Board, 7/11/2019, for details of the policy rationale and benefits of the proposed acquisition and subsequent land exchange (Attachment B).

Figure 2: Illustrative Concept, Potential Future Wheaton Urban Recreational Park on Amherst Parcel B



LAND EXCHANGE PROCESS

After two years of COVID-related delays, MHP is now moving forward in collaboration with Montgomery County to pursue development approvals for an affordable housing complex combined with a public performing arts center on the WMATA parcel. As a result, the time is ripe to move forward with the land exchange and the necessary land disposition approvals. Since this parcel is County-titled parkland, both the Commission and Montgomery County will be implementing their required land disposition processes. Since the Planning Board approved the disposition during their acquisition approval in 2019, this request for the full Commission is the final step in the Commission disposition process. After the County has completed their disposition approval steps, a three-party Land Exchange Agreement will be executed to formalize the legal arrangement between the Commission, the County, and MHP.

CONCLUSION

Implementation of the proposed disposition and land exchange will create a significant improvement to affordable housing and public park amenities to support many residents with critical services in the growing Wheaton CBD.

CC: Darren Flusche
Trish Swann
Darryl McSwain
Kenny Black
Kristi Williams
Shuchi Vera
David Vismara
Megan Chung

Attachment A

Draft M-NCPPC Resolution 23-06

MCPB No. 19-103

M-NCPPC No. 23-06

Wheaton Urban Recreational Park

- **Disposition of former WMATA parcel to Montgomery Housing Partnership Landing's Edge (MHP) to create the future Wheaton Urban Recreation Park via land exchange with MHP**

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("**Commission**") is authorized under the Md Code, Ann., Land Use §§ 17-205 and 17-206(b), to dispose of and exchange land held by it for any other land held by any other public body or agency, which the Commission determines to be more suitable for recreational purposes; and

WHEREAS, the Commission holds certain property interest, via a Deed from Washington Metropolitan Area Transit Authority (WMATA), in a parcel of property containing approximately 3.83 acres of unimproved land located at 11507 Georgie Avenue, Wheaton, Maryland 20902, which is recorded among the Land Records of Montgomery County at Book 60230 page 1 (Parcel I.D. No. 13-00964876) (the "**Property**") that the Commission manages and controls under an Agreement with Montgomery County ("**County**") dated May 24, 1972; and

WHEREAS, The Commission's Montgomery County Planning Board ("**Planning Board**") previously authorized the said acquisition of the Property for the purposes of creating a new urban recreational park in Wheaton to be named Wheaton Urban Recreation Park ("**New Park**"); and

WHEREAS, the Planning Board further accepted the recommendations made by the Commission's Montgomery County Department of Parks ("**Montgomery Parks**") that it would be in the Commission's interest to enter into a land exchange agreement with MHP to exchange one other's property in order that MHP may construct new and expanded affordable housing on the Property and Montgomery Parks create the New Park on the current MHP parcel; and

WHEREAS, the Planning Board issued Resolution dated July 18, 2018 (MCPB No. 19-103) recommending that the Commission approve the disposition of the Property to facilitate the creation of the New Park through a land exchange with MHP (the "**MCPB Resolution**") on motion of Commissioner Tina Patterson, seconded by Commissioner Gerald Cichy, with Commissioner Chair Casey Anderson voting in favor of the motion, with Commissioners Norman Dreyfuss and Natali Fani-Gonzalez being absent.

NOW, THEREFORE, BE IT RESOLVED that, the Commission hereby adopts the Planning Board's findings, accepts the Planning Board's recommendations, and approves the disposition and conveyance of the Property in accordance with the terms and conditions recommended and imposed by the MCPB Resolution, attached to and incorporated into this Commission Resolution as Exhibit One.

BE IT FURTHER RESOLVED, that in connection with the transactions contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such certificates, documents, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolutions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with a vote of __-__; Commissioners _____ voting in favor of the motion, at its regular meeting held on Wednesday, April 19, 2023, in _____, Maryland.

Asuntha Chiang-Smith
Executive Director



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-103

Acquisition of the WMATA Property to create the future Wheaton Urban Recreational Park

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission ("Commission") is authorized by Md. Code Ann., Land Use, §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Commission identifies properties that are eligible for acquisition and recommends that the County acquire such properties; and

WHEREAS, the Washington Metropolitan Area Transit Authority ("WMATA") owns certain property identified by Tax Account #13-00964876, containing 3.83 acres, more or less, unimproved (the "WMATA Property"), located at 11507 Georgia Avenue, Wheaton Maryland 20902, and which property meets parkland acquisition criteria, for the purpose of creating a new urban recreational park in Wheaton; and

WHEREAS, acquisition is consistent with the recommendations in the 2012 Approved and Adopted Wheaton CBD and Vicinity Sector Plan; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the WMATA Property from WMATA all as described above; and

WHEREAS, there are sufficient monies available in the County's FY-20 Non-Local Park Acquisition Program CIP to pay for the acquisition of the Property; and

WHEREAS, while the WMATA Property would support creating a new urban recreational park in Wheaton, the Commission has identified a property owned by the Montgomery Housing Partnership Landing's Edge ("MHP Landing's Edge"), identified by Tax Account #13-01396574, containing 3.3 acres, more or less, improved ("Amherst Parcel B"), located at 11504 Amherst Avenue, Wheaton Maryland 20902, which property also meets parkland acquisition criteria; and

WHEREAS, the Commission has further identified that an exchange of the WMATA Property and Amherst Parcel B would provide the most benefit to the public by supporting development of new and expanded affordable housing and of creating a new urban recreational park in Wheaton; and

WHEREAS, for the reasons stated above, the Montgomery County Planning Board on behalf of the Commission recommends that, after settlement on the acquisition of the WMATA Property, the County conduct a Land Exchange with MHP Landing's Edge to exchange the WMATA Property for

MCPB No. 19-103

Acquisition of the WMATA Property to create the future Wheaton Urban Recreational Park

Page 2 of 2

Amherst Parcel B to best meet the need for expanded affordable housing and of creating a new urban recreational park in Wheaton.

NOW THEREFORE BE IT RESOLVED that the Montgomery County Planning Board recommends that the County execute the Purchase and Sale Contract, on such terms acceptable to the Commission, to acquire the Property from WMATA for the purchase price of Eight-Million, Seven Hundred Sixty Thousand Dollars (\$8,760,000) and other valuable consideration; and BE IT FURTHER RESOLVED that the Montgomery County Planning Board recommends that the County execute a Definitive Land Exchange Agreement with MHP or MHP Landing's Edge, on such terms acceptable to the Commission and County, to exchange the WMATA Property for Amherst Parcel B, for the purposes of supporting development of new and expanded affordable housing and of creating a new urban recreational park in Wheaton.

* * * * *

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Tina Patterson, seconded by Commissioner Gerald R. Cichy, with Commissioners Patterson, Cichy, and Commission Chair Anderson voting in favor of the motion, with Commission Vice-Chair Norman Dreyfuss and Commissioner Natali Fani-Gonzalez being absent, at its regular meeting held on Thursday, July 18th 2018 in Silver Spring, Maryland.



Chair Casey Anderson
Montgomery County Planning Board

LEGAL SUFFICIENCY

M-NCPPC Legal Department

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 7/19/2019

Attachment B

Montgomery County Planning Board, Item 9 Staff Memo, 7/18/19



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MCPB Item #9
Date: 07 / 18 / 2019

MEMORANDUM

DATE: July 11, 2019

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Director of Parks
Shuchi Vera, Acting Deputy Director, Administration
Bill Tyler, Acting Deputy Director, Operations
Andrew Frank, Division Chief, Park Development Division (PDD)

FROM: Brenda Sandberg, Real Estate Management Supervisor, PDD *BES*

SUBJECT: Land Acquisition and Exchange Recommendation: Wheaton Urban Recreational Park
WMATA Parcel P920
11507 Georgia Avenue, Wheaton, MD 20902
3.83 acres, more or less, improved

STAFF RECOMMENDATION

Staff requests the following actions by the Montgomery County Planning Board:

- 1) Approve Resolution No. 19-103 for acquisition of the Washington Metropolitan Area Transit Authority Parcel P920 ("WMATA Parcel") for a negotiated purchase price of \$8,760,000 to be funded with County G.O. Bonds.
- 2) Approve staff entering into negotiations for a Land Exchange with Montgomery Housing Partnership, Inc. ("MHP") to exchange the WMATA Parcel for Parcel B of MHP's Amherst Square properties ("Amherst Parcel").

SUMMARY

The WMATA Parcel on the north side of the Wheaton CBD is a rare opportunity to acquire land for urban recreational needs in a growing CBD. This proposal is to acquire the WMATA Parcel and enter into a Land Exchange agreement with MHP to exchange the WMATA Parcel for the Amherst Parcel B (Figure 2). The Amherst Parcel B is a preferred location for an Urban Recreational Park to serve the many multi-family dwellers in and near the CBD. The WMATA Parcel is a preferred location on which MHP intends to construct new affordable multi-family housing.

Figure 1: Vicinity Map, WMATA Parcel and Amherst Parcel, Wheaton CBD

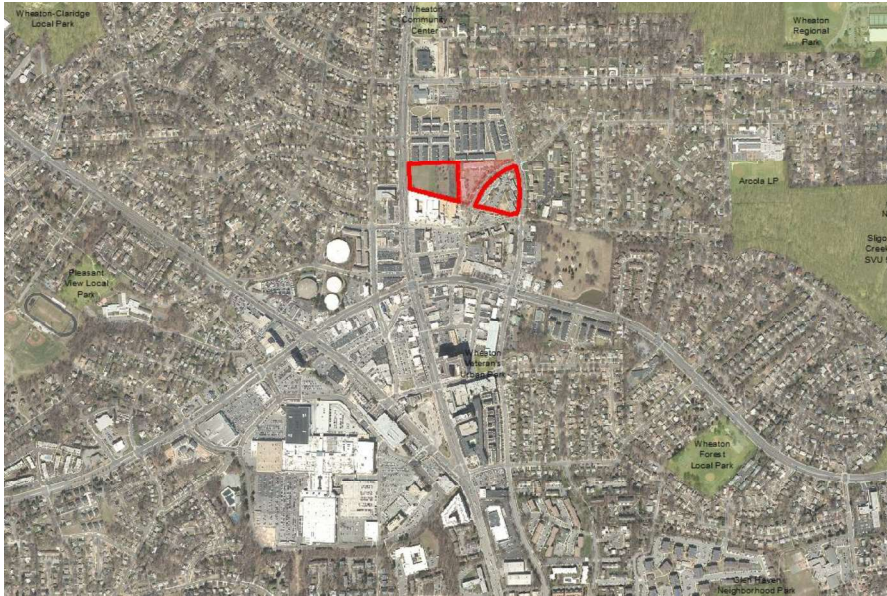
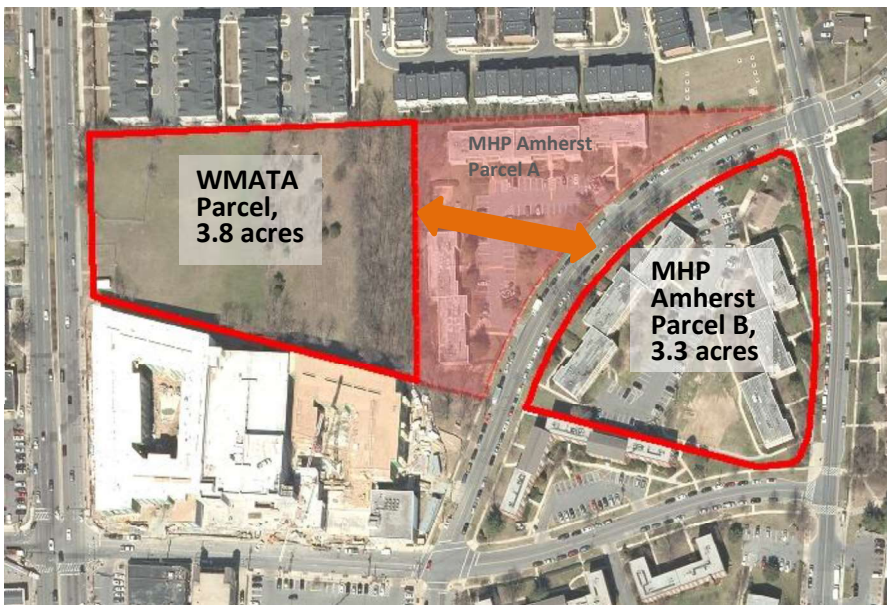


Figure 2: Aerial Photo, WMATA Parcel and Amherst Parcel, Wheaton CBD



PROPERTY DESCRIPTIONS

The WMATA Parcel is a 3.83-acre unimproved parcel located at 11507 Georgia Ave, Wheaton, MD 20902. The property is being acquired through WMATA's required process to dispose of surplus land. The property fronts Georgia Avenue (Figure 3) in the northern portion of the CBD between newly constructed apartments (AVA) on the south and a townhouse development to the north. The property is moderately steep vacant land with one area of trees on the eastern (downhill) edge. The only development on the property is a small area on the south side of the Georgia Avenue frontage that includes a WMATA vent shaft, access stairs, and other mechanical equipment that supports subway system operations. One condition of the acquisition is that the vent shaft area will be protected by a perpetual easement to

WMATA to support continued operation of the subway system. The WMATA Parcel is zoned CR 2.0, C 1.5, R 1.5, H 75 to allow for mixed-use residential development.

Figure 3. Georgia Avenue frontage of WMATA Property Looking North including Vent Structure



Montgomery Housing Partnership (MHP), a non-profit entity that builds and manages a variety of affordable and mixed income housing across Montgomery County, owns the Amherst Square apartment complex located at 11504 Amherst Ave, Wheaton MD 20902. The complex consists of two parcels – Parcel A and Parcel B (Figure 2). Parcel B, located between Amherst Avenue and Elkin Street, is the 3.3-acre property proposed for the Land Exchange. The relatively level property is improved with 72 multi-family apartments (Figure 4). These units would be replaced with new affordable units on the WMATA Parcel and then demolished to accommodate the future park. Both Amherst Parcels A & B are zoned CR 2.0, C 1.5, R 1.5, H 75, the same as the WMATA Parcel, to allow for mixed-use residential development. Parcel B is comparable in zoning, value, and size to the WMATA Parcel and therefore appropriate to swap via a land exchange agreement.

Figure 4. View of Amherst Parcel B, Looking Southwest from Amherst Avenue near Elkin Street

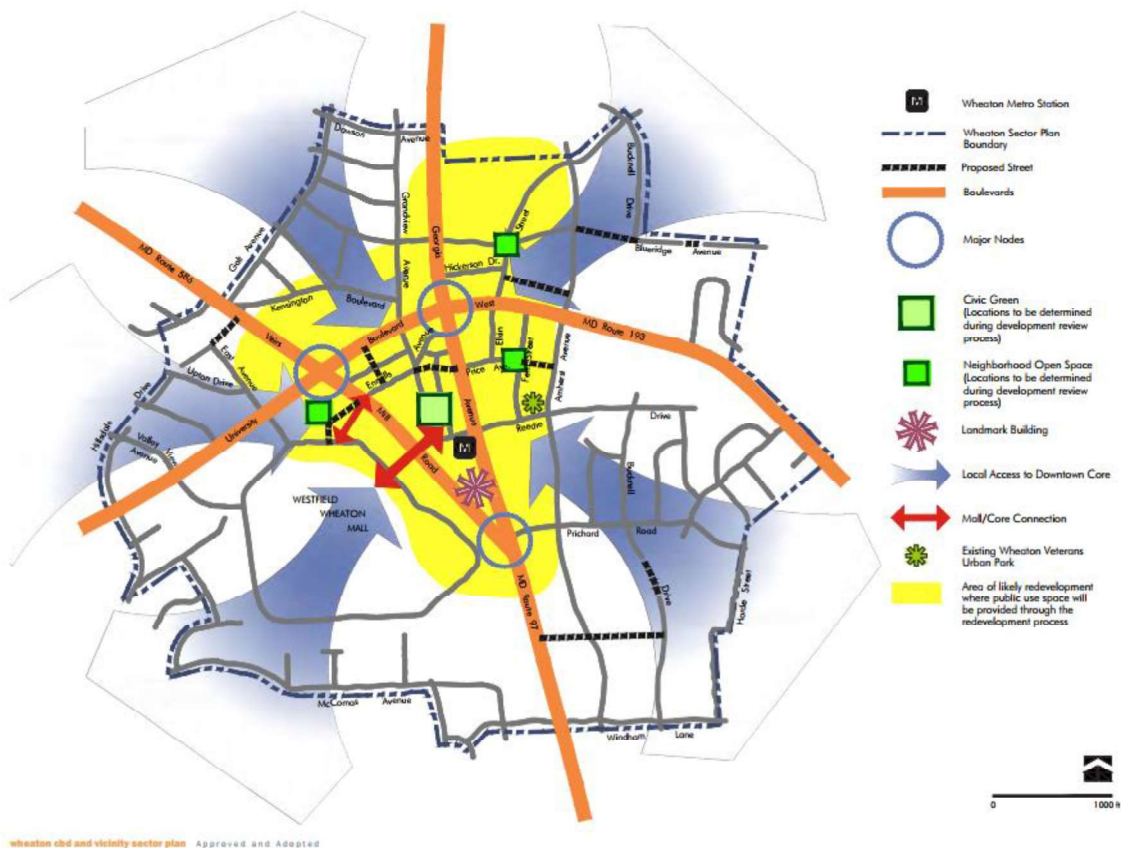


MASTER PLAN AND POLICY RATIONALE

The 2012 *Wheaton CBD and Vicinity Sector Plan* set a vision to provide socially sustainable development to create a community where people can live, work, and play. Two key goals of the Sector Plan are to create more affordable and workforce housing and to provide the appropriate parks and open space to serve this growing urban center. Much land in the Sector Plan Area was rezoned to encourage mixed-use development, resulting in increased future demand for housing and parks/open space. An estimated 3000 additional jobs and 4,600 additional residential units may result from the Plan recommendations.

The Wheaton Plan recommends creating new parks and open spaces to address shortages in the plan area. First, the Plan recommends creating a new public open space in the immediate vicinity of the WMATA Parcel and Amherst Parcel B (see Figure 5). Recent development near the intersection of Elkin and Blueridge has resulted in a Privately-Owned Public Space (POPS) and a pedestrian connection adjacent to the AVA development. While the POPS provides for a green respite in the built environment and a key pedestrian connection as recommended in the Sector Plan, this POPS is not intended to serve recreational purposes for Wheaton residents.

Figure 5: 2012 Wheaton CBD and Vicinity Sector Plan, Proposed Open Space



Second, the Sector Plan states a goal to “provide opportunities for urban recreation in the downtown.” To achieve that goal, the Plan further recommends that “Parks should explore opportunities for large parks...near the Plan area to meet the standards established in the [PROS] Plan.” This recommendation specifically proposes that Parks find a location for a new park to serve urban recreational needs. The

WMATA acquisition provides the opportunity to fulfill that recommendation through the creation of an Urban Recreational Park over 3 acres in size within the CBD boundary.

In addition to the Wheaton Sector Plan, the 2017 *Energized Public Spaces Functional Master Plan (EPS)* created a tool to implement data-driven analysis of supply and demand for Parks, and the initial results from that tool support the need for more urban recreation opportunities in the Wheaton CBD. Preliminary results from the EPS Quantitative Analysis show some areas of deficit (i.e., a lack of access to park experiences) near the proposed park site. In downtown areas such as Wheaton, analysis indicates a lack of active recreation amenities compared to a higher amount of social gathering spaces. The introduction of an urban recreational park in this location in Wheaton would reduce such deficits.

PROPOSED USE AND BENEFITS: LAND EXCHANGE OPPORTUNITY

Acquisition of the WMATA Parcel provides a rare opportunity to support two major public priorities with one project: better affordable housing and more urban recreational amenities. Fortunate timing has created the chance to acquire the WMATA Parcel and exchange it with another entity that is embarking on a major development project that will benefit both these important goals.

Montgomery Housing Partnership (MHP) owns the Amherst Square apartment complex immediately adjacent to the WMATA Parcel, as described in the Property Descriptions section above. MHP is an experienced government partner with significant experience in affordable housing projects in the County. The organization is currently implementing a 15-year plan to rebuild all their affordable housing units in Wheaton, starting with the Amherst Square complex. Discussions with MHP over the past year have identified several benefits to swapping the WMATA Parcel for Amherst Parcel B, summarized in Table 1.

Table 1. Summary of Benefits from Proposed Land Exchange

Better Housing on WMATA Parcel	Better Park on Amherst Parcel B
Easier connectivity for residents to CBD and Metro along Georgia Avenue sidewalks	Flatter terrain easier to utilize for park amenities such as central lawn area
Better residential urban design possible by being closer to Georgia Avenue	Better urban design location for park: <ul style="list-style-type: none"> - Bounded by roads on two of three sides - Surrounded by buildings/uses facing the site - More visible and safe
Minimizes or eliminates the need to relocate residents during construction of new apartments	Park nested within high density community east of Georgia Avenue
	Better accessibility for Pedestrians, Cyclists, and Maintenance

For illustrative purposes, a concept sketch is shown in Figure 6 showing how some potential park amenities could fit on the site and the overall relationship between the future park and the redeveloped Amherst Square apartment complex. Park facilities that could be appropriate in this proposed Urban Recreational Park might include a central lawn for flexible use, multipurpose courts, an amenity such as a skate park or dog park, playgrounds, and a space designed to support community events (such as a kiosk, stage, or space for food trucks or other portable or temporary park amenities).

Figure 6. Illustrative Concept, Potential Future Wheaton Urban Recreational Park on Amherst Parcel B



While this proposed Land Exchange is the preferred way forward to implement the future park, note that the acquisition of the WMATA Parcel is not contingent upon a final agreement with MHP for the land swap. A new park on either the WMATA Parcel or Amherst Parcel B will serve to provide a variety of walk-to active, contemplative and social recreation amenities in a dense, growing, and underserved community. If for some reason the Land Exchange does not come to fruition, the Department of Parks will pursue an urban recreational park on the WMATA Parcel to meet the growing needs of the Wheaton community.

Staff request Board approval to negotiate with MHP for a Land Exchange to support better parks and better housing in Wheaton.

START UP COSTS & OPERATING BUDGET IMPACT (OBI)

The Land Exchange agreement will lay out the details of how and when the two properties will be swapped as well as requirements for the condition of Parcel B when it is transferred to Parks. The Letter of Intent with MHP lays out the basic plan to swap equitable parcels clear of existing improvements and in stable, safe condition.

During the gap between Parks receiving Parcel B and full development of the new park, a minimally developed interim park condition may exist on the park site. Start-up costs may be required to make the property safe, accessible, and publicly usable after Parks accepts the parcel, depending on the conditions negotiated in the Land Exchange Agreement. Since the terms of that agreement are not yet written, it is difficult to estimate the appropriate start-up costs for this future park. Start up costs could be as low as \$0 or could be substantial, depending on the results of due diligence research by and negotiations between MHP and Parks.

Operating budget impacts (OBI) during the interim park condition can be given an order-of-magnitude estimate. OBI for maintaining 3.3 acres of open grass and trees, shoveling snow from sidewalks, and policing for a new urban park location could cost approximately \$30,000 - \$60,000 per year,

Plans for full implementation of the future vision for an urban recreational park will be developed with significant community input and presented to the Planning Board. Capital and operating budget costs for the new park will be determined during park development and operating budget processes and brought to the Planning Board for review and approval at that time.

IMPLEMENTATION STEPS

The implementation of this proposed acquisition and subsequent land exchange will take more process steps than a standard land acquisition. A summary of necessary steps and anticipated timing is as follows:

- **WMATA Approvals**
 - WMATA Board of Directors approval – completed, June 2019
 - Federal Transit Administration approval – pending Summer 2019
- **Planning Board Approvals**
 - Acquisition Closed Session – completed, July 11
 - Acquisition Open Session – today, July 18
 - CIP Budget Amendment – today, July 18
- **Land Exchange Agreements with MHP**
 - Letter of Intent – Draft approved, currently routing for signature
 - Definitive Exchange Agreement – To be drafted after Board Approvals and Letter of Intent signed
- **Montgomery County Council**
 - CIP Budget Amendment and Supplemental – proposed September 2019
- **Settlement with WMATA and Initiate Land Exchange with MHP – October 2019**

Staff looks forward to receiving Planning Board approval to acquire the WMATA Parcel and to enter Land Exchange negotiations with MHP to support new affordable housing and create urban recreational facilities in downtown Wheaton.

Attachment: MCPB No. 19-103, Acquisition of the WMATA Property to create the future Wheaton Urban Recreational Park

CC: Shuchi Vera
Darryl McSwain
Jim Poore
Bill Tyler
Kristi Williams
Megan Chung
Robert Kronenberg

Attachment

MCPB No. 19-103

Acquisition of the WMATA Property to create the future Wheaton Urban Recreational Park

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) is authorized by Md. Code Ann., Land Use, §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Commission identifies properties that are eligible for acquisition and recommends that the County acquire such properties; and

WHEREAS, the Washington Metropolitan Area Transit Authority (“WMATA”) owns certain property identified by Tax Account #13-00964876, containing 3.83 acres, more or less, unimproved (the “WMATA Property”), located at 11507 Georgia Avenue, Wheaton Maryland 20902, and which property meets parkland acquisition criteria, for the purpose of creating a new urban recreational park in Wheaton; and

WHEREAS, acquisition is consistent with the recommendations in the 2012 Approved and Adopted Wheaton CBD and Vicinity Sector Plan; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the WMATA Property from WMATA all as described above; and

WHEREAS, there are sufficient monies available in the County’s FY-20 Non-Local Park Acquisition Program CIP to pay for the acquisition of the Property; and

WHEREAS, while the WMATA Property would support creating a new urban recreational park in Wheaton, the Commission has identified a property owned by the Montgomery Housing Partnership Landing’s Edge (“MHP Landing’s Edge”), identified by Tax Account #13-01396574, containing 3.3 acres, more or less, improved (“Amherst Parcel B”), located at 11504 Amherst Avenue, Wheaton Maryland 20902, which property also meets parkland acquisition criteria; and

WHEREAS, the Commission has further identified that an exchange of the WMATA Property and Amherst Parcel B would provide the most benefit to the public by supporting development of new and expanded affordable housing and of creating a new urban recreational park in Wheaton; and

WHEREAS, for the reasons stated above, the Montgomery County Planning Board on behalf of the Commission recommends that, after settlement on the acquisition of the WMATA Property, the County conduct a Land Exchange with MHP Landing’s Edge to exchange the WMATA Property for Amherst Parcel B to best meet the need for expanded affordable housing and of creating a new urban recreational park in Wheaton.

NOW THEREFORE BE IT RESOLVED that the Montgomery County Planning Board recommends that the County execute the Purchase and Sale Contract, on such terms acceptable to the Commission, to acquire the Property from WMATA for the purchase price of Eight-Million, Seven Hundred Sixty Thousand Dollars (\$8,760,000) and other valuable consideration; and

BE IT FURTHER RESOLVED that the Montgomery County Planning Board recommends that the County execute a Definitive Land Exchange Agreement with MHP or MHP Landing's Edge, on such terms acceptable to the Commission and County, to exchange the WMATA Property for Amherst Parcel B, for the purposes of supporting development of new and expanded affordable housing and of creating a new urban recreational park in Wheaton.

* * * * *

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor of the motion at its regular meeting held on Thursday, July 18th 2018 in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

6611 Kenilworth Avenue • Riverdale, Maryland 20737

To: The Commission

From: Asuntha Chiang-Smith, Executive Director

Re: Department of Human Resources and Management Use of FY22 Salary Savings

Requested Action

The Department of Human Resources and Management (DHRM) is projecting approximately \$495,000 in FY23 personnel cost savings from vacancies and attrition. We are requesting approval to transfer these savings to address the priorities identified below.

Prefund Professional Services and Programs

Savings will be used to encumber funds for critical DHRM programs and to proactively address non-recommended budget cuts in FY24. Specific programs include promotional testing for Park Police, development of the agency's Supplier Diversity and Performance Metrics programs, implementation of the new Time to Care Act legislation, and organizational development/succession planning.

Technological Improvements

Software advancements are needed to automate processes and enable DHRM to support the Departments more effectively. Savings will be used to support upgrades to current systems, digitize paper records, and contribute to the ERP upgrade.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 12, 2023

To The Commission

From: Mazen Chilet, Chief Information Officer *Chilet*

Re: Request Use of FY23 Salary Savings

The Corporate IT Services budget is projected to realize approximately \$314,000 in Personnel Services savings due to unexpected vacancies. Approval is sought to allocate these savings for the following uses:

Cyber Security Improvements – Securing our network is our utmost priority. Savings will be used to continue our efforts in instituting security enhancements and pre-fund O365 development to meet non-recommended budget cuts in FY24.

Backup and Disaster Recovery Services – Securing our data is critical to ensuring we are able to maintain access to our data in the event of a crisis. Savings will be used to lock in backup services for the next several years.

Computer Equipment – In order to meet non-recommended budget cuts in prior fiscal years, our ability to refresh our laptop inventory was delayed. Salary savings will be used to purchase new laptops, peripherals, and other equipment to ensure devices issued continue to meet our minimum acceptable performance level.

Adobe Creative Cloud Licenses – Within the past several months, Adobe significantly increased pricing for their Creative Cloud licenses. Savings will be used to address this unanticipated increase in cost to ensure CAS staff continue to have access to the applications they need.



Department of Finance, Office of the Secretary-Treasurer

MEMORANDUM

DATE: April 12, 2023

TO: The Maryland-National Capital Park and Planning Commission

FROM: Gavin Cohen, Secretary-Treasurer

SUBJECT: **Reallocation of FY 2023 Salary Savings for the Department of Finance
In accordance with Commission Practice 3-60, Budget Adjustments**

The Department of Finance is expected to realize unspent salary savings of approximately \$730,000 in its Personnel Services budget in FY 2023 due to resignations and recruitment difficulties for critical positions. The Department is actively recruiting for all of its vacant positions and views the ability to find and recruit appropriately skilled workers one of its greatest ongoing challenges to fulfilling its mission.

In January 2023, senior leadership decided to proceed with an RFP process for a new ERP system. As the current approved budget appears to me to be underfunded and I see the Commissions budgets tightening in the future, I'm recommending that the maximum amount of salary savings in FY2023 be allocated to the ERP project budget.

Thank you for your ongoing support and consideration of this request.

CC: John Kroll
Asuntha Chiang-Smith
Debra Borden



Office of the General Counsel
Maryland-National Capital Park and Planning Commission


Reply To

Debra Borden
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

April 12, 2023

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Debra Borden 
General Counsel

SUBJECT: **Request to Reallocate FY 2023 Legal Department Salary Lapse**

This memorandum is to request your authorization to reallocate this year's expected salary lapse for the Legal Department for the purposes described below.

Background

The Legal Department experienced moderate turnover in its personnel complement this year, but we have been very successful in expeditiously filling our vacancies. A variety of staffing changes during FY 2023 has resulted in a projected salary lapse of approximately \$388,000. The positive variance was caused in large part by vacancies that were filled at a lower than budgeted salary.

Recommendations

I recommend, and request, Commission approval to reallocate, and apply, the savings from FY 2023 projected salary lapse (Personnel Services) to the following non-personnel expenditure budget categories and uses:

1. Lobbying Registration Portal Design and Implementation.

Acct: 31000/7316 \$25,000

2. DHRM Supplier Diversity Project (OGC Contribution).

Acct: TBD \$18,000

3. OGC-CAB Land Use Team Office Move (Furniture/Equipment).

Acct: 31000/7103 \$45,000

4. ERP Replacement Project*(OGC contribution).

Acct: TBD \$100,000

5. Digitization (scanning OGC records)

Acct: 31000/7365 \$100,000

6. Legal Fees for Outside Counsel.

Acct: 31000/7325 \$100,000

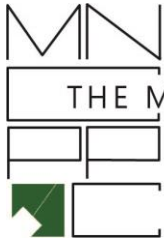
Total \$388,000

*Generally, reallocate any remaining FY23 budget savings to the ERP replacement project.

* * *

Thank you in advance for your consideration. Please do not hesitate to contact me with any questions or comments.

cc: John Kroll
Melva Brown



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Inspector General • 6611 Kenilworth Avenue, Suite 106 • Riverdale, Maryland 20737
(301) 454-1446

April 19, 2023

To: The Maryland-National Capital Park and Planning Commission

From: Renee Kenney, Inspector General

Re: Request to Reallocate FY 2023 Office of Inspector General Salary Lapse

The Office of the Inspector General expects to realize savings of approximately \$120,000 in its Personnel Services budget due to unplanned vacancies, for a hard to recruit function. Approval is sought to use the available funds to prefund FY24 DHRM expenditures.

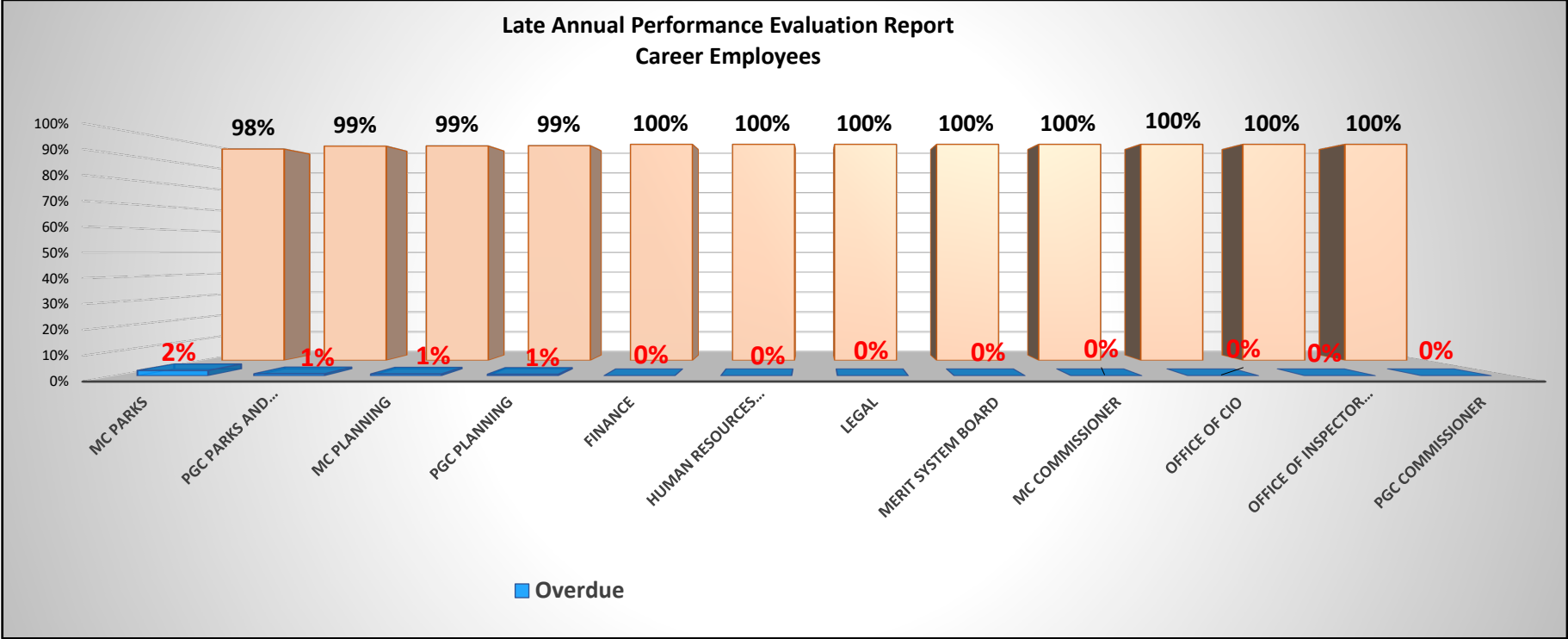
Thank you for your consideration and approval.

Cc: Asuntha Chiang-Smith
Debra Borden
Gavin Cohen

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF MARCH 2023**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Feb-23	Mar-23	Feb-23	Mar-23	Feb-23	Mar-23	Feb-23	Mar-23
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PLANNING	3	1	0	0	0	0	3	1
PRINCE GEORGE'S PARKS & RECREATION	6	8	0	0	0	0	6	8
MONTGOMERY COUNTY PARKS	26	14	1	1	1	1	28	15
MONTGOMERY COUNTY PLANNING	2	1	0	0	0	0	2	1
DEPARTMENT TOTAL BY DAYS LATE	37	24	1	1	1	1		
COMMISSION-WIDE TOTAL							39	25

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data as of March 31, 2023

<u>Employee Count</u>	Evaluation Status		
Department	Overdue	Compliant	Total Employees
Finance		35	35
Human Resources and Mgt		56	56
Legal		22	22
MC Commissioner		2	2
MC Parks	15	680	695
MC Planning	1	136	137
Merit System Board		1	1
Office of CIO		19	19
Office of Inspector General		4	4
PGC Commissioner		7	7
PGC Parks and Recreation	8	973	981
PGC Planning	1	166	167
Total Employees	30	2,101	2,126



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

April 3, 2023

Debra S. Borden
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Debra S. Borden
General Counsel

RE: Litigation Report for March 2023 – FY 2023

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, April 12, 2023. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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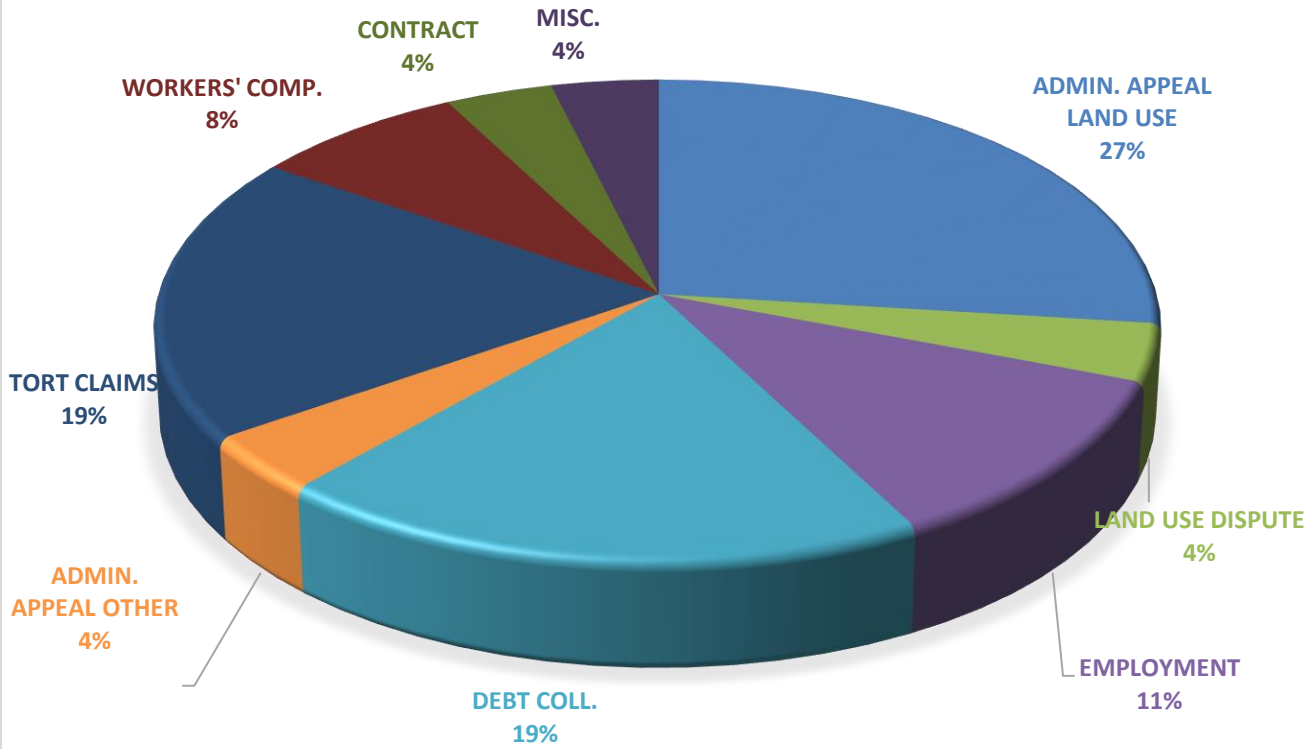
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March 2023
Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	5	2					7
ADMIN APPEAL: OTHER	1						1
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1						1
DEBT COLLECTION	5						5
EMPLOYMENT DISPUTE				3			3
LAND USE DISPUTE	1						1
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	5						5
WORKERS' COMPENSATION	2						2
PER FORUM TOTALS	21	2		3			26

OVERVIEW OF PENDING LITIGATION



March 2023 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2023			
	Pending Feb. 2023	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	8		1	7	6	6	7
Admin Appeal: Other (AAO)	1						1
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	1			7			1
Debt Collection (D)	5				1		5
Employment Disputes (ED)	3			5	3	4	3
Land Use Disputes (LD)	1						1
Miscellaneous (M)	1					1	1
Property Disputes (PD)							
Tort Claims (T)	5	1	1		1	1	5
Workers' Compensation (WC)	2			2	1	1	2
TOTALS	27	1	2	21	12	13	26

**INDEX OF YTD NEW CASES
(7/1/2022 TO 6/30/23)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Joseph Cleveland-Cooper (Defendant was not served until August 2022; did not appear on report prior)	MC	Misc.	April 2020
Antawan Williams, et al. v. Prince George's County Planning Board (Did not appear on report prior)	PG	AALU	July 2022
Wilmington Savings Fund Society v. Tomel Burke, Jr., et al. (Commission recently served.)	PG	Misc.	Aug. 2022
English-Figaro v. Planning Board of Prince George's County	PG	AALU	Aug. 2022
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	Aug. 2022
Stewart v. Dorsey, et al.	MC	Tort	Sept. 2022
Commission v. Lindsey	PG	Misc.	Sept. 2022
In the Matter of James Montville	PG	WC	Nov. 2022
In the Matter of Danielle Jones-Dawson	PG	ED	Nov. 2022
Commission v. Watts	PG	D	Jan. 2023
Deakins v. Commission	MC	ED	Jan. 2023
Izadjoo v. Commission	MC	ED	Jan. 2023
Commission v. Cruz	PG	D	Jan. 2023
Citizen Association of Kenwood, Inc. v. Commission	MC	LUD	Feb. 2023
Simmons v. Commission, et al.	PG	Tort	Feb. 2023

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Wolf v. Commission, et al.	PG	AALU	Feb. 2023

**INDEX OF YTD RESOLVED CASES
(7/1/2022 TO 6/30/2023)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Village of Friendship Heights v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Tolson v. Commission	PG	ED	Aug. 2022
Alexander v. Proctor	PG	Tort	Sept. 2022
Melito v. Commission	PG	ED	Sept. 2022
Snyder v. Commission	PG	Tort	Sept. 2022
Commission v. Joseph Cleveland-Cooper	MC	Misc.	Sept. 2022
Stewart v. Dorsey	MC	Tort	Oct. 2022
McGill v. Commission	PG	WC	Oct. 2022
Miles v. Commission	MC	ED	Dec. 2022
Getnet v. Commission	PG	Tort	Jan. 2023
Jackson v. Prince George's County Sports & Learning Complex	PG	Tort	Feb. 2023
Wolf v. Prince George's County Planning Board	PG	AALU	

B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Heard v. Commission	PG	AALU	Aug. 2022
6525 Belcrest Road, LLC v. Dewey, et al.	PG	AALU	Oct. 2022
Heard v. Commission	PG	AALU	Nov. 2022
Izadjoo v. Commission	MC	ED	Jan. 2023
Wolf v. Prince George's County Planning Board	PG	AALU	Feb. 2023

	Disposition of FY23 Closed Cases Sorted by Department	
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Parks		
Snyder v. State of Maryland, et al.	Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.	08/15/2022 – Stipulation of Dismissal filed. 9/12/2022 Case dismissed. Parties reached a settlement.
Stewart v. Dorsey, et al.	Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.	10/16/2022 – Case settled. 12/09/2022 – Order of Court granting stipulation of dismissal.
Izadjoo v. Commission	In Appellate Court of Maryland, appeal from decision of the Circuit Court affirming the decision of the Merit System Board denying appeal of request for reclassification.	1/20/2023 - Judgment of Circuit Court for Montgomery County Affirmed
Montgomery County Park Police		
Commission v. Joseph Cleveland-Cooper	Forfeiture for cash of \$3,043.00	9/29/2022 – Court ordered monies forfeited.
Montgomery County Planning Board		
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	08/02/2022 - Planning Board's Approval of Site Plan Affirmed. Petition for Judicial Review Denied.

Village of Friendship Heights v. Montgomery County Planning Board	Judicial Review of the Montgomery County Planning Board's approval of Sketch Plan 320220010-5500 Wisconsin Avenue.	08/24/2022 - Order of Court. Affirmed ruling of Planning Board.
Miles v. Commission	Plaintiff, police officer, filed a complaint against the Commission and individual defendant, alleging hostile work environment, discrimination, retaliation, and violations of 42 USC §1981, 42 USC §1983, Maryland Statutory violations, and County Code violations.	12/01/2022 – Marginal Order approving Stipulation of Dismissal, pursuant to global settlement.
Prince George's County Department of Parks and Recreation		
Melito v. Commission	Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.	09/15/2022 - Case dismissed pending implementation of contingencies allowing for appeal to Merit Board.
McGill v. Commission	Judicial review of Workers' Compensation Commission decision dated July 19, 2021, which determined claimant had not sustained an increase in permanent partial disability and denied further treatment.	10/26/2022 – Case settled and remanded to WCC for approval of settlement.
Getnet v. Commission	Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission	01/09/2023 – Case settled.
Jackson v. Prince George's County Sports & Learning Complex	Injury to minor allegedly related to use of equipment at the Sports & Learning Complex.	08/16/2022 - Case settled. Line dismissing not filed until 01/20/2023. Case dismissed 02/10/2023.
Prince George's County Planning Board		
Heard v. Commission	Appeal of decision affirming Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	08/05/2022 – Judgment of the Circuit Court for Prince George's County affirmed.

6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contended that Defendants misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff sought to enjoin the Planning Board from approving a Detailed Site Plan.	10/25/2022 – Order of Appellate Court of Maryland affirming decision of Circuit Court that upheld Planning Board.
Heard v. Commission	Petition for Writ of Certiorari of the Court of Special Appeals decision affirming the Circuit Court’s ruling that affirmed the Prince George’s County Planning Board’s approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	11/22/2022 Petition for Writ denied.
Wolf v. Prince George’s County Planning Board	Judicial Review of the Prince George’s County Planning Board’s approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).	01/03/2023 - Order Affirming the Decision of the Planning Board.
Prince George’s Park Police		
Tolson v. Commission	Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.	08/08/2022 Show Cause Hearing held. Application for Show Cause Order denied.
Alexander v. Proctor	Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop, leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserted that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.	9/29/2022 – Joint Stipulation of Dismissal filed. Parties settled matter at mediation.
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Matters.

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chambers v. Commission

Case No. 050200212652020 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.

Status: Hearing on Plaintiff's Motion to Alter/Amend Judgment and Commission's Opposition set.

Docket:

09/08/2020	Complaint filed
06/06/2022	Commission served
06/27/2022	Notice of Intent to Defend filed
07/19/2022	Motion to continue granted.
01/19/2023	Trial
02/04/2023	Judgment in favor of Commission
02/14/2023	Line Requesting Statement of Judgment
02/14/2023	Motion to Alter and Amend Judgment
02/17/2023	Commission's Opposition to Motion to Amend Judgment
02/27/2023	Plaintiff's Reply to Defendant's Opposition to Alter and Amend the Judgment
03/21/2023	Order of the Court – schedule Motions hearing
05/09/2023	Hearing on Motion set

Commission v. Conwell

Case No. 050200086402022 (D)

Lead Counsel: Rupert
Other Counsel:

Abstract: Subrogation action to recover losses for damage(s) to Commission property.

Status: Judgment entered.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.
01/11/2023	Defendant served.
01/23/2023	Affidavit of service filed.
03/02/2023	Judgment entered.

Commission v. Cruz

Case No. D-05-CV-23-009783 (D)

Lead Counsel: Johnson
Other Counsel:

Abstract: Subrogation action to recover losses for damage(s) to Commission property.

Status: Trial scheduled.

Docket:

01/31/2023	Complaint filed
3/15/2023	Affidavit of service.
05/12/2023	Trial scheduled.

Commission v. Faulk
Case No. 050200086392022 (D)

Lead Counsel: Rupert
Other Counsel:

Abstract: Subrogation action to recover losses for damage(s) to Commission property.

Status: No service. Address vacant.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.
01/23/2023	Affidavit of Non-service filed.
01/23/2023	Post Office request mailed
02/14/2023	Motion for Alternative Service
02/22/2023	Order – Motion for Alternative Service denied
03/29/2023	Second Motion for Alternative Service

Commission v. Lindsey
Case No. 050200183742022 (D)

Lead Counsel: Johnson
Other Counsel:

Abstract: Action to recover losses for damage(s) to Commission property.

Status: Summons renewal filed. Awaiting service papers.

Docket:

09/12/2022	Complaint filed
12/05/2022	Request for summons renewal filed.

Commission v. Watts

Case No. D-05-CV-23-008262(D)

Lead Counsel: Johnson
Other Counsel:

Abstract: Subrogation action to recover losses for damage(s) to Commission property.

Status: Complaint out for service to new address for Defendant.

Docket:

01/17/2023	Complaint filed
03/04/2023	Non-est service

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Citizen Association of Kenwood, Inc. v. Maryland-National Park and Planning Commission

Case No. C-15-CV-23-000378 (LUD)

Lead Counsel: Rupert
Other Counsel: Mills, Foster

Abstract: Complaint to prevent implementation of road diet project relating to Little Falls Parkway in Montgomery County.

Status: Commission's motion to dismiss pending with the court.

Docket:

02/06/2023	Complaint filed
02/22/2023	Commission served
03/24/2023	Commission's Motion to Dismiss and Supporting Memorandum

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission

Case No. 483255-V (CD)

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

Abstract: Judicial review of CCRC decision denying HMF's demand that an allowance be made, and additional monies paid by the Commission to HMF regarding the measurement (and relative cost) of the retaining wall at Greenbriar Local Park.

Status: All parties have submitted memos to the Court. Oral arguments rescheduled for April 14, 2023.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.

03/15/2021	Order of Court. Matter stayed for 90 days.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
01/24/2022	Pre-Trial hearing statement filed
02/01/2022	Motion to Continue
02/18/2022	Order of Court. Motion Moot. Case has been placed on the Stay Docket.
08/05/2022	Amend Complaint/Petition for Judicial Review
09/06/2022	Notices of Intention to Participate filed by Commission and the CCRC
10/04/2022	Administrative Record received by Court
11/01/2022	Joint Stipulation for Extension of Time
12/07/2022	Memorandum of HMF Paving Contractors
01/05/2023	Stipulation – Modification of Time for Respondent’s Memorandum
01/06/2023	Response to Petitioner’s Memorandum of Law
01/13/2023	Commission’s Answering Memorandum
04/14/2023	Oral Arguments scheduled.

CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND

Antawan Williams, et al. v. Prince George’s County Planning Board

Case No. CAL 22-19650 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board’s approval of Preliminary Plan of Subdivision 4-21056.

Status: Hearing Pending.

Docket:

07/06/2022	Petition filed
07/27/2022	Notice mailed. Response to Petition and Certificate of Compliance filed
08/05/2022	Respondent/Applicant Notice to Participate filed
09/19/2022	Record and Transcript filed
09/29/2022	Notice of Record Issued
10/31/2022	Petitioners’ Memorandum in Support of Petition for Judicial Review
11/10/2022	Petitioners’ Motion to Stay
11/10/2022	Petitioner’s Motion to Add to Record
11/28/2022	Respondent Opposition to Motion to Stay
12/13/2022	Citizen-Petitioner’s Reply to Respondents’ Opposition to Motion to Stay
12/23/2022	NCBP Answering Memorandum in Opposition to Petition for Judicial Review
03/01/2023	Order Granting Motion to Supplement the Administrative Record

04/17/2023	Hearing set on Petitioner's Motion to Stay
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Brown v. City of Bowie, et al.
Case No. CAL19-35931 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Plaintiff alleges injuries resulted from an event at Prince George's Trap and Skeet Center. Defendants include the individual who discharged a weapon, a Commission volunteer assigned to the group that day, and the Commission.

Status: Joint Stipulation of Dismissal.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daugherty's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to Complaint by Defendant Knode
02/16/2022	Status Conference Held
02/06/2023	Settlement Agreement signed
03/02/2023	Joint Stipulation of Dismissal

English-Figaro v. Planning Board of Prince George's County
Case No. CAL 22-25639 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.

Status: Awaiting Petitioners' Memorandum. Parties in settlement discussions.

Docket:

08/26/2022	Petition filed
08/31/2022	Amended Petition filed
09/19/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.
09/29/2022	Motion to Consolidate with Fairwood Community Association, Inc. v. Prince George's County Planning Board – CAL 22-26146
10/03/2022	Voluntary Partial Dismissal
11/10/2022	Record and Transcript filed
11/15/2022	Notice of Record Issued.
12/07/2022	Order Consolidating case with CAL22-26146 – Fairwood Community Association, Inc. v. Prince George's County Planning Board.

Fairwood Community Association, Inc. v. Prince George's County Planning Board
Case No. CAL 22-26146 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.

Status: Awaiting Petitioners' Memorandum. Parties in settlement discussions.

Docket:

08/29/2022	Petition filed
09/21/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.
10/18/2022	Response to Petition for Judicial Review.
11/10/2022	Record and Transcript filed.
11/15/2022	Notice of Record Issued.
12/07/2022	Order Consolidating case with CAL22-25639 – English-Figaro v. Prince George's County Planning Board.

Fricklas v. The Planning Board of Prince George's County
Case No. CAL 22-23156(AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Challenge to the Planning Board's approval of Preliminary Plan of Subdivision 4-21052 (Suffrage Point).

Status: Case dismissed.

Docket:

08/06/2022	Petition for Judicial Review filed.
09/02/2022	Notice Mailed. Certificate of Compliance filed
09/14/2022	Response to Petition, Amended Certificate of Compliance, and Motion to Dismiss filed
9/27/2022	#466 Werrlein WSSC Motion to Dismiss filed
10/26/2022	Record and Transcript filed
11/15/2022	Notice of Record Issued.
01/23/2023	Hearing on Motion to Dismiss continued by Court
03/07/2023	Motion to Dismiss Granted.

In the Matter of Danielle Jones-Dawson
Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Crowe
Other Counsel: Foster

Abstract: Claimant seeks judicial review of Merit Board decision dated October 20, 2022, terminating employment due to non-compliance with Notice 21-07, COVID-19 Vaccination Requirements.

Status: Memoranda filed.

Docket:

11/20/2022	Petition for Judicial Review filed
11/29/2022	Response to Petition for Judicial Review
02/08/2023	Memorandum for Petitioner
03/09/2023	Commission's Answering Memorandum

King v. Commission
Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: Remanded to Workers' Compensation Commission.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed Response to Petition.
02/07/2022	Joint Motion for Continuance
03/18/2022	Order of Court. Trial continued
01/24/2023	Joint Motion to Dismiss and Remand to Workers' Compensation Commission
03/02/2023	Order Dismissing Claims and remanding to Workers' Compensation Commission

In the Matter of James Montville
Case No. C-16-CV-22-000489 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.

Status: Case settled in principle. Awaiting WCC approval.

Docket:

11/03/2022	Petition for Judicial Review filed
11/17/2022	Response to Petition for Judicial Review
12/05/2022	Response to Petition for Judicial Review
12/05/2022	Designation of Expert Witnesses
12/05/2022	Cross-Petition for Judicial Review

Robinson, et al. v. Prince George's County Planning Board, et al.
Case No. CAL 21-13945(AALU)

Lead Counsel: Warner
Other Counsel:

Abstract: In relation to the development of a public K–8 middle school, Petitioners are challenging the Planning Board’s decision to affirm the Planning Director’s approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees. There is no statutory right to judicial review, and the petitioners cited no legal authority to petition the circuit court for judicial review. As a result, this may ultimately become a petition for a writ of mandamus under the administrative mandamus provisions of the Maryland Rules (7-401 to 7-403).

Status: Awaiting Decision

Docket:

11/12/2021	Petition filed
01/05/2022	Commission’s Motion to Dismiss filed
01/05/2022	Response to Petition filed by Planning Board
01/05/2022	Motion to Dismiss filed by Planning Board
01/06/2022	Response to Petition filed by Board of Education
01/21/2022	Opposition to Motion to Dismiss
01/27/2022	Memorandum in Support of Petition for Judicial Review
01/31/2022	Motion to Strike Petitioner’s Memorandum in Support of Petition for Judicial Review
01/31/2022	Planning Board’s Reply to Petitioners’ Opposition to Respondent’s Motion to Dismiss
02/14/2022	Opposition to Motion to Strike
02/14/2022	Petitioner’s Motion to Supplement the Record
02/14/2022	Amended Memorandum in Support of Petition for Judicial Review
02/25/2022	Planning Board’s Memorandum
03/16/2022	Reply Memorandum filed.
06/30/2022	Motions hearing held and taken under advisement
07/18/2022	Order of Court. Planning Board’s Motion to Dismiss denied. Motion to Supplement the Record granted.
12/07/2022	Oral Argument

Simmons v. Commission, et al.
Case No. C-16-CV-23-000873 (Tort)

Lead Counsel: Crowe
Other Counsel: Rupert

Abstract: Tort suit for injuries allegedly sustained while attending Therapeutic Recreations Programs, Kids' Care After-School Program at Cedar Heights Community Center.

Status: Commission's motion to dismiss pending with the court.

Docket:

02/24/2023	Complaint filed
02/28/2023	Commission served
03/28/2023	Motion to Dismiss filed.

Troublefield v. Prince George's County, et al.
Case No. CAL 22-12298 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.

Status: In discovery.

Docket:

04/11/2022	Complaint filed
04/27/2022	Commission served
05/09/2022	Stipulation/Line of Dismissal as to Prince George's County only
05/20/2022	Commission's Answer filed
11/14/2023	ADR
01/24/2024	Trial

Walters v. Commission
Case No. CAL22-01761 (Tort)

Lead Counsel: Johnson
Other Counsel: Rupert

Abstract: Tort suit for injuries allegedly sustained when minor was playing on playground equipment at Melwood Hills Community Park.

Status: In discovery.

Docket:

01/19/2022	Complaint filed
03/25/2022	Commission served
04/06/2022	Commission's answer filed
10/20/2022	Motion to Dismiss filed
11/03/2022	Opposition to Motion to Dismiss
11/16/2022	Order Denying Motion to Dismiss
11/17/2022	Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss
11/18/2022	Order Motion to Dismiss is hereby Moot
05/09/2023	ADR
07/06/2023	Trial

Wilmington Savings Fund Society v. Tomel Burke, Jr., et al.

Case No. CAE20-11813 (Misc.)

Lead Counsel: Rupert
Other Counsel:

Abstract: Lawsuit to quiet title to deed of trust and extinguish the lien and debt associated with that deed, establishing that Plaintiff's deed is in full force and effect and has first priority over the Commission's lien on property owned by Tomel Burke, judgment Debtor.

Status: Commission agreed to consent judgment.

Docket:

04/24/2020	Complaint filed
04/05/2022	Motion for Default as to Commission filed
04/19/2022	Commission's Opposition to Plaintiff's Motion for Default
05/09/2022	Order of Court. Motion for Default as to Commission denied.
11/18/2022	Complaint received
12/07/2022	Amended Motion for Entry of Default
12/30/2022	Commission's Consent to Judgment without Answer

APPELLATE COURT OF MARYLAND

Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board

Case No. CSA-REG-1094-2022 (AALU)
(Originally filed under 487649-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.

Status: Appeal filed.

Docket:

08/30/2022	Appeal filed
08/31/2022	Notice of Appeal issued by COSA
10/06/2022	Order to Proceed
12/05/2022	Briefing Notice
01/17/2023	Appellant Brief and Record Extract filed.
02/15/2023	Appellee Brief filed
02/16/2023	Notice to Amend/Substitute Party to name proper entity filed by Pulte Home Company, LLC
02/16/2023	Correspondence from Court regarding dates
02/21/2023	Response by Counsel to Conflict Notification letter
02/28/2023	Order substituting proper party, Pulte Home Company LLC
03/07/2023	Reply Brief
03/17/2023	Scheduling Notice

Wolf, et al. v. Planning Board of Prince George's County
Case No. ACM-REG-2099-2022(AALU)
(Originally filed under CAL20-14895 in Prince George's County)

Lead Counsel: Warner
Other Counsel:

Abstract: Appeal of decision affirming the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).

Status: Appealed

Docket:

02/02/2023	Notice of Appeal
02/23/2023	Show Cause Issued to Appellant. Civil Appeal Information Report due March 10, 2023.
02/28/2023	Motion
03/03/2023	Order
03/08/2023	Motion
03/20/2023	Order to Proceed

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

Deakins v. Commission, et al.
8:23-cv-00138 AAQ (ED)

Lead Counsel: Foster
Other Counsel: Rupert

Abstract: Complaint by former employee relating to Commission's COVID-19 vaccination mandate. Complaint alleges disability discrimination and unreasonable failure to accommodate

Status: Commission served.

Docket:

01/19/2023	Complaint filed
01/24/2023	Case Management Order
01/24/2023	Commission served
01/30/2023	Notice of Intent to file Motion to Dismiss by Defendants Riley and Spencer
02/01/2023	Order – all parties have voluntarily consent to proceed before Magistrate
02/27/2023	Answer to Complaint
03/06/2023	Order regarding Motion to Dismiss

03/20/2023	Joint Status Report
03/20/2023	Order approving briefing schedule

Evans v. Commission, et al.

8:19-cv-02651 MJM (ED)

Lead Counsel: Levan
Other Counsel: Foster

Abstract: Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.

Status: Summary Judgment in favor of all Defendants.
Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages

07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.
07/26/2021	Commission's Motion for Protective Order.
08/09/2021	Plaintiff's Opposition to Motion for Protective Order.
08/23/2021	Commission's Reply to Opposition for Protective Order.
10/05/2021	Informal Discovery Dispute Resolution Conference was held with the Judge to resolve issues raised in the Motion for Protective Order and Opposition. An Order was issued resolving several matters and requiring additional disclosure of information and/or documents
01/14/2022	Notice of Intent to file a Motion for Summary Judgment filed by Defendants Murphy, Uhrig, McSwain, and Commission.
02/17/2022	Order of Court re scheduling order. Motion for Summary Judgment due April 8, 2022.
04/08/2022	Defendants' Joint Motion to Seal Exhibits Related to Defendants' Motion for Summary Judgment
04/08/2022	Defendants' Joint Motion for Summary Judgment and Supporting Memorandum of Law
04/20/2022	Response in Opposition to Motion to Seal Exhibits
05/03/2022	Reply to Response to Motion to Seal
06/09/2022	Consent Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/10/2022	Order of Court granting Consent Motion
06/14/2022	Second Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/14/2022	Order granting Second Motion for Extension of Time to File Response to Defendants' Joint Motion for Summary Judgment
07/15/2022	Plaintiff's Motion for Leave to File Excess Pages
0715/2022	Opposition to Motion for Summary Judgment
0718/2022	Defendants' Response in Opposition to Motion for Leave to File Excess Pages
07/18/2022	Plaintiff's Reply to Response in Opposition to Motion for Leave to File Excess Pages

07/19/2022	Order granting in part and denying in part Plaintiff's Motion for Leave to File in Excess of 35 pages.
07/21/2022	Defendant' Motion for Leave to File Excess Pages
07/21/2022	Order granting Defendants' Motion for Leave to File in Excess of 20 pages
07/25/2022	Defendants' Response to Motion to Seal Opposition to Motion for Summary Judgment
07/26/2022	Defendants Response in Opposition to Motion for Summary Judgment
09/30/2022	Reply to Plaintiff's Opposition to Summary Judgment
10/14/2022	Plaintiff's Motion seeking permission to file a Sur-Reply to Motion for Summary Judgment.
10/20/2022	Defendant's Notice of Intent to Strike
10/26/2022	Motion for Extension of Time to file Response
11/01/2022	Order of Court Plaintiff permitted to file a sur-reply on or before November 8, 2022, and Defendants may file a joint response to the sur-reply on or before November 15, 2022
11/08/2022	Reply to Response to Motion for Summary Judgment
11/15/2022	Response to Reply to Response to Motion for Summary Judgment
01/19/2023	Sealed Response in Opposition to Motion for Summary Judgment
03/31/2023	Summary Judgment on all counts granted in favor of all Defendants.

Izadjoo v. Commission, et al.
8:23-cv-00142 TDC (ED)

Lead Counsel: Foster
Other Counsel: Johnson

Abstract: Former Montgomery Parks employee alleging employment discrimination

Status: Complaint filed. Commission served.

Docket:

01/19/2023	Complaint filed
01/25/2023	Case Management Order
02/07/2023	Commission served
02/13/2023	Request for Pre-Motion Conference re: Intent to File Motion to Dismiss