
**IN THE
COURT OF APPEALS OF MARYLAND**

September Term, 2005

No. 142

STEPHEN N. ABRAMS,

Petitioner,

v.

LINDA H. LAMONE, et al.,

Respondents.

On Appeal from the Circuit Court for Anne Arundel County
(Paul A. Hackner, Judge)
Pursuant to a Writ of Certiorari to the Court of Special Appeals

RECORD EXTRACT

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Linda H. Lamone and
State Board of Elections

August 22, 2006

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CIRCUIT COURT FOR ANNE ARUNDEL COUNTY
 Robert P. Duckworth
 Clerk of the Circuit Court
 7 Church Circle
 Post Office Box 71
 Annapolis, MD 21404-0071
 (410)-222-1420, TTY for Deaf: (410)-222-1429
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08/09/06

Case Number: 02-C-06-115383 IJ
 Date Filed: 07/13/2006
 Case Time Stds: 01/09/08
 Status: Open/Active
 Case Flag: Appeal
 Judge Assigned: To Be Assigned,
 Location :
 CTS Start : 07/13/06 Target : 01/09/08

Stephen N Abrams Vs Linda H Lamone, Et Al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
-----	-----
Case Folder ID	C06115383V01

INVOLVED PARTIES

Type Num	Name (Last, First, Mid, Title)	Addr Str/End	Pty. Disp. Addr Add/Upd
-----	-----	-----	-----
PLT 001	Abrams, Stephen N	Party ID: 1550950	
	Mail: 2290 Dunster Lane	07/13/06	07/13/06 HY 08/02/06 SB
	Rockville, MD 20854		
DEF 001	Lamone, Linda H	Party ID: 1550952	
	Capacity : State Administrator Of Elections	07/13/06	07/13/06 HY
	Mail: 151 West Street		
	Suite 200		
	Annapolis, MD 21401		

Type Num Name (Last, First, Mid, Title) Addr Str/End Pty. Disp. Addr Add/Upd

DEF 002 State Board Of Elections Party ID: 1550954
 07/13/06 07/13/06 HY
 Mail: 151 West Street
 Suite 200
 Annapolis, MD 21401

DEF 003 Perez, Thomas E Party ID: 1550955
 07/13/06 07/13/06 HY
 Mail: 7230 Minter Place
 Takoma Park, MD 20912

Attorney: 0027474 Treem, Joshua R Appear: 07/28/2006
 Schulman, Treem, Kaminkow, Gildeen & Ravenell, LLC
 Ste. 1800/World Trade Ctr
 401 East Pratt Street
 Baltimore, MD 21202
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CALENDAR EVENTS

Date	Time	Fac	Event Description	Text SA	Jdg	Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec				
07/31/06	01:30P	3D	Motion Hearing (Civil)		PAH	01	/01	JH
Held/Concluded			07/31/06 E P.Hackner	N				

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned,	J	07/13/06	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Party	Jdg	Ruling	Closed	Entere
0001000	Complaint for Injunctive and Declaratory Relief	07/13/06	PLT001	TBA			HY 07/13/
<u>10-17</u>							

Num/Seq	Description	Filed	Party	Jdg	Ruling	Closed	User ID/ Entered
<u>18-19</u>	0002000 Affidavit of Stephen N Abrams	07/13/06	PLT001	TBA		07/13/06	HY 07/13/06
<u>20-21</u>	0003000 Motion for Temporary Restraining Order	07/13/06	PLT001	MEL	Denied	07/13/06	HY TLH 07/13/06
<u>22-23</u>	0004000 Order of Court Court declines to enter temporary restraining order. Court will enter an order to shorten time to respond (5 days). (Copies to stephen Abrams)	07/13/06	000	MEL	Denied	07/13/06	TLH 07/13/06
<u>24</u>	0005000 Writ of Summons - Civil Issued	07/13/06	DEF001	TBA		07/13/06	TLH 07/13/06
<u>25</u>	0006000 Writ of Summons - Civil Issued	07/13/06	DEF002	TBA		07/13/06	TLH 07/13/06
<u>26</u>	0007000 Writ of Summons - Civil Issued	07/13/06	DEF003	TBA		07/13/06	TLH 07/13/06
<u>27</u>	0008000 Order of Court Ordered: Plaintiff's Motion for a Temporary Restraining Order is denied; the Court believes that the Complaint raises substantial and important issues on the merits that warrant a full adversary hearing, accordingly the Court orders that the time for Defendants to respond to the Complaint is shortened until five (5) days from service of this Order on the Defendants. (Copies mailed to Stephen N. Abrams).	07/18/06	000	MEL	Granted/Denied in	07/18/06	BAO BAO 07/18/06
<u>28</u>	0009000 Return of Service - Served CV-Writ of Summons served 07/18/06	07/27/06	DEF001	TBA		07/27/06	DRK 07/27/06
<u>29</u>	0010000 Return of Service - Served CV-Writ of Summons served 07/18/06	07/27/06	DEF002	TBA		07/27/06	DRK 07/27/06
<u>30</u>	0011000 Return of Service - Served CV-Writ of Summons served 07/18/06	07/27/06	DEF003	TBA		07/27/06	DRK 07/27/06
<u>31-44</u>	0012000 Defendant Thomas E. Perez's Motion to Dismiss and/or Motion for Summary Judgment Request for Expedited Hearing and Exhibits	07/28/06	DEF003	TBA			DAL 07/28/06
<u>45-74</u>	0013000 Motion to Dismiss and to Expedite Scheduling Memorandum in Support of Motion to Dismiss and to Expedite Scheduling with Exhibits	07/28/06	DEF001	TBA			AMS 07/28/06
<u>76-94</u>	0014000 Memorandum of Law In Support of Defendant Thomas E. Perez's Motion to Dismiss	07/28/06	DEF003	TBA			DAL DA

and/or Motion for Summary Judgment

07/28/06

User ID/

Closed Entered

Num/Seq	Description	Filed	Party	Jdg Ruling	Closed	Entered
0015000	Attorney Appearance Filed Joshua R Treem	07/28/06	DEF003	TBA	07/28/06	DAL 07/28/06
0016000	Memorandum of Law in Opposition to Defendants Linda H. Lamone, The State Administrator of Elections, The State Board of Elections, and Thomas E. Perez's Motin to Dismiss; Opposition of Defendant Thomas E. Perez's Motion for Summary Judgment: and Support for Plaintiff Stephen N. Abrams' Cross-Motion for Summary Judgment.	07/28/06	PLT001	TBA	07/28/06	DAL 07/28/06
0017000	Affidavit for Confessed Judgment	07/28/06	000	TBA		DAL 07/28/06
0018000	Affidavit of Plaintiff Stephen N. Abrams	07/28/06	PLT001	TBA	07/28/06	DAL 07/28/06
0019000	Hearing Sheet Case called for hearing on motions in open court before Judge Hackner. Counsel heard. Defendant, Linda Lamone, made Motion to dismiss. Defendant Thomas E. Perez made Motion to Dismiss/summary Judgement. Plaintiff Stephen Abrams, made Counter Motion for summary Judgment. Court placed opinion the the record. Court denied Defendant Linda Lamone's Motion to Dismiss. Court granted Defenant Thomas E. Perez's Motion for Summary Judgment. Court denied Plaintiff, Stephen Abrams Cross Motion for Summary Judgment. Court declared that Defendant Perez is eligible to be a candidate for the Office of the Attorney General pursuant to Article V Section 4 of the Maryland Constitution.	07/31/06	000	PAH		DMB 08/03/06
0020000	Hearing Sheet signed as order (Copies mailed to all parties)	08/03/06	000	TBA	08/03/06	DMB 08/03/06
0021000	Notice of Appeal to COA. (Copies to Judge Hackner and Jean Bowman).	08/02/06	PLT001	TBA		SB 08/04/06
0022000	Notice of Appeal to COSA. (Copies to Judge Hackner and Jean Bowman). PHC given at counter to Mr. Abrams.	08/04/06	PLT001	TBA		SB 08/04/06
0023000	Transcript Filed, 1 Volume dated 7/31/06. Cost: \$97.75	08/07/06	000	TBA	08/07/06	SB 08/07/06
0024000	Faxed copy of Order granting Writ of Certiorari signed by Judge Bell.	08/09/06	000	TBA		SB 08/09/06
0025000	Faxed Copy of Writ of Certiorari: (case due 08/11/2006 to COA)	08/09/06	000	TBA		SB 08/09/06

Num/Seq	Description	Filed	Party	Jdg Ruling	Closed	User ID/ Entered
0026000	Original Pleadings sent to COA including 1 Volume of Pleadings and 1 Volume of transcript dated 7/31/06.	08/09/06	000	TBA		SB 08/09/06
<u>130</u> 0027000	Acknowledgement of Petition for Writ of Certiorari.	08/09/06	000	TBA		SB 08/10/06
<u>131-132</u> 0028000	Order granting Writ of Certiorari- per entry of faxed copy.	08/10/06	000	TBA		SB 08/10/06
<u>133</u> 0029000	Writ of Certiorari: per faxed copy.	08/10/06	000	TBA		SB 08/10/06

SERVICE

Form Name	Issued	Response Served	Returned	Agency
CV-Writ of Summons DEF001 Lamone, Linda	07/13/06	08/17/06	07/18/06	Private Process
CV-Writ of Summons DEF002 State Board Of Elections,	07/13/06	08/17/06	07/18/06	Private Process
CV-Writ of Summons DEF003 Perez, Thomas	07/13/06	08/17/06	07/18/06	Private Process

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
35AS	35 Day Tickle After	OPEN	08/31/06	35	no	no	CTOS	T	000	000
60DT	60 Day Tickle	OPEN	09/26/06	60	yes	no	DMIS	D	014	000
CTOS	Create Tickle On Ser	CANCEL	08/17/06	35	no	no			000	000
NCDT	Notice Of Contemplat	CANCEL	11/10/06	120	no	no	CTOS	T	000	000
SLTR	Set List For Trial	OPEN	07/27/06	0	yes	no	DNOS	D	009	000

ACCOUNTING SUMMARY

NON-INVOICED OBLIGATIONS AND PAYMENTS

Date	Rcpt/Initials	Acct	Desc	Debit	Credit	Method
07/13/06	200600012278/DRK	107	Filing New	.00	80.00	CK
07/13/06	200600012278/DRK	265	MD LSC Fee	.00	25.00	CK
07/13/06		107	Filing New	80.00	.00	
07/13/06		265	MD LSC Fee	25.00	.00	
07/26/06	200600013003/BAO	106	Solicitor	.00	10.00	CK
07/28/06		106	Solicitor	10.00	.00	
08/04/06		1220	Appl File Fe	60.00	.00	
08/04/06		1220	Appl File Fe	60.00	.00	
08/04/06	200600013605/SB	1220	Appl File Fe	.00	60.00	CK
08/04/06	200600013607/SB	1220	Appl File Fe	.00	60.00	CK
BALANCE:		0.00				

ESCROW DEPOSITS AND DISBURSEMENTS - 114 Escrow Crt of Special Appeals

Date	Rcpt/Initials	Deposit	Disbursement	Balance
08/04/06	200600013606/SB	50.00	.00	50.00

CASE FOLDER HISTORY

Date	Time	Type	User	Location	Clerk	Reason
08/04/06	10:35 AM	Transfer	AD	Appeals Departm	SB	
08/01/06	11:20 AM	Transfer	CD	Civil Departmen	DH	
07/28/06	9:52 AM	Transfer	CM	Case Management	SH	
07/13/06	12:03 PM	Transfer	JLC	Civil Departmen	LC5	
07/13/06	11:23 AM	Created		Civil Departmen	HY	Case Folder Cre

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY
Robert P. Duckworth
Clerk of the Circuit Court
7 Church Circle
Post Office Box 71
Annapolis, MD 21404-0071
(410)-222-1420, TTY for Deaf: (410)-222-1429
Civil (410)222-1431

Case Number: 02-C-06-115383

William Brockman?
State Board Of Elections
151 West Street
Suite 200
Annapolis, MD 21401

FOLD HERE

RECEIVED

AUG 14 2006

STATE BOARD OF ELECTIONS

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

STEPHEN N. ABRAMS *

2290 Dunster Lane *
Rockville, Maryland 20854

Plaintiff. *

v. *

CIVIL ACTION NO. C-06-115383

LINDA H. LAMONE *
in her official capacity as
State Administrator of Elections

151 West Street
Suite 200
Annapolis, Maryland 21401
and *

THE STATE BOARD OF ELECTIONS *

151 West Street
Suite 200
Annapolis, Maryland 21401
and *

THOMAS E. PEREZ *

7230 Minter Place *
Takoma Park, Maryland 20912

Defendants *

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiff, Stephen N. Abrams, brings this action as a registered voter in Maryland under Election Law Article ("EL" or "Election Law") §§ 12-202 and 9-209, seeking injunctive and declaratory relief against the Linda H. Lamone, in her official capacity as the State Administrator

of Elections (“Lamone”); the State Board of Elections (“Board”) and Thomas E. Perez (“Perez”). Perez has filed a certificate of candidacy for the office of Attorney General of Maryland. The Maryland Constitution, however, requires that any person seeking to become Attorney General of Maryland must have “practiced Law in this State for at least 10 years” to qualify for that office. Perez has not practiced law in Maryland for ten years; in fact, Perez was not admitted to the bar of Maryland until 2001. If Perez had been practicing law in Maryland before he was admitted to the Maryland bar, he would have been violating Maryland law prohibiting the unauthorized practice of law.

PARTIES

1. Plaintiff Stephen N. Abrams (“Abrams”) is a registered voter in Maryland and resides at 2290 Dunster Lane, Rockville, Maryland. Abrams has resided in Maryland since 1970 and has been a member of the Maryland Bar since 1974. As a registered voter in Maryland, Abrams has standing under EL §12-202(a) to seek the judicial relief requested in this action. As a citizen of Maryland, Abrams has an inviolable interest in the sanctity of the constitutional democracy established and enshrined in the Maryland Constitution. If Perez is permitted to seek the office of Attorney General of Maryland and is then elected Attorney General of Maryland, the Maryland Constitution’s requirement that the Attorney General be an experienced practitioner at the bar of the Maryland courts would be subverted. Finally, as a candidate for Comptroller of Maryland in the 2006 election, Abrams has a distinct interest in having the benefit of the advice and representation of an Attorney General who has the experience and background in Maryland law that the Constitution’s requirement of ten years of law practice in Maryland law was designed to ensure.

2. Defendant State Board of Elections is an independent agency of the State of Maryland established by the Election Law Article. The State Board is charged with managing and supervising elections in Maryland and ensuring compliance with the Election Law Article. EL § 2-102(a).

3. Defendant Linda H. Lamone is sued in her official capacity as the State Administrator of Elections, the chief election official for the State. As Administrator, Lamone oversees, inter alia, the State Board's functions.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to, inter alia, Maryland Courts and Judicial Proceedings Article § 1-501 and EL §§ 12-202 and 9-209. This Court has personal jurisdiction over the Defendants pursuant to, inter alia, Maryland Courts and Judicial Proceedings Article §§ 6-102 and -103.

5. Venue is proper in the Circuit Court for Anne Arundel County pursuant to, inter alia, Maryland Courts and Judicial Proceedings Article §§ 6-201 and -202.

FACTS AND LAW COMMON TO ALL COUNTS

6. Under Article V, Section 4 of the Maryland Constitution ("Qualifications of Attorney General"), "[n]o person shall be eligible to the office of Attorney General, who . . . has not . . . practiced Law in this State for at least ten years."

7. Under § 10-206(a) of the Maryland Business Occupations and Professions Article ("Unauthorized Practice of Law"), an individual may not "practice law in the State" unless the individual is "admitted to the Bar" in Maryland, with certain exceptions that do not apply in this case.

8. Perez was admitted to the Bar in Maryland less than five years ago. Perez took the bar exam in the Summer of 2001 and was admitted to the Maryland bar later the same year.

9. Perez could not have practiced law in Maryland before 2001 without doing so in violation of Maryland law.

10. Because Perez has not practiced law in Maryland for at least ten years, he is not eligible to be a candidate for the office of Attorney General of Maryland.

11. Under EL § 5-201, an individual may not become a candidate for office if the individual does not satisfy the qualifications for that office established by law, which would include the qualification in the Maryland Constitution that a candidate for Attorney General must have practiced law in Maryland for at least ten years before seeking that office.

12. Under EL § 5-101, the State Board may not place an individual's name on the ballot for submission to the voters at an election unless the individual complies with the requirements of the Election Law. One such requirement is that the individual file a certificate of candidacy as provided in EL §§ 5-301, *et seq.* A prospective candidate must include, on the certificate of candidacy, "a statement that the individual satisfies the requirements of law for candidacy for the office for which the certificate is being filed." EL § 5-301(c)(5).

13. Perez has filed a certificate of candidacy for the 2006 election for the office of Attorney General of Maryland with the State Board. Perez's certificate of candidacy was required to have been filed under oath and to have truthfully represented, among other things, his qualification as a candidate for the office of Attorney General. *See* EL §§ 5-302(a) and 16-501(a)(1).

14. Because Perez has not practiced law in Maryland for at least ten years, he could not have truthfully represented that he satisfies the qualifications to be Attorney General of Maryland.

15. Under 5-301, the State Board is required to determine whether an individual filing a certificate of candidacy meets the requirements of the Election Law, including the requirement in EL § 5-201 that the individual is qualified for the office.

16. Under 5-601, the name of a candidate shall appear on a ballot submitted to the voters at a primary election only if the candidate's certificate of candidacy satisfies any the requirements relating to the office for which the individual is a candidate. The State Board may not place a constitutionally unqualified candidate on the ballot under any circumstances, and especially not when it knows, within 10 days after the deadline for filing a certificate of candidacy, that the candidate is not qualified for the office sought.

17. Perez's inexperience with Maryland law and disregard for the Election Law has been evident since the issue of his qualification first arose.

18. Perez was aware, before filing his certificate of candidacy (and statement under oath that he was qualified), that his qualification as a candidate was in doubt and presented a substantial legal question that merited an authoritative advance determination. The Code of Maryland Regulations, at 33.01.02.01, provides a procedure for obtaining a declaratory ruling on an issue arising under the Election Law, including the question of a candidate's qualification: "An interested person may petition the State Board for a declaratory ruling on the manner in which the Board would apply [a] statute that the Board enforces."

19. Instead of following this procedure, Perez chose to circumvent the Election Law and to seek an Opinion of the Attorney General. Perez had no standing to request the opinion. He was not a state employee whose duties required or gave rise to the need for an opinion of the Attorney General. Moreover, Perez's own candidacy in a crowded field of Attorney General candidates is not a question of great importance.

20. The Attorney General opined that Perez was qualified to become Attorney General. The opinion of the Attorney General disregarded the plain language of the Maryland Constitution and the intent of the framers of the Maryland Constitution and, in effect, rewrote the constitutional qualification in a manner that would permit Perez to become a candidate for Attorney General in 2006.

21. Perez knew and understood, however, that the Attorney General's opinion did not constitute a binding legal determination on which he could rely, such as he could and should have sought through a declaratory ruling of the State Board. In fact, Perez has been quoted in the Washington Post, in a different context, as stating that an advisory opinion is "just an opinion" and "has no legal standing." Notwithstanding his knowledge that an advisory opinion of the Attorney General has no "legal standing," Perez stated in the Washington Post that he had "done his homework" on the question of his qualification.

**COUNT I: INJUNCTIVE AND DECLARATORY RELIEF
(LAMONE AND STATE BOARD)**

22. Plaintiff realleges and incorporates by reference the allegations in Paragraphs 1 through 21 above.

23. Plaintiff is a registered voter in Maryland.

24. EL § 12-202 provides the only timely and adequate remedy in the Election Law for judicial relief from any act or omission relating to the 2006 election of the Attorney General of Maryland that would violate the provisions of the Election Law under the facts alleged in this Complaint.

25. If the State Board, by any act or omission, has allowed or were to allow Perez to appear on the ballot as a candidate for Attorney General of Maryland in the 2006 election, that act or omission is or would be inconsistent with the Election Law and Article V, Section 4 of the Maryland Constitution and might change the outcome of the election of the Attorney General of Maryland.

25. Plaintiff seeks this relief within 10 days of the act or omission in violation of the Election Law and within 10 days of the date when the act or omission or the date the act or omission became known to the Plaintiff.

WHEREFORE, Plaintiff requests that this Court:

a. Enjoin Defendants Lamone and the State Board from placing Defendant Perez's name on the ballot submitted to the voters at the 2006 election for Attorney General of Maryland and

b. Declare that Defendant Perez is not eligible for the office of Attorney General of Maryland.

**COUNT II: INJUNCTIVE AND DECLARATORY RELIEF
(PEREZ)**

26. Plaintiff realleges and incorporates by reference the allegations in Paragraphs 1 through 25 above.

27. Plaintiff is a registered voter in Maryland.

28. EL § 12-202 provides the only timely and adequate remedy in the Election Law for judicial relief from any act or omission relating to the 2006 election of the Attorney General of Maryland that would violate the provisions of the Election Law under the facts alleged in this Complaint.

29. If Perez does not withdraw his certificate of candidacy for Attorney General of Maryland, that act or omission would be inconsistent with the Election Law and Article V, Section 4 of the Maryland Constitution and might change the outcome of the election of the Attorney General of Maryland.

30. Plaintiff seeks this relief within 10 days of the act or omission in violation of the Election Law and within 10 days of the date when the act or omission or the date the act or omission became known to the Plaintiff.

WHEREFORE, Plaintiff requests that this Court:

1. Order Defendant Perez to withdraw his certificate of candidacy for Attorney General of Maryland.
2. Declare that Defendant Perez is not eligible for the office of Attorney General of Maryland.



Stephen N. Abrams

IN THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY

STEPHEN N. ABRAMS, *

Plaintiff, *

v. *

Civil Action Number _____

LINDA H. LAMONE, et al. *

Defendants. *

* * * * *

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff Stephen N. Abrams hereby moves pursuant to Maryland Rule 15-504 for the issuance of a temporary restraining order. As grounds for this Motion, Plaintiff states:

1. A Complaint for Injunctive and Declaratory Relief in this action has been filed today, July 13, 2006, and the allegations of the Complaint are hereby incorporated by reference in support of this Motion.

2. By no later than today, Defendants Linda Lamone and the State Board of Elections will determine whether Defendant Perez is qualified as a candidate for Attorney General in the 2006 election and whether Perez's name shall appear as a candidate for Attorney General of Maryland on a ballot submitted to the voters in the election to be held this year.

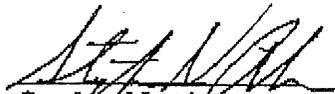
3. As set forth in the Affidavit accompanying this Motion, Plaintiff Abrams will suffer immediate, substantial, and irreparable harm as a registered voter, Maryland citizen, and candidate for Comptroller if a Temporary Restraining Order is not issued to

prevent Lamone and the State Board from placing Perez's name on the ballot. A Temporary Restraining Order is necessary to maintain the status quo until a full adversary hearing can be held on the propriety of a preliminary or final injunction.

4. Plaintiff requests the Court waive the requirement of a bond at this stage of the proceedings. Substantial injustice, of a constitutional magnitude, would result if a temporary restraining order did not issue.

A proposed Order is attached.

Respectfully submitted,



Stephen N. Abrams

POINTS AND AUTHORITIES: Maryland Rule 15-504

IN THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY

STEPHEN N. ABRAMS,

*

Plaintiff,

*

v.

*

Civil Action Number _____

LINDA H. LAMONE, et al.

*

Defendants.

*

* * * * *

AFFIDAVIT OF STEPHEN N. ABRAMS

1. I, Stephen N. Abrams, am over 18 and am competent to testify.

2. I am a registered voter in Maryland and reside at 2290 Dunster Lane, Rockville, Maryland. I have resided in Maryland since 1970 and have been a member of the Maryland Bar since 1974.

3. As a registered voter and citizen of Maryland, I have an interest in the sanctity of the constitutional democracy established and enshrined in the Maryland Constitution.

4. As a candidate for Comptroller of Maryland in the 2006 election, I have an interest in having the benefit of the advice and representation of an Attorney General who has the experience and background in Maryland law that the Constitution's requirement of ten years of law practice in Maryland law was designed to ensure.

5. My rights as a registered voter will be harmed if this temporary restraining order does not issue. I, like every registered voter in Maryland, am entitled to a guarantee that the 2006 election for Attorney General will be conducted pursuant to the

laws and Constitution of Maryland. The impairment of my right to a legal and constitutional election ranks as one of the most fundamental harms a citizen of a democracy could suffer.

6. Perez's participation in the election as a candidate for Attorney General, when he is not constitutionally qualified to be a candidate, will cause me and all registered voters in Maryland irreparable harm unless this Court enjoins the Defendants as requested in the Complaint. A continuing violation of the structure and requirements of the Maryland Constitution in an election year is occurring each day that Perez continues to hold himself out to registered voters as a qualified candidate. Each day that this violation continues increases the likelihood that the outcome of the election will be irretrievably affected. The inclusion or exclusion of Perez as a candidate has a direct and substantial effect on the campaigns of all candidates for Attorney General and on the voting rights of registered voters who support Perez or other candidates.

7. I am a candidate for the officer of Comptroller of Maryland. If and when I become Comptroller, I expect to have the advice and representation of an Attorney General who has practiced law in Maryland for at least ten years. Perez does not meet this test. If Perez becomes Attorney General, I will be harmed in my capacity to carry out the duties of Comptroller, and all citizens of Maryland will be affected directly and indirectly as a result.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.


Stephen N. Abrams

IN THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY

STEPHEN N. ABRAMS,

Plaintiff,

v.

LINDA H. LAMONE, et al.

Defendants.

Civil Action Number C-06-115383

* * * * *

TEMPORARY RESTRAINING ORDER

Upon consideration of Plaintiff Stephen N. Abrams's Motion for Temporary Restraining Order and any response thereto, it is this __ day of July, 2006, ORDERED, as follows:

1. Plaintiff's Motion for a Temporary Restraining Order is hereby granted.
2. Defendants Linda Lamone and the State Board of Elections are hereby enjoined from certifying the candidacy of Thomas Perez for Attorney General of Maryland and from placing Perez on the ballot for Attorney General of Maryland pending a full adversary hearing on a motion for preliminary injunction to be filed by Plaintiff no later than __.
3. This Order is issued at _____ a.m./p.m. on July __, 2006.
4. The Court finds that Plaintiff will be harmed in his capacity as a registered voter, concerned with the enforcement of the Maryland Constitution's requirements for an Attorney General candidate, if this temporary restraining order does not issue. A

registered voter's interest in the purity of the elections process and the qualification of a

Cl declines to enter TRO - Cl will enter an Order to Shorten Time to Respond (5 days)

[Signature]

7/13/06

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candidate for a constitutional office, such as the Attorney General, is a substantial one. A constitutional harm to Plaintiff's right to vote for Attorney General is a matter of the utmost importance in a democracy.

5. The Court finds that Plaintiff and similarly situated voters will suffer irreparable harm unless Defendants are restrained from determining that Perez is a qualified candidate for Attorney General. The Court has no difficulty concluding that the prospect of a continuing violation of the structure and requirements of the Maryland Constitution in an election year constitutes an irreparable harm that satisfies the standards for the issuance of a temporary restraining order. If Perez is not constitutionally qualified to become Attorney General, then each day that Perez continues to hold himself out as a qualified candidate increases the likelihood that the outcome of the election will be irretrievably affected. The inclusion or exclusion of Perez as a candidate has a direct and substantial effect on the campaigns of all candidates for Attorney General and on the voting rights of registered voters who support Perez or other candidates.

6. Any party or any person affected by this Order may apply for a modification or dissolution of the Order on two days' notice to the Plaintiff.

7. This Order shall expire ten days from the date and time of its issuance or at such earlier time as the Court may order.

Judge
Circuit Court for Anne Arundel County

IN THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY

STEPHEN N. ABRAMS,

Plaintiff,

v.

LINDA H. LAMONE, et al.

Defendants.

Case No. C-06-115383

* * * * *

ORDER

Upon consideration of Plaintiff Stephen N. Abrams's Motion for Temporary Restraining Order, it is this 13th day of July, 2006, at ~~pm~~. ORDERED, as follows

1. Plaintiff's Motion for a Temporary Restraining Order is hereby DENIED. The Court finds that this Plaintiff will not suffer immediate, substantial, and irreparable harm from the denial of a Temporary Restraining Order.

2. Despite the Court's denial of Plaintiff's Motion for a Temporary Restraining Order, the Court believes that the Complaint raises substantial and important issues on the merits that warrant a full adversary hearing.

3. Accordingly, the Court ORDERS that the time for Defendants to respond to the Complaint is shortened until five (5) days from service of this Order on the Defendants.


Judge
Circuit Court for Anne Arundel County

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

STEPHEN N. ABRAMS

*

Plaintiff,

*

v.

*

Case No. C-06-115383

LINDA H. LAMONE, *et al.,*

*

Defendants.

*

* * * * *

MOTION TO DISMISS AND TO EXPEDITE SCHEDULING

Defendants Linda H. Lamone, the State Administrator of Elections, and the State Board of Elections, through their attorneys, J. Joseph Curran, Jr., Attorney General of Maryland, and William F. Brockman, Assistant Attorney General, pursuant to Rules 2-322(c) and 2-504(b)(2)(G), hereby move to dismiss this action and for entry of an expedited schedule for disposition of the case, and in support state:

1. This action is governed by § 12-202 of the Election Law Article, which imposes a ten-day limitations period running from the date of “any act or omission relating to an election” or the date that the act or omission became known to the petitioner.

2. No act or omission that could form the basis for this action took place within ten days of the July 13, 2006 filing of this action, and the only conceivable acts or omissions upon which the action could be based would have become known to the petitioner outside the limitations period.

3. Laches bars the petitioner’s claims because they were not timely brought or