

IN THE COURT OF APPEALS OF MARYLAND

PRINCE GEORGE’S COUNTY, MD.

Petitioners,

v.

ROBERT E. THURSTON, JR., *et al.*,

Respondents

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September Term 2021

Petition Docket No. 405.

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**RESPONSE TO PETITIONER’S MOTION TO EXPEDITE**

Respondents agree that the Court’s consideration of this matter should be expedited, and believe the best way to expedite this matter is to grant summary affirmance of the trial court’s decision under Md. Rule 8-303(f)(3). There are no extraordinary issues of law which justify convening an emergency court session, which would only delay final resolution of this matter. This case involves a straightforward question of interpreting the Charter. The Court can reach the decision now.

1. The County’s petition for writ of certiorari and the Respondent’s answer fully set forth the narrow legal question here. This case is ripe for decision now.

2. The candidate filing deadline is 13 days away. Oral argument will simply delay this matter, and prolong the uncertainty for candidates, potential candidates, and their supporters created by the County’s appeal.

3. While holding oral argument is the norm, the impending February 22, 2022 filing deadline, combined with the unassailable and pellucid reasoning of the trial court, justify a summary affirmance.

4. This Court has previously dispensed with oral argument, and summarily affirmed trial court judgments in contexts that implicate a substantial public interest, including election cases. *See, e.g., Canavan v. Md. State Bd. of Elections*, 430 Md. 533, 61 A.3d 828 (2013).

5. The County submits that “the People of Prince George’s County deserve a day of argument in front of this Court because “securing the safety and soundness of our democratic processes and institutions shouldn’t be summarily decided.” Motion at 4.<sup>1</sup>

6. While this is surely a matter of public importance, Respondents would point out that more than 150 citizens participated in opposition at the hearing in which the Council summarily adopted its own plan—and not a single citizen appeared in support of the Council’s action.<sup>2</sup>

7. Similarly, the trial court below held an open hearing on Zoom and not a single citizen in support of the Council plan appeared remotely at the hearing.

8. The filing deadline is February 22, 2022, and candidates obviously will wish to know which district they reside in earlier than that date. Oral argument will only delay issuance of a decision and will not further the ends of justice or fairness.

Respectfully submitted,

By: /s/ Timothy F. Maloney

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<sup>1</sup> In this case, of course, the Council summarily purported to adopt its own redistricting plan without following the legislative process associated with a “law.”

<sup>2</sup> *See Rachel Chason, Prince George’s County Council approves map slammed by more than 150 residents in public testimony*, THE WASHINGTON POST (Nov. 16, 2021)

*Counsel for Respondents*

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2022, a copy of the foregoing Response to Petitioner's Motion to Expedite was filed and served via the Court's MDEC System.

/s/ Matthew G. Sawyer  
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