

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

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IN RE: PETITION FOR	:
EMERGENCY REMEDY BY	:
THE MARYLAND STATE	:
BOARD OF ELECTIONS	: CSA-REG-1282-2022
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**EMERGENCY MOTION FOR STAY OF SEPTEMBER 26, 2022 OPINION AND ORDER AND ISSUANCE OF ENHANCED SCHEDULING ORDER**

Daniel Cox, Respondent, by Hartman, Attorneys at Law and C. Edward Hartman, III, and the Law Offices of Matthew Wilson PLLC and Matthew Wilson, his attorneys, hereby files this Emergency Motion for Stay of September 26, 2022 Order, and in support thereof, states:

1. On September 20, 2022, a hearing was held in the Circuit Court for Montgomery County on a Petition for Remedy filed by the Maryland State Board of Elections seeking a court order pursuant to Maryland Code Election Law Article Section 8-103(b) suspending the effects of Maryland Code Election Law Article Sections 11-302(a) and 11-302(b)(1).
2. Daniel Cox, a citizen of Maryland, a legislator, and the current Republican candidate for Governor, filed a Response in Opposition to the Petition, among other papers.
3. On Friday, September 23, 2022, at 3:00 p.m., Judge James A. Bonifant read into the record his Opinion and Order granting the Maryland State Board of Election’s Petition for Remedy, by which mail-in ballots will be opened in violation of Maryland law on October 1, 2022.
4. On Monday, September 26, 2022, the Opinion and Order were docketed. See Exhibit A attached hereto.
5. The ruling takes effect October 1, 2022, before an appeal can be heard.

6. For reasons more fully set forth in the Memorandum in Support of Emergency Motion for Stay of September 26, 2022 Order, the Petition was granted in violation of the United States and Maryland Constitutions, as well as Section 8-103(b) of the Election Law article of the Maryland Code.
7. If the mail-in ballots are opened on October 1, 2022, this appeal will be moot, as the damage will already be done.
8. A Motion to Shorten Time has been filed simultaneously with this Emergency Motion for Stay.

WHEREFORE, for the reasons set forth above and in the Memorandum in Support of Emergency Motion for Stay filed herewith, the Respondent Daniel Cox requests that this Honorable Court:

- A. Stay the effect of the September 26, 2022, Order in this case;
- B. Stay the suspension of Sections 11-302(a) and (b)(1) of the Election Law Article of the Maryland Code;
- C. Issue an enhanced scheduling order allowing for resolution of this appeal by October 17, 2022;
- D. Grant such other and further relief as the nature of this cause may require.

Date: September 27, 2022

Respectfully submitted,

HARTMAN, Attorneys at Law

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27<sup>th</sup> day of September 2022, the foregoing was filed and served electronically by the MDEC system on all persons entitled to service.

/s/ C. Edward Hartman, III  
C. Edward Hartman, III