

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

**PROPERTY OWNERS ASSOCIATION  
OF ARUNDEL ON THE BAY, INC., et al.**

*Plaintiffs,*

**v.**

**MAURICE B. TOSE, et ux.**

*Defendants*

Case No. C-02-CV-19-003640

**JOINT MOTION TO MODIFY SCHEDULING ORDER AND ORDER FOR  
MEDIATION**

The parties, by and through their undersigned counsel, and pursuant to Maryland Rule 2-504 and this Court's Scheduling Order, hereby submit this Joint Motion to Modify the Scheduling Order, and in support thereof state as follows:

1. On November 8, 2019, Plaintiffs filed a multi-count Complaint against Defendants relating to a dispute regarding use and access to certain platted streets in the community of Arundel on the Bay. Defendants timely filed an Answer on December 19, 2019 and a Counterclaim on February 6, 2020, asserting claims relating to the title and use of those same platted streets.

2. This Court issued its Scheduling Order and an Order for Mediation on December 31, 2020. The Scheduling Order set a deadline of June 29, 2020 for the completion of all discovery and a deadline of July 14, 2020 for dispositive motions. A Pretrial Settlement Conference has been set for July 29, 2020.

3. In its Order for Mediation, the Court appointed attorney Kristin Leclair Zurowski as the mediator and set a deadline of June 29, 2020 to complete mediation.

4. The disruption caused by the COVID-19 emergency has hindered the completion of discovery in this case and the ability of counsel to schedule and complete mediation.

5. The parties are in the process of scheduling a private mediation with retired Judge Marvin Kaminetz, formerly of the Circuit Court for St. Mary's County. Judge Kaminetz has an excellent reputation for settling complicated land dispute cases, such as issues presented in this action. The parties are of the opinion that meditation with Judge Kaminetz provides the best opportunity for resolution of this case without the need for a trial.

6. The parties are engaging in written discovery and have identified experts, but they believe that it would be in their best interest to participate in a meaningful mediation before Judge Kaminetz prior to the filing of dispositive motions.

7. Absent a reasonable extension, the parties would be unduly prejudiced as there is unlikely to be sufficient time for the parties to complete discovery before the current discovery deadline.

8. The parties further believe that an extension of the discovery deadline by ninety (90) days will provide sufficient amount of time for the parties to complete all discovery and mediation.

9. The extension of the discovery deadline will necessitate the extension of the dispositive motion and mediation deadline, as well as the date of the Pretrial Settlement Conference. As such, the parties propose the following new deadlines:

- Discovery Deadline — **September 29, 2020**
- Dispositive Pretrial Motions — **October 14, 2020**
- Court-Ordered Mediation Deadline — **September 29, 2020**
- Pretrial and Settlement Conference — **September 30, 2020 at 2:30pm**

10. The Pretrial Settlement Conference date noted above has been cleared with the Assignment Office and the parties.

11. The parties further request that the Order for Mediation be modified so that Judge Marvin Kaminetz is reassigned as the Court-Appointed mediator in the case.

12. The neighborhood of Arundel on the Bay has had several matters before this Court (and outside this Court) regarding disputes over title and access to various platted streets in the community. Some of these cases involved the counsel of record for the parties. Based on counsel's experience with these matters, counsel is of the opinion that mediation before Judge Kaminetz will benefit the parties.

13. The requested modification is not for improper purpose nor delay. The parties and their counsel believe that the relief requested herein is in the best interests of the parties and in the Court.

**WHEREFORE**, the parties in the above-captioned matter respectfully request that the Scheduling Order be modified according to the dates noted above and set forth in the attached proposed Order and that the Order for Mediation be modified as indicated herein and in the attached proposed Order .

Respectfully submitted,

COUNCIL, BARADEL,  
KOSMERL & NOLAN, P.A.

HYATT & WEBER, P.A.

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