

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

Plaintiffs/Counter-Defendants

v.

MAURICE B. TOSE', *et ux.*

Defendants/Counter-Plaintiffs

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* ANNE ARUNDEL COUNTY  
\* Case No. C-02-CV-19-003640

\* \* \* \* \*

**JOINT MOTION TO POSTPONE  
THE TRIAL DATE PRESENTLY SET FOR MAY 12 AND 13, 2021**

Plaintiffs, Property Owners Association of Arundel on the Bay, Inc. (the “Association”) David Delia (“Delia”) and Lori Strum (“Strum”) (collectively “Plaintiffs”), by and through their attorneys, Wayne T. Kosmerl, N. Tucker Meneely and Council, Baradel, Kosmerl and Nolan, P.A., and Defendants, Maurice B. Tose’ and Teresa Layden (“Tose” or “Defendants”), by and through their counsel, Barbara J. Palmer and Hyatt & Weber, P.A., jointly file this Motion to Postpone the presently scheduled trial date of May 12 and 13, 2021, and as grounds therefor, state:

1. This matter involves the Plaintiffs’ claims for use of platted roads adjacent to residential lots owned by the Defendants. The Defendants filed a Counterclaim asserting that they held title to the property at issue and that the Plaintiffs are not entitled to the scope of the rights claimed.
2. On March 7, 2021, the Defendants filed a Motion to Dismiss for Failure to Join Necessary Parties pursuant to Maryland Rule 2-211.
3. On March 25, 2021, the Plaintiffs filed a Cross-Motion to Dismiss for Failure to Join Necessary Parties pursuant to Maryland Rule 2-211.
4. On May 3, 2021, a hearing was held before the Honorable Ronald A. Silkworth, wherein it was determined that the property owners in the community of Arundel on the Bay were

necessary parties to the action. Upon that determination, the parties agreed to prepare and submit a Consent Order which will reflect the terms of that determination. Among other things, the Consent Order will require the parties to amend their pleadings to add necessary parties, after which time the new parties will have to be served with the papers filed in this action, a process that may take several months. In addition, Judge Silkworth has advised that it will likely be necessary for a new scheduling order to be issued as a result of the newly-added parties to the case.

5. There is insufficient time prior to the pending trial dates of May 12 and May 13, 2021 for the property owners in the community of Arundel on the Bay to be added to the action and served. A continuance is required to join and serve these necessary parties.

6. Counsel for all parties had a conference call with the Assignment Office and the dates of **March 9 and 10, 2022** were provided as the available re-set dates for this action.

WHEREFORE, the undersigned counsel for the parties respectfully request that the trial on this matter be reset for March 9 and 10, 2022.

Respectfully submitted,

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

HYATT & WEBER, P.A.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May, 2021, a copy of the foregoing Joint Motion to Postpone the Trial Date of May 12 and 13, 2021 was filed in accordance with the MDEC system and a copy will be electronically served upon:

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