

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

Plaintiffs

v.

MAURICE B. TOSE', *et ux.*

Defendants

* * * * *

* IN THE CIRCUIT COURT
* FOR ANNE ARUNDEL COUNTY

* Case No. C-02-CV-19-3640

*
*
*

PLAINTIFFS' SUPPLEMENT TO REQUEST TO VACATE ORDERS OF DEFAULT

Plaintiffs, Property Owners Association of Arundel on the Bay, Inc., David Delia and Lori Strum, by and through their attorneys, Wayne T. Kosmerl, N. Tucker Meneely and Council, Baradel, Kosmerl and Nolan, P.A., pursuant to Rule 2-311, as a supplement to their request that this Court vacate Orders of Default entered on December 28, 2021, state as follows:

1. After filing Plaintiffs' Request to Vacate Orders of Default, the undersigned received service, via MDEC, of a copy of the Order of Default entered by this Court on December 28, 2021. Plaintiffs, which include the Property Owners Association of Arundel on the Bay, Inc. ("Association"), observed that the Court's Order of Default indicates that it is granting "Plaintiff's" Request for Order of Default. However, the Request for Order of Default was not filed by any of the Plaintiffs; it was filed by Defendants/Counter-Plaintiffs, Maurice Tose' and Teresa Layden.

2. As a supplement to Plaintiffs' Request to Vacate Orders of Default, Plaintiffs request that, to the extent that this Court does not vacate the Order of Default, or if it only vacates the Order of Default in part, that this Court amend its Order to correctly reflect the parties who requested it. Although normally such a misnomer would be immaterial, well over a hundred property owners receiving the Court's Order may reasonably believe that the Association of which they are members sought a default against them, which could lead to unnecessary confusion and

anger in the community.

WHEREFORE, for the foregoing reasons, Plaintiffs request that this Court exercise its broad discretion over interlocutory Orders of Default and vacate the Order of Default that was issued on December 28, 2021 and, alternatively, to amend its Order to correctly reflect the parties who requested the default.

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

By: /s/ N. Tucker Meneely
Wayne T. Kosmerl (AIS# 7302010002)
N. Tucker Meneely (AIS# 1012150249)
125 West Street, 4th Floor
Annapolis, MD 21401
(410) 268-6600
(410) 269-8409 fax
Kosmerl@CouncilBaradel.com
Meneely@CouncilBaradel.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of December, 2021, a copy of the foregoing paper was served on all parties registered to receive electronic service via MDEC, including upon:

Barbara J. Palmer, Esq.
Hyatt & Weber, P.A.
200 Westgate Circle, Suite 500
Annapolis, MD 21401
bpalmer@hwlaw.com
Attorney for Tose' Defendants

/s/ N. Tucker Meneely
N. Tucker Meneely (AIS# 1012150249)