

IN THE MATTER OF:
CHESAPEAKE BAY FOUNDATION, INC., *et al.*

FOR JUDICIAL REVIEW OF
The Harford County Director of Planning and
Zoning

IN THE CASE OF:
Abingdon Business Park
Forest Conservation Plan
FCP No. 57-2019

IN THE
CIRCUIT COURT

FOR
HARFORD COUNTY, MD

CASE NO.: C-12-CV-20-000022

**CONSENT ORDER AND FINAL RULING ON PETITIONERS' MOTION FOR
PRELIMINARY INJUNCTION**

This matter is pending before this Court on Chesapeake Bay Foundation, Inc., *et al.*'s ("Petitioners") Petition for Judicial Review on January 8, 2020. BTC III I-95 Logistics Center LLC and Harford Investors LLP (through its predecessors in interest) along with Harford County, Maryland and the Harford County Department of Planning and Zoning (collectively the "Respondents") filed a Motion to Dismiss Petitioners' Petition for Judicial Review on March 27, 2020. This Court issued its Memorandum Opinion and Order granting the Motion to Dismiss on October 22, 2020. Petitioners appealed that Order and the Court of Special Appeals affirmed this Court's decision in a reported opinion dated September 8, 2021 and issued the respective mandate on October 12, 2021. The Court of Appeals granted Petitioners' Petition for Writ of Certiorari on January 11, 2022. On August 12, 2022, the Court of Appeals reversed the Court of Special Appeals and the Circuit Court and remanded the matter for briefing on the merits. On September 26, 2022 the Court of Appeals issued its Mandate formally remanding the matter back to Circuit Court.

WHEREAS, Petitioners, filed Petitioners' Renewed Motion for a Temporary Restraining Order and Preliminary Injunction on September 12, 2022; and

Entered: Clerk, Circuit Court for
Harford County, MD
September 30, 2022

WHEREAS, this Court granted the Temporary Restraining Order on September 16, 2022 at 9:00 a.m.;

WHEREAS, the Temporary Restraining Order is set to expire upon the first occurrence of either (1) the passage of thirty-five (35) days from its issuance, or (2) upon this Court's issuance of a final ruling with regard to Petitioners' Motion for Preliminary Injunction;

WHEREAS, a hearing on the Preliminary Injunction is scheduled for October 3, 2022;

WHEREAS, the Parties have come to a mutual agreement regarding the Preliminary Injunction;

Petitioners and Respondents have **STIPULATED** and **AGREED** as follows, and this Court hereby **ORDERS** on this **30th of September, 2022**

1. ORDERED, that Respondents, BTC III I-95 Logistics Center LLC and Harford Investors LLP, are enjoined from further cutting of standing trees associated with the Abingdon Business Park during the period commencing on September 16, 2022 at 9:00 am and expiring upon the issuance by the Circuit Court of a ruling on the merits in this matter, but conditioned upon the following:

- a. **CONDITION ONE:** that this Consent Order is entered without prejudice to Petitioners' ability to seek an extension of the Preliminary Injunction or seek a stay from an appellate court if Petitioners appeal this Court's final ruling on the Petition for Judicial Review in this matter.
- b. **CONDITION TWO:** the expiration of all entitlements, authorizations, permits, and other approvals of any kind whatsoever for the Abingdon Business Park shall be tolled during the pendency of the Petition for Judicial Review and any subsequent appeals;

c. **CONDITION THREE:** The Parties shall work cooperatively to expedite a briefing and hearing schedule on matters pending before the Court.

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SO ORDERED:



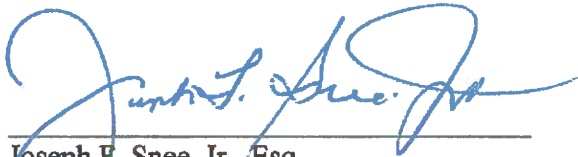
Diane Adkins-Tobin
Judge Diane Adkins-Tobin

Circuit Court for Harford County

CONSENTED TO:



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IS/ With Consent

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