

**CIRCUIT COURT  
WASHINGTON COUNTY, MARYLAND**

JUSTIN HOLDER, et al	)	
<i>Plaintiff/Appellant,</i>	)	
	)	
v.	)	Civil Case No. C-21-CV-25-000180
	)	
WASHINGTON COUNTY	)	
BOARD OF COUNTY COMMISSIONERS,	)	
<i>Defendant/APPELLEE</i>	)	
	)	

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**MOTION TO STRIKE APPELLEES' SUPPLEMENTAL LINE**

COMES NOW, Defendant/Appellee, Washington County Board of County Commissioners ("WCBOCC" or "Appellee"), by and through counsel, Sarah Spitalnick, Esq., and respectfully moves this Honorable Court to strike the "Line Supplementing En Banc Memorandum of Appellant" (the "Line") filed by Plaintiff/Appellant Justin Holder ("Holder" or "Appellant") on July 17, 2025, pursuant to Maryland Rule 2-303 and the Court's inherent authority to manage its docket and exclude irrelevant material. In support thereof, Appellee states as follows:

**INTRODUCTION AND PROCEDURAL BACKGROUND**

1. This matter is before the Court on Appellant's en banc appeal of the trial court's orders dated June 9, 2025 (granting WCBOCC's Motions to Quash Deposition, for Protective Order, and awarding attorney's fees for bad-faith conduct), and June 18, 2025 (dismissing Appellant Holder from the case for lack of standing).
2. On June 27, 2025, co-Plaintiff Shaun Patrick Porter ("Porter") voluntarily dismissed the underlying complaint without prejudice pursuant to Maryland Rule 2-506, rendering the entire action terminated and mooting any further relief.
3. On July 17, 2025, Appellant Holder filed the Line, purporting to supplement his En Banc Memorandum by requesting that the Court take judicial notice of an opinion issued by the Open

Meetings Compliance Board ("OMCB") on July 17, 2025 (the "OMCB Opinion"). The Line attaches the OMCB Opinion and requests an immediate injunction against WCBOCC enforcing its "Rules of Decorum" (Exhibit A to the original Complaint).

4. The Line is irrelevant to the en banc appeal, the underlying dismissed complaint, and Appellant's alleged due process violations. It should be stricken as it introduces extraneous material unrelated to the appealable orders, seeks to adjudicate merits that were never determined by the trial court, and pertains solely to Porter—a non-party to this appeal—whose claims have been voluntarily dismissed.

## **ARGUMENT**

### ***The OMCB Opinion Is Irrelevant To The Dismissed Complaint And The En Banc Appeal***

The OMCB Opinion addresses complaints filed by Porter (not Holder) alleging violations of the Open Meetings Act ("OMA") based on events at WCBOCC meetings on March 4, March 11, April 8, April 29, May 6, and May 13, 2025. The OMCB found no violation regarding a March 20, 2025 warning letter to Porter but concluded that WCBOCC violated the OMA by issuing a six-month prospective ban on Porter's in-person attendance following the April 8, 2025 meeting.

This finding is irrelevant to the underlying complaint in this action, which sought a declaratory judgment that WCBOCC's "Rules of Decorum" are unconstitutional and an injunction against their enforcement. The OMCB Opinion makes no adverse ruling against WCBOCC regarding the constitutionality or validity of the "Rules of Decorum" themselves, nor does it address any events at the April 8, 2025 meeting beyond the prospective ban. The OMCB explicitly noted that a public body's handling of public comments (including profanity or disruptive behavior) is "not within the Act's ambit" and does not implicate the OMA.

Moreover, the prospective ban referenced in the OMCB Opinion was revoked shortly after the filing of this action on April 10, 2025, and Plaintiffs withdrew their Temporary Restraining Order (TRO) request

related to that claim. No ongoing controversy exists regarding the ban, rendering the OMCB Opinion moot and immaterial to any claims in the complaint.

Maryland courts have inherent authority to strike irrelevant or immaterial filings to prevent cluttering the record and to focus proceedings on pertinent issues. *See* Md. Rule 2-303. The Line serves no purpose other than to inject unrelated administrative findings into this judicial proceeding.

### ***The OMCB Opinion Has No Bearing On Holder Or His Alleged Due Process Violations***

The OMCB Opinion pertains exclusively to Porter's complaints and conduct. It does not mention Holder, analyze Holder's standing, or address any due process claims raised by Holder in this action (e.g., denial of a 15-day response period to discovery motions or a hearing on the Motion to Dismiss). Holder's en banc appeal is limited to procedural issues in the June 9 and June 18, 2025 orders, including his dismissal for lack of standing and the handling of discovery motions. The OMCB Opinion does not touch on these matters.

Holder's attempt to supplement his memorandum with the OMCB Opinion is an improper effort to expand the scope of the en banc review beyond the appealable orders. En banc review under Maryland Rule 2-551 is confined to the record and issues before the trial court at the time of the appealed orders. *See* Md. Rule 8-131(a); *Bajaj v. Bajaj*, 262 Md. App. 435, 443 (2024). The OMCB Opinion, issued post-appeal on July 17, 2025, was not part of the trial court record and cannot be used to bootstrap new arguments.

Furthermore, Holder lacks standing to invoke the OMCB Opinion, as it adjudicates Porter's rights under the OMA—not Holder's. Holder was dismissed from the case for lack of standing on June 18, 2025, and the OMCB Opinion does not alter that determination.

### ***The Underlying Complaint Has Been Voluntarily Dismissed, Mooting Any Relief And Rendering The Line Futile***

On June 27, 2025, Porter voluntarily dismissed the entire complaint without prejudice, terminating the action and mooted the en banc appeal. *See* Md. Rule 2-506. No live controversy remains, and no relief can be granted on the merits of the dismissed claims.

Holder's Line improperly seeks to revive and adjudicate the substantive merits of the complaint (e.g., enjoining the "Rules of Decorum") that were never reached by the trial court due to his dismissal for lack of standing. This en banc panel cannot serve as a factfinder or determine unadjudicated merits. *See* Md. Rule 8-131(a); *Bajaj*, 262 Md. App. at 443. The Line is an attempt to circumvent the dismissal and expand the appeal beyond its procedural scope, warranting striking.

Allowing the Line to stand would prejudice WCBOCC by forcing it to respond to irrelevant material in a moot proceeding, wasting judicial resources.

### **CONCLUSION**

For the foregoing reasons, WCBOCC respectfully requests that this Honorable Court:

- a. STRIKE the "Line Supplementing En Banc Memorandum of Appellant" filed on July 17, 2025, in its entirety;
- b. DENY any request for judicial notice or injunctive relief contained therein; and
- c. GRANT such other and further relief as the Court deems just and proper.

Date: June 25, 2025

Respectfully submitted,

*/s/ Sarah Spitalnick*  
Sarah Spitalnick Esq.  
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SPITALNICK

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**CERTIFICATE OF SERVICE**

I certify that on June 25, 2025, a copy of the foregoing Motion to Strike was served

via electronic filing on:

Shaun Patrick Porter 6583  
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/s/ Sarah Spitalnick  
Sarah Spitalnick

