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IN THE COURT OF SPECIAL APPEALS OF MARYLAND

LARRY BOWIE, et al.	*
	*
Appellant/Cross-Appellee	* Circuit Court for Charles County, Maryland
	* Case No. C09-1912
v.	*
	*
BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, et al.	* Court of Special Appeals No. 00312
	* September Term, 2010
	*
Appellees/Cross-Appellants	*
	*

**MOTION TO STRIKE APPELLANTS LARRY BOWIE, ET AL.
REPLY BRIEF AND CROSS-APPELLEE'S BRIEF**

WSG Holdings, LLC, Appellee/Cross-Appellant, by Mark D. Mudd and Mudd, Mudd & Fitzgerald, P.A., hereby files this Motion to Strike Appellants Larry Bowie, et al. Reply Brief, Cross-Appellee's Brief and Appendix, and in support thereof, states as follows:

1. That on November 15, 2010, Appellants filed their Brief with this Court.
2. That on December 13, 2010, Appellee/Cross Appellant WSG Holdings, LLC, timely filed its Brief, Cross Appeal and Appendix with this Court.
3. That Appellant/Cross-Appellee filed their Reply Brief and Cross-Appellee's Brief on January 19, 2011.
4. That pursuant to Maryland Rule 8-502, Appellant/Cross Appellee's were required to file their brief in response to the issues and arguments raised on cross-appeal and any reply to appellee's response within thirty (30) days of the filing of the brief by Appellee, said thirty (30) days being on or before January 12, 2011. Maryland Rule 8-

502 states that it "shall" be filed within thirty (30) days, and Maryland Rule 1-201 provides that "shall" mandates conduct.

5. That Appellant/Cross Appellee's response and reply brief was not timely filed on January 19, 2011 in accordance with Maryland Rule 8-502.

6. That Appellant/Cross Appellee's response and reply brief was not filed in accordance with Maryland Rule 8-504, to wit:

a. Failed to express issues in terms and circumstances of the case without unnecessary detail (8-504(a)(3));

b. Failed to state a clear and concise statement of facts (8-504(a)(4));

c. Failed to provide citation (8-504(a)(7));

7. That Appellant/Cross Appellee's response and reply brief, like their Brief, fails to make any proper citation to the record extract, and consist of argumentative "rambling" without reference to the record before this Court.

8. That Appellant/Cross Appellee's appendix is duplicative and otherwise irrelevant, to wit:

a. Appellant/Cross Appellee's Apx 1 through Apx 8 was included in its original record extract at E.376 through E. 383;

b. Appellant/Cross Appellee's Apx 12 was included in the Appellee's Appendix at Apx. 36.

c. That Appellant/Cross-Appellee fails to reference its own Appendix in its reply and response brief.

9. That Appellant/Cross-Appellee failed to provide a statement for the reasons for the additional part of the appendix as contained in his reply brief, as required by Maryland Rule 8-501(f).

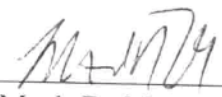
10. That Appellant/Cross Appellee's reply brief does not address those issues which were raised by Appellee's brief, but is used by Appellant/Cross-Appellee to amplify its prior arguments, which, consistent with its brief, is without any citations to the record or proper legal authorities, as required by Maryland Rule 8-504.

11. That Appellant/Cross-Appellee's attempt to identify new arguments and raise new issues in its untimely filed reply brief is not proper before this court and not in accordance with the Maryland Rules.

12. That Appellant/Cross-Appellee's continued disregard for the Maryland Rules is contrary to the purpose of the rules, and does not promote the orderly and efficient administration of justice.

WHEREFORE, Appellee/Cross Appellant WSG Holdings, LLC prays this Honorable Court:

- a. For an Order of Court Striking Appellant/Cross Appellee Larry Bowie, et al. reply brief, cross-appellee's brief and appendix; and
- b. For such other and further relief as this Court deems necessary and proper.



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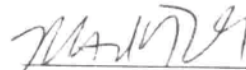
MEMORANDUM OF POINTS AND AUTHORITIES:

1. Maryland Rule 8-501
2. Maryland Rule 8-502
3. Maryland Rule 8-504
4. Bland v. Larsen, 97 Md. App. 125, 627 A.2d 79, cert. denied, 332 Md. 453, 632 A.2d 150 (1993). Mere bald allegations without evidentiary support will not be considered on appeal.
5. State Rds. Comm'n v. Halle, 228 Md. 24, 178 A.2d 319 (1962). That it is not incumbent upon this Court, merely because a point is mentioned as being objectionable at some point in a party's brief, to scan the entire record and ascertain if there be any ground, or grounds, to sustain the objectionable feature suggested.
6. Clarke v. State, 238 Md. 11, 207 A.2d. 456 (1965). This court cannot be expected to delve through the record extract to unearth motions or contentions that are not named and argued in the brief.
7. Noneycutt v. Honeycutt, 150 Md. App. 604, 822 A.2d 551 (2003) cert. denied, 376 Md. 544, 831 A.2d 4 (2003). Under Maryland Rule 8-504(a)(5), this court need not address an argument where appellant fails to present it in their initial brief; appellants have waived the argument on appeal.
8. Monumental Life Ins. Co. v. United States Fid. & Guar. Co., 94 Md. App. 505, 617 A.2d 1163, cert. denied, 330 Md. 319, 624 A.2d. 491 (1993). Where a brief did not contain the party's argument, but merely made reference to an argument contained elsewhere, the court did not consider the merits of the party's argument. Monumental Life Ins. Co. v. United States Fid. & Guar. Co., 94 Md. App. 505, 617 A.2d 1163, cert. denied, 330 Md. 319, 624 A.2d. 491 (1993).
9. Rollins v. Capital Plaza Assocs., L.P., 181 Md. App. 188, 955 A.2d 869 (2008), cert. denied, 406 Md. 746, 962 A.2d. 372 (2008). Tenant violated Maryland Rule 8-504(a)(5) by failing to provide any legal authority for the tenant's contentions or reference to the record, including the tenant's claims of the landlords fraud; further the tenant quoted legal principles without citation, and improperly cited §8-208.1 of the Real Property Article.

which pertained only to residential leases, in the case concerning a commercial lease agreement

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of January, 2011, I mailed a copy of the foregoing Motion to Strike, postage prepaid, to Kurt W. Wolfgang, 9375 Chesapeake Street, Suite 113, La Plata, MD 20646, and John A. Buchanan, County Attorney, P.O. Box 2150, La Plata, Maryland 20646.



Mark D. Mudd

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LARRY BOWIE, et al.

Appellant/Cross-Appellee

v.

BOARD OF COUNTY COMMISSIONERS
OF CHARLES COUNTY, MARYLAND,
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Appellees/Cross-Appellants

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Circuit Court for Charles County, Maryland
Case No. C09-1912

Court of Special Appeals No. 00312
September Term, 2010

ORDER

UPON CONSIDERATION of the Motion to Strike Appellant/Cross-Appellee Larry Bowie, et al. Reply Brief, Cross-Appellee's Brief and Appendix filed by Appellee/Cross-Appellant WSG Holdings, LLC in the above captioned matter and any opposition filed thereto, it is this _____ day of _____, 2011, by the Court of Special Appeals of Maryland,

ORDERED, that the Reply Brief, Cross-Appellee's Brief and Appendix filed by Appellant/Cross-Appellee Larry Bowie, et al. is hereby **STRICKEN** from the record.

JUDGE