

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

IN RE: PETITION FOR :
EMERGENCY REMEDY BY :
THE MARYLAND STATE : CSA-REG-1282-2022
BOARD OF ELECTIONS :
: :
: :
: :

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF EMERGENCY
MOTION FOR STAY OF SEPTEMBER 26, 2022 OPINION AND ORDER
AND ENHANCED SCHEDULING ORDER**

Daniel Cox, Respondent, by Hartman, Attorneys at Law and C. Edward Hartman, III, and the Law Offices of Matthew Wilson PLLC and Matthew Wilson, his attorneys, hereby files his Supplemental Memorandum in Support of his Emergency Motion For Stay of September 26, 2022 Opinion and Order, and states:

BACKGROUND: On September 27, the Court of Special Appeals issued an order requiring the appellant to explain the efforts made to comply with Md. Rule 8-425. This Supplemental Memorandum addresses that effort.

TIMING: The order and opinion granting the Maryland State Board of Elections Petition for Remedy was docketed on Monday, September 26, 2022. Undersigned counsel conferred with Daniel Cox and reviewed with him the Opinion and Order. On the evening of September 26, 2022, the client instructed counsel to appeal.

If the Order Granting the Petition is not stayed by Friday, September 30, 2022, the entire case will become moot. Appellant and appellee both need time to file and respond to an Emergency Motion for Stay of Order and Opinion; the Court of Special Appeals needs time review the parties' filings and rule.

Also, the appeal must be fully resolved by the middle of October of 2022; otherwise, the case becomes moot on the other end, as on November 8, the election occurs, after which the mail-in ballots get read and the remedy sought by the BOE is moot.

MARYLAND RULE 8-425: Maryland Rule 8-425 states: (b) **Unless it is not practicable to do so**, a party shall file a motion in the circuit court requesting relief pursuant to Rule 2-632 before requesting relief from the appellate court under this Rule (emphasis added). As set forth above, the time constraints are far too tight to allow for two attempts to get a stay of the enforcement of the Opinion and Order. Given the fact that the Circuit Court judge granted the Petition, he is unlikely to grant the stay. It is impractical to seek a stay from the Montgomery County Circuit Court first, as time will expire rendering the case moot.

Accordingly, Respondent respectfully requests that this Honorable Court grant his Emergency Motion for Stay of Opinion and Order docketed on September 26, 2022.

Date: September 28, 2022

Respectfully submitted,

HARTMAN, Attorneys at Law

By: /s/ C. Edward Hartman, III
C. Edward Hartman, III
CPF# 8501010262
116 Defense Highway, Suite 300
Annapolis, Maryland 21401-7047
Telephone: (410) 266-3232
Facsimile: (410) 266-5561
Email: ed@hartman.law

The Law Office of Matthew Wilson, PLLC

By: /s/ Matthew D. Wilson
Matthew D. Wilson
MS Bar 102344; TN Bar 028175
2218-B West Main Street
Tupelo, Mississippi 38801
Telephone: (662) 312-5039
Email: starkvillelawyer@gmail.com
Attorneys for Daniel Cox

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of September 2022, the foregoing was filed and served electronically by the MDEC system on all persons entitled to service.

/s/ C. Edward Hartman, III
C. Edward Hartman, III