

Circuit Court for Charles County  
Case No. C-08-CV-22-000576

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1530

September Term, 2024

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BYRON DAVID BELL, SR.

v.

COUNTY COMMISSIONERS OF CHARLES  
COUNTY, MARYLAND

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Reed,  
Zic,  
Hotten, Michele D.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Zic, J.

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Filed: March 20, 2026

\* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This case arises from proceedings initiated by the County Commissioners of Charles County (“Commissioners”), appellees, to prevent Byron David Bell, Sr., Chantel Manley, Mark Manley,<sup>1</sup> and Lethal & Legal Limited Liability Company (“Lethal & Legal”)<sup>2,3</sup> (collectively, “Hosts”) from contravening Charles County Code (“Code”) § 297. The Hosts planned to conduct a concealed carry permit class and other outdoor activities involving firearms at Mr. Bell’s residence<sup>4</sup> (“Residence”) located in Welcome, Maryland. The Hosts, however, failed to obtain a special exception and variance from the Charles County Board of Appeals (“Board”) authorizing these events. Thereafter, the Commissioners filed an Emergency Petition for Temporary Injunctive Relief against the Hosts, which the Circuit Court for Charles County granted in September 2022.

Mr. Bell subsequently filed a *pro se* response, challenging the circuit court’s jurisdiction and venue based on his Moorish American nationality. In turn, the Commissioners filed a petition for contempt, asserting that Mr. Bell violated the preliminary injunction by discharging firearms on the Residence. The Commissioners then filed a Motion to Establish Lien and For Other Appropriate Relief, which the circuit court granted. After obtaining legal representation, Mr. Bell moved to vacate the lien

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<sup>1</sup> We note that Mr. Manley is Mr. Bell’s uncle and Mrs. Manley’s husband.

<sup>2</sup> Lethal & Legal is a Maryland limited liability company with its principal place of business in Baltimore. Lethal & Legal is engaged in the business of firearms education and ammunition sales.

<sup>3</sup> Mrs. Manley is an “authorized member of record and representative” of Lethal & Legal.

<sup>4</sup> Based on the record before us, it appears that Mr. Manley and Mrs. Manley leased the Residence from Mr. Bell at all relevant times.

judgment and raised, for the first time, the affirmative defense of insufficiency of service of process. The court ultimately affirmed the validity of the preliminary injunction.

Mr. Bell<sup>5</sup> now appeals and presents four questions for our review, which we have recast as two and rephrased as follows:<sup>6</sup>

1. Did the circuit court err by concluding that Mr. Bell waived his affirmative defenses under Maryland Rule 2-322?
2. Did the circuit court err by issuing a preliminary injunction against the Hosts?

For the following reasons, we answer both questions in the negative and affirm.

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<sup>5</sup> Despite their involvement in organizing various firearms activities at the Residence, Mr. Manley, Mrs. Manley, and Lethal & Legal are not parties in the instant appeal.

<sup>6</sup> Mr. Bell phrased the questions as follows:

1. Does an affidavit of service present prima facie evidence of service, when it does not accurately describe the age and weight of the individual served and the description (i.e. age and weight) is challenged with corroboration?
2. Is it a violation of the [United States] Constitution and the Maryland Declaration of Rights to hold that an individual is properly served, when service is effectuated after the start of the hearing?
3. Do the Maryland Rules allow for the conversion of a temporary restraining order to be converted to a preliminary injunction when the respondent has not been served prior to the commencement of the temporary restraining order hearing?
4. Should the [circuit c]ourt place form over substance when a party appears in proper person (i.e.[,] pro se) and [i]nartfully asserts lack of jurisdiction over the person?

## BACKGROUND

### *The Birthday Party and Associated Firearms Activities*

Mr. Bell and Mrs. Manley, acting on behalf of Lethal & Legal, organized a birthday party for Mr. Manley at the Residence on September 11, 2022. During this event, Mr. Bell planned to host a concealed carry permit class along with “a few hours of gun range time” at his “home gun range.”

On August 26, 2022, Mrs. Manley requested approval from the Department of Planning and Growth Management (“Department”) to conduct these firearms activities at the Residence. On September 2, 2022, the Department notified Mrs. Manley that outdoor rifle and pistol ranges require a special exception and variance from the Board.<sup>7</sup> Neither Mr. Bell nor Mrs. Manley applied for the requisite special exception; nevertheless, Mrs. Manley proceeded to promote the party by posting flyers on social media without authorization from the Board.

### *Service of Process and the September 9, 2022 Hearing*

As a result, on September 9, 2022, the Commissioners filed an Emergency Petition for Temporary Injunctive and other Appropriate Relief against the Hosts. The petition requested that the court:

- (1) Issue an injunction, temporary and permanent[,]  
prohibiting [Mr.] Bell from using and allowing [the

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<sup>7</sup> Pursuant to § 297-87 of the Code, the Residence is located in the “Agricultural Conservation Zone” (“AC Zone”). In the AC Zone, a landowner may use his property for outdoor “[r]ifle and pistol range[s], war games, archery ranges[,] or other recreational activities using weapons” only *after* the approval of a special exception. Section 4.02.290 attachment 1:7.

Residence] . . . to be used in violation of the [] [Code] until such time as a special exception is approved; and

(2) Issue an injunction, temporary and permanent[,]  
prohibiting [] Lethal & Legal, [Mrs.] Manley, and [Mr.]  
Manley from using the [Residence] . . . owned by [Mr.]  
Bell in violation of the [] [Code] until such time as a  
special exception is approved; and

(3) [Grant] other and further relief as the nature of this cause  
may require.

On September 9, 2022, at 1:00 p.m., the circuit court held an emergency hearing on the Commissioners’ petition, which Mr. Bell did not attend; Mr. Manley, Mrs. Manley, and Lethal & Legal, however, were present. During the hearing, the court explained: “[W]e’re here and [Mr. Manley, Mrs. Manley, Lethal & Legal, and the Commissioners] [are] here in court today, so [] we have [] the opportunity for a full . . . adversary hearing on the . . . issuance of the injunction that makes it a preliminary injunction.” The court then engaged in a comprehensive analysis of the applicable factors essential to the issuance of injunctive relief:

THE COURT: So, the first question is the substantial likelihood of the [Commissioners] succeeding on the merits. I think the [Commissioners] ha[ve] a very good likelihood of success on the merits because what I’m about to rule would be true today and it would be true at another hearing. And what I’ve talked about with the [] [Code] and how it controls the situation, that won’t change. So, that’s number one.

Number two is the balance of convenience. So, basically, there’s tons of case law that talks about the importance of enforcing zoning laws. And what the . . . appellate courts have found is that if . . . [] we don’t enforce zoning laws . . . and I’m not talking about you in particular, but plenty of people out there . . . if the [c]ourt doesn’t enforce the zoning laws, then people know that they can get away with whatever they want to do and . . . [] they’ll just go . . . ahead and get

away with what they want to do. So, if the [c]ourt says, oh, yeah, there's a zoning law but we're not going to . . . worry about that right now, then all chaos breaks loose and the whole philosophy behind zoning laws and . . . [] planned communities and so forth, that all gets . . . [] wiped out. It's . . . [] just meaningless at that point. So . . . [] the balance is . . . that [Mr. Bell] wouldn't get to have [his] shooting activities at [the] birthday party, but the bigger picture is the protection of the community as a whole based on what the [] [Code] is intended to do. So, the [Commissioners] win[] out on that one as well.

[The Commissioners] [don't] have to show irreparable harm to [Charles County], per se. But, again, it's the same thing in terms of enforcing the zoning laws and there would be possibly not irreparable harm, but there would certainly be harm to the County if . . . [] its laws were not being protected.

And then the public interest. And, again, I'm not talking about you in specific because it sounds like you've got an . . . [] excellent record of what you do and your . . . [] interest in the legal and the beneficial use of firearms and . . . [] how you use that in . . . the community. But, the fact of the matter is you may be an outlier and there may be plenty . . . and I know there are plenty of people out there who . . . [] don't have respect for the law and the safety the way you do. And . . . [] again, the public interest is that it protects . . . it does not allow people to think that they don't have to follow the law with respect to these kinds of things.

At the conclusion of the hearing, the court determined that “the [Commissioners] ha[ve] shown on the four[-]prong test that they are entitled to the injunction.” Thus, the court ultimately granted a preliminary injunction prohibiting the Hosts from using the Residence for outdoor rifle and pistol ranges, war games, archery ranges, and other recreational activities involving firearms until they obtained a special exception. The court clarified that “[t]he injunction is in place. It is a preliminary injunction, which means it doesn't have an expiration date, per se. But the [Commissioners] can ask for a

hearing to make it permanent.” The court further elaborated that its ruling “does not mean that [Mr. Manley] [doesn’t] get a birthday party. It just means there cannot be any outdoor rifle/pistol range[s], war games, archery ranges, or any other recreation using weapons at that birthday party.”

Also on September 9, 2022, Melvin Shapiro, a private process server, attempted to effectuate substituted service on Mr. Bell at the Residence “by serving Mr. Collier, roommate, a person of suitable age and discretion residing therein and authorized to accept on behalf of [Mr. Bell].” According to the affidavit of service, Mr. Bell was served with the summons and petition at 1:10 p.m., ten minutes after the hearing commenced.

### ***Subsequent Circuit Court Proceedings***

On September 16, 2022, Mr. Bell, initially proceeding *pro se*, filed a response challenging the court’s jurisdiction and venue based on his purported status as a “Moorish American[] . . . aboriginal and indigenous sovereign national and heir of the Moroccan Empire.” Mr. Bell did not, however, contest the sufficiency of the substituted service at that time.

On September 30, 2022, the Commissioners filed a petition for contempt, alleging that Mr. Bell was discharging firearms at the Residence in violation of the preliminary injunction. On November 18, 2022, the circuit court held a show cause hearing, found Mr. Bell in constructive civil contempt, and imposed a \$350,000 sanction on Mr. Bell. The corresponding term in the contempt order incorporated a purge provision that provided:

The [c]ourt imposed a sanction of \$350,000 against [Mr.] Bell[,] which may be purged by complying with the [c]ourt order prohibiting the discharge or shooting of any firearms on the [Residence] by himself, by [Mr. Manley, Mrs. Manley, and Lethal & Legal,] or by any other person on the [Residence] . . . pursuant to Maryland Rule 15-207. The sanction may be abated at the rate of \$1,000 per week for each week [Mr. Bell] complies with the court order and does not permit the discharge or shooting of any firearms on the [Residence].

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[Mr. Bell] may purge himself of the contempt by preventing any person from discharging or shooting any firearms on the [Residence] . . . including himself or [Mr. Manley, Mrs. Manley, and Lethal & Legal].

\* \* \*

[T]he sanction may be abated at the rate of \$1,000.00 per week commencing Sunday, November 27[,] for each week [Mr. Bell] complies with the order and prohibits any person from discharging or shooting any firearms at [the Residence].

On April 25, 2024, the Commissioners filed a motion to enforce the contempt order sanction, which, “as of the date of [that] filing,” “ha[d] been reduced to \$309,000.00.”<sup>8</sup> On April 29, 2024, the court determined that Mr. Bell “ha[d] failed to purge himself of the [c]ontempt [o]rder sanction” by continuing to permit the discharge of firearms at the Residence, in violation of the pre-existing injunction. Thus, the court granted the Commissioners’ motion and reduced the \$309,000 contempt order sanction to

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<sup>8</sup> In their motion, the Commissioners emphasized that “since the [c]onsent [o]rder was imposed on [Mr.] Bell, the unpermitted discharge or shooting of firearms has been reported on no less than 40 instances since [ ] late November 2022[ ]” “over a [ ] 32[-]week timeframe.”

judgment.

On June 5, 2024, Mr. Bell’s counsel filed a motion to vacate the lien judgment and, for the first time, challenged the sufficiency of service of process. In his motion, Mr. Bell argued that Mr. Collier, his 89-year-old neighbor who had actually received the writ of summons and complaint on September 9, 2022, did not comport with the affidavit of service’s description of a 39-year-old “roommate” weighing 200 pounds. In their June 18, 2024 response, the Commissioners argued that Mr. Bell had previously waived this affirmative defense by failing to include it in his September 16, 2022 answer. As we interpret his response, Mr. Bell countered that he had preserved the service of process defense because his September 16, 2022 filing, which occurred “seven [] days [after adjudication,]” did not constitute an answer. On August 6, 2024, following a hearing on Mr. Bell’s motion to vacate, the court:

ORDERED[] that this [c]ourt’s [o]rder signed September 12, 2022 and filed September 13, 2022 (granting Emergency Petition for Temporary Injunctive and Other Appropriate Relief filed September 9, 2022) is AFFIRMED and shall remain in full force and effect; and . . . further,

ORDERED[] that this [c]ourt’s [o]rder dated November 21, 2022 (finding [Mr. Bell] in constructive civil contempt) is VACATED; and . . . further,

ORDERED[] that this [c]ourt’s [o]rder dated April 29, 2024 (granting Motion to Establish Lien and For Other Appropriate Relief filed April 25, 2024) is VACATED; and . . . further,

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ORDERED[] that any lien(s) resulting from the November 21, 2022[] [o]rder, . . . shall be VACATED within ten (10) days of this [o]rder.

On August 9, 2024, Mr. Bell filed a motion for reconsideration, challenging the circuit court’s ability to convert a temporary restraining order (“TRO”) into a preliminary injunction and alleging a violation of his due process rights. On September 13, 2024, the circuit court denied this motion and affirmed the preliminary injunction, explaining that it “c[ould] find no rule, statute, or case that places a time limitation on a preliminary injunction, so it is clearly still valid and in effect against [Mr.] Bell and his [Residence].”<sup>9</sup> The court also determined that Mr. Bell had forfeited his affirmative defenses because he did not explicitly address them in a pre-answer motion filed prior to September 16, 2022.

On October 7, 2024, Mr. Bell timely noted his appeal. We supplement with additional facts as appropriate.

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<sup>9</sup> In its written order, entered on September 13, 2024, the court stated:

In light of the [c]ourt having jurisdiction over [Mr.] Bell and the appearance of [Mr. Manley, Mrs. Manley, and Lethal & Legal], the [c]ourt proceeded to hold a full adversary hearing, which then authorized the [c]ourt to issue the [p]reliminary [i]njunction. Both Maryland Rule 15-501(b) and Rule 15-505(a) confirm that the [c]ourt has authority to do so under these circumstances. Furthermore, because of the finding that [Mr.] Bell had actual notice of the hearing, it is a reasonable conclusion that he chose not to appear.

Regarding notice, the court reasoned that:

[Mr. Bell] [was] notified [of the September 9, 2022 hearing], and, in fact, knew of the filing of the [Commissioners’] [p]etition and the scheduling of the hearing as a result of numerous social media postings that were made by him and friends or colleagues of his. These posts referred to their intention to attend the hearing and not only contest the injunction, but also to disrupt the operation of the [c]ourt.

## DISCUSSION

### I. THE CIRCUIT COURT PROPERLY CONCLUDED THAT MR. BELL WAIVED HIS AFFIRMATIVE DEFENSES.

#### A. Parties' Contentions

In his brief, Mr. Bell contends that the circuit court erred in determining that he waived the affirmative defenses of (1) insufficiency of service of process and (2) lack of jurisdiction over the person. To support this proposition, Mr. Bell underscores the principle that courts must prioritize substance over form when a *pro se* litigant artlessly raises jurisdictional challenges. According to Mr. Bell, his September 16, 2022 responsive filing should be liberally construed as a motion to dismiss, rather than an answer, because “[n]owhere in the [] filing does he ever admit or deny any of the allegations in the [Commissioners’] petition.” Thus, Mr. Bell maintains that he did not waive his affirmative defenses by failing to directly assert them in that filing.

Conversely, the Commissioners respond that Mr. Bell’s September 16, 2022 filing constituted an answer, rather than a motion to dismiss, because it acknowledged receipt of the summons<sup>10</sup> and responded to the merits of the petition by denying Charles County’s (“County”) authority to enforce the Code.<sup>11</sup> The Commissioners bolster their

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<sup>10</sup> From the Commissioners’ perspective, “[Mr. Bell] acknowledged the [s]ummons at issue as being addressed to [him] [by] citing an exhibit attached thereto that was the [s]ummons itself.”

<sup>11</sup> In their appellate brief, the Commissioners specifically state: “[Mr. Bell]’s September 16 [f]iling[], filed in response to the [i]njunction, set forth the defense that the [c]ircuit [c]ourt . . . lacked jurisdiction over [Mr. Bell] based on diversity of citizenship by virtue of his freshly declared nationality / citizenship as ‘Moorish American, being an  
(continued)

argument by suggesting that the filing contained admissions and denials of averments and asserted defenses involving subject matter jurisdiction and venue based on Mr. Bell’s self-proclaimed status as a Moorish American national. The Commissioners emphasize, however, that the insufficient service of process and personal jurisdiction defenses were “[n]otably absent from th[is] September 16 [f]iling[.]” Thus, they assert that Mr. Bell waived these affirmative defenses by failing to timely raise them in a motion to dismiss filed before his September 16, 2022 answer.<sup>12</sup>

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aboriginal and indigenous sovereign national and heir of the Moroccan Empire,’ which he declared in that same responsive pleading.”

<sup>12</sup> Citing to Maryland Rules 8-501 and 19-301, the Commissioners also urge this Court to dismiss the instant appeal because “material records were omitted from [Mr. Bell’s] record extract[,] and [] these omissions were numerous, serious, deliberate, and intentional.” The Commissioners argue that “[Mr. Bell] has [] omitted crucial portions of the record that directly erode the arguments [he] now rel[ies] on during this appeal, and there are no notations bringing these omissions to the attention of this honorable Court.” The Commissioners then list several specific pieces of the record that are omitted from Mr. Bell’s record extract.

According to the Commissioners, “[t]hese tactics result in a record extract ‘so inadequate or slanted in favor of [Mr. Bell]’s contentions as to be seriously misleading’ to this honorable Court.”

Maryland Rule 8-501(e) provides that an appellant’s general omission of material documentation from the record extract may be cured when the appellees include the omitted information in their brief, accompanied by a statement of the reasons for the additional part. “If the record extract does not contain a part of the record that the appellee believes is material, the appellee may reproduce that part of the record as an appendix to the appellee’s brief together with a statement of the reasons for the additional part.” Md. Rule 8-501(e). Thus, although Mr. Bell excluded multiple pertinent items from the record extract, the Commissioners’ inclusion of these items in their appendix cured this deficiency. *Id.*

**B. Standard of Review**

This Court reviews questions involving interpretation of the Maryland Code and Maryland Rules without deference to the circuit court’s legal conclusions. *MAS Assocs., LLC v. Korotki*, 465 Md. 457, 475 (2019); *Lisy Corp. v. McCormick & Co., Inc.*, 445 Md. 213, 221-22 (2015) (citations omitted). Indeed, “[w]here a case involves the application of Maryland statutory and case law, [Maryland appellate courts] must determine whether the [trial] court’s conclusions are legally correct under a *de novo* standard of review.” *Spaw, LLC v. City of Annapolis*, 452 Md. 314, 338 (2017) (citations and internal quotation marks omitted).

**C. Answers**

Under Maryland law, “[a] claim for relief is brought to issue by filing an answer.” Md. Rule 2-323(a). In the answer, which “shall be stated in short and plain terms[,]” *id.*, “a party shall admit or deny the averments upon which the adverse party relies.” Md. Rule 2-323(c). Generally, “[e]very defense of law or fact to a claim for relief in a complaint[] . . . shall be asserted in an answer, except as provided by Rule 2-322.” Md. Rule 2-323(a); *see also Lasko v. Lasko*, 245 Md. App. 70, 77-78 (2020) (applying Maryland Rule 2-323). In determining whether a particular filing constitutes an answer, the substance of the filing, rather than its form, is the controlling consideration. *See In re Nicole B.*, 410 Md. 33, 65-66 (2009) (citing and quoting *In re Deontay J.*, 408 Md. 152, 160 (2009); *Alitalia v. Tornillo*, 320 Md. 192, 195 (1990); *Matter of Spalding*, 273 Md. 690, 703 (1975); *Korzendorfer Realty v. Bufalo*, 264 Md. 293, 296 (1972)).

Here, the substance of Mr. Bell’s September 16, 2022 filing demonstrates his intent to “br[ing] to issue” “[a] claim for relief” and to present a “defense of law or fact to a claim for relief in a complaint.”<sup>13</sup> Md. Rule 2-323(a); *In re Nicole B.*, 410 Md. at 65-66 (citations omitted). In that filing, Mr. Bell recognized the circuit court’s issuance of a preliminary injunction by challenging its jurisdiction based on his “Moorish American nation[ality].”<sup>14</sup> By refuting the County’s authority to enforce the Code, Mr. Bell’s response, perhaps inadvertently, acknowledged receipt of the September 9, 2022 summons and “den[ied] the averments upon which the adverse party relie[d].”<sup>15</sup> Md. Rule 2-323(c). Therefore, despite the unconventional format of Mr. Bell’s September 16, 2022 filing, we agree with the circuit court’s conclusion that the submitted documentation “w[as] obviously intended to be an answer[.]”<sup>16</sup>

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<sup>13</sup> Though not dispositive, we note that, in his June 26, 2024 responsive filing, Mr. Bell stated that the September 16, 2022 filing was a “*pro se* answer[.]”

<sup>14</sup> Mr. Bell specifically claimed that “the [c]ircuit [c]ourt . . . [was] not delegated Article III judicial authorization and consular jurisdiction to hear and decide ‘diversity of citizenship’ cases affecting the person and private property of Moorish American nationals in disputes with citizens of the United States, and therefore, lack[s] jurisdiction and venue.” When Mr. Bell’s counsel appeared at the July 9, 2024 hearing, however, he unequivocally repudiated the veracity of this argument, characterizing it in no uncertain terms as “balderdash” that he had no intention to pursue.

<sup>15</sup> According to Mr. Bell, “On September 9, 2022, [the Commissioners] filed a misrepresented instrument – bill of attainder / foreign bill of exchange titled WRIT OF SUMMONS dated September 9, 2022, . . . which was addressed to the fictitious corporate person . . . BYRON DAVID BELL SR[.]”

<sup>16</sup> For the sake of thoroughness, we note that the circuit court’s September 13, 2024 order states that Mr. Bell filed this “series of documents” on September 16, 2024. Based on our understanding of the record, the order should have delineated the filing date as September 16, 2022. This clerical error has no effect on our analysis.

**D. Affirmative Defenses**

“An affirmative defense is one which directly or implicitly concedes the basic position of the opposing party, but which asserts that notwithstanding that concession the opponent is not entitled to prevail because he is precluded for some other reason.”

*Armstrong v. Johnson Motor Lines, Inc.*, 12 Md. App 492, 500 (1971). Maryland Rule 2-322(a) imposes a procedural timeline for the preservation of enumerated affirmative defenses:

The following defenses shall be made by motion to dismiss filed before the answer, if an answer is required: (1) lack of jurisdiction over the person, (2) improper venue, (3) insufficiency of process, and (4) insufficiency of service of process. *If not so made and the answer is filed, these defenses are waived.*

(Emphasis added.) “Each separate defense shall be set forth in a separately numbered defense.” Md. Rule 2-303(a); *see also Gooch v. Md. Mech. Sys., Inc.*, 81 Md. App. 376, 384-85 (1990) (“The requirement that affirmative defenses be set forth separately is not a mere nicety; it is designed to give notice to the plaintiff of the defenses asserted to his complaint.”). “A pleading shall contain only such statements of fact as may be necessary to show the pleader’s entitlement to relief or ground of defense.” Md. Rule 2-303(b).

Pleading requirements in the Maryland Rules serve the express purpose of deciding legal questions before a trial of the action on its merits. *See Irvine v. Montgomery Cnty.*, 239 Md. 113, 117 (1965) (“Compliance with procedural regulations is essential to the fair and efficient administration of justice, but it is the substance of compliance and the fair treatment of the parties, which are determinative.”) (citation

omitted). Furthermore, “[Maryland Rule 2-303(a)] prevents unfair surprise and enables a plaintiff to concentrate the focus of his discovery.” *Gooch*, 81 Md. App. at 385 (applying Maryland Rule 2-303(a)’s predecessor, Rule 2-323(g)(20)).

This Court has held that a party’s failure to timely raise an affirmative defense specified under Maryland Rule 2-322(a) in a pre-answer motion to dismiss constitutes a waiver of that defense. *Hernandez v. Hernandez*, 169 Md. App. 679, 687 (2006) (holding that appellant waived defense of lack of personal jurisdiction by filing an answer and failing to raise the defense in an earlier motion to dismiss). Once waived, an affirmative defense cannot be resurrected. *See Chapman v. Kamara*, 356 Md. 426, 438 (1999) (citing Maryland Rule 2-322(a)).

The Supreme Court of Maryland has uniformly recognized the fundamental principle “that before a court may impose upon a defendant a personal liability or obligation in favor of the plaintiff or may extinguish a personal right of the defendant it must have first obtained jurisdiction over the person of the defendant.” *Flanagan v. Dep’t of Human Res.*, 412 Md. 616, 623-24 (2010) (quoting *Lohman v. Lohman*, 331 Md. 113, 125 (1993)). “A court obtains *in personam* jurisdiction over a defendant when [he] is ‘notified of the proceedings by proper summons.’” *Conwell Law LLC v. Tung*, 221 Md. App. 481, 498 (2015) (quotation omitted). “[T]he court has no jurisdiction over [a defendant] until such service is properly accomplished,” or until service “is waived by a voluntary appearance by the defendant, either personally or through a duly authorized attorney.” *Flanagan*, 412 Md. at 624 (quotation omitted). For this reason, defective service of process constitutes a jurisdictional defect, *see, e.g., Mooring v. Kaufman*, 297

Md. 342, 355 (1983); *Miles v. Hamilton*, 269 Md. 708, 713 (1973); *Keen v. Keen*, 191 Md. 31, 36 (1948), that “prevents a court from exercising personal jurisdiction over the defendant.” *Flanagan*, 412 Md. at 624 (citing *Lohman*, 331 Md. at 130).

Because insufficiency of service of process is among the four affirmative defenses enumerated in Maryland Rule 2-322(a), a party must raise the defense in a pre-answer motion to dismiss; otherwise, the defense is waived. *Hernandez*, 169 Md. App. at 687.

Similarly, “[Maryland] Rule 2-322(a) clearly states that the defense of lack of jurisdiction over the person is waived if not made by motion to dismiss *before* the answer.” *Beyond Sys. v. Secure Med., Inc.*, 168 Md. App. 186, 189 (2006) (citing *Chapman*, 356 Md. at 438). “The nature of lack of personal jurisdiction . . . suggest[s] that, once the defense is waived, it cannot be resurrected, implying that no act by an opposing party is required in order to preserve waiver.” *Beyond Sys.*, 168 Md. App. at 189 (citation omitted); *see* Md. Rule 8-131(a) (providing that “*unless waived under Rule 2-322,*” the issue of personal jurisdiction “may be raised in and decided by an appellate court whether or not raised in and decided by the trial court”) (emphasis added).

Here, Mr. Bell’s first filing on September 16, 2022, was an answer, which responded to the Commissioners’ complaint and contested the circuit court’s jurisdiction and venue. Mr. Bell, critically, did not file a motion to dismiss prior to his September 16, 2022 answer. Instead, he first raised the insufficient service of process defense in his motion to vacate filed on June 6, 2024—629 days *after* his answer. Because Mr. Bell failed to challenge the sufficiency of substituted service in a pre-answer motion to dismiss, the defense is waived. *See Hernandez*, 169 Md. App. at 687.

Mr. Bell’s argument that he “asserted lack of jurisdiction over the person [in his September 16, 2022 filing] because there was no service on him[.]”<sup>17</sup> is similarly inapposite because he failed to file a separate motion to dismiss containing the defense before that date. *See Beyond Sys.*, 168 Md. App. at 189 (citation omitted). Thus, as in *Hernandez*, the “appellant waived this defense and thereby consented to personal jurisdiction.” 169 Md. App. at 687.

Mr. Bell now contends that this Court should liberally construe his September 16, 2022 filing because he was a *pro se* litigant at the time.<sup>18</sup> We have previously explained that “[Maryland appellate courts] generally liberally construe pleadings filed by *pro se* litigants[.]” *Simms v. Shearin*, 221 Md. App. 460, 480 (2015); *see also Simms v. State*, 409 Md. 722, 731 (2009) (explaining that “civil complaints prepared by *pro se* litigants are held to ‘less stringent standards than formal pleadings drafted by lawyers’”) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). While we do not require *pro se* filings to exhibit “the most fine-tuned” “formulation[s]” or utilize precise legal terminology, *see*

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<sup>17</sup> Mr. Bell now argues that his September 16, 2022 filing properly preserved the personal jurisdiction defense because it included an assertion of “sovereign nationality[.]” Neither this Court nor the circuit court, however, has the power to recognize Mr. Bell’s claim of “sovereign nationality[.]” *See Anderson v. O’Sullivan*, 224 Md. App. 501, 513 n.9 (2015) (“We have no authority or ability to recognize [the appellant’s] attempt to successfully declare herself independent of the United States. . . .”). Therefore, regardless of whether Mr. Bell’s purported “sovereign nationality” claim was preserved, it can have no bearing on the propriety of the proceedings before the circuit court. We do not address this argument further.

<sup>18</sup> In his appellate brief, Mr. Bell asks this Court to look beyond the “[i]nartful” presentation of his September 16, 2022 filing and instead focus on the “substance[.]” rather than the “form[.]” of his response.

*Cook v. State*, 488 Md. 354, 372 (2024), we cannot, under the pretext of liberal construction, manufacture defenses that were not initially asserted. As such, we decline to apply the liberal construction principle in the manner requested and, accordingly, hold that Mr. Bell waived his affirmative defenses by failing to raise them in a pre-answer motion to dismiss.<sup>19, 20</sup> See *Hernandez*, 169 Md. App. at 687. For this reason, Mr. Bell is

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<sup>19</sup> Mr. Bell’s argument about the circuit court’s ostensible mischaracterization of his September 16, 2022 filing as an answer, rather than a motion to dismiss, misapprehends the procedural requirements imposed by Maryland Rule 2-322(a). Even if the circuit court had alternatively treated Mr. Bell’s filing as a motion to dismiss, the outcome of these proceedings would remain unchanged. Pursuant to Maryland Rule 2-322(a), Mr. Bell unambiguously waived the insufficient service of process and personal jurisdiction defenses by failing to timely raise them in or prior to his September 16, 2022 filing—regardless of its designation as an answer or a motion to dismiss.

<sup>20</sup> Mr. Bell also disputes the sufficiency of service itself, arguing that the affidavit of service lacked reliability sufficient to establish that he was properly served with the summons and complaint for the September 9, 2022 hearing. To reinforce this contention, Mr. Bell notes that the affiant, Mr. Shapiro, described the recipient of substituted service as Mr. Bell’s 39-year-old, 200-pound roommate. Mr. Bell asserts that this description is incompatible with Mr. Collier, his 89-year-old neighbor who physically received the summons and complaint. According to Mr. Bell, this corroborative evidence overcomes the presumption of validity otherwise afforded to an affidavit of service. In addition to challenging Mr. Collier’s suitability for substituted service, Mr. Bell contends that service was improperly effectuated ten minutes after the emergency hearing commenced, in violation of his due process rights under the Fourteenth Amendment of the United States Constitution and Article 24 of the Maryland Declaration of Rights.

The Commissioners counter that, even if the insufficient service of process defense had been properly raised, Mr. Bell did not present adequate evidence to rebut the affidavit’s presumed validity. The Commissioners note that Mr. Bell’s June 5, 2024 motion to vacate was supported only by his own declaration challenging service and a photograph allegedly depicting Mr. Collier’s age without any corroboration from independent, disinterested witnesses.

Because we hold that Mr. Bell waived the insufficiency of service of process defense, we decline to address these secondary issues.

precluded “from relying on the defense[s] to obtain judgment” in his favor. *Gooch*, 81 Md. App. at 385.

## **II. THE CIRCUIT COURT DID NOT ERR IN ISSUING A PRELIMINARY INJUNCTION AGAINST THE HOSTS.**

### **A. Parties’ Contentions**

Next, Mr. Bell argues that the circuit court was not empowered to convert a TRO into a preliminary injunction because Maryland Rule 15-504 contains no “explicit or implicit” provision permitting such a conversion. Citing to Maryland Rule 15-505(b), which expressly authorizes the consolidation of a preliminary injunction hearing with a trial on the merits, Mr. Bell postulates that the absence of analogous language in Maryland Rule 15-504 reflects the General Assembly’s intent to withhold judicial authority to convert a TRO into a preliminary injunction.<sup>21</sup> Mr. Bell emphasizes that “[a]t no point prior to the court issuing its ruling did it announce (i.e.,) order) that it would be consolidating [or] converting as mandated by [Maryland Rule 15-505(b)].” Thus, Mr. Bell interprets the Commissioners’ petition as a request only for a TRO, not for general injunctive relief, and contends that Maryland Rule 15-504, rather than Maryland Rule 15-505, is instructive here.

The Commissioners respond that Mr. Bell’s argument is fundamentally flawed because no “conversion” of the relief sought occurred here. Rather, the Commissioners

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<sup>21</sup> For accuracy, we acknowledge that the Maryland Rules are promulgated by the Supreme Court of Maryland, not the General Assembly. *See* Md. Const. art. IV, § 18(a); *see also* Md. Code, (1974, 2020 Repl. Vol.), Cts. & Jud. Procs. (“CJP”) § 13-301.

maintain that their petition “sought injunctive relief”<sup>22</sup> and that they were “granted injunctive relief in the form of a preliminary injunction [during the September 9, 2022 hearing].” Citing to Maryland Rules 15-502(b) and 15-505(b), the Commissioners argue that the circuit court was permitted to issue an injunction on its own initiative at any stage of the action. According to the Commissioners, “because three of the four respondents<sup>[23]</sup> appeared for the [emergency] hearing,” the court properly “found that it could proceed with a full adversarial hearing on the propriety of the issuance of an injunction.” Thus, the Commissioners assert, “the [circuit] court did not abuse its discretion in granting the injunctive relief sought on September 9, 2022.”

### **B. Standard of Review**

“Generally, when reviewing a grant of [a] preliminary injunction, [Maryland appellate courts] do[] not ‘determine the merits of the parties’ arguments.” *Ademiluyi v. Egbuonu*, 466 Md. 80, 113 (2019) (quoting *Ehrlich v. Perez*, 394 Md. 691, 707 (2006)). Instead, our review is limited to “whether the [circuit] court properly granted the preliminary injunction.” *Ehrlich*, 394 Md. at 707 (citations omitted). Thus, we exclusively consider the “[c]ircuit [c]ourt’s actions, determining whether they could constitute an abuse of discretion.” *Schade v. Maryland State Bd. of Elections*, 401 Md. 1, 37 (2007); *see also State Dep’t of Health & Mental Hygiene v. Baltimore County* (“*State*

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<sup>22</sup> The Commissioners note that their petition specifically requested the court to “issue an injunction, temporary and permanent . . . until such time as a special exception is approved.”

<sup>23</sup> As previously stated, Mr. Manley, Mrs. Manley, and Lethal & Legal appeared for the hearing, while Mr. Bell was notably absent.

*Dep't Health*”), 281 Md. 548, 550 (1977) (stating that “it is a rare instance in which a [circuit] court’s discretionary decision to grant or to deny a preliminary injunction will be disturbed by [an appellate court]”). Nevertheless, “[w]here a trial court’s determination as to one of the factors for issuing a preliminary injunction involves a purely legal question, i.e. a question of law, we review the trial court’s decision as to that factor without deference.” *State v. Falcon*, 451 Md. 138, 157-58 (2017) (citation omitted).

### C. Legal Framework

We begin with an examination of the Maryland Rules concerning injunctions and TROs. Salient in our analysis is the well-established principle that the title of a pleading is irrelevant in evaluating whether proper injunctive relief was sought. We have previously held that “when motions and other pleadings are considered by a [circuit court], it is the **substance** of the pleading that governs its outcome, and not its **form**. In other words, the nature of a motion is determined by the relief it seeks and not its label or caption.” *Davis v. Bd. of Educ. for Prince George’s Cnty.*, 222 Md. App. 246, 271 (2015) (quoting *Hill v. Hill*, 118 Md. App. 36, 44 (1997)).

#### 1. Injunctions

An injunction is “an order mandating or prohibiting a specified act.” Md. Rule 15-501(a). A preliminary injunction is “an injunction granted after opportunity for a full adversary hearing on the propriety of its issuance but before a final determination of the merits of the action.” Md. Rule 15-501(b). “Preliminary injunctions are designed to maintain the status quo between parties during the course of litigation.” *Eastside Vend Distributors, Inc. v. Pepsi Bottling Group, Inc.*, 396 Md. 219, 241 (2006) (citations

omitted); *see also Hartford Co. Educ. Ass’n v. Board*, 281 Md. 574, 585 (1977) (“[I]t is fundamental that a preliminary injunction does not issue as a matter of right, but only where it is necessary in order to preserve the *status quo*.”).

“[T]he court, at any stage of an action and at the instance of any party or on its own initiative, may grant an injunction upon the terms and conditions justice may require.” Md. Rule 15-502(b). Nevertheless, pursuant to Maryland Rule 15-505(a), a court cannot issue a preliminary injunction without notice to all parties and an opportunity for a full adversary hearing. “Before or after commencement of the hearing on the preliminary injunction, the court may order that a trial on the merits be advanced and consolidated with the preliminary injunction hearing, so long as any right to trial by jury is preserved.” Md. Rule 15-505(b).

In determining whether to grant a preliminary injunction, a circuit court examines the following four factors (“*Armacost* Factors”):

- (1) the likelihood that the plaintiff will succeed on the merits;
- (2) the “balance of convenience” determined by whether greater injury would be done to the defendant by granting the injunction than would result from its refusal;[]
- (3) whether the plaintiff will suffer irreparable injury unless the injunction is granted; and
- (4) the public interest.

*Dep’t of Transp., Motor Vehicle Admin. v. Armacost*, 299 Md. 392, 404-05 (1984)

(footnote and citation omitted). “The party seeking the preliminary injunction has the burden of adducing facts necessary to satisfy these factors.” *Ehrlich*, 394 Md. at 708 (citing *Fogle v. H & G Restaurant, Inc.*, 337 Md. 441, 456 (1995)). The “failure to prove the existence of even one of the four factors will preclude the grant of preliminary

injunction relief.” *Schade*, 401 Md. at 36 (citations omitted). Moreover, “if the facts as stated in the . . . complaint . . . are not ‘full and sufficiently definite and clear, in support of the right asserted, and that such right has been violated,’ the court will not order preliminary relief.” *State Dep’t Health*, 281 Md. at 554 (citation omitted).

“[T]he [c]ircuit [c]ourt’s determination of the likelihood of success on the merits is a question of law[,]” *Ehrlich*, 394 Md. at 708 (citing *Davis v. Slater*, 383 Md. 599, 604 (2004)), which we review *de novo*. *Mayor & City Council of Balt. v. Thornton Mellon, LLC*, 478 Md. 396, 410 (2022) (recognizing that legal questions are reviewed *de novo*) (citation omitted). “[Appellate courts] apply . . . the more deferential abuse of discretion standard to the [circuit court’s] determinations as to the remaining three factors.” *Ehrlich*, 394 Md. at 708.

## 2. *TROs*

By contrast, a TRO is “an injunction granted without opportunity for a full adversary hearing on the propriety of its issuance.” Md. Rule 15-501(c). A TRO may be granted only when the facts clearly demonstrate “[t]hat immediate, substantial, and irreparable harm will result to the party seeking the order before a full adversary hearing can be held on the propriety of a preliminary or final injunction.” Md. Rule 15-504(a)(1). Maryland Rule 15-504(f) provides a “[m]odification or [d]issolution provision[,]” which states that a party “[a]ffected by the order may apply for modification or dissolution of the order on two days’ notice to the party who obtained the [TRO], or on such shorter notice as the court may prescribe.”

**D. Analysis**

Applying Maryland Rules 15-502(b) and 15-505 to the instant case, we hold that the circuit court did not err in granting a preliminary injunction against the Hosts after conducting a full adversary hearing.

***1. The Hosts Received Proper Notice of the September 9, 2022 Hearing, as Required by Maryland Rule 15-505(a).***

On September 9, 2022, the circuit court duly conducted a hearing on the Commissioners’ Emergency Petition, pursuant to Maryland Rule 15-505(a), because all respondents, including Mr. Manley, Mrs. Manley, Lethal & Legal, and Mr. Bell, had proper notice of the proceedings. Mr. Manley, Mrs. Manley, and Lethal & Legal demonstrated unequivocal awareness of the Commissioners’ petition through their appearance and participation at the hearing. Notwithstanding his absence from the hearing, Mr. Bell conceded, either intentionally or unwittingly, that he received proper notice of the summons in his September 16, 2022 filing, which referenced the “WRIT OF SUMMONS dated September 9, 2022, . . . [and] addressed to . . . BYRON DAVID BELL SR[.]” Mr. Bell was, therefore, afforded the same timely notice as reflected in the initial petition. He should not be permitted to benefit from the nullification of the preliminary injunction simply because he elected not to participate in the hearing on September 9, 2022. Because the circuit court properly found that “[Mr.] Bell had actual notice of the filing of the [Commissioners’] [p]etition and the scheduling of the hearing thereon,” the injunction was binding and legally enforceable against him, in accordance with Maryland Rule 15-502(b).

**2. *In Their Emergency Petition, the Commissioners Sought Injunctive Relief, Rather Than a TRO.***

In his appellate brief, Mr. Bell mischaracterizes the nature of the September 9, 2022 hearing by arguing that the circuit court improperly “converted” a TRO into a preliminary injunction. The Commissioners’ Emergency Petition for Temporary Injunctive and Other Appropriate Relief requested that the court “issue an injunction, temporary and permanent . . . until such time as a special exception is approved.” As we have previously held, “the nature of a motion is determined by the relief it seeks and not its label or caption.” *Davis*, 222 Md. App. at 271 (quoting *Hill*, 118 Md. App. at 44). Here, the substance of the Commissioners’ petition clearly requested general injunctive relief to enjoin violations of the Code. As explained above, both TROs and preliminary injunctions constitute “injunctive relief.”

Mr. Bell’s “conversion” argument is unavailing because the court did not begin by issuing a TRO that it subsequently converted to a preliminary injunction. Rather, the court recognized that a preliminary injunction was the appropriate form of relief from the outset. During the September 9, 2022 hearing, the court stated: “So, the injunction is in place. It is a preliminary injunction, which means it doesn’t have an expiration date, per se. But, the [Commissioners] can ask for a hearing to make it permanent. On the other hand, [the Hosts] are more than welcome to apply for a special exception.” Therefore, the court properly granted a preliminary injunction in response to the Commissioners’ petition.

**3. *The Circuit Court Conducted a Full Adversary Hearing, Pursuant to Maryland Rule 15-505(b).***

During the September 9, 2022 hearing, the circuit court determined that it could proceed with a full adversary hearing on the propriety of the issuance of an injunction because three of the Hosts—Mr. Manley, Mrs. Manley, and Lethal & Legal—appeared before the court and actively participated in the proceedings.<sup>24</sup> *See* Md. Rule 15-505(b). The court specifically engaged with all present parties, allowed full presentation of their respective positions, asked questions, and reviewed exhibits during this hearing. The court stated, in relevant part:

In order to get a temporary injunction, it may be granted without written or oral notice only if the applicant or the applicant’s attorney certifies to the court in writing, and the court finds, that specified efforts commensurate with the circumstances have been made to give notice. Before ruling, the judge may communicate informally with other parties and any other person against whom the order is sought or their attorneys. What that contemplates is that in enough of an emergency, that the defendants in the case may not have an opportunity to respond, they may not have an opportunity to come to court and that sort of thing, so this is a very quick ruling which only lasts for ten days if the issuance is for a resident. But, we’re here and [Mr. Manley, Mrs. Manley, Lethal & Legal, and the Commissioners] [are] here in court today, so what we have is the opportunity for a full . . . adversary hearing on the . . . issuance of the injunction that makes it a preliminary injunction.

When the “opportunity for a full adversary hearing on the propriety of its issuance” exists, as it did here, the appropriate remedy is a preliminary injunction. Md. Rule

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<sup>24</sup> The court explained, “because we did have an opportunity for full adversary hearing on the propriety of its issue before final determination on the merits, that preliminary injunction could be granted and we did that, have that hearing.”

15-501(b). The circuit court, therefore, properly applied Maryland Rule 15-505(b) by granting a preliminary injunction against the Hosts only *after* conducting a full adversary hearing on the merits of the Commissioners’ petition.

**4. *The Circuit Court Appropriately Applied the Four Armacost Factors.***

During the adversary hearing, the circuit court explicitly referenced and evaluated the four *Armacost* Factors. First, regarding the likelihood of success on the merits, “the party seeking the [ ] injunction must establish that it has a real *probability* of prevailing on the merits, not merely a remote *possibility* of doing so.” *Fogle*, 337 Md. at 456-57. Analyzing this question of law *de novo*, *Ehrlich*, 394 Md. at 708 (citation omitted), we agree with the circuit court’s ultimate determination that “the [Commissioners] ha[ve] a very good likelihood of success on the merits” under the provisions of the Code. This zoning regulation permits outdoor rifle and pistol ranges, war games, archery ranges, and other recreational activities involving firearms in the “Agricultural Conservation Zone” (“AC Zone”) exclusively by special exception. *See Code* § 297-63. As previously noted, the Hosts did not secure the mandatory special exception from the Board before conducting firearms activities at the Residence. Moreover, nothing in the record suggests that the Code is invalid and/or unenforceable. Given the significance of these facts, the Commissioners were likely to “establish that [they] ha[ve] a real *probability* of prevailing on the merits,” *Fogle*, 337 Md. at 456, by proving that the Hosts committed a zoning violation. Collectively, these facts substantiate the circuit court’s determination to grant the preliminary injunction. *Armacost*, 299 Md. at 404.

Second, the circuit court meticulously balanced the competing harms that a preliminary injunction would impose on both the Hosts and the Commissioners:

[The second *Armacost* Factor] is the balance of convenience. So, basically, there's tons of case law that talks about the importance of enforcing zoning laws. And what the . . . appellate courts have found is that if . . . [] we don't enforce zoning laws . . . and I'm not talking about you in particular, but plenty of people out there . . . if the [c]ourt doesn't enforce the zoning laws, then people know that they can get away with whatever they want to do and . . . [] they'll just go . . . ahead and get away with what they want to do. So, if the [c]ourt says, oh, yeah, there's a zoning law but we're not going to . . . worry about that right now, then all chaos breaks loose and the whole philosophy behind zoning laws and . . . [] planned communities and so forth, that all gets . . . [] wiped out. It's . . . [] just meaningless at that point. So . . . [] the balance is . . . that [Mr. Bell] wouldn't get to have [his] shooting activities at [the] birthday party, but the bigger picture is the protection of the community as a whole based on what the [] [Code] is intended to do. So, the [Commissioners] win[] out on that one as well.

The transcript reflects the court's recognition that, while a preliminary injunction would prevent the Hosts from conducting firearms activities at Mr. Manley's birthday party, the broader and more paramount consideration is the protection of the community and the preservation of the zoning system's integrity. Thus, the circuit court explained that denying the injunction would severely undermine the Commissioners' ability to enforce the Code, thereby rendering the entire zoning system ineffective and meaningless.

We agree with the court's assessment. The harm to the Hosts is limited in duration and scope, whereas the harm to the Commissioners and the broader community resulting from a failure to enforce the Code is more substantial and enduring. Thus, we

hold that the circuit court acted within its discretion in finding that the balance of convenience factor favored the Commissioners. *See Ehrlich*, 394 Md. at 708.

Third, the court considered “whether the plaintiff will suffer irreparable injury unless the injunction is granted.” *Armacost*, 299 Md. at 405. During the September 9, 2022 hearing, the court explained that “[the Commissioners] [don’t] have to show irreparable harm to [Charles County], per se. But, again, it’s the same thing in terms of enforcing the zoning laws and there would be possibly not irreparable harm, but there would certainly be harm to the County if . . . [] its laws were not being protected.”

The court’s analysis is consistent with Maryland law. “[I]n litigation between governmental and private parties, . . . ‘the court is not bound by the strict requirements of traditional equity as developed in private litigation.’” *Fogle*, 337 Md. at 456 (quoting *State Dep’t Health*, 281 Md. at 555). “Rather, courts . . . may, and frequently do, go much farther both to give and withhold relief in furtherance of the public interest than they are accustomed to go when only private interests are involved.” *Maloof v. State, Dep’t of Environment*, 136 Md. App. 682, 694 (2001) (quoting *Fogle*, 337 Md. at 456) (internal quotation marks omitted).

Because the underlying litigation involves a zoning dispute between the Commissioners—a governmental entity—and Mr. Bell—a private party—“the court [wa]s not bound by the strict requirements of traditional equity as developed in private litigation.” *Fogle*, 337 Md. at 456 (quoting *State Dep’t Health*, 281 Md. at 555). When, as here, “monetary damages are difficult to ascertain or otherwise inadequate, this may give rise to a finding of irreparable injury.” *Maloof*, 136 Md. App. at 717-18 (citations

and internal quotation marks omitted). The erosion of both the zoning system’s integrity and the Commissioners’ authority to enforce its codes constitutes irreparable harm.

Accordingly, the circuit court did not abuse its discretion in finding that the third *Armacost* Factor weighed in favor of granting the preliminary injunction. *See Ehrlich*, 394 Md. at 708.

Fourth, the circuit court identified and examined the pertinent public interest at issue:

And then the public interest. And, again, I’m not talking about you in specific because it sounds like you’ve got an . . . [] excellent record of what you do and your . . . [] interest in the legal and the beneficial use of firearms and . . . [] how you use that in . . . the community. But, the fact of the matter is you may be an outlier and there may be plenty . . . and I know there are plenty of people out there who . . . [] don’t have respect for the law and the safety the way you do. And . . . [] again, the public interest is that it protects . . . it does not allow people to think that they don’t have to follow the law with respect to these kinds of things.

The Commissioners also noted that they had received “complaints [about] the [] [Residence] regarding the gun range” from “adjacent property owners in terms of making sure that their respective property, their persons, and their . . . livestock” were protected from “shooting guns over here . . . directed at my house.”

The public has a strong interest in the consistent enforcement of zoning ordinances, which are generally established to promote public health and safety through the regulation of land use. *See, e.g., Harbor Island Marina, Inc. v. Bd. of Cnty. Comm’rs of Calvert County, Md.*, 286 Md. 303, 312 (1979). Here, the special exception process, mandated for firearms activities in the AC Zone, ensures a thorough review of these

safety protocols. Permitting firearms activities to proceed without the special exception process would fundamentally compromise this regulatory framework and present a substantial risk to public safety. Indeed, the aforementioned complaints demonstrate the capacity for extensive harm to neighboring properties should the firearms activities persist without the requisite oversight prescribed by the special exception process.

As in *Maloof*, “enforcing the pertinent permit requirements benefit the public welfare[,]” while “ignor[ing] or exempt[ing] the [d]efendant from controlling regulations harms the public by fostering disrespect for the law and would only serve to tempt others to similarly ignore the lawfully imposed restrictions[.]” 136 Md. App. at 710. Mr. Bell’s unlawful conduct would effectively nullify the County’s authority to enact and enforce zoning provisions that benefit public health, safety, and welfare. *See, e.g., Harbor Island Marina*, 286 Md. at 312. Thus, we hold that the circuit court did not abuse its discretion in finding that the public interest factor supported the issuance of the preliminary injunction. *See Ehrlich*, 394 Md. at 708.

Because the Commissioners ultimately “adduc[ed] facts necessary to satisfy [all four of] these [*Armacost*] factors[,]” *Ehrlich*, 394 Md. at 708 (citation omitted), the circuit court was not “preclude[d] [from] [] grant[ing] [] preliminary injunctive relief.” *Schade*, 401 Md. at 36 (citations omitted).

## CONCLUSION

We hold that the circuit court did not err in determining that Mr. Bell waived his affirmative defenses by failing to raise them in a pre-answer motion filed prior to September 16, 2022. We also hold that the court properly granted a preliminary

injunction against the Hosts on September 9, 2022. Accordingly, we affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT COURT  
FOR CHARLES COUNTY AFFIRMED;  
COSTS TO BE PAID BY APPELLANT.**