

TITAN HOSPITALITY GROUP,
LLC, et al.

Plaintiffs

v.

STEUART PITTMAN
Anne Arundel County Executive

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* ANNE ARUNDEL COUNTY
*
* Case No.: C-02-CV-20-2268

* * * * *

TEMPORARY RESTRAINING ORDER

HAVING READ AND CONSIDERED the Motion for Temporary Restraining Order and Preliminary Injunction, and having heard from the parties in chambers by way of a conference call, and after careful consideration of all the matters, it is this 16th day of December, 2020, at 2:30 p.m., by the Circuit Court for Anne Arundel County

FOUND that the Plaintiffs have a sufficient and reasonably likelihood of success on the merits, as the County Executive appears to have relied on a selective interpretation of the data relating to Covid 19 matters that ignores or minimizes other sources of Covid 19 contact, and has not clearly explained the overall hospital capacity in Anne Arundel County as it relates to Covid exposure. It is clear based on the pleadings and affidavits and exhibits that the restrictions on Plaintiff's businesses were applied in an inconsistent manner from other businesses that contribute significantly to Covid contact sources. In other words, there appears at this stage to be an arbitrary and capricious application of restrictions to Plaintiff's businesses when compared to other business activities.

Plaintiffs have demonstrated that they will suffer immediate and irreparable injury as the businesses in question have been devastated by the COVID-19 crisis. Employees

12/16/2020 DC

of all restaurants and bars in Anne Arundel County will be, or may be, laid off at the beginning of the holiday season, one of the best times of the year for them in terms of work opportunities and income. Owners of restaurants, already severely impacted by months of closure and severe restrictions on operations, are on the verge of financial ruin; the closure of their business for a month over the holiday season may possibly cause them to be closed permanently.

Further, suppliers to restaurants and bars will again be dramatically impacted, as their customers (restaurants) will be closed. These suppliers will also have to lay off employees, and these businesses have also been devastated by the COVID-19 crisis and may also be on the verge of financial collapse. The service industry, including sellers of equipment, those who perform maintenance on that equipment, and similar industries, will be impacted just as the suppliers, employees, and the restaurants themselves.

Last, the financial cost to landlords and property managers where many restaurants are located, with lost or unpaid rent cannot be ignored, and their inability to pay their property managers, pay their mortgages, employees, and expenses associated with those properties is in jeopardy. With the restaurant-tenants once again unable to pay their rent, investors in restaurants that close permanently will lose their capital investment.

These costs are not purely financial to all of these parties. There is no request here for monetary damages. The request is to work, to live, to provide a service to others, and to survive as citizens in society in an occupation of one's choice. The health and well-being of these individuals is also at harm and this cannot be underestimated.

Since the balance of inconvenience weighs strongly in favor of plaintiffs, and the public interest favors keeping the restaurants and this vital industry open under the State of Maryland's not unreasonable restrictions rather than closed down or restricted as proposed by the Defendant, it is hereby

ORDERED that the Temporary Restraining Order is GRANTED, and that the provisions of Anne Arundel County Executive Order 39 and 39 as amended and restated that require the closure or restriction of all foodservice establishments from December 16, 2020 to January 13, 2021 are hereby stayed, suspended, and enjoined from future enforcement and effect, pending a hearing on the Motion for Preliminary Injunction, which is hereby scheduled December 28, 2020 at 9:00 a.m. Per Maryland Rule 15-504(c), any person affected by the order may apply for a modification or dissolution of the order on two days' notice to the party who obtained the order¹, and it is further

ORDERED that plaintiffs do not need to file a bond, as no financial damage to the County is likely to occur as a result of the entry of this Temporary Restraining Order.

12/16/2020 2:35:09 PM



Judge William C. Mulford, II

William C. Mulford, II, Judge

Cc: C. Edward Hartman, III
Hartman, Attorneys at Law
116 Defense Highway, Suite 300
Annapolis, Maryland 21401

Gregory Swain
Anne Arundel County Office of Law
2660 Riva Road, 4th Floor
Annapolis, Maryland 21401

¹ Per Maryland Rule 1-203(a), when computing time, as the injunction will expire after 10 days, this day is a Saturday, and Courts are not open, the TRO will remain in effect until Court resumes.

Note: The Preliminary Injunction Hearing will be conducted primarily by Zoom. Council may, if they wish, personally appear in court, but all witnesses will testify by Zoom. A link will be sent at a later date.