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No. 17-945

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IN THE SUPREME COURT OF THE UNITED STATES

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KEVIN QUINN, *et al.*,

*Petitioners,*

v.

THE BOARD OF COUNTY COMMISSIONERS FOR  
QUEEN ANNE'S COUNTY, MARYLAND, *et al.*,

*Respondents.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE FOURTH CIRCUIT

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UNOPPOSED MOTION TO EXTEND THE TIME TO FILE A BRIEF IN OPPOSITION  
TO PETITION FOR A WRIT OF CERTIORARI

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January 19, 2018

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January 19, 2018

Office of the Clerk  
Supreme Court of the United States  
1 First Street NE  
Washington, DC 20543

**Re: Unopposed Motion to Extend Time to File Brief in Opposition to Petition for Writ of Certiorari;**  
***Kevin Quinn, et al. v. Board of County Commissioners for Queen Anne's County, et al., No. 17-945***

Dear Sir/Madam:

Pursuant to U.S. Sup. Ct. R. 30.4, Respondents, the Board of County Commissioners for Queen Anne's County, Maryland and the Queen Anne's County Sanitary Commission (collectively, "the County"), respectfully request an extension of 45 days, to Monday, March 19, 2018, to respond to the Petition for Writ of Certiorari filed in the above-captioned matter. Counsel for Petitioners, Kevin Quinn and Queen Anne Research Development Corporation (collectively, "Quinn"), and counsel for Respondents, Robert M. Summers, Ph.D., and the Maryland Department of the Environment (collectively, "MDE"), do not oppose this request. Pursuant to U.S. Sup. Ct. R. 30.4, this unopposed motion is being filed in the form of a letter, and, in support thereof, the County states the following:

1. On November 10, 2014, Quinn filed suit in the United States District Court for the District of Maryland alleging, *inter alia*, that legislative actions taken by the County effected: (1) an unconstitutional taking of Quinn's unimproved lots without just compensation; (2) violations of substantive due process because Quinn's lots were

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- arbitrarily and capriciously excluded from the service area, and because the County's merger ordinance is arbitrary and capricious; and (3) equal protection violations because Quinn was unfairly and deliberately excluded from the service area.
2. On August 13, 2015, the district court entered judgment in favor of the County and MDE. Following the filing of a timely appeal and subsequent briefing, on July 7, 2017, the United States Court of Appeals for the Fourth Circuit affirmed the district court's entry of judgment in favor of the County and MDE. The Fourth Circuit denied Quinn's Petition for Rehearing *En Banc* on August 4, 2017.
  3. On October 16, 2017, Quinn filed an application to extend the time to file a petition for a writ of certiorari in this Court from November 2, 2017 to December 29, 2017. The Chief Justice granted Quinn's application on October 18, 2017, and, on December 29, 2017, Quinn filed its Petition for Writ of Certiorari. Any response or brief in opposition to the Petition for Writ of Certiorari is due on or by February 2, 2018.
  4. The County now respectfully requests an extension of 45 days, to Monday, March 19, 2018, to respond to Quinn's Petition for Writ of Certiorari for several reasons.
  5. Counsel for the County requires an extension of time to respond due to their substantial active caseload and the continuing obligations to those matters on their active docket. Additionally, the County has recently retained a new counsel of record, Mitchell Y. Mirviss, who requires sufficient time to become familiar with the record below and understand the issues involved.

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6. No prejudice would result from the requested extension of time to respond.

7. Neither Quinn nor MDE opposes the requested extension.

For the foregoing reasons, the County respectfully requests, pursuant to U.S. Sup. Ct. R. 30.4, that an extension of time of 45 days, to Monday, March 19, 2018, to respond to Quinn's Petition for Writ of Certiorari be granted.

Very truly yours,



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Mitchell Y. Mirviss

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Commissioners for Queen Anne's County,  
Maryland and the Queen Anne's County Sanitary  
Commission*

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No. 17-945

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*Respondents.*

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**CERTIFICATE OF SERVICE**

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I HEREBY CERTIFY that, on this 19<sup>th</sup> day of January, 2018, a copy of the foregoing Unopposed Motion to Extend The Time to File A Brief in Opposition to Petition for a Writ of Certiorari was served via mail, first-class postage prepaid on the following:

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*Counsel for Respondents, Maryland  
Department of the Environment and Robert  
M. Summers, Ph.D.*



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Mitchell Y. Mirviss