

Supreme Court, U.S.  
FILED

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OFFICE OF THE CLERK

No. 23-608

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IN THE  
SUPREME COURT OF THE UNITED STATES

— o —  
In re JOSEPH GOTHARD et al.

Petitioners

v.

FREDERICK ROAD SENIOR 4% OWNER LLC  
& MONTGOMERY COUNTY, MD

Respondents  
— o —

PETITION FOR EXTRAORDINARY WRIT OF  
MANDAMUS & PROHIBITION

(To The Supreme Court of Maryland)

— o —  
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**QUESTIONS PRESENTED FOR REVIEW**

Frederick Road Senior 4% Owner LLC et al. (Frederick Road Senior 4% Owner LLC (19105 Owner) & Montgomery County, MD) caused increased HARM, Health Hazards, violated property rights, due process, equal protection laws and PREVENTED timely appeal for Conditional Use (CU 20-02) of 19105 Frederick Rd, Gaithersburg, MD 20880. The Board of Appeals, Circuit Court, Appellate Court & Supreme Court of Maryland did NOT resolve. See *Board of Appeals*, A-6765, A-6780, A-6831, *Circuit Court*, C-15-CV-22-044400 & C-15-CV-23-000012, *Appellate Court of Maryland*, ACM-REG-0169-2023 & ACM-REG-0803-2023, *Supreme Court of Maryland*, SCM-PET-0042-2023. Petitioner's questions are summarized below.

1. Whether the Supreme Court of United States grants certiorari for extraordinary writ considering the major questions of national significance to prevent agencies suspending laws & suspending execution of laws, asserting authority not delegated by legislature ?
2. Whether the Supreme Court of U.S. issues extraordinary writ of mandamus authorized by 28 U. S. C. § 1651(a) with court order that requires government officials to perform duties that they are legally obligated to perform considering that other means are inadequate ?
3. Whether the Supreme Court of U.S. issues extraordinary writ of prohibition with injunction to stop all work at 19105 Frederick Rd,

considering that other means are inadequate to stop harm, that without writ relief harm is irreparable and requires substantial remedy for harm, hazards, damages? –

4. Whether agencies have authority to violate property rights and equal protection, causing imminent injury ?
5. Whether agencies, boards, courts have authority to violate due process requirements for Conditional Use, causing HARM ?
6. Whether courts are required to apply laws as intended when they clearly require notification on the day of decision, NO HARM / NO injury – and – not defer to agency opinions when they are legally NOT correct ?
7. Whether courts can apply precedence that are NOT correct in all aspects applicable to this case, when Respondent Owners, County PREVENTED timely appeal and exerted undue influence on government agencies, officials ?
8. Whether attorneys, agencies have the authority to violate the right for free speech of aggrieved home owners ?
9. Whether agency Board's and Court's had authority to authorize, allow Owner to construct two (5) story buildings, in violation of property rights, equal protection, due process, causing increased HARM & health hazards to residential communities ?

10. Whether courts resolve violations of property rights, HARM, hazards and ensure application of “one rule of law”, with “like cases treated alike” ?
11. Whether the Supreme Court of Maryland was correct to deny the petition for writ of certiorari as not in public interest, considering imminent injury & major questions of national significance to protect people, public health, ensure equal justice, due process, speedy trial in compliance with laws, and hold accountable those who abuse power, violate laws ?
12. Whether boards, courts have authority to violate rights to speedy trial, without delay, according to the Law ?

Petitioners submitted 23 questions to the Courts, before this petition and none are resolved from 2020 to October 2023. *See Appendix App.16.*

**PARTIES TO THE PROCEEDING IN THIS  
COURT**

**Petitioners** (pro se, legal representation pending)

Joseph & Kristina Gothard, 19050 Wheatfield Drive,  
Germantown, MD 20876

Jose & Rina Cabrera, 19100 Wheatfield Drive,  
Germantown, MD 20876

Dan Lamoy, 19102 Wheatfield Drive, Germantown,  
MD 20876

Thomas & Monique Witz, 19101 Wheatfield Drive,  
Germantown, MD 20876

Candice Clough, 11302 Harvest Mills Lane,  
Germantown, MD 20876

Danilo & Anabelle Molieri, 19104 Wheatfield Drive,  
Germantown, MD 20876

**Respondents**

Jody Kline, Esquire (attorney for 19105 Owner,  
E&G, et al.), Miller, Miller & Canby, 200 B Monroe  
Street, Rockville, MD 20850

James Edmondson, Jason Duguay, Joshua  
Dworken, Frederick Road Senior 4% Owner LLC;  
7804 Ariel Way, McLean, VA 22102; (Michael  
Wiencek, Jane Przygocki, Davis-Construction,  
Miller Construction, Sun Services).

John P. Markovs & Elana Robison, Montgomery County Attorney, 101 Monroe Street, 3rd Floor, Rockville, MD 20850

Evan Glass & Andrew Friedson, County Council Office Building, 100 Maryland Avenue, 6th Floor, Rockville, MD 20850 ; (BOA, Directors of OZAH, Planning, DPS Permitting, DEP Compliance, Inspector Gen.)

Mark Elrich, Executive Office Building, 101 Monroe Street, 2nd Floor, Rockville, MD 20850

**Honorable Justices, Judges**

Honorable Mathew J. Fader, Supreme Court of Maryland, 361 Rowe Boulevard - 4th Floor, Annapolis, Maryland 21401-1698

Honorable Gregory Wells, Appellate Court of Maryland, 361 Rowe Boulevard - 2nd Floor, Annapolis, Maryland 21401-1698

Honorable Rachel T. McGuckian, Circuit Court for Montgomery County, Maryland, 50 Maryland Avenue, Suite 7110 N.T., Rockville, Maryland 20850

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 29.6, petitioners state that petitioners are individuals, not corporations. All petitioners are *pro se*, pending legal representation.

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### Cases

There are no known cases with Government, County taking property & allocating to Owners of Conditional Use special interest.

There are no known cases where Petitioners were PREVENTED to appeal timely. *Cases where petitioners were not prevented to appeal timely are not relevant to this case shall not be considered.*

**OPINIONS AND ORDERS BY COURTS,  
AGENCIES**

Joseph Gothard et al., No 42, 2023, Supreme Court of Maryland, Order entered Jun 20, 2023.

Joseph Gothard et al., No 169. 2023, Appellate Court of Maryland, Appellant Brief filed Jul 25, 2023. (/Scheduling Order).

Joseph Gothard et al., No 169. 2023, Appellate Court of Maryland. Order to designate some appellants as interested persons entered Apr 6, 2023. Petitioners resubmitted copy of notarized signatures provided in compliance with Md. Rule 1-311 (c), to resolve Appellate Court order and maintain standing as appellants, not diminished to interested party. The Appellate Court was aware that notarized signatures were previously submitted to the Circuit Court.

Joseph Gothard et al., 15-CV-44400, Circuit Court for Montgomery County, Maryland. Order entered Mar 30, 2023. Candice Clough et al., 15-CV-000012 Order entered Jun 7, 2023.

Joseph Gothard et al. A-6765, Montgomery County Board of Appeals. Opinion entered Nov 4, 2022. Candice Clough et al., A-6780 Opinion entered Dec 9, 2022.

## JURISDICTION

On October 24, 2023, the Clerk of this Court requested the petition for extraordinary writ to specify mandamus & prohibition relief type, as specified under Rule 20 & Rule 14 in 60 days, to and including December 26, 2023. This case arises under United States Constitution Amendment 1; 5; 7; 9; 14 and 42 U.S.C. § 1983. This Court has jurisdiction under 28 U.S.C. § 1254(1); 28 U.S. Code § 1651 (a ); 42 U.S. Code § 1983.

Joseph Gothard et al., No 42, 2023, Supreme Court of Maryland, Order entered Jun 20, 2023. Directed petitioners to submit Petition for Extraordinary Writ to the Supreme Court of United States (Clerk's office). Joseph Gothard et al., No 169. 2023, Appellate Court of Maryland, Brief filed Jul 25, 2023. Candice Clough et al., No 803. 2023, Appellate Court of Maryland, Brief filed. This case is beyond the scope of the District Court.

Citation and text of Constitutional provisions, statutes, ordinances are included. *See U.S. Const. amend. 1; amend. 5; amend. 7; amend. 9; amend. 14; Maryland Const. Art. 6; Art. 9; Art. 19; Art. 23; Art. 33; Art. 45; Chapter 59 Zoning Ordinance; Chapter 31B Noise Control Ordinance.*

Certificate of service submitted separately as required. The notifications required by Rule 29 have been made.

Certificate of compliance submitted separately as required under 28 US Code § 1746.

## I. INTRODUCTION

### PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS & PROHIBITION

Petitioners Joseph Gothard et al. (Joseph & Kristina Gothard, Jose & Rina Cabrera, Dan Lamoy, Tom & Monique Witz, Candice Clough, Danilo & Anabella Molieri) are residents of abutting, confronting, impacted properties & HOA North of the 19105 Frederick Rd, Gaithersburg, MD 20880 Conditional Use (CU 20-02) construction site with R-90 Zoning for 2 Story homes and respectfully request the Supreme Court of the United States to grant the Extraordinary Writ of Mandamus & Prohibition necessary to resolve the above-captioned action, to stop HARM, prevent injury.

This case aids the Supreme Court of United States jurisdiction by providing an opportunity to settle fundamental property rights guaranteed by the U.S. Constitution. This case should settle property rights if Government is taking property and re-allocates to special interest Owners of conditional use. This case raises pressing major national questions that this Court should resolve.

This case aids the Supreme Court of United States jurisdiction by providing an opportunity to affirm, establish legal solutions, provide guidance to preserve the fundamental principle of "one rule of law", to ensure "like cases to be treated alike", in all United States - including conditional use CU 20-02 v. CU 20-05 described below. *See App.12.3. CU 20-02* caused abutting home owners significant permanent HARM,

injury, loss of life time savings, security, safety and enjoyment of their property. CU 20-02 and CU 20-05, are at 14.3 miles driving distance, both in Montgomery County, Maryland. *See App.12.3 and all Appendixes to understand HARM, injury caused by CU 20-02/19105 Owners, Attorneys, County by agencies assuming the power to suspend laws and execution of laws for 3.3 years and continuing on current date because there is NO compliance with laws, NO due process, NO accountability – only complete lawlessness as if we are in a different part of the world, where equal justice under the law does NOT exist. Petitioners requested Courts, boards, agencies to resolve with urgency– and – found that other means are inadequate to stop harm, that without writ relief harm is irreparable and requires substantial remedy for harm, hazards, damages.* This should NOT occur in the United States of America, as elected officials, justices take the oath, to affirm support, defend the Constitution of the United States ... to faithfully discharge the duties of the office.

The Statements of the Case and Reasons for Granting the Petition sections are supported by substantial evidence cited below and in the Appendix.

## II. STATEMENTS OF THE CASE

Frederick Road Senior 4% Owner LLC et al. caused increased HARM, Health Hazards, violated laws and PREVENTED timely appeal for Conditional Use (CU 20-02) of 19105 Frederick Rd, Gaithersburg, MD 20880. Montgomery County, MD agencies suspended laws; they have “no power of suspending Laws or the execution”. County Council, County Executive, officials did NOT “perform duties that they are legally obligated to perform”. The Board of Appeals, Circuit Court, Appellate Court & Supreme Court of Maryland did NOT resolve. *See Opinions and Orders by Courts, Administrative Agencies App.1-4; Constitutional Provisions, Statutes, Ordinances, Rules App.5-10; Evidence of NON Compliance with Laws App.11-13.*

Owner LLC, Attorneys, County violated laws with intent, multiple times, did NOT disclose ownership & contributions in exchange for tax credits, that were directed to affect the results, decisions, approvals, NON-compliance, and the actions caused outcome with negative impact on residents. Violation of laws started before application and continue to increase HARM. There is no known precedence for intentionally, repeatedly, concurrently taking special exceptions to most due process by County agencies in violation of Constitutional rights for equal justice, due process, speedy trial without delay.

Petitioners respectfully request the Honorable Supreme Court of U.S. to exercise appellate jurisdiction based on Law & Facts, to grant certiorari/extraordinary writ of mandamus &

prohibition for compelling reasons to resolve federal issues of great importance regarding violation of fundamental rights, by Government taking and re-allocating private property to special interests, causing permanent HARM, injury. This case raises important major issues in public interest for the majority of people in the United States regarding protection of fundamental rights guaranteed by the U.S. Constitution and State Constitution. The fact that this case is occurring in the U.S. raises profound social, cultural, and political questions if the U.S. Constitution and laws guarantee any rights, considering that agencies assumed the power to suspend Laws & suspend execution of Laws for 3.3 years, Board of Appeals dismissed cases without evidence of compliance. Courts affirmed Board decisions without validating evidence, without strict scrutiny of evidence – before – deferring to the Board erroneous decision. Petitioner's efforts to prevent HARM, injury for 3.3 years provides compelling reasons and justifies the request for the Court to settle major questions and exercise supervisory power. The US Constitution, Maryland Constitution are clear. There is substantial evidence of NON compliance with Maryland Constitution and U.S. Constitution. *See Maryland Const. Art. 6; 9; 19; 23; 33; 45; U.S. Const. amend. 1; 5; 6; 7; 9; 14.* Conclusion based on laws: CU 20-02 is NON Compliant.

Petitioners and residents surrounding the 19105 Frederick conditional use site are subjected to the compounded injury of 1) violation of property rights through encroachment, trespassing & Government taking property and re-allocating to special interests;

2) HARM due to violations of zoning conditional use laws *Section 59.7.3.1.E.1.g; 59.7.3.1.E.2; 59.7.3.1.F.1;* 3) HARM due to violations of Noise Control Laws *Section 31B-5 & 31B-6 & Sec. 31B-12;* 4) violation of Notification Laws *Section 59.7.3.1.B; 59.7.5.2.A-H.* Petitioners and residents were exposed to increased HARM from day 1 to current date and will continue to be exposed to negative effect of these compounded HARM, health hazards in the future, indefinitely.

HARM, health hazards are correlated to Questions Presented for Review, Reasons for Granting the Petition, Relief Requested for violations all laws, HARM, health hazards, stress, damages, permanent hearing loss, ringing of ears – all HARM caused.

Government and special interest violations of laws caused and causing immediate and long term HARM, injury due to loss of property and loss of full benefit of remaining property caused by construction of two (2) 5 story buildings at 64 feet from 2 story homes, over-towering the residential communities – causing permanent loss of security, safety, privacy; causing disturbance, pollution by 24 parking at <32 feet from homes; road at < 42 feet, lights glaring causing hazardous traffic conditions. 19105 Owner illegally completed work before OZAH issued the 8-14-2023 Amendment for CU 20-02, violating due process specified in Chapter 59, bypassing Board review, flooding the 19102 Wheatfield property. County, 19105 Owners violated laws that require notification on the day of resolution, work to start after application & approvals. 19105 Owner installed video surveillance cameras between 3<sup>rd</sup>-4<sup>th</sup> floor



compounding the HARM of the massive two (2) 5 story buildings in R-90 zoning for 2 story homes, increases violations of privacy of abutting property owners. CU 20-02 violates R-90 Zoning reconfirmed for 19105 Frederick property. *See App.12.6*. Construction noise exceeded legal limits thousands of times, with 140% noise levels at 16 feet from homes – causing HARM, health hazards for home owners, families, children. Petitioners, pleaded with every Government agency, official including Zoning, Planning, DPS Permitting, DEP Compliance, MC311, Board of Appeals (BOA), Inspector General, Consumer Affairs, County Council, County Executive, Police. 19105 Owners, Attorneys, County applied undue influence, contributions in exchange for tax credits for development & operations to cancel petitioners access to Government, Courts & retaliate against petitioners. BOA dismissed separate appeals, forced joint appeal, then dismissed without considering appellant cases, with NO evidence of compliance. Circuit Court affirmed BOA decision without validating evidence, without strict scrutiny of evidence – before deferring to agency inference. Appellate Court of Maryland diminished petitioners to interested persons after undue influence from 19105 Owner, Attorney, County and Circuit Court. Supreme Court of Maryland denied petition for writ of certiorari without considering evidence of violations of fundamental property rights, equal justice, due process guaranteed by Maryland & U.S. Constitution; without considering the substantial HARM, health hazards and injury caused by lawless Government and special interest actions.

Petitioners followed all necessary process to obtain the right to appeal and request extraordinary writ in good faith, to settle the issues raised in the Questions Presented for Review. Petitioners waited 3.3 years (41 months) for relief and found that Adequate Relief Cannot Be Obtained in Any Other Court. These problems are within the Supreme Court's power, discretion and appellate jurisdiction given by law to issue the extraordinary writ of mandamus, to compel Courts, Government officials to perform that they are legally obligated to perform. The extraordinary writ of mandamus & prohibition are necessary to achieve justice. Petitioners Opposed the Application from 2020, considering violations of laws and 19105 Owner, County, Attorneys determination to achieve their unlawful objectives at any cost, HARM to abutting property owners, residential communities. The unwarranted delays by BOA, Courts aided 19105 Owners, County to build two (2) 5 story buildings, within 64 feet from 2 story homes, all in R-90 residential zoning, causing harm by violating property rights, NO HARM requirements, laws.

The Supreme Court of the United States shall settle the major questions of imperative public importance and apply the extraordinary authority to supervise the entire judicial system, to prevent future injuries enumerated in this petition.

It is important to understand the HARM, injury caused by NON compliant 19105 Frederick Road, Gaithersburg, MD conditional use CU 20-02 by **Comparing this NON compliant CU 20-02, 19105 Frederick Rd, Gaithersburg, MD. with CU-20-05 on**

9545 River Road, Potomac, MD. CU 20-02 & CU 20-05 sites are located 14.3 driving distance, both in Montgomery County, MD. *See App.12.3-4; See Reasons for Granting the Petition.*

19105 Owner, County were aware of NON compliance since 2020, but assumed "power of suspending Laws or the execution of Laws" & "enforcement" from day 1 to current date, in violation of Section 59 Zoning Ordinance, Section 31B Noise Control, Maryland Constitution, U.S. Constitution. *See App.11.7; App.11.2 (and all items in the Appendix).* 19105 Frederick Road, County are - NON compliant with due process from day 1 to current date & future. The undue influence of 19105 Owners, Attorney cancelled petitioner efforts to achieve compliance with laws, prevent & stop HARM, from day 1 to current date & future, stating "*we have permits, we do what we want*" – being assured by the County that CU 20-02 & permits will NOT be withdrawn. 19105 Owners, Attorney aided by County cancelled and diminished each person in BOA, Courts, violating laws. *See App.11.2; App.11.7; App.13.1 - 13.6.B.* Correlation of violations and laws are intended to clarify NON compliance & violations of laws; moved to Appendix, to ensure compliance with rules requiring brief statements. *See App.14.*

Petitioners respectfully request the Supreme Court of the U.S. to consider all evidence submitted with this petition and in record, settle the issues to preserve fundamental property rights, equal protection, due process rights applicable.

The US Constitution, Maryland Constitution are clear. There is substantial evidence of NON compliance with Maryland Constitution and U.S. Constitution. See *Maryland Const. Art. 6; 9; 19; 23; 33; 45; U.S. Const. amend. 1; 5; 6; 7; 9; 14.* Conclusion based on laws: NON Compliant.

The Notification Laws are clear. There is NO evidence of compliance with Notice Specifications. See *Section 59.7.5.2.A-H.* Conclusion based on laws: NON Compliant.

The Conditional Use Laws are clear. There is NO evidence of compliance with Zoning Ordinance for Conditional Use & Noise Control Ordinance – there is substantial evidence of NON compliance. See *Section 59.7.3.1.A-L; Section 31B-5 - 31B-6 & 31B-12.* Conclusion based on laws: NON Compliant.

The petition for extraordinary writ is of compelling and imperative public importance due to violation of fundamental rights enshrined in the United States and State Constitution, and laws. This case departed from the accepted judicial proceedings, as to call for an exercise of this Court's supervisory power. The State courts below issued orders without validating evidence on record, and based judgements on erroneous factual findings and misapplication of a properly stated rule of laws. This case presents important questions concerning the application of Takings and actions in which government takes private property and re-allocates to special interest Owners.

## STANDARD OF REVIEW

The Supreme Court of United States shall grant certiorari for extraordinary writ of mandamus & prohibition considering imminent injury caused by suspension of laws, public interest in major questions of national significance to protect people, public health, ensure equal justice. due process, trial without delay in compliance with laws, hold accountable those who abuse power, violate laws.

Courts shall apply strict scrutiny of "substantial evidence" – before - "deference to agency fact finding & inferences, case precedence, opinions, orders". Inferences and deference to agency shall be based on support by evidence in record, findings of the facts and conclusions of laws to be correct in all aspect applicable to this case to be the basis for agency's decision. *Capital Commer. Props v. Montgomery County Planning Bd.*, 158 Md. App. 88, 95, 854 A.2d 283 (2004). See *Md. Code Ann., Local Gov't* §10-305.

Courts shall NOT defer to agency claims of "substantial evidence" without actually reviewing and validating the evidence on record. Courts are required to "maintain independence and integrity of the legal system", to ensure due process, protection of rights and equal justice under the law. See *Maryland Const. Art. 33; App.45*. Courts shall NOT ignore that agencies have "no power of suspending Laws or the execution of Laws, unless by, or derived from the Legislature, ought to be exercised, or allowed". See *U.S. Const. amend. 5; amend. 14*; See *Maryland Const. Art. 9; Art. 19; Art. 33*.

### III. REASONS FOR GRANTING THE PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS & PROHIBITION

This case aids the Supreme Court of United States jurisdiction by providing an opportunity to settle fundamental property rights guaranteed by the U.S. Constitution. This case should settle property rights if Government is taking property and re-allocates to special interest Owners.

This case aids the Supreme Court of U.S. jurisdiction by providing an opportunity to affirm, establish legal solutions, provide guidance to preserve the fundamental principle of "one rule of law", that "like cases should be treated alike", in all United States - including conditional use CU 20-02 v. CU 20-05. CU 20-02 caused abutting home owners significant permanent HARM, injury, loss of life time savings, security, safety and enjoyment of their property. CU 20-02 and CU 20-05, are at 14.3 miles driving distance, both in Montgomery County, Maryland; CU 20-02 causing HARM, injury. *See App.12.3 and all Appendixes to understand HARM, injury caused by 19105 Owners, Attorneys, County by agencies assuming the power to suspend laws and execution of laws for 3.3 years and continuing on current date because there is NO compliance with laws, NO due process, NO accountability – only complete lawlessness as if we are in a different part of the world, where equal justice under the law does NOT exist.* This injustice should NOT occur in the United States of America.

This Case Involves Constitutional Rights: 1) County taking property & allocating to Owner of Conditional Use causing permanent injury; 2) taking exception to due process; 3) Owner, Attorney violating freedom of speech & exercising undue influence on Government - preventing Timely Appeal; 4) agencies and Government officials suspending laws.

The lower courts did NOT validate evidence, did NOT apply strict scrutiny of "substantial evidence" – before - "deference to agency fact finding & inferences".

This case raises compelling major national questions that the Supreme Court of U.S. should settle and provide adequate judiciary guidance to Courts, to preserve fundamental rights enshrined in the U.S. Constitution.

Adequate Relief Cannot Be Obtained in Any Other Court. Specific relief requested.

Petitioners sought relief from BOA, Circuit Court, Appellate Court of Maryland, Supreme Court of Maryland – for 17 months (41 months including OZAH Examiner). Petitioners' efforts to prevent HARM, violations of laws since day 1 in 2020 to current date in 2023, and were cancelled by 19105 Owner, Attorney, County.

There is NO other court to request relief; petitioners last result is this Honorable Supreme Court of United States overseeing jurisdiction. This Court has significant interest in settling the unprecedented case of Government agencies taking property and re-allocating to private special interest.

This Court held that cases where courts below “departed from the accepted and usual course of judicial proceedings ... to call for an exercise of this Court’s supervisory power”. See *Rule 10(a)*; *Hollingsworth v. Perry*, 558 U.S. 183, 196, 130 S. Ct. 705, 175 L. Ed. 2d 657 (2010). This Court held interest in ensuring compliance with rules of judicial administration, the integrity of judicial processes and independence of Courts.

This Court acknowledged that “federal courts have a strict duty to exercise the jurisdiction conferred by Congress”. See *Colorado River Water Conservation Dist. V. United States*, 424 U.S. 800, 821, 47L. Ed. 2d 483, 95S. Ct. 1236 (1976). This Court held that “when a federal court is properly appealed in a case over which it has jurisdiction by law, it is its duty to take such jurisdiction. See *Willcox v. Consolidated Gas. Co.*, 212 U.S. 19, 40, 53L. Ed. 382, 29 S. Ct. 192 (1909).

The Supreme Court of the U.S. should settle the questions whether compensation is due when Government, agencies suspend laws, violate fundamental property rights by taking property from home owners and re-allocating to special interest Owner of conditional use project.

Reasons for granting the Petition for Extraordinary Writ of Mandamus & Prohibition are summarized below, aligned with the Questions Presented for Review.

1. Courts have compelling reasons to grant certiorari for extraordinary writ of mandamus & prohibition considering injuries, major questions



of national significance to prevent violations of laws by agencies asserting authority not delegated by legislature. This case aids the Supreme Court of United States jurisdiction by providing an opportunity to settle fundamental rights guaranteed by the Constitution, affirm & establish legal solutions to preserve the fundamental principles of "one rule of law", that "like cases should be treated alike", in all United States – including conditional use CU 20-02 and CU 20-05. There shall be NO conditional uses like CU 20-02/19105 Frederick where residents surrounding a conditional use site are subjected to the compounded injury of 1) taking property & violation of property rights through encroachment & trespassing; 2) HARM due to violations of zoning conditional use laws; 3) HARM due to violations of Noise Control Laws; 4) violation Notification Laws through NO notification, NO notification on the day of resolution/decision, PREVENTING timely appeal by abutting & confronting property owners, abutting & confronting Seneca Park North HOA. Petitioners and residents were exposed to increased HARM for 3.3 years (41 months), from day 1 to current date and will continue to exposed to negative effect of these compounded HARM, health hazards in the future, indefinitely. Courts, boards, Government officials ignored all requests to resolve with urgency, to prevent HARM. See *U.S. Const. amend. 1, 5, 14, 6; Maryland Const. Art. 19, 9, 6, 23, 33; Section 59.7.3.1.E.1.g; 59.7.3.1.E.2; 59.7.3.1.F.1; Section 31B-5 & 31B-6*

*& Sec. 31B-12; Section 59.7.3.1.B; 59.7.5.2.A-H. See Appendix App.14 Correlation of Facts-Evidence of NON Compliance and App.11.1 - 11.12; App.12.1 -12.9; App.13.1 to App.13.6.*

2. Courts have compelling reasons to grant certiorari for extraordinary writ of mandamus with court order that requires government officials to perform duties that they are legally obligated to perform - resolving the violations of laws listed for all questions, from 2020 to November 2023, and future. There shall be NO Government official failing to perform duties they are legally obligated to perform. There shall be NO Government official with conflict of interest, violating fundamental property rights, equal protection, due process, freedom of speech or directing Government employees to suspend or violate laws. Licensed professionals shall be referred for review by licensing boards & required to work under supervision of law abiding professionals (including attorneys, architects, engineers, project managers). Officials who violated public trust shall be transferred to positions that do not require public trust. Business owners violating laws, making undisclosed contributions shall be referred to appropriate authorities & barred from projects that grant tax credits, incentives. *See U.S. Const. amend. 1; 5, 14; Maryland Const. Art. 6; 9; 19, 23. See disclosure requirements for 5% ownership & contributions with application; NON Compliant/Section 59.10.b-c. See Appendix*

*App.13.1.E; App.11.1 to App.11.12; App.12.1 to App.12.9; App.13.1 to App.13.6; App.14.*

3. Courts have compelling reasons to grant certiorari for extraordinary writ of prohibition with injunction to stop all work at 19105 Frederick Rd, considering that other means were and are inadequate to stop harm; without writ relief harm is irreparable and requires substantial remedy for harm, hazards, damages - resolving the violations of laws listed for all questions, from 2020 to October 2023, and future. The Court shall order the County Agencies, DPS Permitting NOT issue Certificate of Occupancy until 100% compliance with laws is achieved, HARM eliminated, case settled, compensation for damages and expenses resolved. Petitioners requested multiple times withdrawal of conditional use CU 20-02 and DPS Permits when construction started - and - requested to start CU 20-02 from step 1, in compliance with all laws. Petitioners requested Owner to submit compliant application, Planning to verify completeness and accuracy of applications, OZAH Examiner to ensure the decision to be in 100% compliance with Conditional Use for R-90 zoning, including NO HARM, COMPATIBILITY, BOA & DPS Permitting, DEP Compliance to enforce all laws during construction and ensure that conditions are on record and in place to ensure compliance in future. Petitioners requested 15-20 feet high fencing around 19105 Frederick Rd site to eliminate HARM, disturbance, pollution, trespassing, glare from site, buildings, parking

near homes-restore privacy, security, safety to level before CU 20-02. *See App.12.5-5.A; App.12.6.* Petitioners requested oral argument, *Md. Rule 8-503, Md. Rule 8-523; Maryland Const. Art 33.* Petitioners requested trial by jury. *See Maryland Const. Art 23 & Art 33. See U.S. Const. amend. 1; 5, 14, 6; Maryland Const. Art. 6; 9; 19, 23, 33. See Appendix App.11.1 to App.11.12; App.12.1 to App.12.9; App.13.1 to App.13.6; App.14.*

4. Agencies do NOT have authority to violate property rights and equal protection, causing imminent injury - in violation of U.S. Constitution, Maryland Constitution. *See U.S. Const. amend. 5, 14; Maryland Const. Art. 19, 9; See Appendix App.13.1.A-D; App.13.6; App.13.6.A-B; App.13.2; App.13.4; App.12.1-12.9.*

It is important to understand the HARM, injury caused by **Comparing this NON compliant CU 20-02, 19105 Frederick Rd, Gaithersburg, MD. with CU-20-05 on 9545 River Road, Potomac, MD, located 14.3 driving distance,** both located in Montgomery County, MD. *See App.12.3-4.* This Court shall settle, affirm the fundamental rights guaranteed by the Constitution, & establish legal solutions to preserve the fundamental principle of "one rule of law" & "like cases should be treated alike", in all United States – including conditional use CU 20-02 and CU 20-05. This 100% NON compliant CU 20-02 resolution was issued on 7-1-2020 (4.5 months from application; no pre-submittal notification; community, petitioner opposing the

application; CU 20-05 resolution was on 2-25-2021 (9 months from application). The examiner for CU 20-02 was co-examiner for CU 20-05.

**CU 20-02** constructed NON compliant two (2) 5 story buildings, at < 64 feet from property line, NON compliant with setback and 45 degree height restrictions, NON compliant parking causing disturbance, pollution; NON compliant bioretention causing foul odors; NON compliant screening & surveillance causing total loss of privacy, security caused by the 5 story buildings. *See App.12.3-4; Section 59.4.1.8.A Building Heights, Setback, 59.6.5.3.C.4-8 Screening; 59.6.2.4.B Parking; 59.7.3.1.E.1. NO HARM.*

Construction of massive buildings over-towering abutting & confronting homes, residential communities exposed taxpaying home owners who invested their life time savings into their homes with the expectation of NO HARM in the neighborhood. CU 20-02/19105 Frederick caused HARM due to loss of full use of property, reduction of property value, peaceful enjoyment, development potential; increased traffic, lack of parking, increased noise, odors, dust, illumination; environment that supports health, safety, welfare of neighboring residents, visitors. 19105 Owners, Attorneys, County suspended laws and exposed for 17 months and continue to expose home owners, families, children, to 140% excessive noise & vibration at 16 feet from homes, in violation of *Section 59.7.3.1.E.1; 31B-5 & 31B-6 & 31B-12.* 19105 Owners, Attorneys, County

caused HARM and continues to cause HARM for life through the long term impact of suspending laws, through reduction of property values, loss of privacy due to over-towering buildings, disturbance and pollution from 24 cars-vans-SUV-trucks parking, slamming, alarming at < 32 feet from homes; 25-50 feet tree canopies that encroach on abutting properties enabling animals to damage homes, tree roots that grow 1.4x to 4x times the tree canopies damaging homes, utility pipes. Lack of adequate parking for all 111+ residents, visitors, employees and lack of fencing will cause additional HARM, hazards as most independent senior residents will drive (*See OZAH Examiners report, C.2.b; Edmonson testimony*). If residents, visitors park on 26 feet wide Wheatfield Drive, Harvest Mills Lane, etc. it will result in dangerous resident ingress – egress for Seneca Park North HOA (282 homes). Requested 100% compliance with Compatibility, NO HARM laws & 15-20 feet high fencing around 19105 Frederick Rd site to eliminate HARM, disturbance, pollution, trespassing, glare from site & building lights. *See App.12.5-5.A; App.12.6.*

CU 20-05 provides an example of compliance; applied Chapter 59 Zoning to building character, setback, screening compatible with residential community; the building is 2 story. Most parking is underground. Surface parking is limited to 16 cars; parking setback is 2 times the min. Fencing is 8 ft high on 3 sides to protect the residential community. (*Initially, the building was 3 story on*

*River Rd, stepped down to 1 & 2 stories where it is closer to adjoining neighbors). See App.12.3-4.*

Reasonable people would conclude that Owner LLC, County, Attorneys violated fundamental rights enshrined in the U.S. Constitution and discriminated against abutting property owners considering ethnicity, accent, lack of knowledge of US laws protecting their families and property, including Gothard, Cabrera, Fallahian. BOA & Circuit Court were NOT correct in dismissing the appeals from Gothard, Cabrera, Lamoy, Witz, Fallahian, Clough, Molieri violating their rights - NOT considering their appeals, testimony - denying equal protection of people & property, regardless of their standing & statement that they were NOT notified.

5. Agencies, boards, Courts do NOT have authority to violate due process requirements for Conditional Use, causing HARM - in violation of U.S. Constitution, Maryland Constitution. BOA & Circuit Court were NOT correct in dismissing the appeals from Gothard, Cabrera, Lamoy, Witz, Fallahian, Clough, Molieri violating due process rights. *See U.S. Const. amend. 5; Maryland Const. Art. 9; See Section 59.7.3.1.E.1.g; 59.7.3.1.F.1; Section 31B-5 & 31B-6 & 31B-12; App.13.1.A-D; App.12.B-E; App.12.9.B-D; App.11.1 to 11.12; App.13.2 to 13.4.*
6. Courts are required to apply "one rule of law" as written & as intended when they clearly require notification on the day of decision, NO HARM / injury – and – not defer to agency opinions when

they are legally NOT correct - in violation of rules, strict scrutiny of substantial evidence, major questions. The NON compliant notification list is NOT evidence of notification. The law is clear requiring resolution notice on the day of decision, ensuring that the start date for timely appeal is the resolution notice day = issue date; the law is clear that the start date is the same for applicant, all agencies and parties – preconditioned on notification on the day of resolution by Government agencies. See Section 59.7.5.2.F; 59.7.3.1.B; 59.7.3.1.F.1. Agencies have “no power of suspending Laws or the execution of Laws”. See *Maryland Const. Art. 9, App.45*. There is NO substantial evidence of any compliance; all claims of notification are flawed, including the notification for the community meeting on 8-20-2020 ~50 days after Examiners decision on 7-1-2020 where the only true statement Owner could make that CU 20-02 was granted without pre-submittal notifications & meetings; residential communities can NOT testify, NO opportunity for timely appeal in 10 days, before 7-10-2020; “impacted property owners rights are suspended with NO authority”. Similarly the Planning Board decision on 6-17-2021, issued on 6-24-2021 was ~358 days after Examiners decision on 7-1-2020, therefore there is NO opportunity for timely appeal before 7-10-2020. Similarly DEP Compliance issued a public notice late forcing property owners to research laws and submit concerns in 5 days (of 10 days), in Sept 2022. Similarly, OZAH Examiner claims to issue an



amendment on 8-14-2023 with NO notification of abutting, confronting, impacted property owners and HOA within 0.5 miles as of 8-19-2023 (received 8-21-2023). The amendment covers work that was illegally completed the month before approval, flooding the 19102 Wheatfield property. The amendment ORDERED, all NON compliant conditions of approval set forth in the Hearing Examiner's Report dated July 1, 2020, remain in full force and effect – in violation of laws, allowing NON compliant development at 19105 Frederick Rd. Similarly the Board of Appeals issued the opinion for A-6765 on 11-4-2022 that was e-mailed only after requesting guidance from County Council on 11-9-2022, stating that the person expected to process the opinion will return "late next week, ...and will have significant work to catch up upon their return". See *U.S. Const. amend. 5; Maryland Const. Art. 9; Section 59.7.3.1; Section 7.5.2.F.; App.11.1.A; App.13.3; App.11.1 to App.11.12.*

7. Courts can NOT use precedence that are NOT valid in all aspects, including Respondent Owners, County PREVENTED timely appeal. There is NO known case where Applicant Owners, County used a combination of NO notification, preventing testimony as party of record, NO notification on the day of decision. The standards and case precedence shall be required to be similar to this case in all aspects (to be valid). *U.S. Const. amend. 5; Maryland Const. Art. 9, 33; see standards & rules; validate evidence; apply strict scrutiny of "substantial evidence" – before -*

*“deference to agency fact finding & inferences”*. See Section 7.5.2.A-H; App.11.1 to App.11.12.

8. Attorneys, agencies do NOT have the authority to violate the right for free speech of aggrieved home owners & conspire to suspend laws, restrict enforcement of laws in violation of U.S. Constitution, Maryland Constitution. See *U.S. Const. amend. 1, 5, 6, 14; Maryland Const. Art. 9; App.13.1-1.A; App.13.1.D-E; App.13.2.A; App.13.3; App.13.4.*
9. Agency Board's and Court's do NOT have “power of suspending Laws or the execution of Laws”, do NOT have authority to approve, authorize, allow Owner to complete this NON-compliant CU 20-02 with two 5 story buildings in violation of property rights, equal protection, due process, causing increased HARM & health hazards to residential communities - in violation of U.S. Constitution, Maryland Constitution. See *Maryland Const. Art. 9, 19, 33; U.S. Const. amend. 5, 14; apply strict scrutiny of “substantial evidence” – before - “deference to agency fact finding & inferences”*. See *Zoning Ordinance for R-90 Section 59.7.3.1.F.1-2; 59.7.3.1.H.2; 59.7.3.1.L.1-2; 59.7.3.1.B.2; 59.7.3.4.B; 59.7.3.1.E.1; 59.4.1.8.B; 59.6.5.3. C; 59.6.2.4.B; App.12.1.D-E; Chapter 31B Noise Ordinance; Section 31B-5 & 31B-6 & 31B-12. See Appendix App.12.9.C-D; App.13.1 to 13.6; App.12.1 to App.12.9.*
10. Petitioners requested Agency, County, Courts to resolve violations of property rights, HARM, hazards from 5-18-2020. Violations of laws

started in 2020 and continue in November 2023 & courts continue to deny & delay equal protection, due process, trial without delay to protect home owners, while aware of real imminent HARM, INJURY stemming from the government action – violating U.S. & Maryland Constitution. Montgomery County compounds problems by continuing to apply full property tax, as if they did NOT cause the loss of property value & full use of properties. Reasonable people would conclude that undue influence appears to have no limits in Montgomery County, MD – as retaliations continue, through Washington Suburban Sanitary (WSSC) controlled by the County against home owners petitioning this case, including charging 12x times more than water used (*See 19 years of evidence; water saver appliances, no leaks/dye tested*). This does not appear to be coincidence, considering that Fallahian's were significantly impacted after they challenged property rights, based on property markers identified by Iron Pipes (N 36°04'32" W 30.64'). *See App.12.9.A. See Maryland Const. Art. 9, 19, 33, 6; 23; U.S. Const. amend. 1, 5, 14, 6; Chapter 59 Zoning Ordinance R-90 & Chapter 31B Noise Ordinance – Sections listed for question 7. See App.13.1 to App.13.6.*

11. The Supreme Court of Maryland was NOT correct to deny the petition for writ of certiorari as not in public interest, considering imminent injury & major questions of national significance to protect people, public health, ensure equal justice. due process, speedy trial without delay in

compliance with laws, hold accountable those who abuse power, violate laws & cause imminent injury. There is substantial “showing that review by certiorari is desirable and in the public interest” that Courts should not ignore, in pursuit of pre-determined outcome under the influence of special interests, contributions from 19105 Owners, Attorneys applied through Government agencies, County Council, County Executive, Board of Appeals, Courts. Petitioners provided substantial evidence of violation of laws, identifying major questions in public interest for most home owners in U.S. Courts shall use the independency and uprightness of Judges to ensure impartial administration of Justice, and secure the rights and liberties of the People. See *Maryland Const. Art. 33*. See *U.S. Const. amend. 1; 5, 14*; *Maryland Const. Art. 6; 9; 19, 23, 33*. See *Appendix App.11.1 to App.11.12; App.12.1 to App.12.9; App.13.1 to App.13.6*.

12. Agency Board's, Courts do NOT have authority to violate rights to speedy trial, without delay to protect taxpaying home owners, families by delaying execution of laws, denying justice. Reasonable people would conclude that Owner, County, Attorneys colluded to aid – abet 19105 Owner to encroach on adjacent properties, build two 5 story buildings in violation of all laws, from 2020 to November 2023 – and – violations continue. See *Maryland Const. Art. 19; U.S. Const. amend. 6; considering that delays increased HARM, health hazards, injury – and – home owners deserve timely/speedy protection;*

*App.11.12; App.13.2.B; Section 59.7.3.1.E.1.g; 59.7.3.1.F.1; Section 31B-5 & 31B-6 & 31B-12.*

#### SPECIFIC RELIEF REQUESTED

Specific relief requests are aligned with Questions Presented for Review and Correlation of Facts-Evidence of NON Compliance. *See U.S. Const. amend. 1; 5, 14, 6; Maryland Const. Art. 6; 9; 19, 23, 33. See Appendix App.11.1 to App.11.12; App.12.1 to App.12.9; App.13.1 to App.13.6; App.14.* Petitioners, home owners shall be compensated for all harm, damages, expenses.

1. The Supreme Court of the United States have compelling reasons to grant certiorari for extraordinary writ of mandamus & prohibition with urgency, considering injuries, major questions of national significance to prevent violations of laws by agencies asserting authority not delegated by legislature. There shall be NO cases like CU 20-02 in the United States, where all laws are violated and abutting, confronting, impacted property owners and aggrieved residents have NO rights and NOT applying the principles of "one rule of law", "like cases should be treated alike", in all United States – including conditional use CU 20-02 and CU 20-05. Petitioners request the Honorable Supreme Court of U.S. to consider the compelling reasons to settle this case and provide adequate judiciary guidance to Courts, to preserve fundamental rights enshrined in the U.S. & Maryland Constitution.

2. The Supreme Court of the U.S. have compelling reasons to grant certiorari for extraordinary writ of mandamus with court orders that requires government officials to perform duties that they are legally obligated to perform - resolving the violations of laws listed for all questions, from 2020 to October 2023, and future. Petitioners request that the Supreme Court of U.S. to order Government officials to ensure that agencies are led and staffed by licensed professionals with relevant expertise & accountability necessary to deliver services to all taxpaying residents, without bias, political activism or conflict of interest. Only people who earn public trust shall work in Government, dedicated to protect people.
3. The Supreme Court of the U.S. have compelling reasons to grant certiorari for extraordinary writ of prohibition with injunction to stop all work at 19105 Frederick Rd, considering that other means are inadequate to stop harm, that without writ relief harm is irreparable and requires substantial remedy for harm, hazards, damages - resolving the violations of laws listed for all questions, from 2020 to November 2023, and future. Petitioners request that the Supreme Court of U.S. order the County Agencies, DPS Permitting NOT issue Certificate of Occupancy until 100% compliance with laws is achieved, the case is settled, remedies provided to aggrieved parties. The Supreme Court of U.S. shall ensure application of "one rule of law", ensuring that CU 20-02 & CU 20-05 "like cases are treated alike", with 2 story buildings as requested on 5-18-2020

(~2 years before work at 19105 N. Frederick). See App.11.7, item 8; App.12.6. 19105 Owners shall remove video surveillance cameras that compound security and privacy loss caused by the over-towering two (2) 5 story buildings.

4. Require government officials to perform duties that they are legally obligated to perform - resolving the violations of laws listed for all questions, from 2020 to November 2023, and future—eliminating causes of HARM. Government shall compensate for all negative impact of taking property from owners and allocate to conditional use special interest Owners. Government officials shall disclose contributions, conflict of interest and ownership in 19105 Frederick Road as required by laws. See Section 59.10.b-c; App.13.1.E. Government officials shall be held accountable for their conduct in compliance with laws and oath. See App.11.1-11.12; App.12.1-12.9.D; App.13.1-13.6.B.
5. Require government officials to perform duties that they are legally obligated to perform, serving taxpayers, guided by what is in the best interest of taxpayers, protecting residents and ensuring positive impact of conditional use for abutting, confronting and surrounding property owners, communities in compliance with laws – NOT HARM, health hazards. Government officials shall NOT direct employees to suspend laws or violated laws. *Property owners near Conditional Use construction shall NOT be required to perform in less than 10 days – the legal due diligence,*

*architecture, engineering work that taxpayer paid government employees and Owner paid professionals perform in years. Property owners shall NOT be burdened with the expenses, stress, work necessary to protect their families, property, with the added injury of NOT being notified at all, NOT notified on the day of decision that timely appeals are due in 10 days. See all Appendixes, evidence of NON compliance, measurements with corroborating photos and references to Government records from CDC, OSHA, NIOSH. See App.11.1-11.12; App.12.1-12.9.D; App.13.1-13.6.B.*

6. Require government agencies to execute laws as written, enforce NO HARM, eliminate HARM, do NOT defer to agency opinions when they are legally NOT correct - Agencies have "no power of suspending Laws or the execution of Laws". See *Maryland Const. Art. 9. See App.11.1-11.12; App.12.1-12.9.D; App.13.1-13.6.B.*
7. Require Courts to apply strict scrutiny of "substantial evidence" – before - "deference to agency fact finding & inferences, case precedence, opinions, orders". There is NO "substantial evidence" of compliance in record. Enforce NO HARM, do NOT defer to agency opinions when they are legally NOT correct. Home owners shall be compensated for all damage and expenses. 19105 Frederick violated all NO HARM, R-90 Compatibility requirements. See *Section 59.7.3.1.E.1. See App.11.1-11.12; App.12.1-12.9.D; App.13.1-13.6.B.*



8. Require Courts to order enforcement of "one rule of law", as written to prevent violation of fundamental rights and prevent additional future violations. Refer all licensed professionals to the licensing boards to ensure they comply with laws, and work under the supervision of law abiding professionals. All officials who violated public trust shall be transferred where public trust is not required. People with interest in 19105 Frederick shall be barred from projects with tax credits or incentives. People responsible for a violation & management or supervision of activities at the construction site, including enforcement shall be jointly & severally liable for thousands of violation as required by laws. *See Section 31B-12. (i) (1); See App.11.1-11.12; App.12.1-12.9.D; App.13.1-13.6.B.*
9. Require Courts to act with urgency and order enforcement of laws by Boards, Circuit Court, as written and prevent additional future harm. Petitioners, home owners shall be compensated for all harm, damage, expenses. *See App.11.1-11.12; App.12.1-12.9.D; App.13.1-13.6.B.*
10. Require Courts to act with urgency and order the County Government shall be ordered to enforce property rights laws, NOT to apply "taking" and "re-allocate" private property from home owners to other entities such as 19105 Frederick Road. There is a clear and present need for relief and prevent additional future harm. Home owners shall be compensated for all

damage and expenses. *See App.11.1-11.12; App.12.1-12.9.D; App.13.1-13.6.B.*

11. The Supreme Court of the U.S. shall order the Supreme Court & Appellate Court of Maryland to apply strict scrutiny of "substantial evidence" and draw conclusions based on evidence in record and law considering imminent HARM, injury & major questions of national significance to protect people, public health, ensure equal justice. due process, speedy trial in compliance with laws, hold accountable those who abuse power, violate laws. Petitioners request the Supreme Court of U.S. to order Courts to follow the facts and the law, apply principles of "one rule of law", "like cases should be treated alike". Home owners shall be compensated for all damage and expenses caused by delays that caused harm. *See App.11.1-11.12; App.12.1-12.9.D; App.13.1-13.6.B.*
12. Require Courts to act with urgency and order enforcement of laws, as written to prevent further actual irreparable HARM, injury, beyond remediation. Petitioner's request injunctive relief considering imminent threat of irreparable harm by the challenged action or inaction. The "injury is both certain and great, actual, beyond remediation, and of such imminence that there is a clear and present need for equitable relief to prevent further irreparable harm. 19105 Owners, County do NOT have the power to delay execution of laws, deny justice. *See App.12.1-12.9.D; App.13.1-13.6.B. See Maryland Const. Art. 19.*

Therefore, petitioners request the Supreme Court of the United States to settle this case and order resolving each issue enumerated in this petition, and provide remedies and compensation for harm, health hazards, damages of \$44,180,781.00 plus 10x treble damage considering the extraordinary violations of all laws, and 2% treble damage per month for any additional delays to settle the case and resolve compensation for damages and expenses. Petitioners request the Supreme Court of U.S. to order Respondents to be responsible for all legal expenses of petitioners, aggrieved persons.

Petitioners request the Supreme Court of U.S. to order a community outreach to allow aggrieved persons to raise concerns, request additional remedy from Respondents. The outreach effort shall include a public website with 100% disclosure of what is required for 100% compliance with ALL laws applicable to Conditional Use, agencies responsible for applying-executing-enforcing the laws as written & intended including principle of "like cases should be treated alike", by applying "one rule" of law in all United States – including conditional use CU 20-02 and CU 20-05. The website shall provide CLEAR actionable guidance for lay property owners that may be subjected to the type of abuse caused by CU 20-02, including legal & professional assistance necessary to prevent HARM, health hazards, damages. The website shall show applicable zoning, building height, 45 degree angle restrictions, parking & traffic safety, screening, compatibility, NO HARM. The website shall provide CLEAR sequence & schedule of ALL notifications, including pre-submittal notification,

identification of parties of record, notification on the day of resolution, appeal by aggrieved property owners, the rights of property owners and home owner associations within 1,000 feet and 0.5 mile of conditional use property. Petitioners will provide measurements, videos and explanations necessary to understand the impact of constructing two (2) 5 story buildings within <64 feet from abutting & confronting homes, with 24 cars-vans-trucks parking-alarming-polluting within <32 feet from home, tree canopies and roots encroaching on abutting properties damaging homes, utility pipes, heavy construction equipment generating 140% over legal noise, vibration levels at 16 feet from homes.

Petitioners respectfully request oral arguments at the Honorable Supreme Court of the United States.

#### IV. CONCLUSION

Petitioners respectfully request the Supreme Court of United States grant this Petition for Extraordinary Writ of Mandamus & Prohibition with urgency to prevent additional harm. This was INJUSTICE that should NOT occur in the United States, Maryland – NOT Equal Justice Under the Law. Petitioners urge this Honorable Court to issue orders to ensure that the people of United States are protected from Government taking property and re-allocating to special interests. Petitioners request the Supreme Court of U.S. to consider the systematic violations of laws by Government and Special Interests (19105 Owners), with significant unmitigated risk of transforming the United States into a country where “one rule of law”, “equal justice under the law”,

fundamental property rights, freedom of speech, due process have no real life application to people deemed NOT to be worthy of justice, like people subjected to the impact of violations of law for CU 20-02, at 19105 Frederick Road.

Respectfully submitted,

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*Counsel of Record-Pending*

-Legal Representation pending. The Counsel of record will enter a separate notice of appearance as counsel of record indicating the name of the party represented, in compliance with Rule 9.2. Petitioners are listed under PARTIES TO THE PROCEEDING IN THIS COURT. Signatures of all petitioners were submitted with Certificates of Services, and Certification of Compliance (to ensure they are on record with the Supreme Court of United States & comply with Rules). Petitioners are the same as submitted to the Supreme Court of Maryland.

Certificate of Service was submitted separately in compliance with Rule 29.

Certification of Compliance was submitted separately as notarized declaration in compliance with 28 U. S. C. § 1746.

No. \_\_\_\_\_

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**In re JOSEPH GOTHARD et al.**

Petitioners

**v.**

**FREDERICK ROAD SENIOR 4% OWNER LLC  
& MONTGOMERY COUNTY, MD**

Respondents

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**PETITION FOR EXTRAORDINARY WRIT OF  
MANDAMUS & PROHIBITION**

(To The Supreme Court of Maryland)

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**APPENDIX**

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