

CIVIL – NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Justice of the Supreme Court of Maryland pursuant to Rule 2-111(a).
Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER C-10-CV-26-000321

CASE NAME: Windridge Properties L.C., et al. vs. Frederick County Board of Elections, et al.

PARTY'S NAME: Windridge Properties L.C., Theodore H. Butz PHONE: 301-607-4399, 301-748-4131

PARTY'S ADDRESS: P. O. Bx 149, Adamstown, MD 21710, 1323 Buckeystown Pike Adamstown, MD 21710

PARTY'S E-MAIL: robert@windridgefarm.com, teddy@windridgefarm.com

If represented by an attorney:

PARTY'S ATTORNEY'S NAME: William E. Erskine, Esq. PHONE: 301-575-0363

PARTY'S ATTORNEY'S ADDRESS: Offit Kurman, P.A., 7021 Columbia Gateway Dr, Suite 200, Columbia, MD 21046

PARTY'S ATTORNEY'S E-MAIL: werskine@offitkurman.com

JURY DEMAND? Yes No

RELATED CASE PENDING? Yes No If yes, Case #(s), if known: C-10-CV-26-000309

ANTICIPATED LENGTH OF TRIAL?: 1 hours 1 days

PLEADING TYPE

New Case: Original Administrative Appeal Appeal

Existing Case: Post-Judgment Amendment

If filing in an existing case, skip Case Category/Subcategory section – go to Relief section.

IF NEW CASE: CASE CATEGORY/SUBCATEGORY (Check one box.)

TORTS

- Asbestos
- Assault and Battery
- Business and Commercial
- Child Victims Act
- Conspiracy
- Conversion
- Defamation
- False Arrest/Imprisonment
- Fraud
- Lead Paint – DOB of Youngest Pft: _____
- Loss of Consortium
- Malicious Prosecution
- Malpractice-Medical
- Malpractice-Professional
- Misrepresentation
- Motor Tort
- Negligence
- Nuisance
- Premises Liability
- Product Liability
- Specific Performance
- Toxic Tort
- Trespass
- Wrongful Death

CONTRACT

- Asbestos
- Breach
- Business and Commercial
- Confessed Judgment (Cont'd)
- Construction
- Debt

- Fraud
- Government
- Insurance
- Product Liability
- PROPERTY**
- Adverse Possession
- Breach of Lease
- Detinue
- Distress/Distrain
- Ejectment
- Forcible Entry/Detainer
- Foreclosure

- Commercial
- Residential
- Currency or Vehicle
- Deed of Trust
- Land Installments
- Lien
- Mortgage
- Right of Redemption
- Statement Condo
- Forfeiture of Property/ Personal Item
- Fraudulent Conveyance
- Landlord-Tenant
- Lis Pendens
- Mechanic's Lien
- Ownership
- Partition/Sale in Lieu
- Quiet Title
- Rent Escrow
- Return of Seized Property
- Right of Redemption
- Tenant Holding Over

PUBLIC LAW

- Attorney Grievance
- Bond Forfeiture Remission
- Civil Rights
- County/Mncpl Code/Ord
- Election Law
- Eminent Domain/Condemn.
- Environment
- Error Coram Nobis
- Habeas Corpus
- Mandamus
- Prisoner Rights
- Public Info. Act Records
- Quarantine/Isolation
- Writ of Certiorari

EMPLOYMENT

- ADA
- Conspiracy
- EEO/HR
- FLSA
- FMLA
- Worker's Compensation
- Wrongful Termination

INDEPENDENT PROCEEDINGS

- Assumption of Jurisdiction
- Authorized Sale
- Attorney Appointment
- Body Attachment Issuance
- Commission Issuance

- Constructive Trust
- Contempt
- Deposition Notice
- Dist Ct Mtn Appeal
- Financial
- Grand Jury/Petit Jury
- Miscellaneous
- Perpetuate
- Testimony/Evidence
- Prod. of Documents Req.
- Receivership
- Sentence Transfer
- Set Aside Deed
- Special Adm. – Atty
- Subpoena Issue/Quash
- Trust Established
- Trustee Substitution/Removal
- Witness Appearance-Compel

PEACE ORDER

- Peace Order

EQUITY

- Declaratory Judgment
- Equitable Relief
- Injunctive Relief
- Mandamus

OTHER

- Accounting
- Friendly Suit
- Grantor in Possession
- Maryland Insurance Administration
- Miscellaneous
- Specific Transaction
- Structured Settlements

IF NEW OR EXISTING CASE: RELIEF (Check All that Apply)

- | | | | |
|-----------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Abatement | <input type="checkbox"/> Earnings Withholding | <input type="checkbox"/> Judgment-Default | <input type="checkbox"/> Reinstatement of Employment |
| <input checked="" type="checkbox"/> Administrative Action | <input type="checkbox"/> Enrollment | <input type="checkbox"/> Judgment-Interest | <input type="checkbox"/> Return of Property |
| <input type="checkbox"/> Appointment of Receiver | <input type="checkbox"/> Expungement | <input type="checkbox"/> Judgment-Summary | <input type="checkbox"/> Sale of Property |
| <input type="checkbox"/> Arbitration | <input type="checkbox"/> Financial Exploitation | <input type="checkbox"/> Liability | <input type="checkbox"/> Specific Performance |
| <input type="checkbox"/> Asset Determination | <input type="checkbox"/> Findings of Fact | <input type="checkbox"/> Oral Examination | <input type="checkbox"/> Writ-Error Coram Nobis |
| <input type="checkbox"/> Attachment b/f Judgment | <input type="checkbox"/> Foreclosure | <input type="checkbox"/> Order | <input type="checkbox"/> Writ-Execution |
| <input type="checkbox"/> Cease & Desist Order | <input checked="" type="checkbox"/> Injunction | <input type="checkbox"/> Ownership of Property | <input type="checkbox"/> Writ-Garnish Property |
| <input type="checkbox"/> Condemn Bldg | <input type="checkbox"/> Judgment-Affidavit | <input type="checkbox"/> Partition of Property | <input type="checkbox"/> Writ-Garnish Wages |
| <input type="checkbox"/> Contempt | <input type="checkbox"/> Judgment-Attorney Fees | <input type="checkbox"/> Peace Order | <input type="checkbox"/> Writ-Habeas Corpus |
| <input type="checkbox"/> Court Costs/Fees | <input type="checkbox"/> Judgment-Confessed | <input type="checkbox"/> Possession | <input checked="" type="checkbox"/> Writ-Mandamus |
| <input type="checkbox"/> Damages-Compensatory | <input type="checkbox"/> Judgment-Consent | <input type="checkbox"/> Production of Records | <input type="checkbox"/> Writ-Possession |
| <input type="checkbox"/> Damages-Punitive | <input checked="" type="checkbox"/> Judgment-Declaratory | <input type="checkbox"/> Quarantine/Isolation Order | |

If you indicated **Liability** above, mark one of the following. This information is not an admission and may not be used for any purpose other than Track Assignment.

- Liability is conceded. Liability is not conceded, but is not seriously in dispute. Liability is seriously in dispute.

MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)

- Under \$10,000 \$10,000 - \$30,000 \$30,000 - \$100,000 Over \$100,000
- Medical Bills \$ _____ Wage Loss \$ _____ Property Damages \$ _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

- Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)
- | | | | |
|----------------|---------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------|
| A. Mediation | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | C. Settlement Conference | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| B. Arbitration | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | D. Neutral Evaluation | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

SPECIAL REQUIREMENTS

- If a Spoken Language Interpreter is needed, **check here and attach form CC-DC-041**
- If you require an accommodation for a disability under the Americans with Disabilities Act, **check here and attach form CC-DC-049**

ESTIMATED LENGTH OF TRIAL

*With the exception of Baltimore County and Baltimore City, please fill in the estimated **LENGTH OF TRIAL**.*

(Case will be tracked accordingly)

- | | |
|---------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> 1/2 day of trial or less | <input type="checkbox"/> 3 days of trial time |
| <input checked="" type="checkbox"/> 1 day of trial time | <input type="checkbox"/> More than 3 days of trial time |
| <input type="checkbox"/> 2 days of trial time | |

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-308 is requested, attach a duplicate copy of complaint and check one of the tracks below.

- | | |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Expedited - Trial within 7 months of Defendant's response | <input type="checkbox"/> Standard - Trial within 18 months of Defendant's response |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|

EMERGENCY RELIEF REQUESTED

**COMPLEX SCIENCE AND/OR TECHNOLOGICAL CASE
MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO ASTAR RESOURCES JUDGES under
Md. Rule 16-302, attach a duplicate copy of complaint and check whether assignment to an ASTAR is requested.*

Expedited - Trial within 7 months of
Defendant's response

Standard - Trial within 18 months of
Defendant's response

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY OR BALTIMORE COUNTY,
PLEASE FILL OUT THE APPROPRIATE BOX BELOW.**

CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)

- Expedited Trial 60 to 120 days from notice. Non-jury matters.
- Civil-Short Trial 210 days from first answer.
- Civil-Standard Trial 360 days from first answer.
- Custom Scheduling order entered by individual judge.
- Asbestos Special scheduling order.
- Lead Paint Fill in: Birth Date of youngest plaintiff _____.
- Tax Sale Foreclosures Special scheduling order.
- Mortgage Foreclosures No scheduling order.

CIRCUIT COURT FOR BALTIMORE COUNTY

- Expedited
(Trial Date-90 days) Attachment Before Judgment, Declaratory Judgment (Simple),
Administrative Appeals, District Court Appeals and Jury Trial Prayers,
Guardianship, Injunction, Mandamus.
- Standard
(Trial Date-240 days) Condemnation, Confessed Judgments (Vacated), Contract, Employment Related
Cases, Fraud and Misrepresentation, International Tort, Motor Tort, Other
Personal Injury, Workers' Compensation Cases.
- Extended Standard
(Trial Date-345 days) Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or
Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and
out-of-state witnesses (parties), and trial of five or more days), State Insolvency.
- Complex
(Trial Date-450 days) Class Actions, Designated Toxic Tort, Major Construction Contracts, Major
Product Liabilities, Other Complex Cases.

April 13, 2026 _____
Date

7021 Columbia Gateway Drive, Suite 200 _____
Street Address

Columbia MD 21046
City State Zip Code

/s/ _____ 9306230100
Signature of Attorney/Party Attorney Number

William E. Erskine, Esq. _____
Printed Name

werskine@offitkurman.com _____
E-mail

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

PETITION OF
WINDRIDGE PROPERTIES L.C.,
P.O. Box 149
Adamstown, Maryland 21710

and

THEODORE H. BUTZ
1323 Buckeystown Pike
Adamstown MD 21710

FOR JUDICIAL REVIEW OF THE
DECISION OF THE FREDERICK COUNTY
BOARD OF ELECTIONS
8490 Progress Drive, Suite 300
Frederick, MD 21701

and

BARBARA WAGNER, *in her official capacity*
as Election Director of the Board of Elections
8490 Progress Drive, Suite 300
Frederick, MD 21701

IN THE MATTER OF THE PETITION OF
THE FREDERICK COUNTY DATA
CENTER REFERENDUM COMMITTEE
FOR REFERENDUM OF FREDERICK
COUNTY COUNCIL ORDINANCE 26-01-
001

Case No. C-10-CV-26-000321

* * * * *

WINDRIDGE PROPERTIES L.C.,
P.O. Box 149
Adamstown, Maryland 21710

*
*

and

*

THEODORE H. BUTZ
1323 Buckeystown Pike
Adamstown MD 21710

*
*

Plaintiffs,

*

v.

*

FREDERICK COUNTY BOARD OF
ELECTIONS
8490 Progress Drive, Suite 300
Frederick, MD 21701

*
*

Case No. C-10-CV-26-000321

and

*

BARBARA WAGNER, *in her official capacity*
as Election Director of the Board of Elections
8490 Progress Drive, Suite 300
Frederick, MD 21701

*
*

and

*

FREDERICK COUNTY DATA CENTER
REFERENDUM COMMITTEE,
2313 New Design Road
Adamstown, MD 21710

*
*
*

Defendants.

* * * * *

PETITION FOR JUDICIAL REVIEW

(Md. Code Ann., Election Law §§ 6-206, 6-208, 6-209; Md. Rules 7-201 et seq.)

INTRODUCTION

1. Petitioners Windridge Properties L.C. ("Windridge") and Theodore H. Butz (collectively, "Petitioners") seek judicial review of the April 3, 2026 determination and certification by the Frederick County Board of Elections and its Election Director,

Barbara Wagner (collectively, the "Election Authority"), finding legally sufficient a referendum petition seeking to refer Frederick County Ordinance No. 26-01-001 ("Ordinance 26-01-001") to the voters. See, April 3, 2026 determination letter attached as Exhibit A. A copy of Ordinance 26-01-001 is also attached as Exhibit B.

2. Petitioners request (i) reversal of the Election Authority's determination that the referendum petition is sufficient; (ii) a declaratory judgment that the referendum petition is legally deficient because use of a petition to challenge Ordinance 26-01-001 is not authorized by law; and (iii) in the alternative, a writ of mandamus directing the Election Director to issue a determination of deficiency under Election Law § 6-206(c)(5)(i).

3. As shown in the Frederick County legislative and planning record, Ordinance 26-01-001 is an implementing zoning map ordinance adopted as part of the Critical Digital Infrastructure ("CDI") comprehensive plan amendment and zoning map amendment process pursuant to the Maryland Land Use Article. On December 23, 2025, the County Council voted to apply the CDI overlay and to rezone certain properties as identified in and consistent with the CDI comprehensive plan amendment then approved, directing staff to prepare a rezoning ordinance effectuating those changes; Ordinance 26-01-001 is the rezoning ordinance prepared and adopted to implement that direction.

4. The Frederick County Charter referendum provision applies only to a "law" enacted pursuant to the Charter's lawmaking process. The only Charter-enacted law establishing the CDI overlay framework was Bill No. 25-09 (effective November 1, 2025). No referendum petition was filed during the Charter window following that effective date.

5. The Election Director's April 3, 2026 letter states she was "unable to make a determination" whether the petition was authorized by law and nonetheless certified it based on a purported "presumption of sufficiency." Maryland Election Law requires an affirmative determination that all legal requirements are satisfied before certification; a non-decision cannot substitute for the statutory determination required by §§ 6-206 and 6-208(a)(2).

PARTIES

6. Petitioner Windridge Properties L.C. is a Maryland limited liability company with mailing address P.O. Box 149, Adamstown, Maryland 21710. Windridge owns real property located at 3681A Cap Stine Road, Frederick County, Maryland, consisting of approximately 222.53 acres, identified for tax purposes as District 01 / Account Identifier 002198; Tax Map 0094, Grid 0008, Parcel 0012; Deed Reference Liber/Folio 02221/00518 (the "Windridge Property"). Windridge is a taxpayer and among other things it pays property taxes to the State of Maryland and to Frederick County, Maryland. Windridge is reasonably likely to incur a pecuniary loss as a result of the decision of the Frederick County Board of Elections taken on April 3, 2026 and is therefore aggrieved by the Board's decision.

7. Petitioner Theodore H. Butz is a registered voter in Frederick County, Maryland, residing at 1323 Buckeystown Pike, Adamstown MD 21710.

8. Respondent Frederick County Board of Elections is the local election authority for Frederick County responsible for verifying petition signatures and determining the sufficiency of petitions under Maryland Election Law.

9. Respondent Barbara Wagner is the Election Director and chief election official for the Frederick County Board of Elections.

10. Respondent Frederick County Data Center Referendum Committee ("Referendum Committee") is the sponsor of the referendum petition seeking to refer Ordinance 26-01-001 to the voters.

JURISDICTION AND VENUE

11. This Court has jurisdiction pursuant to Md. Code Ann., Election Law § 6-209(a)(1)(ii) and (b), and Courts & Judicial Proceedings Article §§ 1-501 and 3-403.

12. Venue is proper in Frederick County because the petition at issue was filed in Frederick County and the Election Authority is located in Frederick County. Election Law § 6-209(a)(1)(ii).

13. This Petition is timely. The Election Director's determination was issued April 3, 2026, and this Petition is filed within the time permitted by Election Law § 6-210(e).

FACTUAL BACKGROUND

14. On June 17, 2025, the County Council introduced Bill No. 25-09 concerning the Critical Digital Infrastructure Overlay Zone. The Council enacted Bill 25-09 on September 2, 2025; it was transmitted to the County Executive on September 3, 2025; approved by the County Executive on September 12, 2025; and became effective November 1, 2025. A copy of Bill No. 25-09 is attached as Exhibit C.

15. Bill 25-09 created a new zoning overlay framework (CDI-OZ) and provided that a CDI overlay zone may be created with boundaries established by ordinance and identified on the zoning map.

16. In July 2025, County planning staff produced a draft Comprehensive Plan amendment and zoning map amendment document for the CDI Overlay Zone. The Frederick County Planning Commission conducted workshops in July 2025 and held a public hearing on October 15, 2025, with continued discussion through October 22, 2025, culminating in Planning Commission recommendations to the County Council in November 2025.

17. The Planning Commission recommendation explains that inclusion in the overlay does not itself compel development and that, where properties do not have industrial base zoning, rezoning requires a separate zoning map amendment request reviewed by the Planning Commission and decided by the County Council.

18. The County Council conducted public hearings on December 16 and 17, 2025 regarding the CDI comprehensive plan amendment and proposed zoning map amendments.

19. On December 23, 2025, following consideration of proposed amendments, the County Council adopted the CDI Overlay Zone comprehensive plan amendment, as amended, by a 5-2 vote. See, December 23, 2025 hearing minutes attached as Exhibit D.

20. Also on December 23, 2025, the County Council voted (5-2) to apply the CDI overlay zone and to rezone properties as identified in and consistent with the CDI Overlay Zone comprehensive plan amendment as approved, and directed staff to prepare a rezoning ordinance effecting those changes. See, Exhibit D.

21. On January 20, 2026, the Council agenda included a "Resolution for Signature Purposes" for adoption of the CDI comprehensive plan amendment and an "Ordinance for Signature Purposes" for comprehensive zoning for the CDI overlay zone. The Council

minutes reflect that the Council signed the resolution and the ordinance. See, Council agenda for January 20, 2026 meeting attached as Exhibit E. Also see, Council meeting minutes for January 20, 2026 meeting attached as Exhibit F.

22. Resolution No. 26-01 recites Land Use Article authority (§§ 3-201 et seq. and § 3-204) and adopts the CDI comprehensive plan amendment effective January 20, 2026. See, Resolution 26-01 attached as Exhibit B.

23. Ordinance 26-01-001 is titled "Comprehensive Zoning for the Critical Digital Infrastructure Overlay Zone — An Element of the Livable Frederick Comprehensive Plan" and states it is effective January 20, 2026. The ordinance adopts Exhibit A maps depicting the Council-adopted CDI overlay zone and Council-adopted zoning designations.

24. Ordinance 26-01-001 as approved by the county council on January 20, 2026 affected the Windridge Property in three significant ways. First, by virtue of the approved ordinance, and the associated maps attached as Exhibit A thereto, the Windridge Property was incorporated into the CDI overlay zone. Second, the ordinance effectuated a comprehensive rezoning of the Windridge Property thereby changing the property's zoning classification from the Agricultural District (A) to the General Industrial District (GI). Thirdly, the ordinance significantly increased the economic value of the Windridge Property as a result of the property's new GI District classification and its inclusion in the CDI overlay zone.

25. The referendum committee circulated a Maryland "State of Maryland – Local Referendum Petition" form identifying Ordinance 26-01-001. See, Exhibit G. The reverse side of the signature sheet, as circulated, did not include a legible copy of the full

text of the ordinance; nor did it provide any fair and accurate summary of its substantive provisions.

26. On April 3, 2026, Election Director Wagner issued a letter stating that 24,053 signatures were processed, 21,029 were valid, and 3,024 were invalid; that the threshold was 15,611; and that the petition had sufficient valid signatures. The letter further stated the Election Director was "unable to make a determination" whether the petition was authorized by law under Election Law § 6-206(c)(5)(i), and nevertheless deemed the petition sufficient based on a purported "presumption" of sufficiency.

CAUSES OF ACTION

COUNT I – PETITION FOR JUDICIAL REVIEW (Election Law § 6-209)

27. Petitioners incorporate the foregoing paragraphs as if fully set forth herein.

28. The referendum petition is deficient because use of a petition for the subject matter—referring Ordinance 26-01-001 to the voters—is not authorized by law. Election Law § 6-206(c)(5)(i).

29. Under the Frederick County Charter, Charter § 308 is the sole referendum authority and applies only to a "law" enacted pursuant to the Charter's legislative process in Charter § 305 (enactment by written Bill following the Charter's notice and hearing procedures). Ordinance 26-01-001 did not follow the Charter § 305 bill-to-law enactment process; rather, it is an implementing zoning map ordinance adopted as part of the comprehensive plan amendment and zoning map amendment process under the Maryland Land Use Article. Charter § 601 adopts and preserves the applicability of Land Use Article provisions to Frederick County, confirming that these land use actions proceed under Land Use Article procedures rather than the Charter's § 305 lawmaking process.

Accordingly, Ordinance 26-01-001 is not a Charter "law" subject to referendum under Charter § 308.

30. Bill 25-09 was the Charter law that created the CDI overlay framework and expressly contemplated that CDI overlay boundaries would later be established by ordinance and identified on the zoning map. Bill 25-09 became effective November 1, 2025, and no referendum petition was filed within the Charter period following that effective date.

31. The Council's adoption of the CDI comprehensive plan amendment and its December 23, 2025 direction to prepare a rezoning ordinance effectuating overlay and rezoning implementation were taken pursuant to Land Use Article authority and were implementing actions, not Charter lawmaking.

32. The Election Director's certification is independently unlawful. Election Law § 6-208 requires an affirmative determination that a petition has satisfied all other requirements established by law before certification. The Election Director expressly stated she was unable to determine whether the petition was authorized by law under § 6-206(c)(5)(i).

33. The petition is additionally deficient in form and substance because the signature sheets did not contain the full, legible text of Ordinance 26-01-001 on the back; nor did they include any fair and accurate summary of the substantive provisions on the back. Instead, the reverse side reproduced the ordinance body text at an effectively illegible scale. By inspection of the signature pages used for circulation, the ordinance body text on page 2 (the preamble and enactment language beginning with "THE EFFECTIVE DATE OF THIS ORDINANCE" and including the "WHEREAS" and

"NOW, THEREFORE" clauses) is embedded predominantly in Times-Roman font at approximately 4.6-point type. Text presented at this miniscule scale is "legible" only to a small, vision-elite fraction of the population and is functionally inaccessible to most people – particularly those who have attained an age to vote legally. The scale chosen by the Referendum Committee does not allow a reasonable signer to read the "full text" and is the functional equivalent of omitting it entirely. Accordingly, the signature pages failed to "contain" the full text of the proposal within the meaning of Election Law § 6-201(c)(2)(ii) and § 6-201(e), failed to satisfy the alternative requirement of providing a fair and accurate summary on the reverse side, and failed to comply with the corresponding signature-page requirements in COMAR 33.06.03.02 and 33.06.03.04 and the Notice to Signers printed on the State of Maryland local referendum petition form requiring either the full text on the back of the signature page or a fair and accurate summary on the back with the full text immediately available from the circulator.

34. Ordinance 26-01-001 incorporates Exhibit A (Pages 1 of 2 and 2 of 2), consisting of the Council-adopted CDI Overlay map and the Council-adopted Zoning map, and expressly makes Exhibit A the operative map action of the ordinance. Exhibit A uses color symbology and a color legend (including, for example, yellow and other distinct colors) to differentiate zoning categories and overlay boundaries. The ordinance's substantive effect cannot be understood from Exhibit A without the ability to distinguish the color-coded categories shown in the legend and on the maps.

35. The signature-page materials circulated to voters did not reproduce Exhibit A in color and did not preserve the ordinance's color symbology. Instead, Exhibit A was reproduced only in black and white, collapsing distinct color-coded zoning categories

into similar shades of gray. As a result, signers are left to struggle with interpreting gray tones to determine the ordinance's impact. Because Ordinance 26-01-001 makes Exhibit A the operative change and incorporates it by reference, a black-and-white reproduction that eliminates the ordinance's color symbology and forces guesswork does not "contain" the full text and exhibits of the ordinance within the meaning of Election Law § 6-201(c)(2)(ii) and § 6-201(e), nor does it provide a fair and accurate summary under § 6-201(c)(2)(i). The figures below illustrate the loss of meaning when the Exhibit A color maps are reduced to black-and-white images on the petition signature sheet.




36. The Referendum Committee's public materials, including its website, represented to prospective signers that the "expansion" resulting from Ordinance 26-01-001 would "rezone agricultural lands to industrial that are currently designated Priority Preservation and in the Rural Legacy Area," conveying that signing the petition would preserve agricultural land within those preservation designations. That representation was materially misleading because Ordinance 26-01-001 did not change the Priority Preservation Area or Rural Legacy Area boundaries. Those boundary changes were effectuated through the comprehensive plan amendment adopted by Resolution 26-01 (effective January 20, 2026). Therefore, even if a referendum were successful and voters rejected Ordinance 26-01-001, the Priority Preservation and Rural Legacy boundaries would not automatically revert to their pre-amendment locations because the comprehensive plan amendment adopted by Resolution 26-01 would remain in effect. Signers were thus misled into believing that signing would preserve agricultural land within those programs.

37. Maps 11 and 12 of the adopted CDI Comprehensive Plan Amendment depict the Priority Preservation Area and Rural Legacy Area boundaries before and after the comprehensive plan amendment adopted by Resolution 26-01 and illustrate that the preservation-area boundary changes were made through the plan amendment process rather than by Ordinance 26-01-001. For clarity, Maps 11 and 12 depict Agricultural Preservation Areas map boundaries (Priority Preservation Areas and Rural Legacy Areas) and do not depict zoning district classifications. Therefore, even if Ordinance 26-01-001 were repealed by referendum, the Comprehensive Plan Amendment adopted by Resolution 26-01—including the Priority Preservation and Rural Legacy boundary

changes shown in Map 12 would remain as approved by the county council in Resolution 26-01.



Map 11: Pre-Amendment Agricultural Preservation Areas

 Priority Preservation Areas

 Rural Legacy Areas



Frederick County, Maryland
Division of Planning and Permitting

© 2018 MD 1882 State Plane Maryland PPS 1802. Frederick County has made every effort to ensure the accuracy of this map. Frederick County assumes no liability or responsibility for errors, omissions, or potential inaccuracies in the content of this map. Reference to the map is for illustrative purposes only and should not be used for surveying, engineering, or professional analysis. Printed 12/2018

0 0.2 0.4 0.8 Miles



Map 11: Pre-Amendment Agricultural Preservation Areas (Priority Preservation Areas and Rural Legacy Areas).

38. The Referendum Committee's materials and circulators' statements also failed to disclose a material fact bearing directly on the claims made to voters about agricultural land preservation. Bill No. 25-09—the Charter-enacted legislation establishing the CDI overlay framework—states the County's intention that for every acre of land within the Overlay Zone that is in the Agricultural District and approved for rezoning to Limited Industrial or General Industrial, five acres of nonpreserved agricultural land shall be preserved at the applicant's expense through funding dedicated to the Frederick County Agricultural Preservation Fund. The omission of this required 5:1 preservation ratio from the Committee's messaging further misled signers about the ordinance's effect on agricultural lands.

39. The Referendum Committee's materials and referendum circulators further misrepresented the ordinance's effect by telling voters that the zoning map amendments would result in environmental harm including, among other things, loss of forests, wetlands, and wildlife habitat. Ordinance 26-01-001 is a zoning map ordinance and does not itself authorize site disturbance or development. Any future development remains subject to separate approvals and compliance with applicable environmental protections and permitting regimes designed to avoid and mitigate such harms, including forest conservation planning and wetland and waterway permitting where applicable. Presenting such harms as an inevitable consequence of Ordinance 26-01-001 materially mischaracterized what signers were being asked to place on the ballot.

40. Petitioners further allege that the administrative record may disclose additional grounds to invalidate the Election Authority's April 3, 2026 certification decision, and that additional grounds may be established through evidence outside the

administrative record, including the content and dissemination of referendum committee communications and circulator representations to voters.

COUNT II – COMPLAINT FOR DECLARATORY JUDGMENT (Election Law § 6-209(b))

41. Petitioners incorporate the foregoing paragraphs as if fully set forth herein.

42. Election Law § 6-209(b) authorizes declaratory relief upon the complaint of any registered voter. This controversy includes whether the referendum petition was circulated and certified based on materially misleading representations and omissions made to prospective signers regarding the ordinance's actual effect, including as alleged above; declaratory relief is appropriate to terminate the uncertainty and controversy arising from those defects as well as the petition's referability. Petitioner Theodore H. Butz is a registered voter in Frederick County. He disagrees that Ordinance 26-01-001 is subject to referendum and believes the determination by the Frederick County Board of Elections and the Election Director concerning the referendum petition is in error. The Petitioners seek a declaration that the referendum petition and certification are legally invalid.

43. An actual controversy exists regarding whether Ordinance 26-01-001 is referable and whether the Election Authority properly certified the petition. Petitioners seek a declaration that the referendum petition is not authorized by law and is legally deficient.

COUNT III – PETITION FOR WRIT OF MANDAMUS (In the Alternative)

44. Petitioners incorporate the foregoing paragraphs as if fully set forth herein.

45. If the Court does not reverse the certification outright, Petitioners request a writ of mandamus directing the Election Director to perform the ministerial duty imposed by Election Law §§ 6-206 and 6-208 to determine whether the petition is deficient because it is not authorized by law.

46. The Election Director's refusal to decide the § 6-206(c)(5)(i) question and reliance on a purported presumption of sufficiency was contrary to statute and constitutes a failure to perform a required duty.

PRAYER FOR RELIEF

The Petitioners respectfully request this court to:

- Reverse the Election Authority's April 3, 2026 determination certifying the referendum petition as sufficient;
- Declare that the referendum petition seeking to refer Ordinance 26-01-001 is legally deficient and not authorized by law;
- Enjoin placement of the referendum question on any ballot;
- In the alternative, issue a writ of mandamus directing the Election Director to declare the petition deficient under Election Law § 6-206(c)(5)(i);
- Award Petitioners their costs as permitted by law; and
- Grant such other and further relief as the Court deems just and proper.

Dated: April 13, 2026

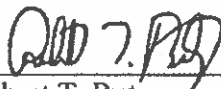
Respectfully submitted,

/s/

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VERIFICATION

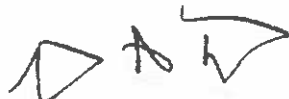
I, Robert T. Butz, solemnly declare and affirm under the penalties of perjury that I am the Managing Member of Windridge Properties L.C.; that I am authorized to execute this Verification on behalf of Windridge Properties L.C.; that I have read the foregoing Petition for Judicial Review, Complaint for Declaratory Relief, and (in the Alternative) Petition for Writ of Mandamus; and that the facts contained therein are true and correct to the best of my knowledge, information, and belief.



Robert T. Butz
Managing Member, Windridge Properties
L.C.
Date: 04/13/2028

VERIFICATION

I, Theodore H. Butz, solemnly declare and affirm under the penalties of perjury that I am a registered voter in Frederick County, Maryland; that I have read the foregoing Petition for Judicial Review, Complaint for Declaratory Relief, and (in the Alternative) Petition for Writ of Mandamus; and that the facts contained therein are true and correct to the best of my knowledge, information, and belief.



Theodore H. Butz
Registered Voter, Frederick County,
Maryland 4 / 13 / 2028
Date: _____

