IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

THOMAS BURRUSS, et al. :

PLEASE DATE, STAMP, AND RETURN

Plaintiffs,

V.

CIVIL ACTION NO. 254316

JOHN V. EVANS, et al.

Defendants.

MOTION FOR SUMMARY JUDGMENT

COMES NOW the Defendant, JOHN V. EVANS, by and through counsel, Steven VanGrack, Esq., and pursuant to Rule 2-501, moves this Honorable Court to enter Summary Judgment as a matter of law on behalf of JOHN V. EVANS and states as follows:

- 1. Plaintiffs have brought this action contending the amateur radio towers constructed by the Defendant, JOHN V. EVANS, constitute a nuisance.
- 2. The towers in question were constructed pursuant to building permits issued by the Montgomery County Department of Permitting Services.
 - 3. Plaintiffs have unsuccessfully challenged the issuance of the building permits.
- 4. JOHN V. EVANS alleges there is no dispute as to any material fact which support this Motion for Summary Judgment, and that JOHN V. EVANS is entitled to judgment as to a matter of law.
- 5. JOHN V. EVANS refers this Honorable Court to the Statement of Material

 Facts as to which there is No Genuine Dispute, and Statement of Grounds and Authorities
 in Support of Defendant Evans' Motion for Summary Judgment, attached hereto and
 incorporated by reference herein.

 RECEIVED

JUN 2 7 2008

Clerk of the Circuit Court Montgomery County, Md. WHEREFORE, the premises considered, JOHN V. EVANS prays this Honorable Court grant his Motion for Summary Judgment.

Respectfully submitted

By:

Steven VanGrack, Fsq., #1235 Karp, Frosh, Lapidus, Wigodsky & Norwind, P.A. 2273 Research Blvd., Suite 200 Rockville, Maryland 20850 (301) 648-3800, Fax (301) 948-5449

By:

FOH!

Fred Hopengarten, Esquire Six Willarch Road Lincoln, MA 01773-5105 (781) 259-0088, Fax (419) 858-2421

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of June, 2008, a copy of Defendant's Motion for Summary Judgment, Statement of Material Facts As To Which There Is No Genuine Dispute and Statement of Grounds and Authorities in Support of Defendant Evans' Motion for Summary Judgment was mailed, via first class mail, postage prepaid to:

James L. Parsons, Jr., Esq. Lynott, Lynott & Parsons, P.A. 11 North Washington St. Suite 220 Rockville, MD 20850

Steven VanGrack

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND		
THOMAS BURRUSS, et al. Plaintiffs, v. JOHN V. EVANS, et al. Defendants.	: : : : : : : : : : : : : : : : : : : :	CIVIL ACTION NO. 254316
ORDER		
UPON CONSIDERATION of Defendant's Motion for Summary Judgment, this		
Honorable Court incorporate herein of the	e Staten	nent of Material Facts as to which there
is No Genuine Dispute and Defendant's Statement of Grounds and Authorities in Support		
of Defendant Evans' Motion for Summary Judgment on this day of,		
, by the Circuit Court for Montgom		•
ORDERED: that Defendant's Mo	otion is (GRANTED.
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Judge, Circi	uit Cour	t for Montgomery County