

MICHAEL D. SMIGIEL, SR., *et al.*

Plaintiffs

v.

PETER FRANCHOT, *et al.*

Defendants

* IN THE

* COURT

* OF

* SPECIAL APPEALS

* Case No.:

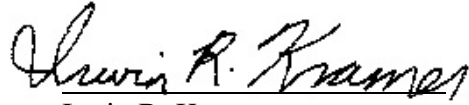
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PLAINTIFFS’ EMERGENCY MOTION TO DISMISS APPEAL

Plaintiffs Michael D. Smigiel, Sr., John C. Pardoe, David R. Brinkley, Allan H. Kittleman, Anthony O’Donnell, and Christopher Shank, by Irwin R. Kramer, their attorney, respectfully submit Plaintiffs’ Emergency Motion to Dismiss Appeal, and say:

1. That the Attorney General is using this Court as an instrumentality of obstruction and delay in an unwarranted effort to preclude discovery in accordance with the Maryland Rules.
2. That there is no basis for an interlocutory appeal under the facts of this case. Even last year, the Court of Appeals has considered and rejected attempts to stretch the collateral order doctrine in this manner.
3. That the grounds and authorities in support of this Motion are more fully set forth in Plaintiffs’ Amended Opposition to the State’s Motion for Stay of Deposition.

WHEREFORE, Plaintiffs respectfully request that this Court dismiss this appeal immediately.



Irwin R. Kramer
KRAMER & CONNOLLY
Suite 211
500 Redland Court
Owings Mills, Maryland 21117
(410) 581-0070

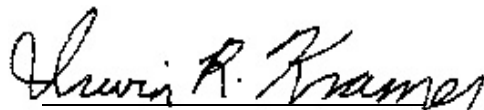
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 26, 2007, a copy of the foregoing was sent via email attachment (by agreement of counsel) to:

Austin C. Schlick, Esquire
Assistant Attorney General
Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202

Terry A. Berger, Esquire
Suite 500
9141 Reisterstown Road
Owings Mills, Maryland 21117



Irwin R. Kramer