

From: [Bil Chen](#)
To: ["Soo Lee-Cho"](#); [Robeson Hannan, Lynn](#); ["Bogdan, Grace"](#); ["William Rogers"](#)
Cc: [vivianriefberg@gmail.com](#); [meg.vandeweghe@gmail.com](#); [ksbrinkman@gmail.com](#); [wwkauf@aol.com](#); [swkauf@aol.com](#); [john-harris1@verizon.net](#); [rwbowe21@gmail.com](#); [penny.evins@holton-arms.edu](#); [dariushkh@gmail.com](#); [stevenkolias@yahoo.com](#); [juliearthurgarcia@gmail.com](#); [bailabailajazz@gmail.com](#); [tracykashington@gmail.com](#); [rimatannous@yahoo.com](#); [muratt@gwu.edu](#); [Johnson, Nana](#); [Guisao-Ospina, Jony](#); [juliearthurgarcia@gmail.com](#); ["Dickel, Stephanie"](#); [Hisel-McCoy, Elza](#); [Vaia, Emily](#)
Subject: RE: Applicant's Response to Attorney Bil Chen's Motion to Compel Immediate Filing of Amended Application and Related Relief
Date: Friday, February 20, 2026 5:01:56 PM

[EXTERNAL EMAIL]

Madam Examiner: In the interest of expedition, I am sending a quick first-read reply to Petitioner's Response to Motion to Compel by this email.

The Petitioner's Response relies on extra-record assertions between counsel about a proposed new OZAH hearing date that were NEVER agreed upon. As the transcript of the November 17 hearing reveals, the break was to discuss dates for the filing of new revised plans and other documents/material to amend the Major Modification application and nothing more. No new OZAH hearing date was ever discussed much less agreed upon until after the hearing resumed and the February 13 filing date established. The undeniable point that highlights the fallacy of the Petitioner's after-the-fact argument is that to accept it would mean that the opposition would NOT receive the new revised plans and other documents/material until ten (10) day before their pre-hearing submission was due. That would be preposterous.

Counsel repeatedly asserts that a March 16 hearing date was agreed upon by counsel. No such agreement was made during the hearing break and certainly no such hearing date was even raised until AFTER the break. The hearing transcript makes that undeniably clear.

Also, today, for the first time, Holton counsel states that her client will file a Motion to Amend. This admission underscores the deficiencies of the Holton application and why the February 13 date was established. Holton failed to comply with the February date and now acknowledges that it needs time beyond the February 13 date to amend its application.

The transcript of the November 17 OZAH hearing has been presented and is clear and unambiguous. The assertions and argument presented in Petitioner's Response are without foundation and merit.

As noted, given time issues the foregoing is what can be presented for immediate reply.

Bil Chen.

From: Soo Lee-Cho <sleecho@bregmanlaw.com>
Sent: Friday, February 20, 2026 4:01 PM
To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Bil Chen <wjc@cwtm.net>; 'Bogdan, Grace' <grace.bogdan@montgomeryplanning.org>; William Rogers <wrogers@bregmanlaw.com>
Cc: [vivianriefberg@gmail.com](#); [meg.vandeweghe@gmail.com](#); [ksbrinkman@gmail.com](#); [wwkauf@aol.com](#); [swkauf@aol.com](#); [john-harris1@verizon.net](#); [rwbowe21@gmail.com](#); [penny.evins@holton-arms.edu](#); [dariushkh@gmail.com](#); [stevenkolias@yahoo.com](#); [juliearthurgarcia@gmail.com](#); [bailabailajazz@gmail.com](#); [tracykashington@gmail.com](#); [rimatannous@yahoo.com](#); [muratt@gwu.edu](#); [Johnson, Nana](#) <Nana.Johnson@montgomerycountymd.gov>; [Guisao-Ospina, Jony](#) <Jony.Guisao@montgomerycountymd.gov>; [juliearthurgarcia@gmail.com](#); 'Dickel, Stephanie'

<Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Vaias, Emily <Emily.Vaias@mncppc.org>

Subject: Applicant's Response to Attorney Bil Chen's Motion to Compel Immediate Filing of Amended Application and Related Relief

Ms. Robeson Hannan:

Please see attached.

Soo



Soo Lee-Cho

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From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Friday, February 20, 2026 3:47 PM

To: Soo Lee-Cho <sleecho@bregmanlaw.com>; Bil Chen <wjc@cwtm.net>; 'Bogdan, Grace' <grace.bogdan@montgomeryplanning.org>

Cc: vivianriefberg@gmail.com; meg.vandeweghe@gmail.com; ksbrinkman@gmail.com; wwkauf@aol.com; swkauf@aol.com; john-harris1@verizon.net; rwbowe21@gmail.com; penny.evins@holton-arms.edu; dariushkh@gmail.com; stevenkolias@yahoo.com; juliearthurgarcia@gmail.com; bailabailajazz@gmail.com; tracykashington@gmail.com; rimatannous@yahoo.com; muratt@gwu.edu; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; juliearthurgarcia@gmail.com; 'Dickel, Stephanie' <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Vaias, Emily <Emily.Vaias@mncppc.org>

Subject: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

I would prefer that the parties cease corresponding at this point and await Ms. Lee-Cho's response to Mr. Chen's Motion to Compel. My decision will be based on that, although I may consult Planning Staff on the timing of their review.

Thanks for your cooperation.

From: Soo Lee-Cho <sleecho@bregmanlaw.com>

Sent: Friday, February 20, 2026 3:44 PM

To: Bil Chen <wjc@cwtm.net>; Robeson Hannan, Lynn
<Lynn.RobesonHannan@montgomerycountymd.gov>; 'Bogdan, Grace'
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<Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Vaias, Emily <Emily.Vaias@mncppc.org>
Subject: RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to
Compel Immediate Filing of Amended Application and Related Relief

[EXTERNAL EMAIL]

Ms. Robeson Hannan:

First, I would request that Mr. Chen afford me the same level of respect in these proceedings in his communications that I have been trying very hard to continue afford him whether or not I believe it is due.

Mr. Chen is incorrect. The Preliminary Plan condition as written is inconsistent/contrary to the Board of Appeals authority to approve Major Modifications and make Adequate Public Facilities (APFO) findings for special exceptions in lieu/outside of the Planning Board's preliminary plan purview. The School is not limited to 630 students and hasn't been since the Board increased the cap in 2004. There will not be a separate APFO review required by the Preliminary Plan Amendment, as all necessary findings in that regard will have been made by the Board of Appeals on recommendation by OZAH under the current special exception modification.

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From: Bil Chen <wjc@cwtm.net>

Sent: Friday, February 20, 2026 3:00 PM

To: Soo Lee-Cho <sleecho@bregmanlaw.com>; 'Robeson Hannan, Lynn' <Lynn.RobesonHannan@montgomerycountymd.gov>; 'Bogdan, Grace' <grace.bogdan@montgomeryplanning.org>

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Subject: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

Madam Examiner: What attorney Lee-Cho is NOT disclosing is that the referenced Preliminary Plan Amendment is to increase the authorized student population for Holton Arms as authorized by its 1987 Preliminary Plan and Record Plat. By those approvals Holton Arms has an expressly limited student population of 630. She is not disclosing this information.

In other words, for years, since 1987, Holton's student body has been in violation of its Preliminary Plan and Plat although the special exception authorized 665 in, I believe, 2004. This apparently was discovered by M-NCPPC staff this past Fall because in its report (Nov 3, 2025) it suggests a condition that Preliminary Plan No. 119871710 be modified as the condition limiting enrollment and clarify that the determination of APFO has been and will continue to be made with the special exception case. That is why an amendment to the Preliminary Plan has been filed by Holton.

And, of course, Holton has also been in violation of the 2004 authorized 665 students.

Bil Chen.

From: Soo Lee-Cho <sleecho@bregmanlaw.com>

Sent: Friday, February 20, 2026 11:36 AM

To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Bil Chen <wjc@cwtm.net>; 'Bogdan, Grace' <grace.bogdan@montgomeryplanning.org>

Cc: vivianriefberg@gmail.com; meg.vandeweghe@gmail.com; ksbrinkman@gmail.com; wwkauf@aol.com; swkauf@aol.com; john-harris1@verizon.net; rwbowe21@gmail.com; penny.evins@holton-arms.edu; dariushkh@gmail.com; stevenkolias@yahoo.com; juliearthurgarcia@gmail.com; bailabailajazz@gmail.com; tracykashington@gmail.com; rimatannous@yahoo.com; muratt@gwu.edu; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; juliearthurgarcia@gmail.com; 'Dickel, Stephanie' <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Vaías, Emily <Emily.Vaías@mncppc.org>

Subject: RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

Ms. Robeson Hannan:

The Preliminary Plan Amendment is not directly related to the current Special Exception case.

It is a correction to one of the conditions of approval to properly reflect/acknowledge the Board of Appeals' modification procedures for special exceptions that planning staff noticed during their research/review of the Special Exception case and suggested could be filed/processed at the same time as the FCP. It does not entail preparation of a new/revised plan.

Checklists are only required for Planning Dept regulatory items, it is not required for special exceptions. The checklists are form documents completed by Planning Staff and provided to applicants and/or their engineers in order to file amendments to Planning Dept regulatory items, i.e., FCPs, Preliminary Plan Amendments, Site Plan Amendments, etc.

We are working to file a formal response to Mr. Chen's Motion to Compel later today.

We were also, prior to the need to respond to the Motion to Compel, working on submitting to OZAH and all parties of record, a formal Motion to Amend (which we had been hoping to finalize this week but at this point may not be able to until Monday). The extent/scope of the Motion to Amend is to 1) address the case numbers issue raised on November 17th (regarding which we conducted comprehensive research) and in fact 2) **withdraw** the request to continued administrative office use of the Granger House from the application.

The only plans that are being prepared/submitted is an existing conditions site plan that is more detailed than the one in the record per the Hearing Examiner's request (showing no proposed changes) and the FCP covering offsite intersection work.

Soo



Soo Lee-Cho

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From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Friday, February 20, 2026 10:37 AM

To: Soo Lee-Cho <sleecho@bregmanlaw.com>; Bil Chen <wjc@cwtm.net>; 'Bogdan, Grace' <grace.bogdan@montgomeryplanning.org>

Cc: vivianriefberg@gmail.com; meg.vandeweghe@gmail.com; ksbrinkman@gmail.com; wwkauf@aol.com;

swkauf@aol.com; john-harris1@verizon.net; rwbowe21@gmail.com; penny.evins@holton-arms.edu; dariushkh@gmail.com; stevenkolias@yahoo.com; juliearthurgarcia@gmail.com; bailabailajazz@gmail.com; tracykashington@gmail.com; rimatannous@yahoo.com; muratt@gwu.edu; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; juliearthurgarcia@gmail.com; 'Dickel, Stephanie' <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Vaias, Emily <Emily.Vaias@mncppc.org>

Subject: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

Ms. Lee-Cho, I'm unclear what you mean when you say that you are waiting for the Preliminary Plan Amendment Checklist for two reasons. This is a conditional use, so the preliminary plan would not be applicable, unless you are filing that concurrently with the special exception/conditional use plan checklist. If so, are you still waiting for a Conditional Use Plan checklist?

In addition, the checklists are online. So does this mean you haven't "received" the checklist from your engineers?

Also, **please advise when you will be filing a formal response to Mr. Chen's Motion to Compel.** I believe implicit in Mr. Chen's Motion is a request to shorten the time to respond. I will take a request to shorten the time under advisement until I hear from you when you will respond.

I am concerned that Staff will not have sufficient time to review the modifications if the revised plans are not filed until March 2nd. Given the number of people involved in this case, I want to make sure that Staff/Director has sufficient time to review the amendments and (1) have the Planning Board review if necessary, or (2) issue their recommendations 10 days before the next hearing scheduled on April 7, 2026. By my calculations, 10 days before the next hearing is **March 27, 2026.**

From: Soo Lee-Cho <sleecho@bregmanlaw.com>

Sent: Friday, February 20, 2026 10:09 AM

To: Bil Chen <wjc@cwtm.net>; 'Bogdan, Grace' <grace.bogdan@montgomeryplanning.org>; Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

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Subject: RE: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of

[EXTERNAL EMAIL]

Ms. Robeson Hannan:

I can answer Mr. Chen's question directly. "Reached out" means that the Applicant has requested Checklists to file both the FCP and Preliminary Plan Amendment applications. The FCP was received but we're still waiting on the Preliminary Plan checklist. A checklist is form document completed by staff that is required in order for an applicant to be able to file.

Soo



Soo Lee-Cho

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From: Bil Chen <wjc@cwtm.net>

Sent: Friday, February 20, 2026 10:04 AM

To: 'Bogdan, Grace' <grace.bogdan@montgomeryplanning.org>; 'Robeson Hannan, Lynn' <Lynn.RobesonHannan@montgomerycountymd.gov>; Soo Lee-Cho <sleecho@bregmanlaw.com>

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Subject: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

Madam Examiner: Respectfully, the M-NCPPC staff email that Holton Arms "has reached out to begin the FCP and Preliminary Plan amendment process" is too vague and unclear. What does "reached out" mean? That terminology should be explained. The staff should include reporting specifics, including date(s) and exactly what has been communicated and/or filed.

Bil Chen.

From: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

Sent: Thursday, February 19, 2026 4:53 PM

To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Soo Lee-Cho <sleecho@bregmanlaw.com>; Bil Chen <wjc@cwtm.net>

Cc: vivianriefberg@gmail.com; meg.vandeweghe@gmail.com; ksbrinkman@gmail.com; wwkauf@aol.com; swkauf@aol.com; john-harris1@verizon.net; rwbowe21@gmail.com; penny.evins@holton-arms.edu; dariushkh@gmail.com; stevenkolias@yahoo.com; juliearthurgarcia@gmail.com; bailabailajazz@gmail.com; tracykashington@gmail.com; rimatannous@yahoo.com; muratt@gwu.edu; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; juliearthurgarcia@gmail.com; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Vaias, Emily <Emily.Vaias@mncppc.org>

Subject: RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

Good Afternoon-

While the Applicant has reached out to begin the FCP and Preliminary Plan amendment process, we have not seen any revised documentation from the Applicant for the Special Exception Amendment. We would need to review those documents before determining how to proceed.

Thanks,

Grace

From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Thursday, February 19, 2026 12:59 PM

To: Soo Lee-Cho <sleecho@bregmanlaw.com>; Bil Chen <wjc@cwtm.net>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>

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Subject: RE: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thank you.

Ms. Bogdan, would you kindly let me know whether Planning will refer the amendments to this application to the Planning Board?

Also, would you let me know as soon as possible whether Staff has reviewed any of the revised plans, traffic report, or other documents in this case.

Thanks in advance for your prompt response.

Best,

Lynn Robeson Hannan
Hearing Examiner

From: Soo Lee-Cho <sleecho@bregmanlaw.com>

Sent: Thursday, February 19, 2026 12:53 PM

To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Bil Chen <wjc@cwtm.net>; juliearthurgarcia@gmail.com

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Subject: Re: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

[EXTERNAL EMAIL]

Our response will be filed by tomorrow.

Soo

Soo Lee-Cho

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Sent: Thursday, February 19, 2026 10:47:54 AM

To: Soo Lee-Cho <sleecho@bregmanlaw.com>; Bil Chen <wjc@cwtm.net>; juliearthurgarcia@gmail.com <juliearthurgarcia@gmail.com>

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Subject: [EXTERNAL]RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

Ms. Lee-Cho, given the timing on this, how soon will you be filing your formal response?

I am addressing this to Ms. Garcia as well because I received the attached email that did not copy all parties and I am disclosing it for the record because it is an *ex parte* communication prohibited by the Code. I will not admit any correspondence into the record unless and until all parties are copied. In addition, it is a tremendous amount of work for OZAH Staff to continue to add the email addresses for the multiple parties to emails.

Ms. Garcia, this is not formally accepted as an exhibit until you copy all parties on the email. At this point, I am only disclosing it for the record.

Best,

Lynn Robeson Hannan
Hearing Examiner

From: Soo Lee-Cho <sleecho@bregmanlaw.com>

Sent: Wednesday, February 18, 2026 3:47 PM

To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Bil Chen <wjc@cwtm.net>; Office of Zoning and Administrative Hearings <OZAH@montgomerycountymd.gov>

Cc: vivianriefberg@gmail.com; meg.vandeweghe@gmail.com; ksbrinkman@gmail.com; wwkauf@aol.com; swkauf@aol.com; john-harris1@verizon.net; rwbowe21@gmail.com; penny.evins@holton-arms.edu; dariushkh@gmail.com; stevenkolias@yahoo.com; bailabailajazz@gmail.com; tracykashington@gmail.com; rimatannous@yahoo.com; muratt@gwu.edu; juliearthurgarcia@gmail.com

Subject: RE: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

[EXTERNAL EMAIL]

Ms. Robeson Hannan,

We will be filing a response to the Motion to Compel to clear up Mr. Chen's summary of our recent email exchange, his recollection of the conversation at the hearing, and interpretation

of the transcript.

However, in sum, the point at which the initial Feb 13th date was indicated as achievable by the Applicant was premised on an initial understanding of the parties' available dates for continuance of the hearing to be in mid-March. When those dates ended up not working out for Ms. Riefberg and I believe another party of record, we had to look at April dates. As a result, at the end of the hearing, I requested clarification from the Hearing Examiner of the submission date as a result of the shifting of dates, to which the response was March 6th... see transcript at page 68-69.

MHG's survey efforts focused first on the offsite intersection improvements at Royal Dominion due to the time sensitivity of getting the associated FCP filed with M-NCPPC as soon as possible. Due to the unexpected snow in the last week of January and ongoing frozen conditions of late, MHG's surveying efforts of the existing conditions/improvements on the School campus were significantly hampered/delayed. We expect to have plans available by March 6th which is consistent with the full breadth of the discussion at the hearing and not just the initial date that was premised on mid-March hearings.

Soo



Soo Lee-Cho

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From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Wednesday, February 18, 2026 3:17 PM

To: Bil Chen <wjc@cwtm.net>; Office of Zoning and Administrative Hearings
<OZAH@montgomerycountymd.gov>

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Subject: [EXTERNAL]RE: Motion to Compel Immediate Filing of Amended Application and Related Relief

I hesitate to comment on this without a response from you, but I interpreted the transcript as

meaning that you would file revised plans on February 13, 2026, and was about to remind you of this

Please respond as soon as possible.

From: Bil Chen <wjc@cwtm.net>

Sent: Wednesday, February 18, 2026 3:07 PM

To: Office of Zoning and Administrative Hearings <OZAH@montgomerycountymd.gov>; Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

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Subject: Motion to Compel Immediate Filing of Amended Application and Related Relief

[EXTERNAL EMAIL]

Please see attached filings (2). Hard copies to be delivered. Bil Chen.

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