

From: [Sokoni, Khandikile Mvunga](#)
To: ["Rogers, Elizabeth C.";](#) ["Michele Rosenfeld";](#) ["Keith C Nusbaum"](#)
Cc: ["Alfred Carr";](#) ["Lindsey, Amy";](#) ["Ann Link";](#) ["Austin Holloway-Jones";](#) ["Ayana Machen";](#) ["Beth Hook";](#) ["Bill Backof";](#) ["Bob Eller";](#) ["Candace Anderson";](#) ["Sanders, Carrie";](#) ["Christine Bergeron";](#) ["clay.e.nuquist@gmail.com";](#) ["Clifford Laufer";](#) ["Craig Grunewald";](#) ["D Phan";](#) ["Dan Wilhelm";](#) ["davidd15@verizon.net";](#) ["David Muller";](#) ["Deb Gonski";](#) ["Debra Tipton";](#) ["Destiny Kibalama";](#) ["Edmond B French";](#) ["Vaias, Emily";](#) ["Girard, Erin E.";](#) ["Fleit Family";](#) ["James Touhey";](#) ["Gilda Linton";](#) ["Greg Golden";](#) ["Heidi Otradovec";](#) ["Hubert Johnson";](#) ["Ivonne C. Lindley";](#) ["Jeffrey Grunewald";](#) ["Joshua Sloan";](#) ["Mencarini, Katherine";](#) ["Katie Wagner";](#) ["Kyle Smiddie";](#) ["Larry Checco";](#) ["Lars Larson";](#) ["Laura Danette";](#) ["Laura Denion";](#) ["Laurie Checco";](#) ["Logan Kelso";](#) ["Lorraine Nacson";](#) ["Mark Pankow";](#) ["Natalie Walker";](#) ["Oscar Navarrete";](#) ["Pat Baldini";](#) ["Patrick Corev";](#) ["Paula A. Lincoln";](#) ["Peter Garvin";](#) ["Regina Ottaviani";](#) ["S. Rathbun";](#) ["Susan Biddle";](#) ["Toni Deboeck";](#) ["Leftwich, Troy";](#) ["Biase, Vincent G.";](#) ["William Kassman";](#) ["Johnson, Nana";](#) ["Guisao-Ospina, Jony"](#)
Subject: RE: Process for March 16 hearing - Notley Road LMA H-159
Date: Friday, March 6, 2026 1:58:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Good Afternoon Mr. Nuquist,

It appears we did not previously have an email address for you but have added you to this email trail.

Responding to your request below, you can continue your testimony on the 16th after Mr. Dunmire.

At the January 15th hearing you had some technical difficulties with getting your camera to work the first time you tried to testify but were able to testify for close half an hour later in the hearing. You indicated that the testimony you had left would take significantly less time. Please remember you also have the option to supplement your testimony with a written submission.

Sincerely,
Khandikile M. Sokoni

=====
From: Clay Nuquist <clay.e.nuquist@gmail.com>
Sent: Thursday, March 5, 2026 5:08 PM
To: Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>
Cc: michele@marylandpropertylaw.com; KNusbaum@gmail.com
Subject: Clay Nuquist Continued Testimony as a Member of the Public before Hearing Examiner Sokoni on 3-16-2026 re: H-159

You don't often get email from clay.e.nuquist@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Ms. Sokoni,

I would like to request to be given the opportunity to finish my testimony as a member of the public which I started at the last hearing date on 01/15/2026 at 5:00pm and was requested by you at 5:35pm to pause my testimony to allow the last member of the public to testify before then end of the hearing. You stated I would be given the chance to complete my testimony at the next meeting date, which is now scheduled for Monday 3-16-2026.

Ms. Rosenfield has shown me the proposed schedule and stated to have me send an email request to you to schedule to complete my testimony before the David Dunmire testimony, if that is

possible.

I thank you in advance,

Clay Nuquist

clay.e.nuquist@gmail.com

From: Sokoni, Khandikile Mvunga

Sent: Thursday, March 5, 2026 3:36 PM

To: 'Rogers, Elizabeth C.' <erogers@lercheearly.com>; Michele Rosenfeld <michele@marylandpropertylaw.com>; Keith C Nusbaum <knusbaum@gmail.com>

Cc: Alfred Carr <alfred.carr@gmail.com>; Lindsey, Amy <amy.lindsey@montgomeryplanning.org>; Ann Link <keldlink@yahoo.com>; Austin Holloway-Jones <austinhollowayjones@gmail.com>; Ayana Machen <ayanacm8@yahoo.com>; Beth Hook <Beth.hook@icloud.com>; Bill Backof <billbackof@gmail.com>; Bob Eller <bobeller123@gmail.com>; Candace Anderson <candacesmanderson@gmail.com>; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Christine Bergeron <cbergero@vt.edu>; Clifford Laufer <claufer@mindspring.com>; Craig Grunewald <craig.grunewald4@gmail.com>; D Phan <dgphanmore@gmail.com>; Dan Wilhelm <djwilhelm@verizon.net>; davidd15@verizon.net; David Muller <dmuller@ryansdev.com>; Deb Gonski <djgonski@yahoo.com>; Debra Tipton <debratipton515@gmail.com>; Destiny Kibalama <destinykibalama@gmail.com>; Edmond B French <edbonfrench2000@yahoo.com>; Vaias, Emily <Emily.Vaias@mncppc.org>; Girard, Erin E. <eegirard@lercheearly.com>; Fleit Family <mmkwmail-family@yahoo.com>; James Touhey <touheyfamily@outlook.com>; Gilda Linton <gilda24@verizon.net>; Greg Golden <aaaggolden@msn.com>; Heidi Otradovec <mattandheidi99@gmail.com>; Hubert Johnson <hughrjohnson@gmail.com>; Ivonne C. Lindley <ILindley@steinsperling.com>; Jeffrey Grunewald <jeff.grunewald@verizon.net>; Joshua Sloan <josh.sloan@vikamd.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Katie Wagner <kwagner@goroveslade.com>; Kyle Smiddie <ksmiddie2@gmail.com>; Larry Checco <larry.checco@gmail.com>; Lars Larson <Larslarson508@gmail.com>; Laura Danette <ladansette@aol.com>; Laura Denion <lnesterdenion@gmail.com>; Laurie Checco <lauriechecco@gmail.com>; Logan Kelso <logan.kelso@vikamd.com>; Lorraine Nacson <lnacson@yahoo.com>; Mark Pankow <mpankow1951@gmail.com>; Natalie Walker <natalielynnwalker@gmail.com>; Oscar Navarrete <oscar.navarrete6984@gmail.com>; Pat Baldini <pbaldini1819@gmail.com>; Patrick Corey <patrick.corey2@verizon.net>; Paula A. Lincoln <pals307@aol.com>; Peter Garvin <pfgarvin3@gmail.com>; Regina Ottaviani <ctcwash@verizon.net>; S. Rathbun <brathbun1@verizon.net>; Susan Biddle <susanbiddle@gmail.com>; Toni Deboeck <tfdeboeck@gmail.com>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>; Biase, Vincent G. <vgbiase@lercheearly.com>; William Kassman <bill@kassman.net>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

Subject: RE: Process for March 16 hearing - Notley Road LMA H-159

Good Afternoon All:

Thank for your responses on the order of testimony at the March 16th hearing. After weighing the input here is how I plan to proceed:

Outstanding Community Testimony/Conclusion of Cross-Examination of Applicant's Witnesses.

1. Heidi Otradovec, who was slated to testify at the January 27th hearing that was cancelled due to inclement weather, will go first and be given an opportunity to testify at the start of the hearing on the 16th.
2. Mr. Touhey, who previously allowed his testimony to be interrupted to allow others with more inflexible schedules to go ahead of him, will testify next.
3. Followed by Mr. Dunmire who will testify in his individual capacity.
4. Applicant's expert witness, Mr. Sloan will take the stand to answer questions raised by Mr. Phan regarding the alignment of the access road in relation to Mr. Phan's driveway.
5. In the interest of disposing of any outstanding cross examination prior to Opposition's case in chief, Ms. Rosenfeld will be given the opportunity to cross-examine Ms. Wagner and/or Mr. Sloan with respect to the exhibits introduced by Ms. Rogers shortly before the December 2, 2025 hearing. Ms. Rogers is correct that Ms. Rosenfeld did not object to the introduction of Exhibits 79, 80, 81 and 82, subject to her ability to cross-examine the respective preparers of those exhibits.

For any witness who is cross-examined Applicant may have the opportunity for re-direct limited to the specific testimony.

Opposition's Case in Chief

6. Mr. Nusbaum will kick-off the opposition's case in Chief. Note: Mr. Nusbaum stated below "...I expect my testimony to run slightly over 2.5 hours. While my pre-hearing statement previously indicated 1 hour of testimony, because of additional factual allegations made by Applicant during their case in chief that were not in their land use report or their pre-hearing statement, my testimony will exceed my original expectation".
7. Ms. Rosenfeld's presentation of her case in chief, including *voire dire* of Daniel L. Wilhem in connection with seeking to be qualified as an expert witness.

As a general matter any witnesses who testify and present evidence must expect reasonable cross-examination by the other side.

8. Applicant's (Optional) Rebuttal (subject to cross examination)
9. Pursuant to OZAH Rule 4.7(h) Ms. Rogers, Ms. Rosenfeld and Mr. Nusbaum will be given the opportunity to present closing arguments. Depending on time, the Hearing Examiner reserves the option to ask that closing arguments be presented in writing.

Clearly this is a lot to cover in a single day. Let us plan to cover as much ground as is practical but all parties must bring calendars with conflicts for March, April, and May in case an additional hearing date is required.

Sincerely,
Khandikile



Khandikile Mvunga Sokoni
Director/Hearing Examiner
Office of Zoning & Administrative Hearings
100 Maryland Ave
Suite 200
Rockville MD 20850
Telephone: 240-777-6664

From: Rogers, Elizabeth C. <ecrogers@lercheearly.com>

Sent: Monday, March 2, 2026 9:26 AM

To: Michele Rosenfeld <michele@marylandpropertylaw.com>; Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>; James Touhey <touheyfamily@outlook.com>; Keith C Nusbaum <knusbaum@gmail.com>; David Dunmire <davidd15@verizon.net>

Cc: Alfred Carr <alfred.carr@gmail.com>; Lindsey, Amy <amy.lindsey@montgomeryplanning.org>; Ann Link <keldlink@yahoo.com>; Austin Holloway-Jones <austinhollowayjones@gmail.com>; Ayana Machen <ayanacm8@yahoo.com>; Beth Hook <Beth.hook@icloud.com>; Bill Backof <billbackof@gmail.com>; Bob Eller <bobeller123@gmail.com>; Candace Anderson <candacesmanderson@gmail.com>; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Christine Bergeron <cbergero@vt.edu>; Clifford Laufer <claufer@mindspring.com>; Craig Grunewald <craig.grunewald4@gmail.com>; D Phan <dgphanmore@gmail.com>; Dan Wilhelm <djwilhelm@verizon.net>; David Muller <dmuller@ryansdev.com>; Deb Gonski <djgonski@yahoo.com>; Debra Tipton <debratipton515@gmail.com>; Destiny Kibalama <destinykibalama@gmail.com>; Edmond B French <edbonfrench2000@yahoo.com>; Vaias, Emily <Emily.Vaias@mncppc.org>; Girard, Erin E. <eegirard@lercheearly.com>; Fleit Family <mmkwmail-family@yahoo.com>; Gilda Linton <gilda24@verizon.net>; Greg Golden <aaaggolden@msn.com>; Heidi Otradovec <mattandheidi99@gmail.com>; Hubert Johnson <hughrjohnson@gmail.com>; Ivonne C. Lindley <Lindley@steinsperling.com>; Jeffrey Grunewald <jeff.grunewald@verizon.net>; Joshua Sloan <josh.sloan@vikamd.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Katie Wagner <kwagner@goroveslade.com>; Kyle Smiddie <ksmiddie2@gmail.com>; Larry Checco <larry.checco@gmail.com>; Lars Larson <Larslarson508@gmail.com>; Laura Danette <ladansette@aol.com>; Laura Denion <lnesterdenion@gmail.com>; Laurie Checco <lauriechecco@gmail.com>; Logan Kelso <logan.kelso@vikamd.com>; Lorraine Nacson <lnacson@yahoo.com>; Mark Pankow <mpankow1951@gmail.com>; Natalie Walker <natalielynnwalker@gmail.com>; Oscar Navarrete <oscar.navarrete6984@gmail.com>; Pat Baldini <pbaldini1819@gmail.com>; Patrick Corey <patrick.corey2@verizon.net>; Paula A. Lincoln <pals307@aol.com>; Peter Garvin <pfgarvin3@gmail.com>; Regina Ottaviani <ctcwash@verizon.net>; S. Rathbun <brathbun1@verizon.net>; Susan Biddle <susanbiddle@gmail.com>; Toni Deboeck <tfdeboeck@gmail.com>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>; Biase, Vincent G. <vgbiase@lercheearly.com>; William Kassman <bill@kassman.net>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

Subject: RE: Process for March 16 hearing - Notley Road LMA H-159

[EXTERNAL EMAIL]

Hearing Examiner Sokoni,

Thank you for providing such a helpful summary of some of the outstanding matters in this case. Our thoughts are below:

- We are okay with Mr. Sloan testifying to the limited question raised by Mr. Phan regarding the driveway alignment at the March 16th hearing, even if we do not get to Mr. Sloan's rebuttal. We are accommodating this out of courtesy to Mr. Phan, who we realize has taken a lot of time to attend these hearings. However, this is out of the traditional order of the proceeding, so we want to be clear that we intend for that testimony to be limited to the one question previously raised.
- Our understanding is that Ms. Rosenfeld did not object to the introduction of Exhibits 79, 80, 81 and 82, subject to her ability to cross examine Ms. Wagner on Exhibit 79 and Mr. Sloan on Exhibit 82. We think it would be most efficient to address these questions at the start of their respective rebuttal testimony but will defer to the order that the Hearing Examiner considers to be more appropriate.

Additionally, we would note that another procedural issue that needs to be addressed at the March 16th hearing is the voir dire of Mr. Wilhelm by both Ms. Rosenfeld and the Applicant.

Thank you,
Liz

Elizabeth C. Rogers, Attorney
Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T [301-841-3845](tel:301-841-3845) | F [301-347-1784](tel:301-347-1784) | Main 301-986-1300
ecrogers@lerchearly.com | [Bio](#)

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From: Michele Rosenfeld <michele@marylandpropertylaw.com>

Sent: Saturday, February 28, 2026 11:09 AM

To: Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>; James Touhey <touheyfamily@outlook.com>; Keith C Nusbaum <knusbaum@gmail.com>; David Dunmire <davidd15@verizon.net>

Cc: Alfred Carr <alfred.carr@gmail.com>; Lindsey, Amy <amy.lindsey@montgomeryplanning.org>; Ann

Link <keldlink@yahoo.com>; Austin Holloway-Jones <austinhollowayjones@gmail.com>; Ayana Machen <ayanacm8@yahoo.com>; Beth Hook <Beth.hook@icloud.com>; Bill Backof <billbackof@gmail.com>; Bob Eller <bobeller123@gmail.com>; Candace Anderson <candacesmanderson@gmail.com>; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Christine Bergeron <cbergero@vt.edu>; Clifford Laufer <claufer@mindspring.com>; Craig Grunewald <craig.grunewald4@gmail.com>; D Phan <dgphanmore@gmail.com>; Dan Wilhelm <djwilhelm@verizon.net>; David Muller <dmuller@ryansdev.com>; Deb Gonski <djgonski@yahoo.com>; Debra Tipton <debratipton515@gmail.com>; Destiny Kibalama <destinykibalama@gmail.com>; Edmond B French <edbonfrench2000@yahoo.com>; Rogers, Elizabeth C. <ecrogers@lercheearly.com>; Vaias, Emily <Emily.Vaias@mncppc.org>; Girard, Erin E. <eegirard@lercheearly.com>; Fleit Family <mmkwmail-family@yahoo.com>; Gilda Linton <gilda24@verizon.net>; Greg Golden <aaaggolden@msn.com>; Heidi Otradovec <mattandheid99@gmail.com>; Hubert Johnson <hughrjohnson@gmail.com>; Ivonne C. Lindley <ILindley@steinsperling.com>; Jeffrey Grunewald <jeff.grunewald@verizon.net>; Joshua Sloan <josh.sloan@vikamd.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Katie Wagner <kwagner@goroveslade.com>; Kyle Smiddie <ksmiddie2@gmail.com>; Larry Checco <larry.checco@gmail.com>; Lars Larson <Larslarson508@gmail.com>; Laura Danette <ladansette@aol.com>; Laura Denion <lnesterdenion@gmail.com>; Laurie Checco <lauriechecco@gmail.com>; Logan Kelso <logan.kelso@vikamd.com>; Lorraine Nacson <lnacson@yahoo.com>; Mark Pankow <mpankow1951@gmail.com>; Natalie Walker <natalielynnwalker@gmail.com>; Oscar Navarrete <oscar.navarrete6984@gmail.com>; Pat Baldini <pbaldini1819@gmail.com>; Patrick Corey <patrick.corey2@verizon.net>; Paula A. Lincoln <pals307@aol.com>; Peter Garvin <pfgarvin3@gmail.com>; Regina Ottaviani <ctcwash@verizon.net>; S. Rathbun <brathbun1@verizon.net>; Susan Biddle <susanbiddle@gmail.com>; Toni Deboeck <tfdeboeck@gmail.com>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>; Biase, Vincent G. <vgbiase@lercheearly.com>; William Kassman <bill@kassman.net>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

Subject: Re: Process for March 16 hearing - Notley Road LMA H-159

Hearing Examiner Sokoni:

On behalf of my clients, we concur with the order of presentation suggested by Mr. Nusbaum.

Respectfully,

Michele Rosenfeld
The Law Office of Michele Rosenfeld LLC
1 Research Court, Suite 450
Rockville MD 20850
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240-403-2653 (main office)
301-204-0913 (direct)
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From: Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>

Sent: Friday, February 27, 2026 4:30 PM

To: James Touhey <touheyfamily@outlook.com>; Keith C Nusbaum <knusbaum@gmail.com>; David Dunmire <davidd15@verizon.net>

Cc: Alfred Carr <alfred.carr@gmail.com>; Lindsey, Amy <amy.lindsey@montgomeryplanning.org>; Ann Link <keldlink@yahoo.com>; Austin Holloway-Jones <austinhollowayjones@gmail.com>; Ayana Machen <ayanacm8@yahoo.com>; Beth Hook <Beth.hook@icloud.com>; Bill Backof <billbackof@gmail.com>; Bob Eller <bobeller123@gmail.com>; Candace Anderson <candacesmanderson@gmail.com>; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Christine Bergeron <cbergero@vt.edu>; Clifford Laufer <claufer@mindspring.com>; Craig Grunewald <craig.grunewald4@gmail.com>; D Phan <dgphanmore@gmail.com>; Dan Wilhelm <djwilhelm@verizon.net>; David Muller <dmuller@ryansdev.com>; Deb Gonski <djgonski@yahoo.com>; Debra Tipton <debratipton515@gmail.com>; Destiny Kibalama <destinykibalama@gmail.com>; Edmond B French <edbonfrench2000@yahoo.com>; Elizabeth Rogers <ecrogers@lercheearly.com>; Vaias, Emily <Emily.Vaias@mncppc.org>; Erin E. Girard <eegirard@lercheearly.com>; Fleit Family <mmkwmail-family@yahoo.com>; Gilda Linton <gilda24@verizon.net>; Greg Golden <aaaggolden@msn.com>; Heidi Otradovec <mattandheidi99@gmail.com>; Hubert Johnson <hughrjohnson@gmail.com>; Ivonne C. Lindley <ILindley@steinsperling.com>; Jeffrey Grunewald <jeff.grunewald@verizon.net>; Joshua Sloan <josh.sloan@vikamd.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Katie Wagner <kwagner@goroveslade.com>; Kyle Smiddie <ksmiddie2@gmail.com>; Larry Checco <larry.checco@gmail.com>; Lars Larson <Larslarson508@gmail.com>; Laura Danette <ladansette@aol.com>; Laura Denion <lnesterdenion@gmail.com>; Laurie Checco <lauriechecco@gmail.com>; Logan Kelso <logan.kelso@vikamd.com>; Lorraine Nacson <lnacson@yahoo.com>; Mark Pankow <mpankow1951@gmail.com>; Michele Rosenfeld <michele@marylandpropertylaw.com>; Natalie Walker <natalielynnwalker@gmail.com>; Oscar Navarrete <oscar.navarrete6984@gmail.com>; Pat Baldini <pbaldini1819@gmail.com>; Patrick Corey <patrick.corey2@verizon.net>; Paula A. Lincoln <pals307@aol.com>; Peter Garvin <pfgarvin3@gmail.com>; Regina Ottaviani <ctcwash@verizon.net>; S. Rathbun <brathbun1@verizon.net>; Susan Biddle <susanbiddle@gmail.com>; Toni Deboeck <tfdeboeck@gmail.com>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>; Vincent G. Biase <vgbiase@lercheearly.com>; William Kassman <bill@kassman.net>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

Subject: RE: Process for March 16 hearing - Notley Road LMA H-159

Thank you all for your responses. I would also like to give Ms. Rosenfeld an opportunity to comment on the process for March 16th. I did get her out of office auto response yesterday, alerting that she had limited email access so let's give it another couple of days before settling on the process for March 16th.

Regards,
Khandikile

From: James Touhey <touheyfamily@outlook.com>

Sent: Friday, February 27, 2026 2:34 PM

To: Keith C Nusbaum <knusbaum@gmail.com>; David Dunmire <davidd15@verizon.net>

Cc: Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>; Alfred Carr

<alfred.carr@gmail.com>; Lindsey, Amy <amy.lindsey@montgomeryplanning.org>; Ann Link <keldlink@yahoo.com>; Austin Holloway-Jones <austinhollowayjones@gmail.com>; Ayana Machen <ayanacm8@yahoo.com>; Beth Hook <Beth.hook@icloud.com>; Bill Backof <billbackof@gmail.com>; Bob Eller <bobeller123@gmail.com>; Candace Anderson <candacesmanderson@gmail.com>; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Christine Bergeron <cbergero@vt.edu>; Clifford Laufer <claufer@mindspring.com>; Craig Grunewald <craig.grunewald4@gmail.com>; D Phan <dgphanmore@gmail.com>; Dan Wilhelm <djwilhelm@verizon.net>; David Muller <dmuller@ryansdev.com>; Deb Gonski <djgonski@yahoo.com>; Debra Tipton <debratipton515@gmail.com>; Destiny Kibalama <destinykibalama@gmail.com>; Edmond B French <edbonfrench2000@yahoo.com>; Elizabeth Rogers <ecrogers@lercheearly.com>; Vaias, Emily <Emily.Vaias@mncppc.org>; Erin E. Girard <eegirard@lercheearly.com>; Fleit Family <mmkwmail-family@yahoo.com>; Gilda Linton <gilda24@verizon.net>; Greg Golden <aaaggolden@msn.com>; Heidi Otradovec <mattandheidi99@gmail.com>; Hubert Johnson <hughrjohnson@gmail.com>; Ivonne C. Lindley <ILindley@steinsperling.com>; Jeffrey Grunewald <jeff.grunewald@verizon.net>; Joshua Sloan <josh.sloan@vikamd.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Katie Wagner <kwagner@goroveslade.com>; Kyle Smiddie <ksmiddie2@gmail.com>; Larry Checco <larry.checco@gmail.com>; Lars Larson <Larslarson508@gmail.com>; Laura Danette <ladansette@aol.com>; Laura Denion <lnesterdenion@gmail.com>; Laurie Checco <lauriechecco@gmail.com>; Logan Kelso <logan.kelso@vikamd.com>; Lorraine Nacson <lnacson@yahoo.com>; Mark Pankow <mpankow1951@gmail.com>; Michele Rosenfeld <michele@marylandpropertylaw.com>; Natalie Walker <natalieliynwalker@gmail.com>; Oscar Navarrete <oscar.navarrete6984@gmail.com>; Pat Baldini <pbaldini1819@gmail.com>; Patrick Corey <patrick.corey2@verizon.net>; Paula A. Lincoln <pals307@aol.com>; Peter Garvin <pfgarvin3@gmail.com>; Regina Ottaviani <ctcwash@verizon.net>; S. Rathbun <brathbun1@verizon.net>; Susan Biddle <susanbiddle@gmail.com>; Toni Deboeck <tfdeboeck@gmail.com>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>; Vincent G. Biase <ygbiase@lercheearly.com>; William Kassman <bill@kassman.net>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

Subject: Re: Process for March 16 hearing - Notley Road LMA H-159

[EXTERNAL EMAIL]

Dear Ms. Sokoni:

Mr. Nusbaum's proposal is acceptable to me.

I have prepared the attached Supplemental Written Submission which I request be added as an exhibit in the public record.

Rather than include the points that are addressed in this supplemental written submission when I resume testifying on March 16, 2022, I propose only to address the points raised in my original Written Statement (Exhibit 85), and also to lay any foundation you think is necessary for you to admit into evidence the additional proposed exhibits that I forwarded to you by my 2/26/2026 email.

I further propose to let the remainder of the points I make in my supplemental written submission (which consists primarily of legal argument) to stand on their own without my addressing them during my direct testimony. I would, however, answer any questions put to me about anything in my supplemental written submission during cross-examination.

I estimate that if I am allowed to proceed in this manner my direct testimony would take approximately 45 minutes to complete on March 16.

I will deliver to the OZAH offices the signed original of my supplemental written submission on Tuesday, March 3, 2026, when I am scheduled to deliver physical copies of the proposed exhibits I tendered to you on 2/26.

Thank you for your consideration of my requests.

Respectfully yours,

James G. Touhey, Jr.

From: Keith C Nusbaum <knusbaum@gmail.com>

Sent: Thursday, February 26, 2026 6:47 PM

To: David Dunmire <davidd15@verizon.net>

Cc: Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>; Alfred Carr <alfred.carr@gmail.com>; Lindsey, Amy <amy.lindsey@montgomeryplanning.org>; Ann Link <keldlink@yahoo.com>; Austin Holloway-Jones <austinhollowayjones@gmail.com>; Ayana Machen <ayanacm8@yahoo.com>; Beth Hook <Beth.hook@icloud.com>; Bill Backof <billbackof@gmail.com>; Bob Eller <bobeller123@gmail.com>; Candace Anderson <candacesmanderson@gmail.com>; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Christine Bergeron <cbergero@vt.edu>; Clifford Laufer <claufer@mindspring.com>; Craig Grunewald <craig.grunewald4@gmail.com>; D Phan <dgphanmore@gmail.com>; Dan Wilhelm <djwilhelm@verizon.net>; David Muller <dmuller@ryansdev.com>; Deb Gonski <djgonski@yahoo.com>; Debra Tipton <debratipton515@gmail.com>; Destiny Kibalama <destinykibalama@gmail.com>; Edmond B French <edbonfrench2000@yahoo.com>; Elizabeth Rogers <ecrogers@lercheearly.com>; Vaias, Emily <Emily.Vaias@mncppc.org>; Erin E. Girard <eegirard@lercheearly.com>; Fleit Family <mmkwmail-family@yahoo.com>; Gilda Linton <gilda24@verizon.net>; Greg Golden <aaaggolden@msn.com>; Heidi Otradovec <mattandheidi99@gmail.com>; Hubert Johnson <hughrjohnson@gmail.com>; Ivonne C. Lindley <ILindley@steinsperling.com>; James Touhey <touheyfamily@outlook.com>; Jeffrey Grunewald <jeff.grunewald@verizon.net>; Joshua Sloan <josh.sloan@vikamd.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Katie Wagner <kwagner@goroveslade.com>; Kyle Smiddie <ksmiddie2@gmail.com>; Larry Checco <larry.checco@gmail.com>; Lars Larson <Larslarson508@gmail.com>; Laura Danette <ladansette@aol.com>; Laura Denion <lnesterdenion@gmail.com>; Laurie Checco <lauriechecco@gmail.com>; Logan Kelso <logan.kelso@vikamd.com>; Lorraine Nacson <lnacson@yahoo.com>; Mark Pankow <mpankow1951@gmail.com>; Michele Rosenfeld <michele@marylandpropertylaw.com>; Natalie Walker <natalielynnwalker@gmail.com>; Oscar Navarrete <oscar.navarrete6984@gmail.com>; Pat Baldini <pbaldini1819@gmail.com>; Patrick Corey <patrick.corey2@verizon.net>; Paula A. Lincoln

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Subject: Re: Process for March 16 hearing - Notley Road LMA H-159

Good evening Ms. Sokoni. In response to your questions, I suggest the following:

- 1) I propose Mr. Touhey be slated to testify first on March 16th, as his testimony was interrupted on January 15th so that others with more pressing time concerns could testify first.
- 2) I propose that Mr. Dunmire testify next.
- 3) Following the close of Mr. Dunmire's testimony, I believe it appropriate that Mr. Phan be able to ask questions of Mr. Sloan related to Mr. Sloan's direct testimony and Mr. Phan's concerns about the location of the access road.
- 4) Following Mr. Phan, Ms. Rosenfeld should have the opportunity to cross examine Ms. Wagner and/or Mr. Sloan with respect to the exhibits introduced immediately prior to the December 2nd hearing.
- 5) Next, I, Keith Nusbaum, should provide my direct testimony, followed by cross examination. I expect my testimony to run slightly over 2.5 hours. While my pre-hearing statement previously indicated 1 hour of testimony, because of additional factual allegations made by Applicant during their case in chief that were not in their land use report or their pre-hearing statement, my testimony will exceed my original expectation.
- 6) Following my testimony, Ms. Rosenfeld should be able to present her case in chief with cross examination.
- 7) Next, any rebuttal testimony from the Applicant should be presented with cross examination.
- 8) The Applicant, Ms. Rosenfeld, and I, Keith Nusbaum, should then be permitted to provide closing arguments pursuant to Land Use Rule 4.7(h).

Based on the above, I expect that we will be unable to complete all of the necessary items on March 16th. At the March 16th meeting, I suggest that we calendar two additional days to ensure all due process requirements are met and that all parties have sufficient time to plan their schedules.

Thank you.

On Thu, Feb 26, 2026 at 6:34 PM David Dunmire <davidd15@verizon.net> wrote:

Good Evening All:

I would like to testify as an individual, if I may?

David Dunmire

On Feb 26, 2026, at 5:18 PM, Sokoni, Khandikile Mvunga
<Khandikile.Sokoni@montgomerycountymd.gov> wrote:

Good Afternoon All:

We have only one more day on the calendar, March 16, 2026, for continued hearing in this matter. Meanwhile we have quite a few outstanding matters I would like us all to plan for:

1. Ms. Michelle Rosenfeld, Mr. Nusbaum, and parties in opposition are yet to start presenting their case in chief, with witnesses all subject to cross examination.
2. You will recall that at the December 2, 2025, hearing, following the testimony of the applicant traffic engineer, Mr. Phan raised concerns regarding the proposed west access point being aligned directly with my driveway. The applicant counsel, Ms. Rogers, deferred the question to Mr. Sloan, who prepared the site layout but was not present, and I indicated that this matter would be continued at the next hearing. I therefore anticipated that Mr. Sloan would address this at the January 15, 2026 hearing. However, that again did not occur. And then we were snowed out on January 27th and had to postpone to March 16.
3. There are also additional matters to dispose of related to opposing parties wishing to cross examine the applicant's traffic engineer and land use expert in connection with exhibits that applicant introduced very close in time to the December 2nd hearing. Ms. Rosenfeld did not object to those late additions on condition that she would have an opportunity to cross examine those witnesses during the 3rd day of hearings which was January 15, 2026. As the day was taken up with public testimony we run out of time and did not get to that either.
4. In addition to the items outlined above, we now have an additional request from Mr. David Dunmire who wishes to testify at the next hearing. I wish to draw the parties' attention to Exhibit 102 which was my response to Mr. Dunmire seeking clarification on his role since it appears that he is writing on behalf of an entity known as Eyes of Paint Branch. Mr. Dunmire you may testify as an individual without representation. However, if the Eyes of Paint Branch would need to be represented by Counsel. Beyond OZAH Rule 3.3 Maryland State Laws preclude the unlawful practice of law and only an attorney can represent an organization or entity before a court, tribunal or administrative agency.

My question to Ms. Rosenfeld, Mr. Nusbaum and Mr. Phan, the parties that have been waiting in the queue for the next hearing, given that we completed public testimony on January 15th, and were planning to attend to the outstanding matters 1-3 above, how do you wish to proceed in light of Mr. Dunmire's

request to testify at the next hearing?

Sincerely,

<image001.png> Khandikile Mvunga Sokoni
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