

PRESS RELEASE – January 25, 2016

Litz v. Maryland Department of the Environment, *et al.*

Philip W. Hoon, Esq. and G. Macy Nelson, Esq. are pleased to report that in a January 22, 2016 decision, the Maryland Court of Appeals reversed the prior decisions of the Maryland Court of Special Appeals and the Circuit Court for Caroline County which had dismissed the claims of Gail B. Litz with respect to her Lake Bonnie property in Caroline County.

This is a major decision as it relates to the duties and liabilities of state and local government to take responsibility for their actions, and their inactions, when they are so obligated by the rule of law. It is the second time the Court of Appeals has ruled in these proceedings.

In an enlightened and landmark 29 page decision, the Court of Appeals concluded that the lower courts erred in determining that Ms. Litz's inverse condemnation claims against the Town of Goldsboro and the Maryland Department of the Environment were barred by law.

As a result, after almost 6 years, Ms. Litz will finally have her day in court. The matter will now proceed to a jury trial in the Caroline County Circuit Court.

In 1996, Goldsboro and MDE signed a Consent Order requiring a clean-up of on-going pollution from town waste water being discharged into and across Ms. Litz's property and then into the Choptank River.

Goldsboro and MDE failed to comply with the Consent Order. As a result, Ms. Litz lost her property to foreclosure sale to Provident State Bank in May, 2010.

This matter is also addressed in the attached March 15, 2010, October 25, 2012, and September 27, 2013 Press Releases.

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