

# **Bond Case Briefs**

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## **TORT CLAIMS ACT - MARYLAND**

### **Rounds v. Maryland Nat. Capital Park and Planning Com'n**

**Court of Special Appeals of Maryland - September 9, 2013 - A.3d - 2013 WL 4788171**

Property owners brought action against Maryland National Capital Park and Planning Commission, alleging that Commission had wrongfully refused to issue addresses to homeowners, and against owners and developers of neighboring property, alleging that owners and developers had wrongfully attempted to prevent plaintiffs' access and use of their properties, and seeking declaratory judgment that plaintiffs had an easement to use a road to access their properties.

The Court of Special Appeals held that:

- 180-day notice requirement of Local Government Tort Claims Act (LGTCa) applied to state constitutional action against Commission;
- Plaintiffs failed to show good cause to excuse notice requirement;
- Plaintiffs failed to join necessary parties, warranting dismissal of action.

A plaintiff in an action against a state agency has shown good cause to excuse compliance with the LGTCa notice requirement where the plaintiff: (1) prosecuted his or her claim with that degree of diligence that an ordinarily prudent person would have exercised under the same or similar circumstances, or (2) delayed because government representatives made misleading representations to the plaintiff.