

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND
14735 Main Street, Upper Marlboro, Maryland 20772

6009 OXON HILL ROAD, LLC,
c/o Justly Prudent
16701 Melford Blvd., Suite 400
Bowie, Maryland 20715

C-16-CV-25-004189
Case No.

DEMAND FOR JURY TRIAL

RB

DONALD GROSS,
c/o Justly Prudent
16701 Melford Blvd., Suite 400
Bowie, Maryland 20715,

MATTHEW CONNOLLY,
c/o Justly Prudent
16701 Melford Blvd., Suite 400
Bowie, Maryland 20715,

Plaintiffs,

v.

STATE OF MARYLAND,
SERVE ON:
Maryland Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202,

STATE DEPARTMENT OF ASSESSMENTS
AND TAXATION,
SERVE ON:
Maryland Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs 6009 Oxon Hill Road, LLC ("Oxon Hill"), Donnie Gross ("Mr. Gross"), and
Matthew Connolly ("Mr. Connolly"), for their complaint against Defendant State of Maryland

(“Defendant” or “the State”) and the State Department of Assessments and Taxation (“SDAT”), allege the following:

1. This action challenges the constitutionality of Maryland’s Tax Anti-Injunction Statute, Maryland Code, Tax-General § 13-505 (“Section 13-505”), which operates as an absolute bar to judicial review of ongoing constitutional violations in tax assessment cases. Plaintiffs seek declaratory and injunctive relief to prevent the enforcement of a discriminatory property tax assessment that violates fundamental constitutional rights and threatens to force Plaintiffs into bankruptcy.

2. Section 13-505, as written and as applied to Plaintiffs, strips Maryland courts of their inherent equitable authority to prevent ongoing constitutional violations, thereby allowing the State to continue collecting allegedly unconstitutional taxes while property owners are forced to exhaust lengthy administrative procedures that may take years to complete and provide no adequate remedy for the constitutional harms inflicted.

3. The constitutional violations facing Plaintiffs are both immediate and severe. The Maryland State Department of Assessments and Taxation (“SDAT”) issued a property tax reassessment that nearly doubled Plaintiffs’ property assessment from \$49 million to \$70 million—a 43% increase that far exceeds the statewide average of 17.6%. This assessment was conducted using fundamentally flawed and discriminatory methodologies, including the improper capitalization of a ground lease transaction, and the application of grossly inflated income multipliers that bear no relationship to the property’s actual performance during the COVID-19 pandemic.

4. The reassessment subjects Plaintiffs to an additional tax burden of more than \$1,000,000, which threatens to force Oxon Hill into bankruptcy and trigger personal guarantees

that would devastate Mr. Gross and Mr. Connolly personally. Specifically, Mr. Gross and Mr. Connolly would be forced to file for bankruptcy due to their personal guarantees on the property's financing.

5. Despite the constitutional magnitude of these imminent harms, Section 13-505 categorically prohibits any court from providing injunctive relief to remedy ongoing unconstitutional conduct if said conduct relates to the collection or assessment of taxes under Maryland law. The statute's expansive prohibition on injunctions forces Plaintiff to seek redress in an administrative appeals process that may not only take years to complete, but provides no adequate remedy for ongoing constitutional violations.

6. Plaintiffs seek declaratory and injunctive relief to prevent the enforcement of this unconstitutional property tax assessment and to restore the judiciary's constitutional authority to provide meaningful relief when fundamental rights are at stake.

7. Plaintiffs' claims arise under Article 8 of the Maryland Declaration of Rights and the Equal Protection and Takings Clauses of the Fourteenth Amendment to the United States Constitution.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this action under Maryland Code, Courts and Judicial Proceedings § 3-401, as this case involves questions of Maryland constitutional law and challenges to the validity of a Maryland statute.

9. This Court has the inherent authority under the Maryland Constitution to issue injunctive relief to remedy ongoing unconstitutional harm. This inherent authority cannot be abrogated by legislative enactment where such abrogation would violate the separation of powers doctrine or deny constitutionally required due process.

10. Venue is proper in this judicial district under Maryland Code, Courts and Judicial Proceedings § 6-202(1) because the challenged statute affects Plaintiffs' property located within Prince George's County, the constitutional violations are ongoing within this county, and Defendant's enforcement actions through SDAT directly impact property owners within this jurisdiction. Venue is also proper under Maryland Code, Courts and Judicial Proceedings § 6-202(9) because this action seeks to enjoin the enforcement of a state statute whose application causes harm within Prince George's County.

THE PARTIES

11. Plaintiff 6009 Oxon Hill Road, LLC ("Oxon Hill") is a Maryland limited liability company organized under the laws of the State of Maryland with its principal place of business in Prince George's County, Maryland. Oxon Hill is the leaseholder of the property located at 6009 Oxon Hill Road, Oxon Hill, Maryland 20745, which it re-developed into a 187-unit luxury apartment complex known as "The Oxford." As the leaseholder, Oxon Hill is responsible for paying the property tax assessments made against the property.

12. Plaintiff Donnie Gross is a principal owner of Oxon Hill and has provided personal guarantees for the financing of the property at 6009 Oxon Hill Road, making him personally liable for the debts and obligations of the entity, including the increased tax burden resulting from the challenged assessment. Mr. Gross resides in Montgomery County, Maryland.

13. Plaintiff Matthew Connolly is a principal owner of Oxon Hill and has provided personal guarantees for the financing of the property at 6009 Oxon Hill Road, making him personally liable for the debts and obligations of the entity, including the increased tax burden resulting from the challenged assessment. Mr. Connolly resides in Miami-Dade County, Florida.

14. Defendant State of Maryland is a sovereign state responsible for, among other things, the enactment and enforcement of Maryland's tax laws, including Section 13-505 of the Tax-General Article. The State, through its agencies including the Maryland State Department of Assessments and Taxation, is responsible for conducting property assessments and enforcing tax collections throughout Maryland. The State is the proper party in actions challenging the constitutionality of Maryland statutes.

15. Defendant Maryland State Department of Assessments and Taxation is an agency of the State of Maryland responsible for conducting property tax assessments throughout the state, including the discriminatory assessment that is the subject of this action. SDAT operates under the authority of the State and is responsible for implementing assessment methodologies, training assessment personnel, and ensuring uniform and constitutional application of property tax laws. SDAT is a proper party to this action because it conducted the challenged assessment and continues to enforce the unconstitutional assessment against Plaintiffs' property.

BACKGROUND

16. Maryland Code, Tax-General § 13-505 was enacted by the Maryland General Assembly through Acts 1988, Chapter 2, Section 1, and became effective on January 1, 1989.

17. Section 13-505 provides that "a court may not issue an injunction, declaratory judgment, writ of mandamus or other process to prevent the assessment or collection of a tax under this article or the Tax-Property Article."

18. The legislative history of Section 13-505 reflects the State's intent to ensure the uninterrupted collection of taxes by prohibiting pre-enforcement judicial intervention in tax matters, thereby directing taxpayers to pursue administrative remedies before seeking judicial relief.

19. While the statute was aimed at preventing tax protesters and delaying tactics that could disrupt revenue collection, it did not contemplate the potential constitutional implications of categorically prohibiting courts from intervening to prevent ongoing constitutional violations.

20. As applied, Section 13-505 operates to deprive Maryland courts of their inherent equitable authority to prevent the enforcement of unconstitutional tax assessments, even where such assessments threaten irreparable harm to taxpayers' constitutional rights.

Maryland's Constitutional Framework

21. The Maryland Constitution, through Article 8 of the Maryland Declaration of Rights, mandates that the Legislative, Executive, and Judicial branches remain separate and distinct, ensuring that no branch encroaches upon the core functions of another.

22. The judicial power and authority possessed by courts under the Maryland Constitution cannot be destroyed or abridged by legislative enactment. The Maryland Legislature may not delegate a judicial function to an executive or administrative department, nor encroach upon the province of the judicial branch of government by depriving a court of the jurisdiction conferred by the Maryland Constitution.

23. The issuance of injunctive relief to prevent irreparable harm—particularly where constitutional rights are at stake—has long been recognized as an inherent function of the judicial branch under Maryland law.

24. By enacting a blanket prohibition on injunctive relief in all tax matters, the General Assembly has impermissibly infringed on the judiciary's core equitable powers and disrupted the balance of separated powers.

25. The application of Section 13-505 in cases involving ongoing constitutional violations is inconsistent with Maryland's constitutional structure and historical practice.

The Property and Its Development

26. In 2017, Oxon Hill purchased the property at 6009 Oxon Hill Road in Oxon Hill, Maryland for \$8 million. The property consisted of an empty office building that Oxon Hill planned to redevelop into a luxury apartment complex and four outparcels that are separate tax parcels.

27. At the time of purchase, the property was a vacant, dilapidated office building.

28. Immediately prior to purchasing the property, local officials informed the Plaintiffs that a tax credit had been passed to support redevelopment of the property. Plaintiffs relied upon this information to proceed with purchasing the property. The Prince George's County Council subsequently approved the tax credit by a veto-proof majority, but then-County Executive Rushern Baker vetoed the legislation. Following the veto, the County Council did not take measures to override the veto.

29. Despite the loss of the anticipated tax credit, Oxon Hill proceeded with the redevelopment project, investing substantial capital in transforming the property into a luxury residential complex.

30. From 2017 through 2019, Oxon Hill invested heavily in the redevelopment project.

31. The redevelopment project was completed on July 22, 2019, creating "The Oxford," a 187-unit luxury apartment complex consisting of approximately 151,133 square feet of residential space.

32. On August 3, 2020, Oxon Hill entered into a ground lease transaction with Oxon Hill Ontario Warehouses LLC for \$32.7 million. The transaction was structured as a financing mechanism to pay off the existing construction loans associated with the redevelopment project.

Under the ground lease arraignment, Oxon Hill Ontario Warehouses LLC receives annual ground lease payments of approximately \$1.5 million.

The COVID-19 Impact & the Discriminatory Assessment

33. Shortly after the COVID-19 pandemic began in the first quarter of 2020, approximately 40% of the property's tenants did not pay rent, largely due to eviction moratoriums and other protective measures implemented during the pandemic.

34. The property incurred substantial additional expenses during the pandemic, including enhanced cleaning protocols, increased security measures, and other costs associated with maintaining operations during the public health emergency.

35. These pandemic-related impacts significantly reduced the property's actual income and increased its operating expenses during the relevant assessment period used by SDAT for the 2025 reassessment.

36. On December 31, 2021, SDAT issued a notice of assessment to Oxon Hill, assessing the property's value as \$49 million, effective July 1, 2022. Attached hereto as Exhibit 1 is a true and correct copy of the 2022 Notice of Assessment and Commercial Worksheet.

37. In its assessment methodology for the 2022 assessment, SDAT properly recognized that the August 2020 ground lease transaction was a financing mechanism that did not reflect the property's fair market value. The 2022 Commercial Worksheet shows that SDAT used the Direct Capitalization method with an overall capitalization rate of 7.4860% and applied no value adjustments related to the ground lease transaction. SDAT's 2022 assessment demonstrates that the agency understood and correctly applied the principle that financing transactions should not be capitalized as if they were arms-length market sales.

38. On December 31, 2024, SDAT issued a notice of reassessment to Oxon Hill, increasing the property's assessed value from \$49 million to \$70 million, effective July 1, 2025. Attached hereto as Exhibit 2 is a true and correct copy of the 2025 Notice of Assessment and Commercial Worksheet.

39. This reassessment represents a 43% increase in assessed value, significantly exceeding the statewide average commercial property increase of 17.6% for the same assessment period.

40. SDAT's 2025 assessment of the property subjects Oxon Hill to an additional tax burden of \$1,055,780.49 over the three-year assessment period. The following chart shows the year-to-year financial impact to Oxon Hill based on the 2025 reassessment:

	2025 (Current)	2026	2027	2028
Total Taxes	\$536,179.99	\$733,983.86	\$888,106.82	\$1,042,229.79
Increase in Tax (Based on 2025)	\$0	\$197,803.97	\$351,926.82	\$506,049.80

41. Had SDAT properly assessed the property, using the same methodology employed in the 2022 assessment, Oxon Hill's tax burden would have approximately resulted in the following:

	2025 (Current)	2026	2027	2028
Total Taxes	\$536,179.99	\$484,552.44	\$484,552.44	\$484,552.44
Increase in Tax (Based on 2025)	\$0	(\$51,627.55)	(\$51,627.55)	(\$51,627.55)

42. SDAT's 2025 assessment methodology was fundamentally flawed and discriminatory, representing an arbitrary departure from the Agency's own established practices

and incorporating several improper valuation techniques that bear no relationship to the property's actual market value or performance. Most significantly, SDAT abandoned its prior recognition that the August 2020 ground lease transaction was a financing mechanism and instead improperly capitalized this transaction as if it were an arms-length market sale that represented the fair market value of the property.

43. The 2025 Notice of Assessment and Commercial Worksheet reveals the discriminatory nature of SDAT's changed methodology. While the 2022 assessment applied no value adjustments related to the ground lease, the 2025 assessment includes a massive \$55,506,500 "Value Adjustment" under the category "Other Additions," which directly corresponds to the improper capitalization of the August 2020 ground lease transaction. This \$55.5 million adjustment represents the entire difference between the base income approach valuation and the final assessed value, demonstrating that SDAT's discriminatory treatment of the ground lease transaction was the sole cause of the excessive assessment increase.

44. SDAT improperly capitalized the August 2020 ground lease transaction as if it were an arms-length market sale, despite the fact that: (a) this transaction was structured as a financing mechanism to refinance existing construction debt and did not reflect the property's fair market value; (b) SDAT had previously assessed similar ground lease arrangements as financing transactions rather than sales; (c) SDAT had not previously capitalized the ground lease when it made its 2022 assessment; and (d) the capitalization methodology was fundamentally different from SDAT's historical approach to similar transactions.

45. SDAT's treatment of the August 2020 ground lease transaction violates fundamental principles of uniform assessment and equal protection by: (a) arbitrarily changing its methodology without any legitimate justification, having previously and correctly recognized

this transaction as a financing mechanism in 2022; (b) treating Plaintiffs' financing arrangement differently from how it treated the identical transaction just three years earlier; (c) applying a capitalization methodology to Plaintiffs' ground lease that SDAT does not apply to other properties with similar financing structures; and (d) ignoring the established principle that financing transactions do not reflect fair market value and should not be capitalized as sales comparables.

46. The arbitrary nature of SDAT's changed methodology is further evidenced by the timing and circumstances of the reassessment. SDAT had full knowledge of the August 2020 ground lease transaction when it conducted the 2022 assessment, yet properly concluded that this financing mechanism should not affect the property's assessed value. No material change occurred in the ground lease arrangement between 2022 and 2025 that would justify SDAT's sudden decision to capitalize this transaction as if it were a market sale. The only explanation for this dramatic methodological change is arbitrary and discriminatory enforcement of assessment policies.

47. Beyond the improper ground lease capitalization, SDAT applied gross rent multipliers that were significantly higher than those applied to comparable luxury apartment properties in Prince George's County, resulting in additional discriminatory treatment of Oxon Hill. The 2025 Notice of Assessment and Commercial Worksheet shows that SDAT increased the overall capitalization rate from 7.4860% in 2022 to 8.4860% in 2025, yet still arrived at a massively inflated assessment due to the improper \$55.5 million value adjustment for the ground lease capitalization.

48. SDAT's assessment failed to account for the actual income performance of the property during the COVID-19 pandemic, ignoring documented collection losses and increased

operating expenses that materially affected the property's value during the relevant assessment period. Notably, while the 2025 Notice of Assessment and Commercial Worksheet shows effective gross income of only \$1,377,500 compared to \$4,759,328 in the 2022 assessment, SDAT still imposed the discriminatory ground lease capitalization that inflated the assessment by \$55.5 million, demonstrating the arbitrary and capricious nature of the methodology.

49. The mathematical precision of SDAT's discriminatory conduct is revealed by comparing the assessment worksheets. The 2022 assessment, using proper methodology, yielded a \$49 million valuation with no value adjustments. The 2025 base valuation using the income approach yielded approximately \$14.6 million, but SDAT added exactly \$55,506,500 in "value adjustments" to reach the \$70 million final assessment. This \$55.5 million adjustment represents a 380% increase over the base income approach valuation and demonstrates that SDAT's discriminatory ground lease capitalization, not any legitimate assessment methodology, drove the excessive reassessment.

50. The discriminatory nature of SDAT's conduct is further evidenced by the Agency's internal inconsistency regarding capitalization rates. While SDAT increased the base capitalization rate from 7.4860% in 2022 to 8.4860% in 2025, it simultaneously imposed the massive ground lease capitalization that inflated the assessment. This contradictory approach—applying a higher risk rate while also capitalizing a financing transaction—demonstrates the arbitrary and irrational nature of SDAT's methodology.

51. SDAT's discriminatory treatment becomes even more egregious when considering that the property's actual income performance declined significantly between the assessment periods. The 2022 worksheet shows potential gross income of \$5,450,956, while the 2025 worksheet shows potential gross income of only \$1,450,000—a 73% decrease. Despite this

dramatic decline in income-generating capacity, SDAT imposed its highest-ever assessment on the property, demonstrating that the agency's methodology bears no rational relationship to actual property performance or market conditions.

Discriminatory Treatment Compared to Similarly Situated Properties

52. A review of comparable luxury apartment properties in Prince George's County demonstrates the discriminatory nature of SDAT's assessment methodology applied to Plaintiffs' property. The Oxford was assessed at the highest price per unit among Class A properties in the entire county, despite having the ninth lowest effective rents among comparable properties. Comparable luxury apartment properties in Prince George's County received significantly lower assessments despite similar or superior characteristics.

53. The Esplanade, a 262-unit luxury apartment complex built in 2015, generates significantly higher rental income than The Oxford, with an average rent per unit of \$2,872 compared to The Oxford's lower effective rents. Despite The Esplanade's superior rental performance and newer construction, SDAT assessed it at a substantially lower value per unit than The Oxford.

54. Allure Apollo, a 384-unit luxury apartment complex built in 2018, operates with higher occupancy rates and rental income than The Oxford. Despite Allure Apollo's superior market performance and more recent construction date, SDAT assessed it at a significantly lower value per unit than The Oxford, demonstrating the arbitrary and discriminatory nature of the assessment methodology.

55. Aspire Apollo, a 417-unit luxury apartment complex built in 2015, generates comparable rental income to The Oxford but was assessed at a substantially lower value per unit.

The similar operational characteristics and market positioning of these properties highlight the discriminatory treatment The Oxford received from SDAT's assessment methodology.

56. MetroPlace at Town Center, a 397-unit apartment complex with construction dating from 2007 and 2016, demonstrates rental performance comparable to The Oxford. Despite similar market characteristics and operational metrics, SDAT assessed MetroPlace at a significantly lower value per unit than The Oxford, further evidencing the discriminatory and unequal treatment.

57. The gross rent multiplier disparity is particularly egregious and underscores SDAT's discriminatory methodology. The Oxford was assessed using a gross rent multiplier of 15.17x, which is approximately double the expected range of 5-8x for Class A apartment assets in the market. This inflated multiplier far exceeds industry standards and was not applied to any other comparable luxury apartment property in Prince George's County.

58. The systematic application of different assessment methodologies to similarly situated properties violates the fundamental principle of uniform taxation. While comparable luxury apartment properties in Prince George's County were assessed using rational gross rent multipliers within market norms, The Oxford alone was subjected to an arbitrary and inflated multiplier that bears no relationship to established valuation practices or market conditions.

Administrative Remedies Prove Inadequate

59. On April 22, 2025, Plaintiffs participated in a supervisory level review hearing with SDAT official Darryl Sims regarding the reassessment.

60. On June 12, 2025, Mr. Sims entered a decision sustaining the assessor's valuation.

61. On July 1, 2025, Plaintiffs filed an appeal with the Property Tax Assessment Appeals Board ("PTAAB") in Prince George's County.

62. Conversations with Prince George’s County officials on May 12, 2025 and June 10, 2025 confirmed that the assessment was based on flawed methodologies and that the administrative appeal process in Prince George’s County is severely backlogged, with appeals taking two or more years to resolve.

63. The administrative appeals process through PTAAB and the Maryland Tax Court provides no adequate remedy for the ongoing constitutional violations caused by the discriminatory assessment, particularly given the multi-year delays and the immediate financial harm being inflicted on Plaintiffs.

64. The lengthy administrative process forces Plaintiffs to continue paying the unconstitutional tax assessment while their constitutional challenge remains unresolved, causing irreparable harm that cannot be adequately compensated through monetary relief alone.

Immediate and Irreparable Harm

65. The discriminatory and arbitrary assessment threatens the financial viability of The Oxford apartment complex and Oxon Hill’s ability to continue operations.

66. The additional tax burden of more than \$1,000,000 places an unsustainable financial strain on Plaintiffs’ operations, particularly given the ongoing effects of the COVID-19 pandemic on rental income and occupancy rates. This excess burden represents a confiscatory taking of Plaintiffs’ property that serves no legitimate governmental purpose.

67. Mr. Gross and Mr. Connolly provided personal guarantees for the financing of the property, making them personally liable for the debts and obligations of Oxon Hill, including the increased property tax burden resulting from the challenged assessment.

68. If Oxon Hill is forced to pay the increased assessment, the entity will likely be required to file for bankruptcy, triggering the personal guarantees and placing the personal assets of Mr. Gross and Mr. Connolly at risk.

69. A tax assessment that violates fundamental constitutional rights is *void ab initio*.

70. The constitutional violations are ongoing and will continue to cause irreparable harm to Plaintiffs with each tax payment until the assessment is corrected or enjoined by judicial order.

71. Section 13-505 categorically prohibits this Court from providing any injunctive relief to prevent the collection of the discriminatory assessment, forcing Plaintiffs to suffer ongoing constitutional violations while pursuing inadequate administrative remedies.

COUNT I
Facial Constitutional Challenge to Section 13-505,
in Violation of Article 8 of the Maryland Declaration of Rights (Separation of Powers)

72. Plaintiffs incorporate herein the allegations set forth in paragraphs 1 through 71, above.

73. Article 8 of the Maryland Declaration of Rights provides that “the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other.”

74. This constitutional provision ensures that no branch of government may encroach upon the powers or functions reserved to another branch, and that each branch maintains its essential constitutional role in the system of checks and balances. The doctrine of separation of powers is violated not only when one branch exercises powers reserved to another, but also when one branch prevents another from exercising its constitutionally mandated functions.

75. Maryland courts have consistently held that the judicial power cannot be destroyed or abridged by legislative enactment.

76. The authority to issue injunctive relief to prevent irreparable harm, particularly where constitutional rights are at stake, is an inherent and essential function of the judicial branch under the Maryland Constitution.

77. The judicial branch's power to grant equitable relief to remedy ongoing constitutional violations is a core judicial function that cannot be abrogated by legislative enactment without violating the separation of powers doctrine.

78. The issuance of injunctive relief serves as a critical check on executive and legislative power, ensuring that government actions that violate constitutional rights can be immediately restrained pending full adjudication of the underlying legal claims.

79. Section 13-505, by categorically prohibiting courts from issuing "an injunction, declaratory judgment, writ of mandamus or other process to prevent the assessment or collection of a tax," strips the judiciary of its inherent equitable authority and core constitutional function when it comes to addressing ongoing constitutional harm.

80. The statute's blanket prohibition operates regardless of whether the underlying tax assessment violates fundamental constitutional rights, threatens irreparable harm, or is based on patently unlawful government conduct.

81. By enacting Section 13-505, the Maryland General Assembly has impermissibly invaded the judicial sphere and usurped the courts' essential role as guardians of constitutional rights.

82. The legislative branch may establish procedural frameworks for tax collection and create administrative remedies, but it may not completely eliminate the judiciary's authority to

provide equitable relief when constitutional violations are ongoing and administrative remedies are inadequate.

83. Section 13-505 goes beyond the permissible scope of legislative authority by not merely regulating the exercise of judicial power, but by categorically prohibiting the exercise of core judicial functions in an entire class of cases.

84. The statute disrupts the constitutional balance of separated powers by allowing the Executive Branch to continue enforcing allegedly unconstitutional tax assessments without any possibility of timely or speedy judicial intervention, regardless of the severity of the constitutional violations or the adequacy of alternative remedies.

85. Maryland's constitutional structure requires that courts retain the authority to prevent ongoing constitutional violations, particularly where, as here, administrative remedies are inadequate and the harm is immediate and irreparable.

86. The blanket prohibition imposed by Section 13-505 cannot be justified by the State's interest in efficient tax collection, as the General Assembly could achieve this interest through less restrictive means that preserve essential judicial functions, such as requiring expedited proceedings, bond requirements, or other procedural safeguards that balance revenue collection with constitutional protection.

87. Section 13-505, on its face, violates Article 8 of the Maryland Declaration of Rights by impermissibly infringing upon the inherent powers of the judicial branch and disrupting the constitutionally mandated separation of powers.

88. As a direct and proximate result of Section 13-505's facial constitutional violation, Plaintiffs are denied prompt access to the essential judicial remedy of injunctive relief,

forcing them to suffer ongoing constitutional violations while SDAT continues to enforce allegedly unconstitutional tax assessments.

89. The facial constitutional violation of Section 13-505 causes immediate and continuing harm to Plaintiffs and all similarly situated taxpayers by depriving them of the constitutional protection that courts are designed to provide against government overreach.

COUNT II

Facial and As-Applied Constitutional Challenge to Section 13-505, in Violation of Procedural Due Process under the Fourteenth Amendment

90. Plaintiffs incorporate herein the allegations set forth in paragraphs 1 through 71, above.

91. The Procedural Due Process Clause of the Fourteenth Amendment requires that individuals be afforded adequate procedural safeguards before the government may deprive them of life, liberty, or property.

92. Property owners have a constitutionally protected property interest in being free from discriminatory and arbitrary tax assessments that lack rational basis or violate equal protection principles.

93. The administrative appeals process mandated by Maryland law, while facially adequate in some circumstances, becomes constitutionally inadequate where: (a) the assessment is based on discriminatory methodologies that violate equal protection; (b) the administrative process involves multi-year delays during which constitutional violations continue; (c) the same agency that imposed the discriminatory assessment conducts the review; and (d) no interim relief is available to prevent ongoing constitutional harm.

94. Section 13-505, by categorically eliminating any possibility of judicial intervention during the administrative process, denies property owners the minimal procedural safeguards required by the Constitution where ongoing constitutional violations are occurring.

95. The combination of an inadequate administrative process with the complete prohibition on judicial intervention creates a system that fails to provide the process that is due before the government may continue to collect taxes based on constitutional violations.

96. The procedural safeguards are inadequate because: (a) the private interest affected—freedom from discriminatory taxation and potential bankruptcy—is substantial; (b) the risk of erroneous deprivation through the existing procedures is high, given that the same agency reviews its own discriminatory conduct; and (c) the government’s interest in efficient tax collection does not outweigh the need for basic procedural protections against ongoing constitutional violations.

97. As applied to Plaintiffs, Section 13-505 violates procedural due process by forcing them to continue paying discriminatory taxes based on constitutional violations while providing no adequate procedure for timely correction of those violations.

COUNT III

As-Applied Constitutional Challenge to Section 13-505, in Violation of the Equal Protection Clause of the Fourteenth Amendment

98. Plaintiffs incorporate herein the allegations set forth in paragraphs 1 through 71, above.

99. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibits states from denying any person within their jurisdiction the equal protection of the laws.

100. The Equal Protection Clause requires that similarly situated individuals be treated equally under the law, and it prohibits discriminatory government action that lacks a rational basis or fails to satisfy the appropriate level of constitutional scrutiny.

101. Property tax assessments must be conducted in a uniform and non-discriminatory manner, with similarly situated properties receiving substantially similar treatment under the law.

102. SDAT's assessment of Plaintiffs' property was conducted using fundamentally different and discriminatory methodologies compared to the assessment of similarly situated luxury apartment properties in Prince George's County.

103. SDAT applied gross rent multipliers to Plaintiffs' property that were significantly higher than those applied to comparable properties, resulting in a discriminatory assessment that bears no rational relationship to actual market conditions or property performance. The gross rent multiplier applied to Plaintiffs' property (15.17x) is approximately double the industry standard range of 5-8x for Class A apartment assets and was not applied to any other comparable luxury apartment property in Prince George's County, demonstrating arbitrary and discriminatory treatment.

104. SDAT assessed The Oxford at the highest price per unit among Class A properties in Prince George's County despite having the ninth lowest effective rents among comparable properties, evidencing systematic discriminatory treatment.

105. The assessment improperly capitalized the ground lease transaction as if it were an arms-length market sale, despite the fact that this financing mechanism was not used as a basis for assessing other properties with similar financing structures.

106. SDAT failed to account for the actual income performance and pandemic-related impacts affecting Plaintiffs' property, while applying assessment methodologies that did not similarly penalize other properties that experienced comparable challenges.

107. As referenced in paragraphs 53 through 58, comparable luxury apartment properties in Prince George's County received significantly lower assessments despite having similar or superior characteristics, indicating systematic discriminatory treatment in the assessment process.

108. The discriminatory assessment subjects Plaintiffs to an unequal tax burden that is not imposed on similarly situated property owners, violating the fundamental principle that tax burdens should be distributed fairly and uniformly.

109. As applied to Plaintiffs, Section 13-505 prevents any judicial review or correction of this discriminatory assessment, thereby perpetuating and institutionalizing the equal protection violation.

110. The statute's application forces Plaintiffs to continue paying discriminatory taxes based on an assessment that treats them unequally compared to similarly situated property owners, while denying them any meaningful opportunity for judicial relief.

111. The administrative appeals process is inadequate to remedy the equal protection violation because it is conducted by the same agency that created the discriminatory assessment, involves multi-year delays, and provides no guarantee of uniform treatment across similar properties.

112. Section 13-505, as applied to Plaintiffs, enables and perpetuates discriminatory government action by preventing judicial intervention to correct unequal treatment, thereby violating the Equal Protection Clause.

113. The State's interest in efficient tax collection does not justify the denial of equal protection rights, particularly where the discriminatory assessment is based on flawed methodologies that bear no rational relationship to legitimate assessment practices.

114. As applied to Plaintiffs' circumstances, Section 13-505 serves no legitimate governmental purpose and is not rationally related to any valid state interest, as it prevents the correction of arbitrary and discriminatory government action.

115. The statute's application to Plaintiffs creates an irrational distinction between taxpayers who receive discriminatory assessments and those who do not, denying equal protection to those who most need judicial intervention to correct unequal treatment.

116. As a direct and proximate result of Section 13-505's as-applied violation of the Equal Protection Clause, Plaintiffs are forced to pay discriminatory taxes while being denied any meaningful judicial remedy to correct the unequal treatment they have suffered.

117. The as-applied constitutional violation causes immediate and continuing harm to Plaintiffs by perpetuating discriminatory government action and denying them the equal protection of the laws guaranteed by the Fourteenth Amendment.

COUNT IV
**As-Applied Constitutional Challenge to Section 13-505,
in Violation of the Takings Clause of the Fourteenth Amendment**

118. Plaintiffs incorporate herein the allegations set forth in paragraphs 1 through 71, above.

119. The Takings Clause of the Fifth Amendment to the United States Constitution, applicable to the states through the Fourteenth Amendment, prohibits the government from taking private property without just compensation.

120. The Takings Clause protects against both physical appropriations of property and regulatory actions that go too far in restricting the use and enjoyment of private property.

121. Excessive or discriminatory taxation constitutes a taking of private property, particularly where the tax burden is based on inflated assessments that bear no reasonable relationship to the property's actual value or the services provided by the government.

122. The discriminatory assessment imposed on Plaintiffs' property subjects them to an additional tax burden of more than \$1,000,000 over the three-year assessment period, well above what would be imposed under a fair and uniform assessment and that which effectively confiscates this amount of their property value each year. The discriminatory assessment methodology creates a confiscatory tax burden that exceeds any rational relationship to: (a) the property's actual market value; (b) the governmental services provided; (c) the assessment methodologies applied to similarly situated properties; or (d) the property's actual income-generating capacity during the relevant assessment period.

123. The assessment increase of 43%, far exceeding the statewide average of 17.6%, imposes a disproportionate and confiscatory tax burden that amounts to a partial taking of Plaintiffs' property without just compensation.

124. The flawed assessment methodology employed by SDAT, which ignores actual market conditions, creates a tax burden that is so excessive as to constitute a partial taking of Plaintiffs' property without just compensation.

125. The discriminatory assessment effectively appropriates a portion of Plaintiffs' property value for public use without providing just compensation, as the excess tax burden is not supported by any corresponding increase in governmental services or legitimate assessment methodology.

126. The confiscatory nature of the assessment is exacerbated by its impact on Plaintiffs' ability to use and enjoy their property, as the excessive tax burden threatens the financial viability of their business operations and forces them toward bankruptcy.

127. SDAT's assessment methodology arbitrarily inflates the property's value beyond any reasonable market-based determination, creating a tax burden that effectively confiscates property value without constitutional justification.

128. The assessment fails to account for the actual economic circumstances affecting the property, including pandemic-related income losses and increased operating expenses, resulting in a tax burden that bears no reasonable relationship to the property's true economic value.

129. As applied to Plaintiffs, Section 13-505 prevents any judicial review or correction of this confiscatory assessment, thereby institutionalizing and perpetuating the taking of their property without just compensation.

130. The statute's application forces Plaintiffs to continue paying confiscatory taxes based on an inflated assessment while being denied any meaningful opportunity for judicial relief to prevent the ongoing appropriation of their property.

131. The administrative appeals process is inadequate to remedy the taking because it, among other things, provides no guarantee of timely relief, is conducted in part by the same agency that imposed the confiscatory assessment, currently may take years to complete due to backlogs created by the COVID-19 pandemic, and offers no mechanism to halt the ongoing appropriation of property while the appeal is pending.

132. Section 13-505, as applied to Plaintiffs, enables and perpetuates a regulatory taking by preventing judicial intervention to stop the ongoing confiscation of property through excessive and discriminatory taxation.

133. The State's interest in efficient tax collection does not justify the taking of private property without just compensation, particularly where the assessment is based on fundamentally flawed methodologies that inflate property values beyond any reasonable market determination.

134. The statute's application to Plaintiffs serves no legitimate public purpose sufficient to justify the taking of their property, as it prevents the correction of arbitrary and confiscatory government action that provides no corresponding public benefit.

135. The ongoing collection of taxes based on the discriminatory assessment constitutes a continuing appropriation of Plaintiffs' property for public use without just compensation, in violation of the Takings Clause.

136. As a direct and proximate result of Section 13-505's as-applied violation of the Takings Clause, Plaintiffs are suffering the ongoing confiscation of their property through excessive taxation while being denied any meaningful judicial remedy to prevent the constitutional violation.

137. The as-applied constitutional violation causes immediate and continuing harm to Plaintiffs by allowing the State to appropriate their property value through confiscatory taxation without providing the just compensation required by the Takings Clause.

COUNT V

Alternative Theory: As-Applied Constitutional Challenge to Section 13-505 and Assessment Methodology, in Violation of Substantive Due Process under the Fourteenth Amendment

138. Plaintiffs incorporate herein the allegations set forth in paragraphs 1 through 71, above.

139. The Substantive Due Process Clause of the Fourteenth Amendment to the United States Constitution prohibits government action that is arbitrary, capricious, or lacks any rational relationship to a legitimate governmental purpose.

140. Property tax assessments must be conducted using rational methodologies that bear a reasonable relationship to the actual value of the property and serve legitimate governmental purposes of fair and uniform taxation.

141. Government conduct violates substantive due process when it “shocks the conscience” or is so arbitrary and unreasonable as to offend fundamental notions of fair play and decency.

142. SDAT’s assessment methodology, as applied to Plaintiffs’ property, was fundamentally arbitrary and capricious, employing valuation techniques that bear no rational relationship to the property’s actual market value or legitimate assessment practices.

143. The assessment methodology violated substantive due process by improperly capitalizing the August 3, 2020 ground lease transaction as if it represents the fair market value of the property, despite the fact that this financing mechanism was not representative of the property’s fair market value and was not used as a basis for assessing other properties with similar financing structures.

144. SDAT arbitrarily applied gross rent multipliers to Plaintiffs’ property that were significantly higher than those applied to comparable luxury apartment properties in Prince George’s County, resulting in discriminatory treatment that lacks any rational basis.

145. The assessment methodology arbitrarily ignored the actual income performance of Plaintiffs’ property during the COVID-19 pandemic, failing to account for documented

collection losses, increased operating expenses, and other material factors that affected the property's economic performance during the relevant assessment period.

146. The assessment was conducted by an inexperienced assessor who lacked adequate training in valuing complex commercial properties, resulting in the application of inappropriate methodologies and the use of inflated income data that bore no relationship to market conditions or established assessment practices.

147. The resulting assessment increase of 43%, far exceeding the statewide average of 17.6%, demonstrates the arbitrary and capricious nature of the methodology employed, as it produced results that are wholly disproportionate to any rational assessment standard.

148. SDAT's systematic failure to apply uniform and consistent assessment methodologies across similar properties, combined with the lack of adequate training and supervision of assessment personnel, reflects an arbitrary approach to property valuation that violates substantive due process.

149. The arbitrary assessment methodology serves no legitimate governmental purpose, as it fails to produce assessments that accurately reflect property values, undermines the goal of fair and uniform taxation, and creates irrational disparities in tax burdens among similarly situated property owners.

150. As applied to Plaintiffs, Section 13-505 enables and perpetuates this substantive due process violation by preventing judicial intervention to correct arbitrary and capricious assessment methodologies, thereby institutionalizing irrational government conduct.

151. The statute's application forces Plaintiffs to continue paying taxes based on an arbitrary and capricious assessment while being denied any meaningful opportunity for judicial relief to prevent the ongoing constitutional violation.

152. The administrative appeals process is inadequate to remedy the taking because it, among other things, provides no guarantee of timely relief, is conducted in part by the same agency that imposed the confiscatory assessment, currently may take years to complete due to backlogs created by the COVID-19 pandemic, and offers no mechanism to halt the ongoing appropriation of property while the appeal is pending.

153. Section 13-505, as applied to Plaintiffs' circumstances involving arbitrary and capricious assessment methodology, serves no legitimate governmental purpose and is not rationally related to any valid state interest, as it prevents the correction of fundamentally irrational government conduct.

154. The statute's application creates an irrational system where property owners subjected to arbitrary assessment methodologies have no recourse to prevent the collection of taxes based on fundamentally flawed and capricious government action.

155. As a direct and proximate result of the arbitrary and capricious assessment methodology, combined with Section 13-505's prevention of judicial correction, Plaintiffs are suffering ongoing constitutional harm through the enforcement of an irrational tax burden that lacks any legitimate governmental justification.

156. The substantive due process violation causes immediate and continuing harm to Plaintiffs by subjecting them to arbitrary government action while denying them the constitutional protection that courts are designed to provide against fundamentally irrational government conduct.

COUNT VI

Alternative Theory: Section 13-505 Does Not Apply to Void Tax Assessments

157. Plaintiffs incorporate herein the allegations set forth in paragraphs 1 through 71, above.

158. Section 13-505's prohibition against injunctive relief applies only to legitimate "taxes" imposed under lawful authority.

159. An assessment that violates constitutional equal protection or due process requirements is *void ab initio* and cannot constitute a lawful "tax" within the meaning of Section 13-505

160. Section 13-505's prohibition against injunctive relief cannot reasonably be interpreted to protect void governmental action, as such interpretation would: (a) render the statute unconstitutional under the Supremacy Clause; (b) violate the principle that procedural statutes must yield to substantive constitutional violations; and (c) create an irrational system where constitutional violations are insulated from immediate judicial review.

161. Void acts by government agencies have no legal effect and cannot be insulated from judicial review by procedural statutes that were not intended to protect unconstitutional government conduct.

162. The proper interpretation of Section 13-505 is that it applies only to legitimate tax assessments conducted under lawful authority, not to assessments that violate fundamental constitutional rights and are therefore void from their inception.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs 6009 Oxon Hill Road, LLC, Donnie Gross, and Matthew Connolly respectfully request that this Court enter judgment on the Complaint, in their favor and against Defendants State of Maryland and the State Department of Assessments and Taxation, as follows:

A. Declare that Maryland Code Annotated, Tax-General § 13-505 violates Article 8 of the Maryland Declaration of Rights by impermissibly infringing upon the inherent equitable powers of the judicial branch and disrupting the constitutionally mandated separation of powers;

B. Declare that SDAT's assessment methodology as applied to Plaintiffs' property violated the Equal Protection Clause by treating similarly situated properties differently without rational justification;

C. Declare that the assessment of Plaintiffs' property is *void ab initio* due to constitutional violations and cannot be enforced as a lawful tax under Maryland law;

D. Declare that Maryland Code Annotated, Tax-General § 13-505, as applied to Plaintiffs, violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution by preventing judicial correction of unconstitutional tax assessments and perpetuating unequal treatment under the law;

E. Declare that Maryland Code Annotated, Tax-General § 13-505, as applied to Plaintiffs, violates the Takings Clause of the Fourteenth Amendment to the United States Constitution by enabling the confiscation of private property through excessive taxation without just compensation;

F. Issue a preliminary injunction restraining and enjoining Defendants, their agents, employees, and all persons acting in concert with them, from enforcing, implementing, or giving effect to Maryland Code Annotated, Tax-General § 13-505 insofar as it prohibits this Court from issuing injunctive relief to prevent ongoing unconstitutional conduct related to the assessment or collection of the property tax assessment on the property located at 6009 Oxon Hill Road, Oxon Hill, Maryland, pending final resolution of this action;

G. Issue a preliminary injunction restraining and enjoining Defendants, their agents, employees, and all persons acting in concert with them, from collecting, enforcing, or implementing the unconstitutional property tax assessment that increased the assessed value of the property located at 6009 Oxon Hill Road, Oxon Hill, Maryland, from \$49 million to \$70 million, pending final resolution of this action;

H. Issue a permanent injunction restraining and enjoining Defendant, its agents, employees, and all persons acting in concert with them, from enforcing Maryland Code Annotated, Tax-General § 13-505 insofar as it prohibits courts from issuing injunctive relief to prevent the assessment or collection of taxes that violate constitutional rights or are imposed through discriminatory methodologies;

I. Order Defendant to conduct a new assessment of the property located at 6009 Oxon Hill Road, Oxon Hill, Maryland, using uniform and non-discriminatory methodologies consistent with those applied to similarly situated properties in Prince George's County;

J. Order SDAT to provide written justification for any assessment methodology that differs from those applied to comparable properties within the same jurisdiction;

K. Award Plaintiffs their costs and reasonable attorneys' fees incurred in connection with this action; and

L. Grant Plaintiffs such other relief as the Court deems just and proper, including additional injunctive and declaratory relief as may be required in the interest of justice.

DEMAND FOR JURY TRIAL

In accordance with Maryland Rule 2-325(a), Plaintiffs hereby elect a trial by jury on all issues herein triable of right by a jury.

Dated: July 28, 2025

/s/ Jordan D. Howlette
JORDAN D. HOWLETTE
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Counsel for Plaintiffs

EXHIBIT 1

COMMERCIAL WORKSHEET - REASSESSMENT YEAR 2022

1 Property Administrative Data

Account No.	17121250117	Income Method	Direct Capitalization		
Map/ Grid/ Parcel	96/ 00D3 /0000	Pl/ Sc/ Bk/ Lt	174005/ / /	BPRUC	01550
District/ Card Seq	12/ 00000-000-00-00	NH Code	10012.17	Zoning	17CSC
Owner's Name	OXON HILL ONTARIO WAREHOUSE LLC	Occupancy	Non-owner Occupied (N)	Exempt Code	
Address	6009 OXON HILL RD	Valued By			
	OXON HILL 20745-0000	Land Use	Comm Condo (CC)		
		Model			

2 Rents

Rent Type	Size/Number	Rent	Frequency	Annual Income
1 Bedroom Apartment	54	1,882.00	Monthly	1,219,536
1 Bedroom and Den Apartment	67	2,075.00	Monthly	1,668,300
2 Bedroom Apartment	15	2,100.00	Monthly	378,000
2 Bedroom 2 Bath Apartment	22	2,280.00	Monthly	601,920
3 Bedroom 2 Bath Apartment	8	2,950.00	Monthly	283,200
Other Income	1	0.00	Monthly	1,300,000
Potential Gross Income	167			5,450,956

3 Other Income

Secondary Income	of PGI	322,760
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4 Total Income

5,773,716

5 Vacancy and Collection Losses

Vacancy	922,171
Collection	92,217

6 Effective Gross Income

4,759,328

7 Expenses

Expense Type	Size/Number	Rate	Percent	Annual Expense
Miscellaneous Expense			21.92%	1,043,238
Total Expenses		21.92 %	of EGI	1,043,238

8 Net Operating Income

3,668,140

9 Capitalization Rate

Base Cap Rate + Model Adjustment Rate of 6.000	6.0000
Effective Tax Rate	1.4860
Recapture Rate	0.0000
Overall Rate	7.4860

10 Value

49,000,000

11 Value Statistics

293,413

12 Value Adjustments

Total Value Adjustments	0
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13 Total Income Value

Total Value This Stream (rounded)	Stream 1	49,000,000
Total Value All Streams		49,000,000

Notes**Legal Description** UNIT 1

Prior Land	1,797,400	Sale Date	08/03/2020
Prior Improv	39,502,600	Sale Price	32,700,000
Prior Total	41,300,000	Liber/Folio	43923/00043

EXHIBIT 2

1 Property Administrative Data

Account No.	17121250117	Income Method	Direct Capitalization		
Map/ Grid/ Parcel	96/ 00D3 /0000	Pl/ Sc/ Bk/ Lt	174005/ / /	BPRUC	01550
District/ Card Seq	12/ 00000-000-00-00	NH Code	10012.17	Zoning	17CSC
Owner's Name	OXON HILL ONTARIO WAREHOUSE LLC	Occupancy	Non-owner Occupied (N)	Exempt Code	
Address	6009 OXON HILL RD	Valued By			
	OXON HILL 20745-0000	Land Use	Comm Condo (CC)		
		Model			

2 Rents

Rent Type	Size/Number	Rent	Frequency	Annual Income
.Override Annual	1	1,450,000.00	Annual	1,450,000
Potential Gross Income	1			1,450,000

3 Other Income

0

4 Total Income

1,450,000

5 Vacancy and Collection Losses

Vacancy	(5.00 %)	72,500
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6 Effective Gross Income

1,377,500

7 Expenses

Expense Type	Size/Number	Rate	Percent	Annual Expense
Miscellaneous Expense		10	10.00%	137,750
Total Expenses		10.00 %	of EGI	137,750

8 Net Operating Income

1,239,750

9 Capitalization Rate

Base Cap Rate + Model Adjustment Rate of 7.000	7.0000
Effective Tax Rate	1.4860
Recapture Rate	0.0000
Overall Rate	8.4860

10 Value

14,609,357

11 Value Statistics

14,609,357

12 Value Adjustments

Other Additions	
Category	
	55,506,500
Total Value Adjustments	55,506,500

13 Total Income Value

Total Value This Stream (rounded)	Stream 2	70,115,857
Total Value All Streams		70,115,800

Notes**Legal Description** UNIT 1

Prior Land	1,797,400	Sale Date	08/03/2020
Prior Improv	37,203,400	Sale Price	32,700,000
Prior Total	39,000,800	Liber/Folio	43923/00043