

**BELWARD FARM DONOR FAMILY**  
**vs.**  
**JOHNS HOPKINS UNIVERSITY**



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**Contact:** Sonia Blumstein, (202) 213-0379 or  
[Sonia \(at\) PROactiveSolutionsInc.net](mailto:Sonia(at)PROactiveSolutionsInc.net)

Jennifer Berkowitz, (828) 687-2633 or  
[Jennifer \(at\) PROactiveSolutionsInc.net](mailto:Jennifer(at)PROactiveSolutionsInc.net)

**Plaintiffs in Belward Farm Lawsuit File for Summary Judgment**

**Rockville, MD** – The plaintiffs in John Timothy Newell, et.al. v. Johns Hopkins University announced today that they have filed a [motion for summary judgment](#) in the donor-intent lawsuit against the University.

The lawsuit, which alleges John Hopkins University’s plan to develop Belward Farm into a commercial “Science City” violates the now-deceased donors' intent that the Farm be used for a suburban University Research Campus. The donor’s family filed suit against the University on November 10, 2011 in Montgomery County Circuit Court. JHU's attempt to have the case dismissed without discovery failed when the Court issued a lengthy decision in March 2012 mandating that discovery in the case go forward.

**Follow the Belward Farm Lawsuit!**



Belward Farm: Picture by Zach Stern, zachstern.com

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"Based on all that we've learned during discovery and from our fact and expert witness, we are more confident than ever in the merits of our case," said Tim Newell, lead plaintiff and spokesperson for the donor family. "The facts are indisputable and the law is on our side, so we are hopeful the court will grant summary judgment in our favor and deny Hopkins' request for summary judgment."

To support their summary judgment request, the plaintiffs apply Maryland contract law to the contract between JHU and the donors, with reference to the zoning laws that were in effect at the time the contract was signed, the record of JHU's subsequent efforts to rezone Belward Farm, and the testimony of their fact and expert witness.

"The fact is Johns Hopkins University would not own Belward Farm if not for the generous donation my family made and that donation would not have been made without the restrictions on the development of the property that JHU agreed to," said Newell.

"In their summary judgment motion, JHU asserts that my Aunt Liz knew about their plans for Belward Farm because she attended and testified in support of their plans at a County Council hearing in 1990. But at the hearing, JHU was seeking to rezone Belward Farm to place a JHU research center on Belward Farm as its 'keystone' use, whereas today JHU is claiming entitlement to lease out the entire Farm to commercial or government R&D activities.

"What my Aunt Liz actually said that night is this: 'For thirty years, I have had to protect my farm from federal government installations, state and county highways, all brought on by planners who want to rearrange everything every few years, never giving me a rest. Developers and others have tried to buy my land for housing and office buildings. I want the land to stand for something important for future generations ... I am so proud and grateful that I was able to entrust my farm and its future to a great institution like Johns Hopkins.'

"Aunt Liz did not support the building of a high-density, commercial Science City on her property that requires no Hopkins presence other than as a landlord. Her donation was for something on a much smaller scale with JHU as the 'keystone' noncommercial presence."

The plaintiffs fact and expert witness, [Joseph R. Davis](#), is a 40-year veteran expert on Maryland land planning issues who was directly involved in the zoning process of the Belward Farm property; first as a planner and program manager with the Maryland-National Capital Park & Planning Commission (M-NCPPC) at the time of the Contract and later as the Montgomery County Planning Board's Subdivision Supervisor. This is what Mr. Davis said to the Court about these events:



Belward Farm: Picture by Donna Baron



Belward Farm: Picture by Zach Stern, zachstern.com

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#### **Legal Documents:**

[Plaintiff's Memo on Summary Judgement](#)  
(September 2012)

[Davis Expert Witness Affidavit](#)  
(September 2012)

[Johns Hopkins Motion to Dismiss Denied](#)  
(March 9, 2012)

[Original Summons and Complaint](#)  
(Nov. 10, 2011)

"My own recollection of comments made to me, during this period of 1988 and 1989, by other M-NCPPC planning staff and JHU representatives involved in the BF [Belward Farm] project, is that Elizabeth Banks was firmly opposed to residential and commercial development of [Belward Farm]. Her views concerning her intent to preserve [Belward Farm] from development were much publicized and widely known in the community."

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