

**IN THE CIRCUIT COURT FOR  
PRINCE GEORGE'S COUNTY, MARYLAND**

**GREATER CAPITOL HEIGHTS  
IMPROVEMENT CORPORATION**

415 Zelma Avenue  
Capitol Heights, MD 20743,

*Plaintiff,*

*v.*

**REDEVELOPMENT AUTHORITY OF  
PRINCE GEORGE'S COUNTY**

ATTN: Perry L. Paylor, Esq., Executive Director  
9200 Basil Court, Suite 504  
Largo, MD 20774,

**IKENNA UDEJIOFOR**

7606 Pawling Way  
Beltsville, MD 20705, and

**PRINCE GEORGE'S COUNTY,  
MARYLAND**

ATTN: Anthony D. Jones, Esq., County  
Attorney  
1301 McCormick Drive, Suite 4100  
Largo, MD 20774,

*Defendants.*

**CIVIL ACTION NUMBER**

C-16-CV-25-004762

**JURY TRIAL DEMANDED**

**COMPLAINT FOR DECLARATORY, INJUNCTIVE,  
AND MONETARY RELIEF**

(Maryland Public Information Act; 42 U.S.C. § 1983;  
Md. Const. Arts. 24 and 40)

**INTRODUCTION**

Plaintiff Greater Capitol Heights Improvement Corporation ("GCHIC") brings  
this civil action to redress Defendants' violations of the Maryland Public Information

Act (“MPIA”), the United States Constitution, and the Maryland Declaration of Rights. The case arises from Defendants’ unlawful refusal to produce non-exempt public records concerning the proposed redevelopment of the historic Fairmont Heights High School site, despite a narrow, good-faith request made in the public interest. Defendants compounded their statutory violations by conditioning any production on payment of unreasonable and inflated fees, failing to evaluate Plaintiff’s fee-waiver request, and engaging in a pattern of selective disclosure and exclusion from official communications calculated to punish Plaintiff for its protected speech, petitioning activity, and viewpoint.

Before initiating this action, Plaintiff sought to resolve the matter through the Maryland Public Access Ombudsman’s mediation process, but those efforts did not result in an agreement.

Plaintiff seeks declaratory, injunctive, and monetary relief to compel compliance with the MPIA; to remedy retaliation, viewpoint discrimination, and denial of equal protection under the First and Fourteenth Amendments to the United States Constitution and Articles 24 and 40 of the Maryland Declaration of Rights; and to obtain such other relief as the Court deems just and proper.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 1-501 and 3-403 and has authority to grant the declaratory and injunctive relief and award the damages and fees sought under Md. Code Ann., Cts. & Jud. Proc. §§ 1-501 and 3-401 et seq., MPIA § 4-362, 42 U.S.C. §§ 1983 and 1988, and Maryland common law.

2. Venue is proper in this Court under Md. Code Ann., Cts. & Jud. Proc. § 6-201 because all Defendants reside in, carry on regular business in, or maintain their principal offices in Prince George's County, and because the acts and omissions giving rise to the claims occurred in this County.

### **PARTIES**

3. Plaintiff Greater Capitol Heights Improvement Corporation ("GCHIC") is a nonprofit 501(c)(3) corporation qualified to do business in Maryland. Its principal place of business is 415 Zelma Avenue, Capitol Heights, MD 20743. GCHIC serves a defined 24-square-mile area in central inner-Beltway Prince George's County, including the historic Fairmont Heights High School (FHHS) site at issue in this action, located at 1401 Nye St, Capitol Heights, MD 20743.

4. Defendant Redevelopment Authority of Prince George's County ("RDA") is a public body corporate and an instrumentality of Prince George's County, with its principal offices at 9200 Basil Court, Suite 504, Largo, MD 20774.

5. Defendant Ikenna Udejiofor is the former Executive Director of the RDA and the individual with whom GCHIC dealt in connection with its inquiries about the FHHS site. He is sued in his individual capacity. On information and belief, he resides or regularly transacts business at 7606 Pawling Way, Beltsville, MD 20705.

6. Defendant Prince George's County, Maryland ("County") is a body corporate and politic organized under the laws of Maryland, with its principal offices at 1301 McCormick Drive, Largo, MD 20774.

## **FACTUAL ALLEGATIONS**

7. On March 21, 2025, GCHIC submitted a lawful MPIA request to RDA seeking records from July 1, 2023 to the present (as of March 21, 2025) relating to the proposed redevelopment of the FHHS site. Substantively, the request was limited to: (a) records reflecting the acquisition, disposition, transfer, valuation, development, or redevelopment of the FHHS property; (b) records of RDA's public engagement regarding the FHHS property; and (c) communications to or from specified public bodies and stakeholders concerning the FHHS property, including PGCPs, the County Council, the County Executive/Deputy CAO for Economic Development/Office of Central Services, M-NCPPC, and non-governmental entities—as well as other FHHS-related records in RDA's possession, custody, or control (excluding attorney–client privileged advice). The request included a detailed statement of public interest and a fee-waiver request. As later represented by RDA's counsel, the search identified only approximately 159 responsive documents, underscoring the limited scope and minimal burden of the request.

8. Before submitting the MPIA request, GCHIC had repeatedly and informally sought the same information from Defendant Udejiofor, but he ignored or deflected these inquiries.

9. The Prince George's County Office of Law acknowledged receipt of the MPIA request on March 25, 2025, confirming that RDA was the custodian.

10. RDA failed to respond within 10 working days as required by MPIA § 4-203(b)(2) and failed to produce the requested records within 30 days as required by § 4-203(b)(1).

11. On April 25, 2025, after not receiving any substantive response within the statutory deadlines, GCHIC followed up in writing with the County Office of Law and RDA, reiterating its request, emphasizing the public interest in disclosure, and urging immediate production of all responsive records without charge.

12. On April 29, 2025, more than 30 days after the request, RDA issued a letter demanding \$6,625.50 in prepayment, citing 26.5 hours of attorney review time at \$250/hour and additional administrative hours. The letter made repeated references to “the County” and did not address the fee-waiver request.

13. On April 29, 2025, GCHIC objected in writing, asserting that the fee was excessive, unlawful, and retaliatory, and demanding immediate production.

14. On May 2, 2025, RDA’s outside counsel sent a letter stating that there were “upwards of 159” potentially responsive documents and estimating approximately 10 minutes of review per document, for a total of about 26.5 hours of attorney time at \$250/hour (approximately \$6,625). Counsel further stated that RDA was not in a position to waive fees. Later that same day, in an email, counsel proposed that GCHIC deposit roughly 50% of the estimate (about \$3,300) to commence review. Even taking those representations at face value, the estimated charges remain unreasonable given the narrow scope and public-interest nature of the request.

15. Meanwhile, in April 2025, the County Council considered CR-41-2025, a resolution to declare dozens of public properties surplus and transfer them to RDA for redevelopment, including the FHHS site.

16. GCHIC opposed CR-41-2025 insofar as it concerned the proposed disposition of the FHHS property to RDA and opposed RDA's rumored plan to convert the FHHS site into a film studio, instead advancing an alternative vision for a walkable, mixed-use, transit-oriented development (TOD) with multifamily housing at various income levels leveraging proximity to two Metro stations.

17. In advance of the April 29, 2025, public hearing before the County Council on CR-41-2025, GCHIC submitted written public comments opposing the transfer of the FHHS property to RDA. GCHIC explained that such a disposition would contravene Maryland law because the County had not taken prerequisite steps required for the transfer of former public school property and because the disposition was inconsistent with applicable comprehensive planning requirements. The County Council ignored these serious allegations of procedural and legal deficiency, made no reference to GCHIC's opposition in its discussion on the day of the hearing, and instead focused on and engaged with supportive stakeholders, including several members of the Fairmont Heights High School Alumni Association (FHHSAA).

18. Following the hearing, GCHIC supplemented its March 21 MPIA request on May 9, 2025, to ensure that it encompassed any additional records generated or exchanged in the lead-up to and during the April 29 hearing, including communications between RDA, County officials, and supportive stakeholders about the FHHS property and CR-41-2025.

19. By letter dated May 12, 2025, RDA responded to the supplemental request by summarily refusing to alter its prior position, declining to produce any

records absent payment of the previously demanded fee, and providing no further substantive justification for withholding the requested documents.

20. On information and belief, Defendants' refusal to comply with GCHIC's MPIA request was motivated by animus toward GCHIC's opposition to CR-41-2025, as well as GCHIC's broader TOD advocacy and its criticisms of the County's redevelopment policies and efforts to avoid public scrutiny.

21. Defendant Udejiofor's actions were knowing, willful, and malicious, undertaken in violation of clearly established law. As a longtime County official, he was intimately familiar with MPIA requirements and constitutional protections, and he acted in willful disregard of those duties, despite repeated notice of the applicable MPIA requirements from Plaintiff.

22. To date, GCHIC has received no public records.

23. Defendants' conduct reflects a pattern of viewpoint-based discrimination and retaliation against protected advocacy, in violation of the First Amendment.

**COUNT ONE**  
**(Violation of the Maryland Public Information Act)**  
**(Defendants Prince George's County and RDA)**

24. Plaintiff realleges and incorporates by reference the allegations in the foregoing paragraphs.

25. Defendants violated MPIA §§ 4-203 and 4-206 by failing to respond to Plaintiff's request within the timeframes required by law, failing to provide the required 10-day notice and explanation of delay, demanding an unreasonable fee unrelated to actual costs, failing to appropriately consider Plaintiff's fee-waiver

request made in the public interest, and failing to produce non-exempt records or provide a sufficient Vaughn-type index for any withheld materials.

26. These violations were not technical or inadvertent but formed part of a broader effort to frustrate Plaintiff's access to public information and suppress disfavored viewpoints.

27. Plaintiff is entitled to declaratory and injunctive relief compelling production of the requested records without charge and an award of reasonable attorneys' fees under MPIA § 4-362(f).

**COUNT TWO**  
**(First Amendment Retaliation; 42 U.S.C. § 1983)**  
**(All Defendants)**

28. Plaintiff realleges and incorporates by reference the allegations in the foregoing paragraphs.

29. Plaintiff engaged in constitutionally protected speech and advocacy by opposing CR-41-2025 and promoting a TOD alternative for the FHHS site.

30. Defendants took adverse action by obstructing access to public information and excluding Plaintiff from redevelopment-related communications and decision-making in a manner that would chill a person of ordinary firmness from continuing to speak and petition government.

31. Defendants' actions were motivated by Plaintiff's viewpoint and intended to retaliate against its protected activity.

32. Defendant Udejiofor acted under color of state law and with full knowledge of the illegality of his conduct; his actions violated clearly established rights, and he is not entitled to qualified immunity.



33. Plaintiff is entitled to declaratory and injunctive relief, nominal and compensatory damages, punitive damages against Defendant Udejiofor, and attorney's fees under 42 U.S.C. § 1988.

**COUNT THREE**  
**(Viewpoint Discrimination and Denial of**  
**Equal Protection; 42 U.S.C. § 1983)**  
**(All Defendants)**

34. Plaintiff realleges and incorporates by reference the allegations in the foregoing paragraphs.

35. By selectively granting access to public information and redevelopment discussions to favored entities, while withholding the same from Plaintiff, Defendants engaged in unconstitutional viewpoint-based discrimination and denied Plaintiff equal protection of the laws.

36. The disparate treatment lacked any legitimate governmental justification and was animated by discriminatory intent.

37. Defendant Udejiofor acted under color of state law and with full knowledge of the illegality of his conduct; his actions violated clearly established rights, and he is not entitled to qualified immunity.

38. Plaintiff is entitled to declaratory and injunctive relief, nominal and compensatory damages, punitive damages against Defendant Udejiofor, and attorney's fees under 42 U.S.C. § 1988.

**COUNT FOUR**  
**(Willful Violation of MPPIA)**  
**(Defendants Prince George's County and RDA)**

39. Plaintiff realleges and incorporates by reference the allegations in the foregoing paragraphs.

40. Defendants knowingly and willfully failed to disclose public records that they were required to disclose under the MPIA by:

- a. Failing to produce any non-exempt responsive records within statutory deadlines despite clear notice of those obligations;
- b. Ignoring and failing to evaluate Plaintiff's public-interest fee-waiver request; and
- c. Conditioning any production on prepayment of unreasonable and unlawful fees based on outside-counsel billing rates.

41. Defendants' conduct was undertaken despite repeated notice of MPIA's requirements from Plaintiff and the plain language of the statute.

42. As a direct and proximate result, Plaintiff has suffered actual damages, including but not limited to increased costs, diversion of organizational resources, and impairment of its ability to participate in redevelopment decision-making affecting its community.

43. Pursuant to MPIA § 4-362(d), Plaintiff is entitled to an award of actual damages, injunctive relief compelling production, and attorney's fees.

**COUNT FIVE**  
**(Violation of Art. 40, Md. Decl. of Rights—Free Speech)**  
**(All Defendants)**

44. Plaintiff realleges and incorporates by reference the allegations in the foregoing paragraphs.

45. Article 40 of the Maryland Declaration of Rights guarantees the liberty to speak, write, and publish freely on all subjects.

46. Plaintiff engaged in protected speech and petition activity opposing CR-41-2025 and advocating for an alternative mixed-use, transit-oriented redevelopment of the FHHS site.

47. Defendants took adverse action—including obstructing access to public records and excluding Plaintiff from redevelopment-related communications—that would deter a person of ordinary firmness from continuing such advocacy.

48. Defendants’ actions were motivated by Plaintiff’s viewpoint and intended to retaliate against protected activity, in violation of Article 40.

49. Plaintiff is entitled to declaratory and injunctive relief, compensatory damages, and attorney’s fees under Maryland law.

**COUNT SIX**  
**(Violation of Art. 24, Md. Decl. of Rights—Equal Protection)**  
**(All Defendants)**

50. Plaintiff realleges and incorporates by reference the allegations in the foregoing paragraphs.

51. Article 24 of the Maryland Declaration of Rights provides that no person shall be deprived of life, liberty, or property without due process of law, and guarantees equal protection of the laws.

52. By selectively granting favored stakeholders—including the FHHS Alumni Association—access to redevelopment-related information and discussions, while withholding the same from Plaintiff, Defendants engaged in unconstitutional viewpoint-based discrimination and denied Plaintiff equal protection of the laws, in violation of Article 24.

53. This disparate treatment lacked any legitimate governmental justification and was motivated by discriminatory intent.

54. Plaintiff is entitled to declaratory and injunctive relief, compensatory damages, and attorney's fees under Maryland law.

**WHEREFORE**, Plaintiff respectfully requests that this Court:

A. Declare that Defendants violated the Maryland Public Information Act;

B. Order Defendants to produce all responsive public records without charge;

C. Declare that Defendants' conduct violated Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution, and Articles 24 and 40 of the Maryland Declaration of Rights;

D. Enjoin Defendants from further retaliatory or discriminatory conduct against Plaintiff;

E. Award Plaintiff nominal, compensatory, and punitive damages as appropriate under federal and Maryland law, including statutory damages up to \$1,000 and actual damages under GP § 4-362(d), and reasonable counsel fees under § 4-362(f).

F. Award Plaintiff its reasonable attorneys' fees and costs under MPIA § 4-362(f), 42 U.S.C. § 1988, and Maryland law; and

G. Grant such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 2-325 of the Maryland Rules, Plaintiff hereby demands a trial by jury on all issues and claims so triable.

Respectfully submitted this 22nd day of August, 2025.

**/s/ Bradley E. Heard**

Bradley E. Heard

(MD AIS # 2302060005)

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