

**Excerpts from the BPRA Board of Trustees meeting minutes concerning
Shannon v. Bel Pre Recreational Association
Montgomery County Circuit Court, case no. 67941E (1979)**

August 1, 1979 (pp. 1-2):

The meeting opened with discussion of court action taken by Ed Shannon, a community resident whose property adjoins the pool area, in protest of the fact that the swimathon was held on a night preceding a work day when he had specifically complained about that aspect of swimathon scheduling in the past. He had been informed of the intent to hold the swimathon on Sunday, July 22 and Monday, July 23 by [BPRA Swim Team Committee Chairman] Herb [Martinson] on Monday, July 16. Despite assurances that noise would be held to a minimum and that consideration had been given to his objection to this type of scheduling for the event, Ed had sought a court injunction prohibiting the event. He informed [BPRA President] Bob [Corcoran] and [Vice President] Frank [Corrigan] of his plan to take legal action and on July 21 Bob received a copy of the papers Ed filed. At [BPRA Rules/Gate Committee Chairman] Olive [Birnbaum]'s request a special Board meeting was held at the pool on July 22, with all members but Mike [Dieter] and Lloyd [Brown] present, to discuss whether to continue with the swimathon. In light of plans already made to hold noise to an absolute minimum it was decided to proceed with the swimathon. While the judge felt the situation did not warrant issuance of an *Ex Parte* injunction against this year's event, he did issue a summons which was delivered to Daphne Byron (the BPRA corporate resident agent on file under requirements for Maryland corporations) on August 1. The summons was to the BPRA corporation for a hearing on the request to enjoin BPRA from holding the swimathon in future years. Exact date of the hearing is uncertain because it was initially scheduled for the first Monday in September which is Labor Day. [BPRA Legal Committee Chairman] Carl [Tretter] will see that the Association is represented at the hearing.

Olive questioned whether the Board should have permitted the swimathon to be held knowing Ed's objection. It was agreed that the Board should consider seeking the feelings of all homeowners whose property adjoins the pool area prior to approving a swimathon in future years.

September 12, 1979 (p. 7):

Legal Committee - Carl reported that BPRA attorney Art Brisker has filed an answer to Ed Shannon's suit but no new court date has been set. He estimates a \$300 legal fee if the case goes to court. Mr. Brisker will ask for costs back if BPRA wins the case.

January 2, 1980 (p. 2):

Legal Committee - Carl reported that Ed Shannon's court suit has been dismissed and that BPRA attorney Art Brisker will seek to have Ed pay for the BPRA court costs involved in the case.