

Circuit Court for Montgomery County
Case No.: 483062V

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1629

September Term, 2021

SHANE VAN DYKEN, *et al.*

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION

Graeff,
Arthur,
Ripken,

JJ.

PER CURIAM

Filed: September 26, 2022

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

The Circuit Court for Montgomery County entered summary judgment against Shane Van Dyken and Holly Whitney, appellants, based on this Court’s ruling in *Gambrill v. Board of Education of Dorchester County*, 252 Md. App. 342 (2021). They appealed. Since then, the Court of Appeals has reversed our decision. *Gambrill v. Board of Education of Dorchester County*, ___ Md. ___, No. 34, Sept. Term 2021 (filed August 26, 2022). In light of this development, both parties agree the circuit court’s judgment must be reversed. So do we.

JUDGMENT OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY REVERSED. CASE REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THE COURT OF APPEALS’ DECISION IN *GAMBRILL*. COSTS TO BE DIVIDED EQUALLY AMONG THE PARTIES.