

In The Circuit Court for Baltimore City
CIVIL

In the Matter of

MAYOR AND CITY COUNCIL OF BALTIMORE

VS

MASON LOUDEN

7

11-2-56

APPOR

CASE NO. 90211027 - C117259 PAGE 1 of 2

DATE

DOCKET ENTRIES

NO.

11/28/90	Care submitted to the Court for a determination without aid of a jury Hollander	
"	Held sub curra Hollander	
12-4-90	memo opinion and order pd. appeal dismissed, cert to appellant. (Hollander, J)	11

MAYOR AND CITY COUNCIL
OF BALTIMORE

Appellant

v.

MASON LOUDEN

Appellee

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 90211027/CL117259
*

* * * * *

MEMORANDUM OPINION AND ORDER

Hollander, J.

Mason Louden ("Louden") instituted suit in the District Court of Maryland against the Mayor and City Council of Baltimore ("the City"). Louden sought damages allegedly resulting from the break of a water main, which he asserted flooded his basement. Trial was held on June 4, 1990. At the conclusion of Plaintiff's testimony, the City moved for judgment in its favor, claiming Louden had not established a prima facie case against the City. Plaintiff, through counsel, requested a continuance. At the suggestion of the trial judge, Plaintiff sought to dismiss his case, without prejudice. Over the City's objection, the trial court granted Louden's Motion to Dismiss, without prejudice. Transcript at 29-32. The instant appeal followed.

At oral argument, the City agreed that the only issue before this court is whether the trial judge properly allowed Louden to dismiss his case, without prejudice. This court finds the trial judge had the authority to allow Louden to dismiss his case, without prejudice.

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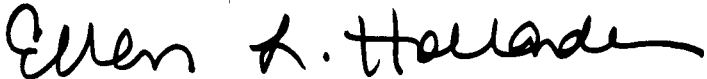
Maryland Rule 3-506 governs the instant appeal. It provides, in pertinent part, as follows:

Rule 3-506. VOLUNTARY DISMISSAL

- (a) By Notice of Dismissal of Stipulation - Except as otherwise provided in these rules or by statute, a plaintiff may dismiss an action without leave of court (1) by filing a notice of dismissal at any time before the adverse party files a notice of intention to defend, or if the notice of dismissal specifies that it is with prejudice, at any time before judgment, or (2) by filing a stipulation of dismissal signed by all parties who have appeared in the action.
- (b) By Order of Court. - Except as provided in Section (a) of this Rule, a plaintiff may dismiss an action only by order of court and upon such terms and conditions as the court deems proper.

This case is clearly within the parameters of Rule 3-506(b), which the City itself concedes. The applicable rule permitted the trial judge to grant Plaintiff's request for a voluntary dismissal without prejudice. Moreover, this Court is compelled to conclude that the trial judge was within his discretion in granting Loudon's request.

Accordingly, it is, this 4th day of December, 1990, ORDERED that the Appeal be dismissed. Costs shall be paid by Appellant.


Ellen L. Hollander, Judge

cc: Leonard Schwartz, Esquire
Bernard A. Greenberg, Esquire
William R. Phelan, Jr., Esquire

MAYOR AND CITY COUNCIL
OF BALTIMORE

Appellant

vs.

MASON LOUDEN

Appellee

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:
:

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No. 90211027/CL117259

ORDER TO STRIKE APPEARANCE

IT IS HEREBY on this _____ day of _____, 1990,
ORDERED by the Circuit court of Baltimore City, that the
appearance of Leonard M. Schwartz, Esquire on behalf Appellee,
Mason Louden, be and it is hereby stricken, and that the Clerk
of the Court is to serve copies of this Order on Bernard A.
Greenberg, Esquire, LL City Hall, 100 Holliday Street,
Baltimore, Maryland 21202 and William R. Phelan, Jr., Senior
Solicitor, City of Baltimore, Department of Law, 101 City
Hall, Baltimore, Maryland 21202.

*Heard 11/13/90
For case to be heard*

JUDGE

[Handwritten signature]
[Handwritten signature]

2

FILED

NOV 7 1990

CIRCUIT COURT FOR BALTIMORE CITY

MAYOR AND CITY COUNCIL OF BALTIMORE *

Appellant *

vs. *

MASON LOUDEN *

Appellee *

IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY
90211027/CL117259

* * * * *

APPEAL MEMORANDUM

The Mayor and City Council of Baltimore ("the City"). Appellant, by its attorneys, William R. Phelan, Jr., Senior Solicitor, and Bernard A. Greenberg, Assistant Solicitor, submits this memorandum of law pursuant to Maryland Rule 1330.

On March 19, 1990, Mason Loudon brought an action in the District Court of Maryland against the City for damages allegedly resulting from a water main break which flooded Mr. Loudon's basement. The case was tried on June 4, 1990, before the Honorable Askew W. Gatewood Jr. After the Plaintiff had testified, the City made a motion for judgment in its favor because the Plaintiff had not presented a prima facie case against the City. The Plaintiff then made a motion for a continuance and, upon the invitation of the trial judge, a motion to dismiss without prejudice. Over the City's objection, the trial court granted this last motion. The City then brought this appeal.

The only witness at the trial was Mr. Loudon whose testimony was characterized by an inability to introduce any meaningful evidence. Mr. Loudon testified that he owned a parcel of property at 1717 Hartsdale Road,

where he had lived from 1976 to 1986 (Transcript, page 8). He testified that there came a time when he filed a claim against the City for damages to his property (T. 10). Mr. Loudon briefly and scantily described a claim form and list of property, which was marked for identification, but never received into evidence (T. 10-14). The City's objection that it lacked any foundation was sustained (T. 14).

After the failure to get the document into evidence, Mr. Loudon testified that he had found water in the cellar of his property in March, 1989 (T. 18-19). He learned that there had been a water main break eight months earlier on August 14, 1988 (T. 20)

Due in part to a series of objections which were sustained by the trial judge, the Plaintiff was unable to present any more evidence than this. And this meager collection of facts clearly failed to comprise a prima facie case against the City for negligence (or for anything else).

When it was clear that the efforts of the Plaintiff to present evidence on his claim were futile, the trial judge told counsel for the Plaintiff that he would entertain a motion (T. 29). At that point, counsel for the City made a motion for judgment in favor of the City, based on the Plaintiff's obvious failure to make out a case against the City (T. 29 30).

Counsel for the Plaintiff then requested a continuance in order to bring in witnesses with knowledge of the property damage; the City objected strenuously (T. 30). Counsel for the City again moved for judgment in the City's favor (T. 31). At that point, Judge Gatewood clarified that the motion he would entertain would be a request by the Plaintiff to dismiss his case without prejudice so that he could start all over again (T. 31). Once again counsel for the City interposed an objection, but the trial judge

granted the dismissal without prejudice (T. 31-32). Thus, even though the trial was proceeding and the Plaintiff had presented all the evidence that he could, the trial judge allowed him to go back and start all over again.

This ruling was manifestly unfair. There was no element of surprise or unfair circumstance which justified giving the Plaintiff a second bite at the apple. The Plaintiff simply failed to present a prima facie case, given a fair opportunity to do so. For the trial judge to solicit and then grant a motion to dismiss and start over was an abuse of discretion. Given the factual situation, the trial judge should have granted the City's motion for judgment. In view of the Plaintiff's failure to introduce sufficient evidence to make out a prima facie case, the City should not have to continue to defend against this claim and go to trial again. The trial judge erred in granting the Plaintiff's motion and in denying the City's motion for judgment.

For these reasons, this Court should reverse the judgment below and direct the entry of judgment in favor of the City.

Respectfully submitted,

William R. Phelan, Jr.
WILLIAM R. PHELAN, JR.
Senior Solicitor

Bernard A. Greenberg
BERNARD A. GREENBERG
Assistant Solicitor
Department of Law
City Hall, 100 Holliday Street
Baltimore, Maryland 21202
(301) 396 4094
(301) 396 3944
Attorney for Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5th day of November, 1990,
copies of the foregoing Appeal Memorandum were mailed to:

Leonard M. Schwartz, Esquire
300 Water Street
Baltimore, Maryland 21202

and to:

Mason Loudon
2 Cavalcade Court -- Apt. D.
Baltimore, Maryland 21234

William R. Phelan Jr.
WILLIAM R. PHELAN, JR.
Senior Solicitor

WRP:v
11-2-90

MAYOR AND CITY COUNCIL
OF BALTIMORE

Appellant

vs.

MASON LOUDEN

Appellee

FILED
OCT 18 1990
CIRCUIT COURT FOR
BALTIMORE CITY

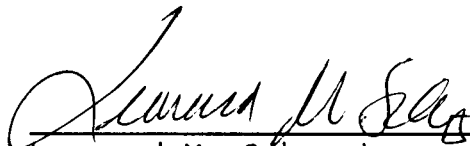
IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY

Case No. 90211027/CL117259

MOTION TO STRIKE APPEARANCE

Leonard M. Schwartz, Esquire, respectfully moves that this Honorable Court strike the appearance of Leonard M. Schwartz, Esquire, as counsel for the Appellee, Mason Loudon.

I HEREBY CERTIFY that, pursuant to Maryland Rule 2-132 (b), and more than five days prior to the filing of this motion, notice was mailed to the client on October 10, 1990, a copy of which is attached hereto as Exhibit A, informing the client of the attorney's intention to move for withdrawal and advising the client to have another attorney enter an appearance or to notify the clerk in writing of the client's intention to proceed in proper person. As of the 16th day of October, 1990, the client has not contacted the attorney.



Leonard M. Schwartz
300 Water Street
Baltimore, Maryland 21202
(301) 783-1188





EXHIBIT A

SCHWARTZ, CHUNG, AND ALDOUBY, P.A.

ATTORNEYS AT LAW

CANTON HOUSE • 300 WATER STREET
BALTIMORE, MARYLAND 21202

LEONARD M. SCHWARTZ +
DONG H. CHUNG
SHARON L. ALDOUBY +

TELEPHONE: (301) 727-4855
FAX: (301) 727-4856

+ ALSO ADMITTED TO DISTRICT OF COLUMBIA BAR

October 10, 1990

Mason Louden
Number 2 Calvacade Court
Apt. D
Baltimore, MD 21234

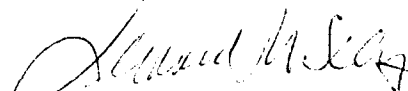
Dear Mr. Louden:

I am writing you regarding the case of Louden v. Baltimore City, Case No. 08778-90 and the fact that you have terminated your contract for services with this office. As a result, this office intends to move for withdrawal from the case. If this Motion for Withdrawal is granted by the Court, representation by this office, (Attorney Leonard M. Schwartz) will be discontinued. If you desire further representation, you should have another attorney enter an appearance or you should notify the Clerk of the Circuit Court in writing if you intend to represent yourself. The Clerk of the Circuit Court is Sandra Banks. Her address is:

Circuit Court for Baltimore City
Courthouse East
111 N. Calvert St., 4th Floor
Baltimore, MD 21202

If you have any questions regarding this matter, please contact me at 783-1188.

Very truly yours,


Leonard M. Schwartz,

LMS/ss

LS-LOUDEN

MAYOR AND CITY COUNCIL
OF BALTIMORE

IN THE
CIRCUIT COURT

GU

Appellant

FOR

vs.

BALTIMORE CITY

MASON LOUDEN

Appellee

Case No. 90211027/CL117259

FILED
AUG 7 1990
CIRCUIT COURT FOR
BALTIMORE CITY

MOTION TO STRIKE ATTORNEY'S APPEARANCE

Pursuant to Maryland Rule 2-132, Leonard M. Schwartz, Esquire, hereby moves to strike his appearance as attorney for Appellee in the above-captioned matter and certifies to this court that on August 1, 1990 a letter was sent to Appellee in accordance with this rule.

Respectfully submitted,

Leonard M. Schwartz

Leonard M. Schwartz
300 Water Street
Baltimore, Maryland 21202
(301) 727-4855
Attorney for Appellant

*Stratification
certification of
compliance w/ Mad Rule
2-132*

9/5/90

DAVID ROSS
HUDSON

2

2



MAYOR AND CITY COUNCIL : IN THE
OF BALTIMORE :
Appellant : CIRCUIT COURT
vs. : FOR
MASON LOUDEN : BALTIMORE CITY
Appellee : Case No. 90211027/CL117259

ORDER STRIKING ATTORNEY'S APPEARANCE

WHEREAS, this matter having come before this court upon Motion to Strike Attorney's Appearance, and this court having read and considered the same,

It is this ____ day of _____, 1990, by the Circuit Court of Baltimore City.

HEREBY ORDERED, that the appearance of Leonard M. Schwartz, Esquire as attorney for the Appellee Mason Loudon is hereby stricken.

JUDGE

MAYOR AND CITY COUNCIL
OF BALTIMORE

Appellant

vs.

MASON LOUDEN

Appellee

FILED
AUG 7 1990
CIRCUIT COURT FOR
BALTIMORE CITY

: IN THE
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: CIRCUIT COURT
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: FOR
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: BALTIMORE CITY
:
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: Case No. 90211027/CL117259

ORDER STRIKING ATTORNEY'S APPEARANCE

WHEREAS, this matter having come before this court upon Motion to Strike Attorney's Appearance, and this court having read and considered the same,

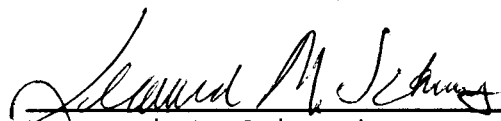
It is this _____ day of _____, 1990, by the Circuit Court of Baltimore City.

HEREBY ORDERED, that the appearance of Leonard M. Schwartz, Esquire as attorney for the Appellee Mason Loudon is hereby stricken.

JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 1990, a copy of the foregoing Motion to Strike Attorney's Appearance was mailed, postage prepaid, to Bernard A. Greenberg, Esquire, LL City Hall, 100 Holliday Street, Baltimore, Maryland 21202 and William R. Phelan, Jr., Senior Solicitor, City of Baltimore, Department of Law, 101 City Hall, Baltimore, Maryland 21202.


Leonard M. Schwartz

SB

FILED
IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
DISTRICT COURT FOR
BALTIMORE CITY

MAYOR AND CITY COUNCIL OF BALTIMORE

Appellant

vs.

MASON LOUDEN

Appellee

90211027/CL117259

: : : : : : :

REQUEST FOR ORAL ARGUMENT

The Mayor and City Council of Baltimore, by its attorneys, William R. Phelan, Jr., Senior Solicitor, and Bernard A. Greenberg, Assistant Solicitor, pursuant to Maryland Rule 1345, requests that oral argument be held in the above-entitled appeal from the District Court.

William R. Phelan, Jr.
WILLIAM R. PHELAN, JR.
Senior Solicitor

Bernard A. Greenberg
BERNARD A. GREENBERG
Assistant Solicitor
Department of Law
City Hall, 100 Holliday Street
Baltimore, Maryland 21202
(301) 396-3944
Attorneys for Appellant

CRD

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of August, 1990,
a copy of the foregoing Request for Oral Argument was mailed to:

Leonard M. Schwartz, Esquire
300 Water Street
Baltimore, Maryland 21202

William R. Phelan Jr.
WILLIAM R. PHELAN, JR.
Senior Solicitor

WRP:v

MAYOR AND CITY COUNCIL OF BALTIMORE

Appellant

vs.

MASON LOUDEN

Appellee

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FILED

IN THE

CIRCUIT COURT

NOV 1 1999

BALTIMORE CITY

**CIRCUIT COURT FOR
BALTIMORE CITY**

90211027/CL117259

ENTRY OF APPEARANCE

MS. CLERK:

Please enter the appearance of William R. Phelan, Jr., Senior Solicitor, as co-counsel for the Mayor and City Council of Baltimore in the above entitled case.

William R. Phelan Jr.
WILLIAM R. PHELAN, JR.
Senior Solicitor

Bernard A. Greenberg
BERNARD A. GREENBERG
Assistant Solicitor
Department of Law
City Hall, 100 Holliday Street
Baltimore, Maryland 21202
(301) 396-3944
Attorneys for Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of August, 1990,
a copy of the foregoing Entry of Appearance was mailed to:

Leonard M. Schwartz, Esquire
300 Water Street
Baltimore, Maryland 21202

William R. Phelan, Jr.
WILLIAM R. PHELAN, JR.
Senior Solicitor

WRP:v
7-31-90

APPEARED
6-7-90

EXPIRES
8-6-90 40532



DISTRICT COURT OF MARYLAND FOR DACTO CITY
City/County
Located at 501 E. FAYETTE Court Address Case No. 8773-90
(M/V - Criminal - Civil)

MASON LOUDEN vs. MAYOR & CITY COUNCIL
Full Name of Plaintiff(s) Full Name of Defendant(s)

REQUEST FOR CASSETTE/TRANSCRIPT

[Handwritten signature]
6/21/90
Appeal
7/13

Please prepare a cassette transcript of the above entitled case and bill to:

BERNARD GREENBELG
Name
100 HOLIDAY ST. CITY HALL
Number and Street Apt.#
DACTO MD. 21202
City State Zip

CASE # 87739
07/25/90
DISTRICT #01-01
#46006 0120 R02 T13:56
TRANSCRIPT 16.00

6-19-90
Date

BERNARD GREENBELG 396-5944
Signature of Applicant Telephone

TRANSCRIBER INFORMATION

Court Location CIVIL Trial Date 6-4-90
Appeal Date (If Applicable) 6-7-90 Judge GATEWOOD
Att'y for Plt. L. SCHWARTZ Att'y for Def. B. GREENBERG

Reel No. 74600 Beginning 1265 Ending 1810
Reel No. Beginning Ending
Reel No. Beginning Ending

Transcriber Comments Extremely noisy recording - roadwork in background

INVOICE

33 Pages @ 2.00 per page \$ 66.00
Cassette @\$10.00 \$
Additional Cassette(s) @\$5.00 ea. \$
Less Deposit \$ 50.00
Balance Due \$ 16.00

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Transcriber
Transcriber
Transcriber

Paid Date

Date Clerk

APPEALED
6-7-90

EXPIRES
8-6-90 40532



DISTRICT COURT OF MARYLAND FOR BALTO CITY
City/County
Located at 501 E. FAYETTE Court Address Case No. 8773-90
(M/V - Criminal - Civil)

MASON LOUDEN vs. MAYOR & CITY COUNCIL
Full Name of Plaintiff(s) Full Name of Defendant(s)

REQUEST FOR CASSETTE/TRANSCRIPT

[Handwritten signature and date: 6/21/90]
Appeal 7/13

Please prepare a cassette/transcript of the above entitled case and bill to:

BERNARD GREENBELG
Name
100 HOLIDAY ST. CITY HALL
Number and Street Apt.#
BALTO MD. 21202
City State Zip

6-19-90
Date

BERNARD GREENBELG 396-5944
Signature of Applicant Telephone

TRANSCRIBER INFORMATION

Court Location CIVIL Trial Date 6-4-90
Appeal Date (If Applicable) 6-7-90 Judge GATEWOOD
Att'y for Pltf. L. SCHWARTZ Att'y for Deft. B. GREENBERG

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33 Pages @ 2.00 per page..... \$ 66.00
Cassette @ \$10.00 \$
Additional Cassette(s) @ \$5.00 ea. \$
Less Deposit..... \$ 50.00
Balance Due..... \$ 16.00

Susan Stimmel
Transcriber
Transcriber
Transcriber

Paid _____ Date _____

Date

Clerk

DCA 27 (Rev. 3/85)

Distribution: White—Court Canary—Applicant Blue—Accounting Pink—Transcriber Goldenrod—Accounting

by you. The appeal cannot be transmitted to the appellate court (Baltimore City Court), until these costs are paid. If the bill is not paid by 8-2-90 the court will sua sponte dismiss the appeal pursuant to Maryland Rule 1313 (Appeals from the District Court - When Lower Court May Strike Order for Appeal).

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IN THE DISTRICT COURT FOR BALTIMORE CITY

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MASON LOUDEN

VS

CASE NO. 08773-90

MAYOR AND CITY COUNCIL OF BALTIMORE

The above captioned case came on
for trial June 4, 1990

BEFORE:

The Honorable Askew W. Gatewood, Jr.

APPEARANCES:

Leonard M. Schwartz, Esquire
(for the Plaintiff)

Bernard A. Greenberg, Esquire
(for the Defendant)

TABLE OF CONTENTS

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1	MASON LOUDEN	8			
2					
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4	<u>EXHIBITS</u>				
5	None				
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P R O C E E D I N G S

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CLERK: C.V. Case Number 8773-90, Mason
Louden versus Mayor and City Counsel, Baltimore City.

4

5

COUNSEL: Good afternoon, Your Honor.

6

COURT: Good afternoon, Counsel. You are
Mr.?

7

8

MR. PRESTON: Preston (phonetic).

9

COURT: Mr. Preston. Where is Mr. Louden?

10

MR. LOUDEN: I'm here.

11

MR. SCHWARTZ: Good afternoon, Your Honor.
Leonard Schwartz on behalf of Mr. Louden.

12

13

COURT: Okay. Are all these folks involved
in this case?

14

15

COUNSEL: Yes.

16

COUNSEL: Yeah.

17

COURT: Okay. Mr. Schwartz, Mr. Greenberg --
anything preliminarily in this case?

18

19

COUNSEL: Nothing.

20

COUNSEL: I have nothing, Your Honor.

21

COURT: Everyone who plans to testify in this
case, I need you to stand and raise your right hands,
please.

22

23

Any of you ladies involved in this?

24

25

UNKNOWN: No, Your Honor. I live in the

1 house, but I was not asked to testify.

2 COURT: Are you going to testify?

3 UNKNOWN: Well, I will if I'm needed.

4 COURT: Alright. Why don't you just raise
5 your right hand also for me, please?

6 (All to testify are sworn)

7 COURT: You may all have a seat.

8 Is this a forfeiture case?

9 MR. SCHWARTZ: No, Your Honor. This is a
10 negligence action.

11 COURT: A negligence action.

12 MR. SCHWARTZ: Yes, sir.

13 COURT: Okay. Okay. Right. Be glad to hear
14 you, sir.

15 MR. SCHWARTZ: Preliminarily, I'd like to
16 sequester all the witnesses that the other party
17 intends to present. I have, of course, Mr. Louden
18 here. He is a party to the matter, and I ask that he
19 be able to remain in the Court room.

20 COURT: He would be permitted to remain. Any
21 other witnesses you plan to call, Mr. Schwartz?

22 MR. SCHWARTZ: No, Your Honor.

23 COURT: Okay.

24 Mr. Greenberg, each of your witnesses will
25 have to stand outside of the courtroom doors until

1 after they are called. The gentlemen are actually not
2 to speak with each other about any of the testimony
3 during the period of time that you're outside.

4 MR. GREENBERG: Your Honor --

5 COURT: Yes?

6 MR. GREENBERG: We are -- I may call Mr. Winn
7 (phonetic), I'm not sure at this point.

8 COURT: Right.

9 MR. GREENBERG: He -- I think we are entitled
10 to have somebody from the City. The City is a --

11 COURT: They've got you.

12 MR. GREENBERG: -- a corporation. And, ah, I
13 would respectfully request -- request that Mr. -- under
14 the rule, Mr. Winn be allowed to remain.

15 COURT: Mr. Winn. Mr. Schwartz, what do you
16 have to say about that, sir?

17 MR. SCHWARTZ: Well, from a legal
18 perspective, the Counsel -- learned Counsel is the
19 representative and the party present for the municipal
20 corporation. So, in that sense, I would object to
21 anyone who he intends to present as a witness today,
22 such as Mr. Winn, as being in the Court room.

23 However, should the Court be inclined to
24 allow Mr. Winn to remain, I'll indicate to the Court
25 that I don't believe there's any particular prejudice

1 that may befall us.

2 COURT: Now, how does Mr. Winn's remaining in
3 the Court room proceedings benefit you in any way, Mr.
4 Greenberg?

5 MR. GREENBERG: Well, Your Honor, being
6 perfectly frank with the Court, Mr. Winn is the
7 investigator on the -- on the case. And the City is
8 entitled. I do have to respectfully disagree with
9 Counsel that the lawyer is the representative of the
10 City under the Sequestration Rule.

11 The City is allowed, as a party, to have a
12 person present. I request that that person be --

13 COURT: I agree with Mr. Schwartz that that
14 person would be you. But he says it probably doesn't
15 harm him in any way to have Mr. Winn here. And if that
16 makes you feel a little bit more comfortable --

17 MR. SCHWARTZ: Frankly, it probably doesn't
18 harm it in away way.

19 MR. GREENBERG: Alright.

20 COURT: Then, with the -- his concession that
21 it doesn't cause any prejudice, I will allow Mr. Winn
22 to say.

23 All the rest of you gentlemen, you must go
24 outside the Court room door. Don't listen to anything,
25 don't peek in, and we will call you as soon as your

1 testimony is required.

2 After they have left, Mr. Schwartz, could you
3 take a look around and make certain the proper
4 sequestration has been effectuated and advise me of
5 that? Then we'll proceed.

6 MR. SCHWARTZ: Yes, Your Honor.

7 COURT: Mr. Winn, you can sit right up in the
8 driver's seat if you'd like.

9 Satisfied with the sequestration, Mr.
10 Schwartz?

11 MR. SCHWARTZ: Yes. There are no individuals
12 in the Court room other than Mr. Winn that we believe
13 would be --

14 COURT: And, Mr. Greenberg, of course, you're
15 satisfied?

16 MR. GREENBERG: I'm satisfied that any
17 persons remaining in the room would not be testifying -
18 -

19 COURT: Alright.

20 MR. GREENBERG: -- other than, possibly, Mr.
21 Winn.

22 COURT: That will be fine.

23 Mr. Schwartz, your first witness? Mr. Mason
24 (phonetic) -- Mr. Louden can stay right there if he'd
25 like.

1 MR. SCHWARTZ: May I remain seated during
2 questioning?

3 COURT: That will be fine, sir.

4 MR. SCHWARTZ: Thank you, Your Honor.

5 Whereupon,

6 MASON LOUDEN

7 was called as a witness on behalf of the
8 Plaintiff, and having been sworn, was
9 examined and testified as follows:

10 DIRECT EXAMINATION

11 MR. SCHWARTZ:

12 Q: Please identify yourself again.

13 MR. LOUDEN:

14 A: Mason Louden.

15 Q: Mr. Louden, I draw your attention to a
16 parcel of property in Baltimore City, 1717 Hartsdale
17 (phonetic) Road. How are you familiar with that
18 property?

19 A: That is the property I own in conjunction
20 with my ex-wife, co-signer.

21 Q: Do you reside at that property?

22 A: Yeah -- I resided there from 1976 until
23 February of 1986.

24 Q: And where do you reside at this time?

25 A: I reside at Number Two Cavalcade Court,

1 Baltimore.

2 COURT: Now -- spell that for me, please,
3 sir.

4 MR. LOUDEN: C - A - V - A - L - C - A - D -
5 E Court. And that's Apartment D as in David.

6 COURT: Apartment D --

7 MR. LOUDEN: D as in David --

8 COURT: Cavalcade Court.

9 MR. LOUDEN: That's right.

10 COURT: And that is a different address from
11 the address 4600 Roland Avenue. That is no longer the
12 address?

13 MR. LOUDEN: That is no longer the address.
14 That is no longer the address.

15 COURT: Let me make the amendment on the
16 folder. The Zip Code for the Cavalcade Court?

17 MR. LOUDEN: 21234.

18 COURT: Let the record reflect, I'm changing
19 -- amending the file to the correct address of the
20 Plaintiff to Apartment D, Cavalcade -- Cavalcade Court.
21 And the address on Cavalcade is what?

22 MR. LOUDEN: Number Two Cavalcade.

23 COURT: Number Two Cavalcade Court. And that
24 is unit Number D.

25 MR. LOUDEN: Yes, sir.

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COURT: As in David.

Alright, Mr. Schwartz. If you'd continue, please?

MR. SCHWARTZ:

Q: Thank you.

Mr. Louden, did there come a time when you filed with the City of Baltimore a complaint -- administratively -- for damages to your property?

MR. LOUDEN:

A: Yes, I did.

Q: And -- do you have a copy with you today of the complaint that you filed?

A: Yes, I do.

Q: I'd like to mark the Exhibit -- Plaintiff's Exhibit Number One.

MR. GREENBERG: I'd like to see it, please.

MR. SCHWARTZ: Sure. It's already been provided to Counsel.

(Long Pause)

MR. GREENBERG: Okay.

MR. SCHWARTZ: It's a two-page document.

COURT: Marked for identification, Plaintiff's Exhibit Number One. It's an itemization of certain equipment or personal possessions.

Page Two is a statement of claim on the

1 Department of Law letterhead from the Mayor and City
2 Council of Baltimore, collectively as Plaintiffs.
3 That's Exhibit Number One.

4 Let me return this to you, Mr. Schwartz.

5 MR. SCHWARTZ:

6 Q: Thank you.

7 Mr. Louden, I call your attention to
8 Plaintiff's Exhibit Number One. Ah -- why did you find
9 --

10 MR. GREENBERG: Your Honor, was that for
11 identification -- or was that --

12 COURT: Oh, for identification, at this
13 point.

14 MR. GREENBERG: Alright.

15 COURT: Because all that's been done is to
16 offer it to you --

17 MR. GREENBERG: Yes --

18 COURT: -- to look at it.

19 MR. GREENBERG: Yes, sir.

20 MR. SCHWARTZ:

21 Q: Is this a true and accurate copy of the
22 items that you submitted to the City of Baltimore for
23 your complaint for damages?

24 MR. LOUDEN:

25 A: Okay -- ah, there is only one slight

1 change that had been made. There was a property
2 described here that I mentioned to you.

3 The vacuum cleaner, which appears -- number
4 eight on the property damage list. If you will notice,
5 your report --

6 Q: But --

7 A: -- with respect to the vacuum cleaner.
8 But everything else --

9 Q: Okay -- the itemization itself is what
10 you submitted?

11 A: Yes.

12 Q: What you submitted. The itemization on
13 sheet -- page number two of this?

14 A: Correct.

15 Q: And what date did you submit this
16 complaint?

17 A: This was a -- submitted on August -- the
18 incident occurred on August the fourteenth and the
19 fifteenth. Submitted on March the eighth, eighty-nine.

20 Q: And this is -- is this a copy of your
21 signature?

22 A: Yes, it is.

23 Q: And is the information contained in here
24 accurate?

25 A: That's correct.

1 Q: I move Exhibit Number -- Plaintiff's
2 Exhibit Number One into evidence at this time.

3 MR. GREENBERG: Objection.

4 COURT: Mr. Greenberg?

5 MR. GREENBERG: Objection.

6 COURT: What's the basis, sir?

7 MR. GREENBERG: No foundation laid as to this
8 exhibit. It's --

9 COURT: What type of foundation would you
10 recommend as necessary?

11 MR. GREENBERG: Well, the Plaintiff has to
12 put on his case. He has to lead up to it. He has to
13 say what -- what is -- what those things on there
14 represent, why they're on there. The -- it's a --
15 totally --

16 COURT: I haven't taken a look at it thus
17 far.

18 Mr. Schwartz, Mr. Greenberg is saying the
19 paper, even if considered to be introduced and received
20 into evidence, at this point doesn't relate to any
21 matter that we have before us, and he'd like to have
22 more thorough foundation so that we have some type of
23 nexus between this and the matter before us.

24 Since I've only introduced it as a -- since
25 I've only received it as a -- for purposes of

1 identification -- I don't know what it contains or how
2 it's connected.

3 MR. SCHWARTZ: Short of having -- Your Honor,
4 short of having the witness read the document into
5 evidence, it speaks for itself that it is related to
6 the matter.

7 However, I will question him --

8 COURT: Why don't you have him identify it.
9 At least what it is --

10 MR. SCHWARTZ: Sure.

11 COURT: The list itself, and give me some
12 type of background.

13 MR. SCHWARTZ: Certainly, Your Honor.

14 COURT: The objection will be sustained at
15 this time.

16 MR. SCHWARTZ:

17 Q: Mr. Louden, could you explain the nature
18 of your complaint that you filed -- you said, August
19 fourteenth or fifteenth of 1980? What was the date you
20 identified?

21 MR. LOUDEN:

22 A: March the eighth, of eighty-nine.

23 Q: March. That's right.

24 A: Okay. I'll read the incident. Ah -- on
25 --

1 COURT: Someone give me some background on
2 what this case involves, and maybe that will help Mr.
3 Greenberg.

4 MR. GREENBERG: I'm going to object to the --
5 to the reading of that. At this time, as such, perhaps
6 I could make -- try to make it clear for the -- help --
7 this -- to help the Court and the attorney this way.

8 What I'm trying to say is, for us to proceed
9 here, there must be a case brought before the Court
10 with -- to show a prima facie case against the City.
11 Against the Defendant.

12 You just can't take and say, I'm putting this
13 into evidence, I'm putting this into evidence, I'm
14 putting this into evidence. What is it for? Is it for
15 an automobile accident? Is it for a water main break?
16 Is it for a -- what is it for?

17 There must be admissible testimony by the
18 Plaintiff, by the Plaintiff's witnesses and this all
19 has to be brought out, subject to the acceptability of
20 the Court.

21 MR. SCHWARTZ: Your Honor --

22 MR. GREENBERG: And until then, ah -- I do
23 respectfully ask for a continuing objection as to the
24 admissibility of this.

25 COURT: Alright. Thank you, Mr. Greenberg.

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Mr. Schwartz?

MR. SCHWARTZ: Do you care to be heard -- do you care to hear from me before you rule on this?

COURT: Be glad to hear from you, sir.

MR. SCHWARTZ: Thank you. Ah -- I understood that Counsel had waived their right to opening statement -- opening argument. I didn't hear Mr. Greenberg ask -- requesting that from the Court. However --

COURT: I think he's asking that your client develop his case through some testimony as to why we are here.

MR. SCHWARTZ: Certainly. And that's -- that's why he is referring -- refreshing his memory by referring to that particular document. That's solely what he's doing at this time.

COURT: Well, that document suggests that there is some claim, but thus far the Court hasn't heard that there is any damage upon which a claim can be raised.

So maybe you'd better tell me what happened in this particular case.

MR. SCHWARTZ:

Q: Certainly.

Mr. Loudon, could you tell us what happened

1 on or about March eighth, 1989, to your property?

2 MR. LOUDEN:

3 A: March eighth?

4 Q: Let's go back further than that.

5 A: That was the date of the filing of the
6 claim.

7 Q: Excuse me. Excuse me. On or about
8 August fourteenth and fifteenth of 1988, Mr. Louden.

9 MR. GREENBERG: Objection.

10 COURT: Objection is overruled. You may tell
11 me, sir.

12 MR. LOUDEN: Ah -- some time after August of
13 eighty-eight -- and I'm speaking of around the latter
14 part of eighty-eight, maybe October or November, I -- I
15 was in contact with my oldest daughter, Karen
16 (phonetic) who is seated in the courtroom.

17 COURT:

18 Q: Her name, sir?

19 MR. LOUDEN:

20 A: Karen Louden.

21 Q: Um-hm?

22 A: She had phoned me at that time --

23 MR. GREENBERG: Objection. Objection.

24 COURT: Objection will be sustained.

25 Sir, you can't tell me anything that anyone

1 has said --

2 MR. LOUDEN: Okay. Alright.

3 COURT: -- unless that person is here to
4 testify.

5 MR. LOUDEN: Your Honor, I --

6 COURT:

7 Q: You can tell me, as a result of what you
8 have heard from that person, what it caused you to do.

9 MR. LOUDEN:

10 A: Oh.

11 Q: So, if you'd like to say, after hearing
12 certain information, I did so and so, I think that will
13 be alright.

14 A: At this point, I learned that there had
15 been a --

16 MR. GREENBERG: Objection.

17 COURT: Objection will be sustained. Why
18 don't you help him out, Counsel?

19 MR. SCHWARTZ:

20 Q: Mr. Louden, can you tell us what you did
21 after you spoke with your daughter on the telephone?

22 MR. LOUDEN:

23 A: Alright. Ah -- I did not -- ah -- go to
24 the house at that time. Not the Hartsdale address at
25 that point. Later on, in March of eighty-nine --

1 that's the following year -- I responded to 1717
2 Hartsdale and noticed a considerable amount of water in
3 the cellar. Water that I would estimate from eight to
4 ten inches deep.

5 Q: Then, Mr. Louden, after you discovered
6 eight to ten inches of water in your cellar, what did
7 you do?

8 A: Ah -- I contacted the water department.
9 The Baltimore City Water Department, and I was told to
10 come down. And I responded -- when I spoke to her --
11 Mrs. Boyd (phonetic). And I asked her if she would
12 give me a copy of a printout of the work that was
13 performed at 1717 Hartsdale Road on the fifteenth of
14 August of eighty-eight.

15 Q: Now, Ms. Boyd -- she worked for the Water
16 Department?

17 A: That's correct.

18 Q: And she identified herself as an employee
19 of the department?

20 A: Yes.

21 Q: And what information did she provide you
22 with concerning August fourteenth and fifteenth of
23 1988, concerning your property?

24 A: Ah --

25 COURT: Remember, you can't tell me what she

1 has told you, but you can provide me with what other
2 information you may have been able to collect.

3 MR. LOUDEN: She provided me with a printout
4 which showed the work that was done inside of the
5 house, 1717 Hartsdale. And I read this printout and it
6 indicated that a water main had broken. First, in
7 front of 1703 Hartsdale Road.

8 MR. SCHWARTZ:

9 Q: On what date did it indicate that the
10 water main had broken?

11 MR. LOUDEN:

12 A: This indicated on the fourteenth of
13 August, 1988.

14 Q: Did you come to learn whether or not the
15 City had taken any actions to -- concerning 1717
16 Hartsdale Road?

17 A: No. But upon referring to the printout,
18 I learned that they responded there on the fifteenth of
19 August, a day later.

20 Q: And what did the City do on August the
21 fifteenth?

22 A: Ah -- well, I was told that they --

23 MR. GREENBERG: Objection.

24 COURT: Objection is sustained.

25 MR. SCHWARTZ: Your Honor, if I may. This

1 would not be in the nature of hearsay. This would be
2 in the nature of admissions by a party by the City of
3 Baltimore to Plaintiff as to what work they performed -
4 - the Defendant performed on this particular residence
5 as a result of the water main break.

6 And I would ask that those admissions and
7 statements that the City presented to Mr. Louden be
8 allowed in as evidence.

9 COURT: Who presented this information to
10 him?

11 MR. SCHWARTZ: It was Mrs. Boyd, I understood
12 -- the Water Department.

13 MR. LOUDEN: The Water Department, Your
14 Honor.

15 MR. GREENBERG: It still sounds like hearsay
16 to me, sir.

17 COURT: I'm not sure that you've overcome any
18 type of exceptions to the hearsay by saying that it's
19 an admission. I'm not -- I'm not at all satisfied that
20 it's an admission.

21 MR. SCHWARTZ: Well, let me explore that a
22 little bit further.

23 COURT: Be glad to have you do that, sir.

24 MR. SCHWARTZ:

25 Q: You did speak with a Mrs. Boyd?

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MR. LOUDEN:

A: Yes, I did.

Q: And Mrs. Boyd identified herself as an employee of the --

MR. GREENBERG: Your Honor, I would respectfully request that Counsel not lead the witness.

MR. SCHWARTZ: Your Honor, we have already heard the witness say that he spoke with this particular person. I'm just directing --

COURT: Alright, sir. Just keep it in mind for the future.

MR. SCHWARTZ:

Q: Sure. Sure.

What, if anything, did Mrs. Boyd tell you about the water main break?

MR. LOUDEN:

A: Ah -- she had -- interpreted --

MR. GREENBERG: Objection --

MR. LOUDEN: -- the work order to me --

MR. GREENBERG: Objection --

MR. LOUDEN: a lot of things that I didn't understand, I --

COURT: The objection is overruled.

MR. SCHWARTZ:

Q: You may continue.

1 MR. LOUDEN:

2 A: Okay. She related that there had been
3 breakage of the water --

4 COURT:

5 Q: Is this your document, sir? Is this from
6 your document that you're speaking of?

7 A: Yes, sir.

8 COURT: Mr. Schwartz, help him out. You can
9 see he's struggling, trying to get past all of these
10 technical objections.

11 MR. SCHWARTZ:

12 Q: Okay. Mr. Louden, what I'm interested in
13 you testifying to is what, exactly, Ms. Boyd told you
14 relating to the City's actions concerning the water
15 main break --

16 MR. GREENBERG: Your Honor --

17 MR. SCHWARTZ: If I may --

18 MR. GREENBERG: Your Honor, I would --

19 MR. SCHWARTZ: I call your attention to --

20 COURT: One at a time, please.

21 MR. GREENBERG: Your Honor --

22 COURT: If there be an objection, tell me
23 that you have an objection and then tell me the reason.

24 MR. GREENBERG: My reason is, Your Honor, the
25 witness is on the witness stand, and Counsel is

1 actually telling him how he wants him to testify.

2 I -- I most respectfully request that that
3 not be permitted.

4 COURT: Mr. Schwartz, I'm not certain how it
5 is that you want to get Mr. Louden to testify regarding
6 these matters that, I guess, that relate to this claim
7 that you have before me.

8 But thus far, all that I've heard is that
9 there was some type of activity in or about this house
10 at 1717 Hartsdale in August.

11 Mr. Louden went there some time in March.
12 Saw something. Spoke with his daughter, Karen. And
13 then spoke with the lady down at the City's department
14 -- I believe, the Water Department.

15 But I don't know how you can get past this
16 hearsay objection that Mr. Greenberg has raised thus
17 far. I thought that you may have some theory, but I
18 don't see it developing.

19 But if you do have that theory, some
20 information to give me, do so. Be reminded that Mr.
21 Greenberg has cautioned me about your leading the
22 witness, and trying to have him to testify in a certain
23 way. But -- just direct your examination so that you
24 can avoid all of that, sir.

25 MR. SCHWARTZ:

1 Q: Thank you, Your Honor.

2 Mr. Louden, did you speak with anyone else
3 with the City Water Department concerning damage to
4 your property?

5 MR. LOUDEN:

6 A: No, I did not.

7 Q: And did you become aware of any efforts
8 that the City made to clean up the water damage to 1717
9 Hartsdale Road?

10 MR. GREENBERG: Objection.

11 COURT: The objection is overruled. You may
12 answer the question.

13 MR. LOUDEN: The only information that I had
14 at that point, ah -- that was the latter part of
15 eighty-eight -- the information that I received from
16 Karen, my daughter --

17 MR. GREENBERG: Objection.

18 MR. SCHWARTZ:

19 Q: You may only testify as to what you knew
20 about the City's efforts to prepare and clear up the
21 water damage.

22 MR. GREENBERG: Your Honor --

23 COURT: Yes, Mr. Greenberg?

24 MR. GREENBERG: I really apologize to the
25 Court for having to jump up and down, and --

1 COURT: No, sir. There's no apologies
2 necessary, as long as you're within your --

3 MR. GREENBERG: Thank you.

4 COURT: -- bounds.

5 MR. GREENBERG: Thank you. I appreciate
6 that, Your Honor. And I -- but I would say to you that
7 I believe that at this point Counsel is actually
8 continuing to tell the Court -- the witness -- how he
9 testifies, how he should testify. And I believe that
10 if it continues, it actually does prejudice the case.

11 And I would be -- be most grateful if he
12 would try to comply with the Court's instructions not
13 to do so.

14 COURT: Folks, we're not making much progress
15 in this case. It seems as though the impasse is in
16 getting information to the Court that the Loudon has
17 been able to discover through some other persons. Thus
18 far, the hearsay exception has not been reached to
19 allow him to tell me those types of statements made to
20 him out of Court through someone else. And if you can
21 develop that, Mr. Schwartz, I'll be delighted to hear
22 it. I've been waiting to hear it, but you've got to
23 get it to me properly. And thus far, you have not,
24 sir.

25 MR. SCHWARTZ:

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Q: I appreciate that, Your Honor.

Mr. Louden, there came a time -- strike that.

Did there come a time that you filed a complaint with the City of Baltimore concerning damage to your property at 1717 Clarkson --

MR. GREENBERG: Objection.

COURT: The objection is overruled. You may answer the question.

MR. LOUDEN: Yes, I did.

MR. GREENBERG: May I state my reason?

COURT: No, sir.

MR. GREENBERG: Okay.

COURT: Continue.

MR. SCHWARTZ:

Q: And what prompted you to file the complaint with the City of Baltimore concerning damage to your property?

MR. LOUDEN:

A: After I'd -- ah -- went to 1717 Hartsdale and observed the flooding and the water in the cellar floor.

Q: Did you get any information from the City after you filed your complaint concerning the probable cause of damage to the 1717 Hartsdale Road?

MR. GREENBERG: Objection.

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MR. SCHWARTZ: The residence --

COURT: Yes, sir. Mr. Greenberg, I'd be glad to hear you.

MR. GREENBERG: Your Honor --

COURT: Just give me your reason, sir.

MR. GREENBERG: After I -- well, in the briefest phraseology possible, Your Honor, if -- if the Plaintiff filed a complaint with the City and then there was any communication with the City Complaint Department and -- that's what we presume that's who he's talking about -- and the Plaintiff -- I mean, then we're starting to get into -- into conversations between -- that would be classified as negotiations. If that's the case. Or whatever it was, or who's right and who's wrong -- merely discussions. I mean -- having no bearing on -- who was he talking to? I mean, what time was he talking to him?

COURT: Well, even if he were sir, that would --

MR. GREENBERG: I can't tell all that to the Plaintiff, if it's --

COURT: I'll sustain the objection, but not for that reason.

Mr. Schwartz, you're running out of time.

MR. SCHWARTZ: I realize that, Your Honor.

1 COURT: Yes, sir.

2 (Long Pause)

3 MR. SCHWARTZ:

4 Q: What, if any, information was provided to
5 you by the City of Baltimore prior to filing the
6 complaint related repair or clean up of damages caused
7 by a water main break --

8 MR. GREENBERG: Objection --

9 MR. SCHWARTZ: -- at 1717 Hartsdale Road.

10 MR. GREENBERG: Objection.

11 COURT: The objection will have to be
12 sustained.

13 (Long Pause)

14 COURT: Yes, Mr. Schwartz? I'll entertain a

15 --

16 MR. SCHWARTZ: Not to belabor the point with
17 the Court --

18 COURT: I'll entertain a motion on your part,
19 sir --

20 MR. SCHWARTZ: At this --

21 COURT: If you'd like to --

22 MR. SCHWARTZ: At this time, I'd like a --

23 MR. GREENBERG: If you'd take a motion on my
24 part, Your Honor -- now, in this case, I will make a
25 motion for judgment in favor of the City as the

1 Plaintiff has -- has not gotten any prima facie case
2 against the City for the action that the (unclear) has
3 brought.

4 MR. SCHWARTZ: Your Honor?

5 COURT: I'm still listening, Mr. Schwartz. I
6 invited you.

7 MR. SCHWARTZ: At this moment -- at this
8 moment, I was surprised by my client's inability to
9 testify as to what he -- what prompted him to file this
10 complaint with the city.

11 And I will respectfully request a continuance
12 in order to bring in witnesses with particular and
13 specific knowledge of the actual damages to the
14 property.

15 MR. GREENBERG: Your Honor, I would
16 respectfully object to that as -- as, ah -- as
17 emotionally as I possibly could.

18 COURT: Um-hm?

19 MR. GREENBERG: It would be entirely out of
20 order, because that is saying -- look, Your Honor, if
21 you would please allow me to -- I'm caught by surprise.

22 Now -- now, that is anything but an excuse
23 for a continuance. I'm caught by surprise, now I'm not
24 ready. Can I have some time to get more ready? Or, if
25 I may be a little poor in grammar here, better ready to

1 to try this case.

2 Your Honor, that would be -- that's an
3 unreasonable request. And I'm sure that the Court
4 would see it that way.

5 And I'm going to ask the Court at this time
6 to grant a judgment in favor of the City, for the
7 Plaintiff has not shown a prima facie case of any
8 claims against the City whatsoever.

9 COURT: Mr. Schwartz, what I think I will
10 entertain is a request on your part to dismiss this
11 action, and you may start over if you'd like to get any
12 necessary parties here --

13 MR. SCHWARTZ: Without prejudice, Your Honor?

14 COURT: Without prejudice, yes, sir.

15 MR. SCHWARTZ: Thank you.

16 MR. GREENBERG: For the record, I --

17 MR. SCHWARTZ: I would make that motion at
18 this time. I would respectfully move to dismiss
19 without prejudice at this time.

20 COURT: Alright.

21 MR. GREENBERG: Your Honor, for the record, I
22 would object to that.

23 COURT: I can appreciate that, Mr. Greenberg.
24 I don't want to prejudice the Plaintiff's case because
25 of an inability on their part to either produce the

proper witnesses --

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MR. SCHWARTZ: Yeah --

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COURT: -- or to have them here -- that is
the only reason that I'm considering that Motion to
Dismiss.

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It will be granted without prejudice.

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Thank you very much, folks.

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MR. SCHWARTZ: Thank you.

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C E R T I F I C A T E

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4 I, Susanne S. Trimmer, official court
5 transcriber for the District Court of Maryland, do
6 hereby certify that the foregoing testimony was taken
7 before Judge Askew W. Gatewood, Jr., on the fourth day
8 of June, 1990, and that said testimony has been reduced
9 to typewriting by me, and that the foregoing
10 transcript is a correct and accurate record of the
11 proceedings, herein, to the best of my knowledge and
12 belief.
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Susanne S. Trimmer
July 26, 1990

JUN - 4 1990 AT - 1 30 PM
CONTINUANCES

PARTIES
Plaintiff:
Mason Loudon
~~4600 Roland Avenue~~ #2 Cavalcade Ct #D
Baltimore, MD 21210
21234
Constable Service

VS.
Defendant(s):
1 Mayor and City Council of Baltimore
City, Maryland
by and through the City Solicitor,
Neal M. Joney, 101 City Hall,
2 100 N. Holiday St., Baltimore, MD
21202

3 APPEAL BY Deft. 6-7-90
PAPERS TRANSMITTED TO
BALTIMORE CITY COURT
ON NO BOND FILED.
TRANSCRIPT ORDERED

ATTORNEYS
For Plaintiff-Name, Address & Telephone No.
Leonard M. Schwartz, Esq.
The Canton House
300 Water Street
Baltimore, MD 21202
(301) 783-1188

Tel # _____ Address _____
For Defendant:
#1 Bernard A. Greenberg Name
Tel # 101 City Hall - 100 Holiday St. Address
(396-3944) 21202 Name
Tel # _____ Address _____

JUDGMENT

- AFFIDAVIT Judgment Principal.....
- DEFAULT Pre Judgment Interest.....
- CONSENT Total Judgment.....
- CONFESSION Costs.....
- CONTESTED Attorney Fees.....
- EX PARTE Post Judgment Interest legal rate
- IN REM Post Judgment Interest contractual rate until date of maturity of contract; legal rate thereafter (CJ 11-106).
- FOREIGN

in favor of.....
against.....
Date _____ Judge _____

Judgment and Notice Pursuant to Rule 3-306 and 3-601 mailed.....
Date/Initials _____

- AFFIDAVIT Judgment Principal.....
- DEFAULT Pre Judgment Interest.....
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- FOREIGN

in favor of.....
against.....
Date _____ Judge _____

Judgment and Notice Pursuant to Rule 3-306 and 3-601 mailed.....
Date/Initials _____

DATE	PLTF	DEFT	PAR TIES	RE ISSUE	ADD CON	NOT CLD	RE OPEN ED	APPROVED	PARTIES NOTIFIED
FILED									
JUL 30 1990									
CIRCUIT COURT FOR BALTIMORE CITY									
90211027									
CL 117259									

CONSOLIDATED WITH.....

DATE	Judgment Recorded
	Notice of Lien Filed
	Satisfaction Filed

DATE	DESCRIPTION OF PAPERS	CO
3/13/90	INITIAL FILING	3/23/90
	Tort Summary	
4/19/90	Defense filed #1	
4/16/90	DEPENDANT'S INTERROGATORIES FILED	
4-27-90	Deft. Ans to Interrog	
5-8-90	Deft #1 (4) subpoenaed (good)	
JUN 4 1990	Deft. City Cpl. #1	
REF 7:4600	BEGINNING AT 1265	ENDING AT 118
Motion to Dismiss Granted		

D 90



DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

Located at Fayette & Gay Streets, Baltimore, Md. 21202 Case No. 0101-08773-90

MASON LOUDEN

vs.

MAYOR AND CITY COUNCIL OF BALTIMORE

CIVIL APPEAL/REQUEST FOR TRANSCRIPT

To the Clerk:

Please note an appeal in the case referenced above. Appellant is the Defendant in the said case.

- Cost options: District Court cost of \$10, Advance Circuit Court filing fee of \$80, Appellant as indigent, or deposit of \$50.00.

Date of Trial June 4, 1990

June 7, 1990 Date

Location of Trial Fayette & Gay Sts., Baltimore

Bernard A. Greenberg, Assistant Solicitor

William R. Phelan, Jr., Special Solicitor

Address Dept. of Law, City Hall Telephone No. 100 Holliday St., Balto., Md. 21202 (396-3944)

CERTIFICATE OF SERVICE

I certify that I served a Notice of Appeal upon the following party or parties by first class mail, postage prepaid on June 1, 1990

RECEIVED DISTRICT COURT BALTIMORE MARYLAND JUNE 1 1990

Leonard M. Schwartz, Esquire Attorney for Plaintiff

300 Water Street, Baltimore, Maryland 21202

June 7, 1990 Date

William R. Phelan, Jr., Special Solicitor Appellant/Attorney

*NOTE:

A transcript of the District Court proceeding is required only if the amount in controversy exceeds \$2,500. The cost of transcript is \$2.00 per page for an original and one copy. A deposit of \$50.00 is required when the transcript is requested. You will be billed for the balance. The appeal will not be forwarded until all costs, including the cost of the transcript, have been paid.

Handwritten numbers: 6-4-90, 74600, 1265, 1810



DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS) Baltimore City
Fayette and Gay Sts., Baltimore 21202

CASE NO.

CV

08773-90

Avenue

Baltimore

the City Solicitor

COMPLAINT

\$2,500 or under over \$2,500

Clerk: Please docket this case as an action of contract tort replevin detinue.

The particulars of this case are:

On August 14, 1988 a City of Baltimore water main broke causing basement of Plaintiff's home at 1717 Hartsdale Road, Baltimore, Maryland 21239 to flood.

Damage to personal and real property reported to Defendant on August 15, 1988 by Plaintiff's spouse, Phyllis Loudon.

Defendant drained the basement improperly and caused further damage to the Plaintiff's personal and real property as itemized on exhibit A attached hereto and incorporated herein.

Plaintiff called Defendant several times because of the further damages cause by Defendant's repair and clean-up efforts, however, Defendant did not return to drain, clean-up, or further repair the items damaged.

(See Continuation Sheet)

The Plaintiff claims:

\$9,745.00 plus interest of \$ and attorney's fees of \$2,923.50 plus court costs.

- Return of the property and damages of \$ for its detention in an action of replevin.
Return of the property, or its value, plus damages of \$ for its detention in action of detinue.
Other: and demands judgement for relief.

Signature of Plaintiff/Attorney

Telephone Number: (301) 783-1188

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT

There are attached the documents indicated which contain sufficient detail as to liability and damage to apprise the Defendant clearly of the claim against the Defendant, including the amount of any interest claimed.

- Properly authenticated copy of any note, security agreement upon which claim is based
Itemized statement of account
Interest Work Sheet
Vouchers
Check
Other written document
Verified itemized repair bill or estimate

I HEREBY CERTIFY: That I am the Plaintiff of the plaintiff herein and am competent

(Owner/Partner/Agent/Officer)

to testify to the matters stated herein, which are made on my personal knowledge; that there is justly due and owing by the Defendant to the Plaintiff the sum set forth in the Complaint.

That

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters.

MARCH 14, 1990 Date

Signature of Affiant



DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS) Baltimore City
Baltimore 21202

CASE NO. CV 73-11

PARTIES
Plaintiff:
Avenue

VS.	
Defendant(s):	Return
1	
3	
4	

ATTORNEYS
For Plaintiff-Name, Address & Telephone No.

COMPLAINT \$2,500 or under over \$2,500

Clerk: Please docket this case in an action of contract tort replevin detinue.

The particulars of this case are:

Baltimore causing damage to personal and real
assessment of P's home at 1717
Wartsdale Road, Baltimore, Maryland
1239 to fl
Damage to personal and real
property reported to Defendant on
8 by Plaintiff's
wife, Phyllis Louder
Defendant
assessment improperly
further damage to the Plaintiff's
personal and real property as
itemized on exhibit A attached hereto
incorporated herein.
Plaintiff called defendant
several times because of the further
damage by Defendant
and cleanup efforts, however,
defendant did not return to drain
clean-up further.

(See Continuation Sheet)

The Plaintiff claims:

\$ _____ plus interest of \$ _____ and attorney's fees of \$ 923.50 plus court costs.

Return of the property and damages of \$ _____ for its detention in an action of replevin.

Return of the property, or its value, plus damages of \$ _____ for its detention in action of detinue.

Other: _____ and demands judgement for relief.

[Signature]

Signature of Plaintiff/Attorney

Telephone Number: _____

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT

There are attached the documents indicated which contain sufficient detail as to liability and damage to apprise the Defendant clearly of the claim against the Defendant, including the amount of any interest claimed.

- Properly authenticated copy of any note, security agreement upon which claim is based
- Itemized statement of account
- Interest Work Sheet
- Vouchers
- Check
- Other written document
- Verified itemized repair bill or estimate

I HEREBY CERTIFY: That I am the Plaintiff _____ of the plaintiff herein and am competent (Owner/Partner/Agent/Officer)

to testify to the matters stated herein, which are made on my personal knowledge; that there is justly due and owing by the Defendant to the Plaintiff the sum set forth in the Complaint.

That _____

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters. The Defendant is not now in military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

Date

Signature of Affiant



DISTRICT COURT OF MARYLAND FOR

DC/CV 1 (Rev. 1/88)

LOCATED AT (COURT ADDRESS) 7... re 2120

CASE NO. **CV** 08773-70

PARTIES
Plaintiff:
4600 Roland Avenue
Itimor:

VS.	
Defendant(s):	Return
1 <u>... City Council</u> <u>... Maryland</u> <u>and through the City Solicitor,</u>	
	<u>21202</u>
3	
4	

ATTORNEYS
For Plaintiff-Name, Address & Telephone No.
Canton House
... Street
... MD 21202
(301) 783-1188

COMPLAINT 500 or under over \$2,500

Clerk: Please docket this case in an action of contract tort replevin detinue.

The particulars of this case are:

... more water main broke causing
... of Plaintiff's home at 1717
... Road Baltimore, Maryland
... 1239 to flood

... damage to personal and
... property ... to Defendant
... August 1 ... 8 by Plaintiff's
... spouse, Phyllis Louder

... Defendant drained the
... basement improperly and caused
... further damage to the Plaintiff's
... personal and real property as
... itemized on exhibit A attached hereto
... and incorporated here

... Plaintiff called ...
... several times because of the
... damages cause by Defe
... and clean-up efforts.
... defendant did not ret
... clean-up, or further repair
... damaged.

(See Continuation Sheet)

The Plaintiff claims:

\$ 9,745.00 plus interest of \$ _____ and attorney's fees of \$ 750.00 plus court costs.

Return of the property and damages of \$ _____ for its detention in an action of replevin.

Return of the property, or its value, plus damages of \$ _____ for its detention in action of detinue.

Other: _____ and demands judgement for relief.

Signature of Plaintiff/Attorney _____
Telephone Number: 00-110

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT

There are attached the documents indicated which contain sufficient detail as to liability and damage to apprise the Defendant clearly of the claim against the Defendant, including the amount of any interest claimed.

- Properly authenticated copy of any note, security agreement upon which claim is based
- Itemized statement of account
- Interest Work Sheet
- Vouchers
- Check
- Other written document
- Verified itemized repair bill or estimate

I HEREBY CERTIFY: That I am the Plaintiff _____ of the plaintiff herein and am competent (Owner/Partner/Agent/Officer)

to testify to the matters stated herein, which are made on my personal knowledge; that there is justly due and owing by the Defendant to the Plaintiff the sum set forth in the Complaint.

That _____

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters. The Defendant is not now in military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

Date _____

Signature of Affiant _____

Re: 1717 Hartsdale Road, Baltimore, Maryland 21239
Owners: Mason and Phyllis Louden
My client: Mason Louden
Claim No.: G88-0744

<u>ITEM</u>	<u>DAMAGE AMOUNT</u>
Montgomery Ward's Washer & Dryer	\$700.00
Hot Water Heater	\$225.00
Carpet & Padding	\$645.00
Love Seat	\$75.00
Sofa	\$100.00
Hand Crafted Bar	\$1,850.00
Montgomery Ward's Freezer (Upright)	\$500.00
Western Auto Power Lawn Mower	\$150.00
Piano	\$2,500.00
Floor Tile and Walls (panelled)	\$3,000.00

Total estimated damages = \$9,745.00

MAYOR AND CITY COUNCIL OF BALTIMORE

DEPARTMENT OF LAW
 CENTRAL BUREAU OF INVESTIGATION
 Room 31 City Hall, 100 Holliday Street
 Baltimore, Maryland 21202
 396-3400

FOR OFFICE USE ONLY

Invest.: _____
 Date: _____
 File #: _____

STATEMENT OF CLAIM

Claimant's Full Name: MAYOR C. Louden		Address (include postal zone): 4600 KOLAND AVE.		Home Phone: 366-2666
Social Security No.: 42 229-56 0711		Marital Status: D. DIVORCED	Spouse's Name: PHYLLIS LOUDEN	
Date of Incident: Aug 14, 1988	Time: am 8	Location of Incident: FRONT OF 1717 HARTSDALE RD., BALTO, MD.		

The Incident (describe fully):
 ON AUGUST 14, 1988 WATER MAIN BROKE CAUSING BASEMENT
 TO FLOOD. CLAIMANT DOES NOT LIVE AT ADDRESS
 AND EX-SPOUSE DID NOT ADVISE HIM OF DAMAGE. EX-
 SPOUSE REPORTED DAMAGE ON 8/15/88 WO 8750375
 BASEMENT WAS DRAINED IMPROPERLY - RESIDENT
 CALLED CITY SEVERAL TIMES ^{BECAUSE OF} FOR FURTHER DAMAGE

Property Damage (describe fully):
 1) WASHER AND DRYER (2) *WATER HEATER (3) CARPET & PADDING
 4) LOVE SEAT (5) SOFA (6) CHAIR (7) HAND CRAFTED BAR &
 SHELVES (8) *VACUUM CLEANER (9) *FREEZER [UPRIGHT] (10) LAWN
 MOWER (11) PIANO (12) FURNACE NEEDS CHECKING (13) WALLS
 * ITEMS WITH ASTERISKS DO NOT WORK (14) TILE

Estimated Damages: ~~19225~~ \$97.25 00 (Enclose estimates or bills, if available)

Witnesses' Names and Addresses:			
PHYLLIS LOUDEN	1717 HARTSDALE RD	BALTIMORE MD	21234
RONDA LOUDEN	u	u	u
KAREN LOUDEN	u	u	u

IF ANYONE WAS INJURED, FILL IN BELOW

Name of Injured Party:	Address:	
Nature of Injuries:		
Tending Doctor's Name and Address:		
Treated at Hospital, Give Name and Address:		
Occupation:	Employer's Name and Address:	
Time Lost from Work? <input type="checkbox"/> No <input type="checkbox"/> Yes	Specify Dates:	Salary: Wkly: \$ Hry: \$
Was Incident Reported? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	To Whom? CITY OF BALTO WATER DEPT	When? 8/14/88

CLAIM # 688-0744

May C. Louden
 Claimant's Signature

Dated: 3/8 1989

Re: 1717 Hartsdale Road, Baltimore, Maryland 21239
Owners: Mason and Phyllis Louden
My client: Mason Louden
Claim No.: G88-0744

<u>ITEM</u>	<u>DAMAGE AMOUNT</u>
Montgomery Ward's Washer & Dryer	\$700.00
Hot Water Heater	\$225.00
Carpet & Padding	\$645.00
Love Seat	\$75.00
Sofa	\$100.00
Hand Crafted Bar	\$1,850.00
Montgomery Ward's Freezer (Upright)	\$500.00
Western Auto Power Lawn Mower	\$150.00
Piano	\$2,500.00
Floor Tile and Walls (panelled)	\$3,000.00

Total estimated damages = \$9,745.00

MAYOR AND CITY COUNCIL OF BALTIMORE

DEPARTMENT OF LAW
 CENTRAL BUREAU OF INVESTIGATION
 Room 31 City Hall, 100 Holliday Street
 Baltimore, Maryland 21202
 398-3400

FOR OFFICE USE ONLY

Invest.: _____

Date: _____

File #: _____

STATEMENT OF CLAIM

Claimant's Full Name: Nelson C. Loudon		Address (include postal zone): 4600 KILAND AVE.		Home Phone: 366-2666
Social Security No.: 42 224-56 0711		Marital Status: DIVORCED	Spouse's Name: PHYLLIS LOUDON	
Date of Incident: Aug 14, 1988	Time: am 8	Location of Incident: FLOOD OF 1717 HARTSDALE RD., BALTO, MD.		

Incident (describe fully):
 ON AUGUST 14, 1988 WATER MAIN BROKE CAUSING BASEMENT
 TO FLOOD. CLAIMANT DOES NOT LIVE AT ADDRESS
 AND EX-SPOUSE DID NOT ADVISE HIM OF DAMAGE.
 SPOUSE REPORTED DAMAGE ON 8/15/88 WO 8750375
 BASEMENT WAS DRAINED IMPROPERLY - RESIDENT
 CALLED CITY SEVERAL TIMES BECAUSE OF
 FOR FURTHER DAMAGE

Property Damage (describe fully):
 1) WASHER AND DRYER 2) *WATER HEATER 3) CARPET & PADDING
 4) LOVE SEAT 5) SOFA 6) CHAIR 7) HAND CRAFTED BAR &
 SHELVES 8) *VACUUM CLEANER 9) *FREEZER [UPRIGHT] 10) LAWN
 MOWER 11) PIANO 12) FURNACE NEEDS CHECKING 13) WALLS
 *ITEMS WITH ASTERISKS DO NOT WORK (TILE)

Estimated Damages: ~~1922500~~ \$97,250.00 (Enclose estimates or bills, if available)

Witnesses' Names and Addresses:			
PHYLLIS LOUDON	1717 HARTSDALE RD	BALTIMORE MD	21239
RONDA LOUDON	u	u	u
KAREN LOUDON	u	u	u

IF ANYONE WAS INJURED, FILL IN BELOW

Name of Injured Party: _____ Address: _____

Nature of Injuries: _____

Treating Doctor's Name and Address: _____

Treated at Hospital, Give Name and Address: _____

Occupation: _____ Employer's Name and Address: _____

Time Lost from Work? No Yes Specify Dates: _____ Salary: _____ Wkly: \$ _____ Mthly: \$ _____

Was Incident Reported? No Yes To Whom? CITY OF BALTO WATER DEPT When? 8/14/88

CLAIM # 688-0744

Nelson C. Loudon
 Claimant's Signature

Dated: 3/8, 1989

Re: 1717 Hartsdale Road, Baltimore, Maryland 21239
Owners: Mason and Phyllis Louden
My client: Mason Louden
Claim No.: G88-0744

<u>ITEM</u>	<u>DAMAGE AMOUNT</u>
Montgomery Ward's Washer & Dryer	\$700.00
Hot Water Heater	\$225.00
Carpet & Padding	\$645.00
Love Seat	\$75.00
Sofa	\$100.00
Hand Crafted Bar	\$1,850.00
Montgomery Ward's Freezer (Upright)	\$500.00
Western Auto Power Lawn Mower	\$150.00
Piano	\$2,500.00
Floor Tile and Walls (panelled)	\$3,000.00

Total estimated damages = \$9,745.00

MAYOR AND CITY COUNCIL OF BALTIMORE

DEPARTMENT OF LAW
 CENTRAL BUREAU OF INVESTIGATION
 Room 31 City Hall, 100 Holliday Street
 Baltimore, Maryland 21202
 396-3400

FOR OFFICE USE ONLY

Invest.: _____

Date: _____

File #: _____

STATEMENT OF CLAIM

Claimant's Full Name: <u>MASON C. LOUDEN</u>		Address (include postal zone): <u>4600 KOLAND AVE.</u>		Home Phone: <u>366-2666</u>
Social Security No.: <u>224-56 0711</u>		Marital Status: <u>DIVORCED</u>	Spouse's Name: <u>PHYLLIS LOUDEN</u>	
Date of Incident: <u>Aug 14, 1988</u>	Time: <u>am</u> <input type="checkbox"/> <u>pm</u> <input checked="" type="checkbox"/>	Location of Incident: <u>Front of 1717 HARTSDALE RD., BALTO, MD.</u>		

Re Incident (describe fully):
 ON AUGUST 14, 1988 WATER MAIN BROKE CAUSING BASEMENT
 TO FLOOD. CLAIMANT DOES NOT LIVE AT ADDRESS
 AND EX-SPOUSE DID NOT ADVISE HIM OF DAMAGES.
 DAMAGE REPORTED ON 8/15/88 WO 8750375
 BASEMENT WAS DRAINED IMPROPERLY - RESIDENT
 CALLED CITY SEVERAL TIMES ^{BECAUSE OF} FOR FURTHER DAMAGE

Property Damage (describe fully):
 1) WASHER AND DRYER (2) *WATER HEATER (3) CARPET & PADDING
 4) LOVE SEAT (5) SOFA (6) CHAIR (7) HAND CRAFTED BAR &
 SHELVES (8) *VACUUM CLEANER (9) *FREEZER [UPRIGHT] (10) LAWN
 MOWER (11) PIANO (12) FURNACE NEEDS CHECKING (13) WALLS
 & ITEMS WITH ASTERISKS DO NOT WORK (14) TILE

Estimated Damages: ~~17225.00~~ \$97.25 00 (Enclose estimates or bills, if available)

Tenants' Names and Addresses:			
PHYLLIS LOUDEN	1717 HARTSDALE RD	BALTIMORE	MD 21239
RONDA LOUDEN	"	"	"
KAREN LOUDEN	"	"	"

IF ANYONE WAS INJURED, FILL IN BELOW

Name of Injured Party: _____ Address: _____

Nature of Injuries: _____

Treating Doctor's Name and Address: _____

Treated at Hospital, Give Name and Address: _____

Occupation: _____	Employer's Name and Address: _____		
Time Lost from Work? <input type="checkbox"/> Yes <input type="checkbox"/> No	Specify Dates: _____	Salary: Wkly: \$ _____ Hry: \$ _____	
Was Incident Reported? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	To Whom? <u>CITY OF BALTO WATER DEPT</u>	When? <u>8/14/88</u>	

CLAIM # 688-0744

Mason C. Louden
 Claimant's Signature

Dated: 3/8, 19 89



DISTRICT COURT OF MARYLAND FOR Baltimore City

Located at Fayette and Gay Streets, Baltimore 21202 Case No. 08773-90

Mason Louden Name

4600 Roland Ave. Baltimore City Address County

Baltimore, MD 21210 Plaintiff/Judgment Creditor

- Original Summons
Renewal

Mayor and City Council of Baltimore City, Name

Maryland, by and through the City Solicitor, Address County

Neal M. Janey, 101 City Hall, 100 N. Holiday St., Baltimore, MD 21202

- Serve by Sheriff
Send by restricted delivery mail.
Return to Plaintiff to serve.

REQUEST FOR SUMMONS

Please issue the summons in this case for Mayor and City Council of Baltimore City, Maryland at the above verified address.

Date

Leonard M. Schwartz, Esq. The Canton House 300 Water Street Address

WRIT OF SUMMONS Baltimore, MD 21202

The trial date in this case has been scheduled.

You are summoned to appear for trial on JUN - 4 1990 AT - 1:30 PM, at the location shown above. If you intend to present at the trial, you must file the Notice of Intention to Defend within 15 days of receiving this Complaint. Failure to file the Notice of Intention to Defend may result in a judgment by default or the granting of the relief sought.

3-21-90 Date

Must be served by 4-20-90

Lonnie P. Ferguson Clerk

Return must be made promptly and in any event within the time during which the person served must respond to process.

P.P. - 13 CJS
NR



DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

City/County

Located at 501 E. Fayette St. Case No. 08773-90

Court Address

VS MAYOR AND CITY COUNCIL OF BALTIMORE CITY
Defendant

Address

MASON LOUDEN
Plaintiff

CC#

SUBPOENA - SERVE BY CONSTABLE

STATE OF MARYLAND Baltimore City

TO: Charles Preston, Laborer Chauffeur
Waste Water
2113 E. North Avenue
Baltimore, Maryland 21213
*Do P unknown AT
given Address Ren House
SR 13*

YOU ARE HEREBY SUBPOENAED to appear in person before The District Court of Maryland at the above location on Monday, June 4, 1990 at 1:30 o'clock P.M.

- To testify in the above case.
- To answer to the charge(s) in the above case.
- To answer to the State of Maryland for failing to obey a court order as follows:

- To produce the following documents:

This Subpoena was requested by Bernard A. Greenberg, Assistant Solicitor whose address is Department of Law, LL17 City Hall, 100 Holliday Street, Baltimore, Md. 21202 and whose telephone number is 396-3944

Failure to obey this Subpoena may result in your being charged with contempt of court and being taken into custody under a warrant or body attachment.

5/8/90 Date

MAR Clerk/Judge

I certify that I delivered the original of this Subpoena to on this day of, 19

Signature

Title

DESCRIPTION OF PERSON SUBPOENAED: Driver's License # Sex Race Ht. Wt. Hair Eyes Complexion Other

RECEIVED
DISTRICT COURT MD.
1ST DISTRICT - CIVIL
MAY 9 10 21 AM '90

RECEIVED
DIST. COURT MD.
1ST DISTRICT - CIVIL
MAY 8 10 21 AM '90

M.C. - 34 C/S N/R



DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

Located at 501 E. Fayette Street Court Address Case No. 08773-90

[Redacted]

VS MAYOR AND CITY COUNCIL OF BALTIMORE CITY Defendant

Address Telephone

MASON LOUDEN Plaintiff

CC#

SUBPOENA - SERVE BY CONSTABLE

STATE OF MARYLAND Baltimore City/County:

TO: William Hohman, Supervisor I Waste Water 2695 W. Franklin Street Baltimore, Maryland 21223

YOU ARE HEREBY SUBPOENAED to appear in person before The District Court of Maryland at the above location on Monday, June 4, 1990 at 1:30 o'clock P.M.

- To testify in the above case. To answer to the charge(s) in the above case. To answer to the State of Maryland for failing to obey a court order as follows:

- To produce the following documents:

RECEIVED DIST. COURT MD. 1ST DIST. CIVIL MAY 8 10 22 AM '90

This Subpoena was requested by Bernard A. Greenberg, Assistant Solicitor whose address is Department of Law, LL17 City Hall, 100 Holliday Street, Baltimore, Md. 21202 and whose telephone number is 396-3944

Failure to obey this Subpoena may result in your being charged with contempt of court and being taken into custody under a warrant or body attachment.

5/2/90 Date

I certify that I delivered the original of this Subpoena to 3320 day of May, 1990

Handwritten signatures and stamps including 'MAR 3' and 'CONSTABLE'

DESCRIPTION OF PERSON SUBPOENAED: Driver's License # Sex Race Ht. Wt. Hair Eyes Complexion Other



DISTRICT COURT OF MARYLAND FOR

Baltimore City

City/County

Located at 501 East Fayette Street

Court Address

Case No. 08773-90

VS

MAYOR AND CITY COUNCIL OF BALTIMORE CITY

Defendant

Address

Telephone

CC#

SUBPOENA - SERVE BY CONSTABLE

STATE OF MARYLAND Baltimore

City/County:

TO: Benjamin Waldman, Supervisor II

Water Maintenance

Park Terminal, 2331 N. Fulton Avenue

Baltimore, Maryland 21217

YOU ARE HEREBY SUBPOENAED to appear in person before The District Court of Maryland at the above location on Monday June 4 1990 at 1:30 o'clock P.M.

X To testify in the above case.

To answer to the charge(s) in the above case.

To answer to the State of Maryland for failing to obey a court order as follows:

To produce the following documents:

RECEIVED DIST. COURT MD 1ST DIST - CIVIL MAY 8 10 21 AM '90

This Subpoena was requested by Bernard A. Greenberg, Assistant Solicitor

whose address is Department of Law LL17 City Hall, 100 Holliday St., Baltimore Md. 21202

and whose telephone number is 396-3944

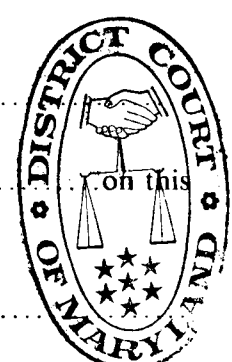
Failure to obey this Subpoena may result in your being charged with contempt of court and being taken into custody under a warrant or body attachment.

5/8/90

Date

Handwritten signature and initials

Clerk/Judge



I certify that I delivered the original of this Subpoena to

the day of 1990

Signature

Title

DESCRIPTION OF PERSON SUBPOENAED: Driver's License #

Sex Race Ht. Wt. Hair Eyes

Complexion Other



DISTRICT COURT OF MARYLAND FOR Baltimore City

City/County

Located at 501 E. Fayette Street

Court Address

Case No. CV 08773-90

VS

MAYOR AND CITY COUNCIL OF BALTIMORE CITY

Defendant

Address

MASON LOUDEN

Plaintiff

Telephone

CC#

SUBPOENA - SERVE BY CONSTABLE

STATE OF MARYLAND Baltimore

City/County

TO: Edward Dema, Supervisor I
Water Maintenance

Park Terminal - 2331 N. Fulton Avenue
Baltimore Maryland 21217

YOU ARE HEREBY SUBPOENAED to appear in person before The District Court of Maryland at the above location on Monday, June 4, 1990 at 1:30 o'clock P.M.

To testify in the above case.

To answer to the charge(s) in the above case.

To answer to the State of Maryland for failing to obey a court order as follows:

To produce the following documents:

RECEIVED
DIST. COURT MD.
1ST DIST. CIVIL
MAY 8 10:21 AM '90

This Subpoena was requested by Bernard A. Greenberg, Assistant Solicitor whose address is Department of Law LL17 City Hall, 100 Holliday St., Baltimore, Md. 21202 and whose telephone number is 396-3944

Failure to obey this Subpoena may result in your being charged with contempt of court and being taken into custody under a warrant or body attachment.

5/8/90

Date

I certify that I delivered the original of this Subpoena to [Signature] on this 1st day of [Month], 1990

[Signature]
Clerk/Judge
[Signature]
Signature
Title



DESCRIPTION OF PERSON SUBPOENAED: Driver's License #

Sex Race Ht. Wt. Hair Eyes

Complexion Other

C/S
N/R



DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

City/County

Located at 501 E. Fayette Street Court Address Case No. 08773-90

VS MAYOR AND CITY COUNCIL OF BALTIMORE CITY Defendant

Address

MASON LOUDEN Plaintiff

Telephone

CC#

SUBPOENA - SERVE BY CONSTABLE

STATE OF MARYLAND Baltimore City/County

TO: William Hohman, Supervisor I Waste Water 2695 W. Franklin Street Baltimore, Maryland 21223

YOU ARE HEREBY SUBPOENAED to appear in person before The District Court of Maryland at the above location on Monday, June 4, 1990 at 1:30 o'clock P.M.

- To testify in the above case.
To answer to the charge(s) in the above case.
To answer to the State of Maryland for failing to obey a court order as follows:

- To produce the following documents:

RECEIVED DISTRICT COURT MD. 1ST DISTRICT - CIVIL MAY 31 10 22 AM '90

This Subpoena was requested by Bernard A. Greenberg, Assistant Solicitor whose address is Department of Law, LL17 City Hall, 100 Holliday Street, Baltimore, Md. 21202 and whose telephone number is 396-3944

Failure to obey this Subpoena may result in your being charged with contempt of court and being taken into custody under a warrant or body attachment.

5/8/90 Date

MAR

Clerk/Judge

I certify that I delivered the original of this Subpoena to this day of 19

Signature

Title



DESCRIPTION OF PERSON SUBPOENAED: Driver's License # Sex Race Ht. Wt. Hair Eyes Complexion Other



DISTRICT COURT OF MARYLAND FOR Baltimore City

Located at 501 E. Fayette Street Court Address Case No. CV 08773-90

VS MAYOR AND CITY COUNCIL OF BALTIMORE CITY Defendant

Address Telephone

MASON LOUDEN Plaintiff

CC#

SUBPOENA - SERVE BY CONSTABLE

STATE OF MARYLAND Baltimore City/County

TO: Edward Dema, Supervisor I Water Maintenance Park Terminal - 2331 N. Fulton Avenue Baltimore, Maryland 21217

YOU ARE HEREBY SUBPOENAED to appear in person before The District Court of Maryland at the above location on Monday, June 4, 1990 at 1:30 o'clock P.M.

- To testify in the above case. To answer to the charge(s) in the above case. To answer to the State of Maryland for failing to obey a court order as follows:

RECEIVED DISTRICT COURT MD. 1ST DIST. - CIVIL MAY 8 10 21 AM '90

- To produce the following documents:

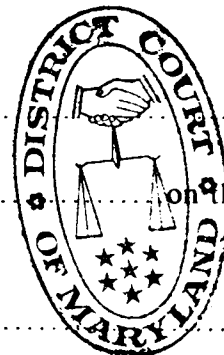
This Subpoena was requested by Bernard A. Greenberg, Assistant Solicitor whose address is Department of Law, LL17 City Hall, 100 Holliday St., Baltimore, Md. 21202 and whose telephone number is 396-3944

Failure to obey this Subpoena may result in your being charged with contempt of court and being taken into custody under a warrant or body attachment.

5/8/90 Date

mas

Clerk/Judge



I certify that I delivered the original of this Subpoena to on this day of 19

Signature

Title

DESCRIPTION OF PERSON SUBPOENAED: Driver's License # Sex Race Ht. Wt. Hair Eyes Complexion Other



DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

City/County

Located at 501 E. Fayette St. Case No. 08773-90

Court Address

VS MAYOR AND CITY COUNCIL OF BALTIMORE CITY

Defendant

Address

MASON LOUDEN Plaintiff

Telephone

CC#

SUBPOENA - SERVE BY CONSTABLE

STATE OF MARYLAND Baltimore City/County

TO: Charles Preston, Laborer Chauffeur Waste Water 2113 E. North Avenue Baltimore, Maryland 21213

YOU ARE HEREBY SUBPOENAED to appear in person before The District Court of Maryland at the above location on Monday, June 4, 1990 at 1:30 o'clock P.M.

- To testify in the above case. To answer to the charge(s) in the above case. To answer to the State of Maryland for failing to obey a court order as follows: To produce the following documents:

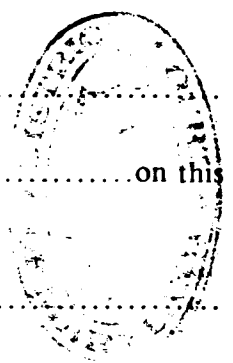
RECEIVED DIST. COURT MD. 1ST DIST - CIVIL MAY 8 10 21 AM '90

This Subpoena was requested by Bernard A. Greenberg, Assistant Solicitor whose address is Department of Law, LL17 City Hall, 100 Holliday Street, Baltimore, Md. 21202 and whose telephone number is 396-3944

Failure to obey this Subpoena may result in your being charged with contempt of court and being taken into custody under a warrant or body attachment.

5/8/90 Date

Signature Title Clerk/Judge



I certify that I delivered the original of this Subpoena to on this day of 19

Signature Title

DESCRIPTION OF PERSON SUBPOENAED: Driver's License # Sex Race Ht. Wt. Hair Eyes Complexion Other

NR



DISTRICT COURT OF MARYLAND FOR

Baltimore City

City/County

Located at 501 East Fayette Street

Court Address

Case No. 08773-90

VS MAYOR AND CITY COUNCIL OF BALTIMORE CITY Defendant

Address

MASON LOUDEN Plaintiff

Telephone

CC#

SUBPOENA - SERVE BY CONSTABLE

STATE OF MARYLAND Baltimore City/County

TO: Benjamin Waldman, Supervisor II Water Maintenance Park Terminal, 2331 N. Fulton Avenue Baltimore, Maryland 21217

YOU ARE HEREBY SUBPOENAED to appear in person before The District Court of Maryland at the above location on Monday, June 4 1990 at 1:30 o'clock P. M.

- To testify in the above case. To answer to the charge(s) in the above case.

- To answer to the State of Maryland for failing to obey a court order as follows:

- To produce the following documents:

RECEIVED DISTRICT COURT MD. 1ST DISTRICT BALTIMORE MAY 6 10 20 AM '90

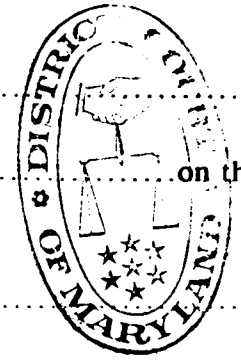
This Subpoena was requested by Bernard A. Greenberg, Assistant Solicitor whose address is Department of Law, LL17 City Hall, 100 Holliday St., Baltimore, Md. 21202 and whose telephone number is 396-3944

Failure to obey this Subpoena may result in your being charged with contempt of court and being taken into custody under a warrant or body attachment.

5/8/90 Date

mmar Clerk/Judge

Clerk/Judge



I certify that I delivered the original of this Subpoena to on this day of, 19

Signature

Title

DESCRIPTION OF PERSON SUBPOENAED: Driver's License # Sex Race Ht. Wt. Hair Eyes Complexion Other

CF NR

MASON LOUDEN : IN THE
Plaintiff : DISTRICT COURT
vs. : OF MARYLAND
MAYOR AND CITY COUNCIL OF BALTIMORE : FOR BALTIMORE CITY
CITY :
Defendant : Case No. 08773-90
: Trial Date: 6/4/90
: 1:30 p.m.

RESPONSE TO INTERROGATORIES

Mayor and City Council of Baltimore City, correctly known as the Mayor and City Council of Baltimore, a municipal corporation, Defendant, by Bernard A. Greenberg, Assistant Solicitor, its attorney, responds to the interrogatories propounded to it by the Plaintiff in the above entitled action, as follows:

a. The answers to these interrogatories are not based solely on the information and knowledge of the executing party, but include information and knowledge of its agents and employees, representatives and attorneys, unless privileged.

b. The word usage and sentence structure in each and every instance is that of the attorneys for the defendant.

* * *

INTERROGATORY NO. 1:

State the identity of the person answering these interrogatories giving his full name, business and residence address, his position with the Defendant and the number of years in that position.

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ANSWER NO. 1:

Elton Winn
Claims Investigator
Department of Law
Central Bureau of Investigation
City Hall, LL31
100 Holliday Street
Baltimore, Maryland 21202

INTERROGATORY NO. 2:

Give a concise statement of facts, in chronological order, of your version as to how the circumstances giving rise to this litigation arose and the identity of all persons having personal knowledge of such facts.

ANSWER NO. 2:

The Baltimore City Fire Department received a call regarding water pouring into the basement of 1703 Hartsdale Road. The Fire Department responded and was unable to stop the leak and notified the Sewer Department. The Department of Sewers responded and was unable to stop the leak and notified the Water Department. The Water Department responded, located the leak, which was caused by a broken water main. They turned off the water and then made repairs; and then cleaned out all the basements in the 1700 block of Hartsdale Road that were affected by the water main break.

This Defendant is unable to identify all persons having personal knowledge of such facts for the reason that such persons include some members of the Baltimore City Fire Department, Water Department and Waste Water Department; and residents of the subject location and in the area and possible spectators, visitors at the subject location and in the area of the subject location, possibly insurance adjusters, repairmen and other persons who were at the subject location or in the area concerning possible personal property or real property damages and possibly other

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APR 23 30 AM '90

persons.

INTERROGATORY NO. 3:

If at the time of the trial of this case you will rely upon any documents, correspondence, business entries, writings, photographs or other real evidence, provide an itemized list of such documents, correspondence, business entries, other writings, photographs or other real evidence, giving the name and address of the person presently in possession of same.

ANSWER NO. 3:

None.

INTERROGATORY NO. 4:

If at the time of trial of this case, you will rely upon any statements made by anyone, state the name and address of the person making each statement, that person's connection with the Plaintiff or Defendant, and the name, home and business addresses, and home and business telephone numbers of each person to whom such statement was made, and state the date, time, and place that the statement was made. If such statements have been reduced to writing or recording, please state the nature of such writing or recording and the names, addresses, and telephone numbers of the persons who are in possession of same; and, attach to your Answer to these interrogatories a copy of any statement you have from the party propounding these Interrogatories.

ANSWER NO. 4:

None.

INTERROGATORY NO. 5:

State the names, home and business addresses and home and business telephone numbers of all experts whom you propose to call as witnesses at

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the trial, the subject matter on which each is expected to testify, the substance of the facts and opinions to which each expert is expected to testify, the area of expertise of such experts, and attach to your Answers hereto copies of all written reports, notes or memorandum made for you, or otherwise in your position made by all such experts.

ANSWER NO. 5:

None.

INTERROGATORY NO. 6:

State what work on the subject property at 1717 Hartsdale Road, Baltimore, Maryland 21239, Defendant was authorized to perform, if any, and give the date of the authorization, the identity of the individual giving the authorization, the terms or any limitations on the authorization and identify and attach to your Answers hereto copies of any contracts and/or documents under which said authorizations were provided for.

ANSWER NO. 6:

None other than maintenance pumping and cleaning of basement.

INTERROGATORY NO. 7:

State the date on which you issued work orders to work on the subject property, the scope of the work to be performed and attach to here any reports or memorandum describing the work performed.

ANSWER NO. 7:

See copies of self-explanatory Work Orders Numbers 874723, 874730, 874722, 875017, 875037 and 874723, which are attached hereto.

INTERROGATORY NO. 8:

State Defendant's basis for denying claim G88-0744 by Plaintiff with the Defendant's Department of Law, Central Bureau of Investigation on

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August 14, 1988 and attach to your Answers hereto copies of any documents related to the investigation and denial of the claim made.

ANSWER NO. 8:

The alleged damages sustained by the Plaintiff were caused by the water main break without any negligence whatsoever on the part of this Defendant.

An investigation and a Report of Investigation was made in anticipation of litigation and is privileged.

INTERROGATORY NO. 9:

State whether any reports were prepared by you or your employees in the ordinary or regular course of business that would support Plaintiff's claim. If so, state the names and addresses of the persons who have present custody or possession of such reports or a copy thereof and the exact title of the report and date thereof.

ANSWER NO. 9:

None.

INTERROGATORY NO. 10:

State whether any reports were prepared by you or your employees in the ordinary or regular course of business that would support Defendant in denying responsibility for the damages caused to Plaintiff's property. If so, state the names and addresses of the persons who have present custody or possession of such reports or a copy thereof and the exact title of the report and date thereof.

ANSWER NO. 10:

None.

INTERROGATORY NO. 11:

State the names, home and business addresses and home and business

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Aug 27 8 30 AM '90

telephone numbers of your job superintendent, and all supervisory personnel of the Defendant and/or from the Defendant's Water Department for the repair and clean-up of the subject property at 1717 Hartsdale Road, Baltimore, Maryland 21239, which is the subject of this complaint, giving a description of their duties.

ANSWER NO. 11:

There was no job superintendent.

Benjamin Waldman
Supervisor II, Water Maintenance
Park Terminal
2331 N. Fulton Avenue
Baltimore, Maryland 21217
Telephone: 396-7777

He was a supervisor of the repairing of the water main break.

Edward A. Dema
Supervisor I Water Maintenance
Park Terminal
2331 N. Fulton Avenue
Baltimore, Maryland 21217
Telephone: 396-7777

He was a supervisor of the repairing of the water main break.

William Hohman
Supervisor I Waste Water
2695 W. Franklin Street
Baltimore, Maryland 21223
Telephone: 396-0230

He was a supervisor of the maintenance clean-up.

INTERROGATORY NO. 12:

State the names home and business addresses and home and business telephone numbers of all your employees who supervised, coordinated and/or directed the work of Defendant for the repair and clean-up of the subject property at 1717 Hartsdale Road, Baltimore, Maryland 21239, which is the subject of this complaint, giving a description of their duties.

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APR 27 8 31 AM '90

ANSWER NO. 12:

See answer to interrogatory No. 11.

INTERROGATORY NO. 13:

State the names home and business addresses and home and business telephone numbers of all your employees who contracted with and obtained authorizations and approvals from the Plaintiff for the services provided by Defendant for the repair and clean-up of the subject property at 1717 Hartsdale Road, Baltimore, Maryland 21239, which is the subject of this complaint, giving a description of their duties.

ANSWER NO. 13:

No work was done by this Defendant other than repair of the water main break and maintenance pumping and clean-up.

INTERROGATORY NO. 14:

State whether Defendant has any information as to the cause of damage to Plaintiff's property other than that alleged by Plaintiff in his complaint. If so, describe the cause of damage known to Defendant.

INTERROGATORY NO. 14:

This Defendant contends that the alleged damage to the Plaintiff's property was caused by the water main break without any negligence whatsoever on the part of this Defendant.

INTERROGATORY NO. 15:

State whether Defendant has any information to support the Plaintiff's claim. If so, describe the information known to Defendant.

ANSWER NO. 15:

None known to this Defendant.

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APR 27 9 31 AM '90

Elton J. Winn

ELTON J. WINN
Claims Investigator
Department of Law
Central Bureau of Investigation
100 Holliday Street
Baltimore, Maryland 21202
Affiant



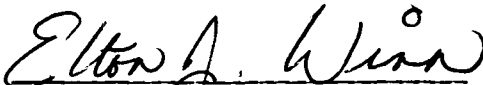
BERNARD A. GREENBERG
Assistant Solicitor

Department of Law
City of Baltimore
City Hall, 100 Holliday Street
Baltimore, Maryland 21202
Telephone: 396-3944
Attorney for Defendant

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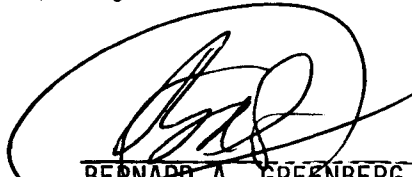
I, Elton J. Winn, Claims Investigator, Department of Law, City of Baltimore, Central Bureau of Investigation, do hereby solemnly swear and affirm under the penalties of perjury that the matters and facts set forth in the foregoing Answers to Interrogatories are true to the best of my knowledge, information and belief.


ELTON J. WINN

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 27th day of April, 1990, a copy of the foregoing Answers to Interrogatories was mailed to

Leonard M. Schwartz, Esquire
300 Water Street
Baltimore, Maryland 21202


BERNARD A. GREENBERG
Assistant Solicitor

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DIST. COURT MD.
1ST DIST. - CIVIL

APR 27
8 31 AM 1990

BAG:v

08/14/88

BALTIMORE METERED WATER SYS

WO NUM: 874723 W

WORK ORDER MAINTENANCE TRACKING SYSTEM

ABATED

LOCATION NUMBER STREET NAME STREET DESC ZIP
 OF WORK : 1703 HARTSDALE RD 21239
 MW ACCT : 04272889009 1703 HARTSDALE RD COUNTY: 1 STATUS: 5
 CUSTOMER NAME: PATRICIA A HAMLIN ETAL PLAT:
 WORK CODE: 24 = BROKEN MAIN CONTACT PHONE: 444-6577

WORK DESC: WIC-REAL BAD,POURING IN ***** WORK TRACKING INFORMATION *****

PRIOR CALL	CD	DATE	TIME	EMPL
1700 BLK 03.28 WO 874722,REPEAT				
CALL F/D CHOKED SAN MISS UTIL 236113 06.3	LAST ACTION	3	10/11/88 12:10	0284
***** WATER ACCOUNT INFORMATION *****	CREATE	1	08/14/88 03:32	0290
METER ID : 27818101 DAC : .362	ASSIGNED		08/14/88 08:47	0601
METER SZ : 5/8 READ 1: 1180	AMEND	L	10/11/88 12:10	0284
METER MFG : ROCKWELL M READ 2:	PRINT	1	08/14/88 03:32	0290
SEC BK PG : 4 2660 0502 READ 3:	ABATE		08/19/88 09:05	0610

***** FOLLOW-UP WORK ORDERS ***** MICRO

RIP/RAP: Y PERM/WALK: N PERM/STREET: N ASSIGNED TO: 13 REFERRED TO: 0
 BUDGET NUM : 207154600207101

REMARKS: SEE W0874730,R BROWN 05.38,REF BRK 8" MAIN, DEMA 06
 08/14 EXC & REPAIRED 8" BRK MAIN & ASSISTED BACKFILLED

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 DIST. COURT MD.
 1ST DIST CIVIL
 APR 27 8 17 AM '90

- * SUBMIT FOR EDIT
- * SUBMIT FOR UPDATE

LOWEN
 GEN
 (31)
 MR. WINN
 396-3401

08/14/88

BALTIMORE METERED WATER SYSTEM

WO NUM: 874730 S

WORK ORDER MAINTENANCE TRACKING SYSTEM

ABATED

LOCATION NUMBER STREET NAME STREET DESC ZIP
 OF WORK : 1700 HARTSDALE RD 21239
 MW ACCT : 04272919004 1700 HARTSDALE RD COUNTY: 1 STATUS: 4

CUSTOMER NAME: DONNA M SANSONE

WORK CODE: 57 = MAIN LINE CHOKE - SAN.

CONTACT PHONE:

WORK DESC: TWIN-170Z

**** WORK TRACKING INFORMATION ****

MLC PER F/D CITY	CELLARS FLOODED	CD	DATE	TIME	EMPL
03.35					

LAST ACTION ✓ 08/14/88 08:36 0601

***** WATER ACCOUNT INFORMATION *****

CREATE ✓ 08/14/88 08:16 0601

METER ID : 27131548 DAC : .157 ASSIGNED

METER SZ : 5/8 READ 1: 808 AMEND K 08/14/88 08:36 0601

METER MFG : ROCKWELL M READ 2: PRINT 1 08/14/88 08:36 0501

MAINT RANK: READ 3: ABATE 08/14/88 08:29 0601

***** FOLLOW-UP WORK ORDERS ***** MICRO

RIP/PAF: N PERM/WALK: N PERM/STREET: N ASSIGNED TO: REFERRED TO:

BUDGET NUM :

REMARKS: CALLED M. JOHNSON SUPR, 724 HOHMAN, 762 PRESTON PUMP, 04.20

OVER CHARGED SAN & STORM DUE TO BROKEN 8" MAIN REF TO WATER DEPT WO 874723

PUMPED CELLARS 1700 THRU 1720 AND 1701 THRU 1717 SEE WO 847722, 847723

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Sewer

08/14/88

BALTIMORE METERED WATER SYS

WO NUM: 874722 W

WORK ORDER MAINTENANCE TRACKING SYSTEM

ABATED

LOCATION NUMBER STREET NAME STREET DESC ZIP

OF WORK : 1700-BLK HARTSDALE RD 21239

MW ACCT : 1700-BLK HARTSDALE RD COUNTY: 1 STATUS: 5

CUSTOMER NAME: LEWTER PLAT:

WORK CODE: 10 = LEAKS MISC CONTACT PHONE: 444-8521

WORK DESC: INVEST LEAK IN STREET ***** WORK TRACKING INFORMATION *****

	CD	DATE	TIME	EMPL
MS LEWTER CALLED				
LAST ACTION	S	08/14/88	08:50	0601

***** WATER ACCOUNT INFORMATION *****				
CREATE	1	08/14/88	03:28	0290

METER ID : DAC : ASSIGNED

METER SZ : READ 1: AMEND K 08/14/88 08:50 0601

METER MFG : READ 2: PRINT 1 08/14/88 03:28 0290

MAINT RANK: READ 3: ABATE 08/14/88 08:50 0601

***** FOLLOW-UP WORK ORDERS ***** MICRO

RIP/RAP: N PERM/WALK: N PERM/STREET: N ASSIGNED TO:

BUDGET NUM :

REMARKS: VOID SEE WO 874723 & 872730

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 DIST. COURT MD.
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 AUG 27 8 31 AM '90
 REFERRED

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* SUBMIT FOR UPDATE

30

DATE: 08/14/88

BALTIMORE METERED WATER SYSTEM

WO NUM: 874722 W

TIME: 03:25

MAINTENANCE DIVISION WORK ORDER

ACTIVE

LOCATION OF WORK: 1700-BLK HARTSDALE RD

ZIP CODE: 21239

WORK CODE: ⁵⁷LEAKS MISC

DAC:

CUSTOMER NAME: LEWTER

CONTACT PHONE: 444-8521

METER INFO: 3/4 REMOVED

MAINT:

READS: (1)

WORK DESC: INVEST LEAK IN STREET

(2)

(3)

Backing up Bed MLC

MS LEWTER CALLED

ASSIGNED: *J. Johnson, Hohman, Preston - 0420* WATER ACCOUNT NO:

REMARKS: *V.T. BROWN - 538* BROKEN MAIN - OVER CHARGE IN SEWER

SIGNED: *Dema 6:50 AM* DATE: ___/___/___ BUDG NO:

**** ABATED SECTION ****

SIGNED: _____ DATE: ___/___/___

COMPLAINT CODE: _____

IS THE FOLLOWING NEEDED: RIP/RAP TICKET?(Y/N): ___

TEMP PAVING?(Y/N): ___

PERM PAV. TICKET?(Y/N): ___ STREET CUT PERMIT?(Y/N): ___

REMARKS: *See wo - 874723, 874730*

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DISTRICT
MAY 19 1988

METER CHANGE CODE: _____

NEW METER CODE: _____

DATE: 08/15/88

BALTIMORE METERED WATER SYSTEM

WO NUM: 875017 S

TIME: 14:39

MAINTENANCE DIVISION WORK ORDER

ACTIVE

LOCATION OF WORK: 1701-~~1717~~ HARTSDALE RD

ZIP CODE: 21239

WORK CODE: ⁴³~~41~~ ML - HAND CLEANED

DAC:

CUSTOMER NAME: #725

CONTACT PHONE:

METER INFO: 5/8 ROCKWELL M

MAINT:

READS: (1)

WORK DESC: ROD CONNECTIONS VIA #704

(2)

(3)

ASSIGNED: _____

WATER ACCOUNT NO:

REMARKS: _____

SIGNED: _____

DATE: ___/___/___

BUDG NO:

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1ST DIST. - CIVIL
APR 27 8 31 AM '88

**** ABATED SECTION ****

SIGNED: _____

DATE: ___/___/___

COMPLAINT CODE: _____

IS THE FOLLOWING NEEDED: RIP/RAP TICKET?(Y/N): ___

TEMP PAVING?(Y/N): ___

PERM PAV. TICKET?(Y/N): ___ STREET CUT PERMIT?(Y/N): ___

REMARKS: #725

Handwritten signature: J. E/M

METER CHANGE CODE: _____

NEW METER CODE: _____

Connections to houses -

DATE: 08/15/88

BALTIMORE METERED WATER SYSTEM

WO NUM: 875037 S

TIME: 15:08

MAINTENANCE DIVISION WORK ORDER

ACTIVE

LOCATION OF WORK: 1717 HARTSDALE RD

ZIP CODE: 21239

WORK CODE: 43 HOUSE CONNECTION -MACHINE

DAC: .342

CUSTOMER NAME: MASON C LOUDEN & WF

CONTACT PHONE:

METER INFO: 3/4 ROCKWELL M 27819386 MAINT: 08/79

READS: (1) 1083

WORK DESC: TWIN-1719

(2)

HCC

(3)

ASSIGNED: _____

WATER ACCOUNT NO: 04272896004

REMARKS: _____

SIGNED: _____

DATE: ___/___/___

BUDG NO:

**** ABATED SECTION ****

SIGNED: _____

DATE: ___/___/___

COMPLAINT CODE: _____

IS THE FOLLOWING NEEDED: RIP/RAP TICKET?(Y/N): ___

TEMP PAVING?(Y/N): ___

PERM PAV.TICKET?(Y/N): ___ STREET CUT PERMIT?(Y/N): ___

REMARKS: C--E/M

METER CHANGE CODE: ___

NEW METER CODE: ___

RECEIVED
DIST. CHURCH MD.
1ST DIST. DIV.
APR 27 8 38 AM '90

Law Dept - 396-3400 - EARL - MCM - IAN

08/15/88

BALTIMORE METERED WATER SYSTEM

WO NUM: 875037

WORK ORDER MAINTENANCE TRACKING SYSTEM

ACTIVE

LOCATION NUMBER STREET NAME STREET DESC ZIP
OF WORK : 1717 HARTSDALE RD 2123

MW ACCT : 04272896004 1717 HARTSDALE RD COUNTY: 1 STATUS:

CUSTOMER NAME: MASON C LOUDEN & WF PLAT:

WORK CODE: 43 = HOUSE CONNECTION -MACHINE CONTACT PHONE:

WORK DESC: TWIN-1719 **** WORK TRACKING INFORMATION ****

HCC CD DATE TIME EMPL
LAST ACTION 4 08/15/88 15:08 0601

***** WATER ACCOUNT INFORMATION ***** CREATE 1 08/15/88 15:08 0601

METER ID : 27819386 DAC : .342 ASSIGNED 08/15/88 15:08 0601

METER SZ : 3/4 READ 1 : 1083 AMEND

METER MFG : ROCKWELL M READ 2: PRINT 1 08/15/88 15:08

SEC BK PG : 4 2660 0516 READ 3: ABATE

***** FOLLOW-UP WORK ORDERS ***** MICRO

RIP/RAP: N PERM/WALK: N FERM/STREET: N ASSIGNED TO: 725 REFERRED TO:

BUDGET NUM :

REMARKS: C--E/M

* SUBMIT FOR EDIT

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8 31 AM '88

Mrs Boyd

Part Terminal

BUREAU OF WATER AND WASTE WATER
WATER & WASTE WATER MAINTENANCE DIVISION
WASTE WATER SECTION

WORK ORDER

No. W0874723

Ward _____ Sec. _____
Blk. _____ Lot _____

NOTIFIED: G. & E. _____ C. & P. _____ CONDUIT _____ LIGHTING _____ Account 2-070 544-001

FOREMAN W Hohman Account 04-101

LOCATION 1703 HARTSDALE Rd

BILL TO _____ ADDRESS _____

NATURE OF WORK SAN mainline 3⁴⁵/m

COMPLAINANT Fire Dept

DATE 8-14-88 TIME 4¹⁰/m ISSUED BY Cont 700

REPORT OF INVESTIGATION ARRIVED AT 4⁴⁰/m INVEST SAN MAINLINE FOUND 8" WATER MAIN HAD BUSTED CAUSING SAND FINE TO OVER CHARGE - ALSO CAUSING W.I.C.'S IN 1700 B/LK HARTSDALE RD - BASEMENTS AT

DATE 8-14-88 TIME 8⁰⁰/m TURNED OVER TO FOREMAN

DESCRIPTION OF WORK 1703-1705-1709-1711-1717-1720-1722 Needs to be mopped & clean - Also Basements AT 1713-1715 Needs to be check - Also 8" SAN mainline Needs to be clear of sand & mud Also . . . From Perrins Plumb up to Miller Rd AT 1703-5-9-11-17-20-22 HARTSDALE Rd. USED 3" PUMP TO PUMP WATER & SAND FROM CELLARS ALSO MOP AND DISINFECTANT & CELLARS & Rodded FROM THE DOWN

DATE STARTED 8/21/88 TIME 7:00AM DATE COMPLETED 8/21/88 TIME 8:00PM

BILL WORK: YES _____ NO ✓ PAVING _____

APPROVED _____ SIGNED R. JOHNSON

WJ
SUPERINTENDANT

ORIGINAL No. 874723 FOREMAN

RECEIVED
DIST. COURT MD.
1ST DIST. CIVIL
APR 27 8 31 AM '90

STREAM MAN HOLE IN FRONT 1717 HARSDALS Rd.
TO THE UP STREAM MAN HOLE IN FRONT 1701 HARSDALS
Rd & R00 ONE SECTION GOING NORTH & USED 8 CUTTER
TO CLEAN FT OF 8" SAN LINE: REMOVE 5 BUCKETS
OF SAND FROM 8" SAN LINE. LINE CLEAN AND IS
RUNNING FREELY AT PRESENT TIME COMP
AT 1717 HARSDALE RD. DAMAGE IN CELLAR'S COEPET
PADDING; TILC; LOVE SEAT & SOFA; CHAIR; BAR
VACUUM CLEANER; PIANO; FREEZER; WASHER
DRYER; LAWN MOWER; WATER HEATER; GAS
HEATER; WALLS; SHELVES; DAMAGE IN CELLAR S;
REMOVE 6" WATER; SAND FROM CELLAR COMP
AT 1703 HARSDALE RD. DAMAGE IN CELLAR'S WALL; WASHER
DRYER; DAMAGE IN CELLAR COMP.

WJ

RECEIVED
DIST. COURT MD.
1ST DIST - CIVIL
APR 27 8 31 AM 1980

MASON LOUDEN	:	IN THE
	:	
Plaintiff	:	DISTRICT COURT OF MARYLAND
	:	
vs.	:	FOR
	:	
MAYOR AND CITY COUNCIL OF BALTIMORE CITY, MARYLAND	:	BALTIMORE CITY
	:	
Defendant	:	Case No. CV 08773-90
	:	
	:	Trial Date: 6/4/90
	:	at 1:30 p.m.
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	

INTERROGATORIES

To: Mason Louden, Plaintiff

By: Mayor and City Council of Baltimore City, Maryland, Defendant

You are requested to answer the following interrogatories and these noted conditions will apply:

a. These interrogatories are continuing in character, so as to require you to file supplementary answers if you obtain further or different information before trial.

b. Where the names or identity of a person is requested, please state full name, home address and also business address, if known.

c. Unless otherwise indicated, these Interrogatories refer to the time, place and circumstances of the occurrence mentioned or complained of in the pleadings.

d. Where the knowledge or information or possession of a party is requested, such request includes knowledge of the party's agents, representatives and, unless privileged, his attorneys. When answer is made by a corporate party, state the name, address and title of the person supplying the information and making the affidavit and the source of his information.

e. The pronoun "you" refers to the party to whom these interrogatories are addressed, and the persons mentioned in clause (d).

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 DISTRICT COURT M.D.
 1ST DISTRICT

1. State your name, address, date of birth, and social security number.

2. Itemize the monetary loss you claim as a result of this occurrence including the source and amount of any lost income you suffered resulting from the occurrence complained of.

3. Give a concise statement of the facts as to how you contend that the occurrence took place.

4. State whether you have photographs of the scene or objects allegedly damaged as a result of this occurrence.

5. Name all persons who were at or near the scene of the alleged occurrence or who arrived at the scene within 24 hours.

6. Name all experts whom you propose to call as witnesses at the time of trial, listing their specialty, and attach copies of their reports hereto if you intend to rely on them as evidence at trial.

7. With respect to all damages claimed, give a detailed description of the item of property, the date purchased, the purchase price, where purchased, and please attach copies of receipts of purchase.

8. Give a description of the damage and the estimated or actual cost of repairs, if not destroyed, and the value immediately before and, if not destroyed, its value immediately after the flooding, and the basis or method used to calculate any depreciation on said items.

9. With respect to the occurrence, describe in detail the manner in which water, etc. escaped or entered into and onto your premises and describe the characteristics of said water including, but not necessarily limited to, its color and odor.

11 6 AM 91 APR 16 1990

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DISTRICT COURT M.D.
1ST DISTRICT - CIVIL


10. Please state the reasons for your contention that the Defendant drained the basement improperly thereby causing the damage claimed, and state what method of draining you contend the Defendant should have used.

11. State whether any agents, servants or employees of this defendant made any admissions against interest concerning this occurrence, and if so, identify the person or persons making such admissions and the nature of said admissions.

12. If you contend that this defendant, Mayor and City Council of Baltimore, violated any law, rule, code or regulation and said violation resulted in the damage claimed, identify such laws, rules, codes or regulations which you contend were violated.

13. With respect to the allegation in your Complaint that Plaintiff called Defendant several times because of the further damages caused by Defendant's repair and clean-up efforts, please indicate to whom said requests were made.

14. Name all persons having personal knowledge of the occurrence complained of.


BERNARD A. GREENBERG
Assistant Solicitor


Department of Law
City of Baltimore
City Hall, 100 Holliday Street
Baltimore, Maryland 21202
(301) 396-3944
Attorney for Defendant

RECEIVED
DISTRICT COURT M.D.
1ST DISTRICT-CIVIL
1990 APR 16 AM 9:12

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 16th day of April, 1990, a copy
of the foregoing Interrogatories was mailed to:

Leonard M. Schwartz, Esquire
The Canton House
300 Water Street
Baltimore, Maryland 21202


BERNARD A. GREENBERG
Assistant Solicitor

BAG:v

RECEIVED
DISTRICT COURT M.D.
1ST DISTRICT-CIVIL
1990 APR 16 AM 9:12



DISTRICT COURT OF MARYLAND FOR Baltimore City

Located at 501 E. Bayelle St. Case No. 0181-08773-70

STATE OF MARYLAND

Mason Frieden vs. Mayor & City Council of Baltimore City

TRIAL OR HEARING NOTICE

TO:

- Notice of intent to defend has been filed by Bernard A. Greenberg for Mayor & City Council of Baltimore City in the above case. The trial is set for June 4, 1990 at 1:30 PM. You must be prepared for trial on this date.

4/11/90 Date

MP Clerk

Copies mailed to:

- (1) Leonard M. Schwartz, 300 Water St. The Carlton House, Baltimore 21202
- (2) Bernard A. Greenberg, City Hall-100 Holiday St., Baltimore 21202



DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

Located at 501 East Fayette Street Court Address Case No. CV 08773-90

STATE OF MARYLAND OR

Trial Date June 4, 1990 at 1:30 p.m.

MASON LOUDEN Name Address Plaintiff/Judgment Creditor

MAYOR AND CITY COUNCIL OF BALTIMORE CITY, MARYLAND Name Address Defendant/Judgment Debtor

MOTION

Please enter the appearance of Bernard A. Greenberg, Assistant Solicitor, as attorney for defendant, Mayor and City Council of Baltimore City, Maryland, correctly known as the Mayor and City Council of Baltimore, a municipal corporation, in the above entitled matter; and be advised that he will be present at the trial of this matter and demand strict proof of the Plaintiff's claims.

Request Hearing on Motion.

April 9, 1990 Date

BERNARD A. GREENBERG Assistant Solicitor Department of Law City of Baltimore City Hall, 100 Holliday Street Baltimore, Maryland 21202 (301) 396-3944 Attorney for Defendant

RECEIVED DISTRICT COURT MD APR 9 7 22 AM '90

CERTIFICATE OF SERVICE

I certify that I served a copy of this Motion upon the following party or parties by mailing first class mail, postage prepaid, on April 9, 1990 Date to:

Leonard M. Schwartz, Esquire Name Address

The Canton House, 300 Water Street Baltimore, Maryland 21202 Address

April 9, 1990 Date

Signature of Party Serving

ORDER

It is hereby ORDERED that:

- the relief requested be granted. the hearing on Motion be set for.

Date Judge



DISTRICT COURT OF MARYLAND FOR Baltimore City

City/County

Located at Fayette and Gay Streets, Baltimore, MD 21202

Court Address

Case No. CV-8773-90

Mason Louden

Plaintiff/Judgment Creditor

vs.

Mayor and City Council of Baltimore City,

Defendant/Judgment Debtor

Trial Date 6-4-90

Issue Date 3/21/90

Expiration Date 4/20/90

Received From County

REQUEST FOR SERVICE

Case No.

Type of Paper

Complaint

If service is not effected, send refund to:

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process to the Court no later than ten days following the termination of the validity of the process.

3/21/90

T. Prostek

Date

Clerk

PROOF OF SERVICE

I CERTIFY

I that I served a Summons by restricted delivery mail, return card attached delivery to

Signature: [Handwritten Signature] Title: As Sheriff Date: 3/26/90 Time: 11:10 AM

CASE #

877390

Description of Defendant: Race Sex Ht. Wt. Age Other

Authorized

03/19/90

DISTRICT #01-01

I and left with him a copy of the Complaint and all supporting papers.

I posted the premises at

I was unable to serve because

I served the Writ of Garnishment on Wages on the Garnishee by restricted delivery mail, return card attached delivery to

I served the Writ of Garnishment on Property on the Garnishee by restricted delivery mail, return card attached delivery to

and promptly after service mailed a copy of the Writ to the Judgment Debtor's last known address.

I served an Order to Appear for Oral Examination in Aid of Enforcement by restricted delivery mail, return card attached delivery to

I served a Show Cause Order by restricted delivery mail, return card attached delivery to

My return is made by an individual other than a sheriff or constable, I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief and do further affirm I am a competent person over 18 years of age and not a party to the case.

Serve on

Date Signature Title Address if Private Process Server Telephone Number if Private Process Server

Garnishee/Agent

Address

City, State, Zip

Serve in County

Special Instructions:

Plaintiff Mason Louden

Plaintiff's Attorney Leonard M. Schwartz, Esq.

Address The Canton House, 300 Water Street

City, State, Zip Baltimore, MD 21202

Defendant Mayor and City Council of Baltimore

Serve on

City, Maryland, by and through the City

Address Solicitor, Neal M. Janey, 101 City Hall,

City, State, Zip 100 N. Holiday St., Baltimore, MD 21202

Serve in Baltimore City County

ATTEMPT	
1	Date/Time
2	Date/Time
3	Date/Time
4	Date/Time



DISTRICT COURT OF MARYLAND FOR Baltimore City

City/County

Located at Fayette and Gay Streets, Baltimore, MD 21202

Court Address

Case No. CV-5773-90

Mason Louden Plaintiff/Judgment Creditor

vs. Mayor and City Council of Baltimore, City, Defendant/Judgment Debtor

Trial Date 6-4-90 Issue Date 3/21/90 Expiration Date 4/20/90 Received From County

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process to the Court no later than ten days following the termination of the validity of the process.

Case No. Type of Paper Complaint

If service is not effected, send refund to:

Date 3/21/90 Clerk R. Postek

PROOF OF SERVICE

I CERTIFY

I served a Summons by restricted delivery mail, return card attached delivery to

Name Title Date Time

Description of Defendant: Race Sex Ht. Wt. Age Other

- I and left with him a copy of the Complaint and all supporting papers. I posted the premises at I was unable to serve because

I served the Writ of Garnishment on Wages on the Garnishee by restricted delivery mail, return card attached delivery to

I served the Writ of Garnishment on Property on the Garnishee by restricted delivery mail, return card attached delivery to

and promptly after service mailed a copy of the Writ to the Judgment Debtor's last known address.

I served an Order to Appear for Oral Examination in Aid of Enforcement by restricted delivery mail, return card attached delivery to

I served a Show Cause Order by restricted delivery mail, return card attached delivery to

return is made by an individual other than a sheriff or constable, I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief and do further affirm I am a competent person over 18 years of age and not a party to the case.

Date Signature Title Address if Private Process Server Telephone Number if Private Process Server

Serve on

Garnishee/Agent Address City, State, Zip Serve in County Special Instructions:

Plaintiff Mason Louden

Plaintiff's Attorney Leonard M. Schwartz, Esq.

Address The Canton House, 300 Water Street

City, State, Zip Baltimore, MD 21202

Defendant Mayor and City Council of Baltimore Serve on

City, Maryland, by and through the City Solicitor, Neal M. Janey, 101 City Hall,

City, State, Zip 100 N. Holiday St., Baltimore, MD 21202

Serve in Baltimore City county.

Table with 4 rows and 2 columns: ATTEMPT, Date/Time



DISTRICT COURT OF MARYLAND FOR Baltimore City

City/County

Located at Fayette and Gay Streets, Baltimore, MD 21202

Court Address

Case No. v-37734

Mason Louden

vs.

Mayor and City Council of Baltimore, City,

Plaintiff/Judgment Creditor

Defendant/Judgment Debtor

Trial Date 6-11-90

Issue Date 3/21/90

Expiration Date 4/20/90

Received From County

REQUEST FOR SERVICE

Case No.

Type of Paper

If service is not effected, send refund to:

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process to the Court no later than ten days following the termination of the validity of the process.

3/21/90 Date

[Signature] Clerk

PROOF OF SERVICE

I CERTIFY

I that I served a Summons by restricted delivery mail, return card attached delivery to

Name Title On Date Time

Description of Defendant: Race Sex Ht. Wt. Age Other

- I and left with him a copy of the Complaint and all supporting papers. I posted the premises at I was unable to serve because

I I served the Writ of Garnishment on Wages on the Garnishee by restricted delivery mail, return card attached delivery to

I I served the Writ of Garnishment on Property on the Garnishee by restricted delivery mail, return card attached delivery to and promptly after service mailed a copy of the Writ to the Judgment Debtor's last known address.

I I served an Order to Appear for Oral Examination in Aid of Enforcement by restricted delivery mail, return card attached delivery to

I I served a Show Cause Order by restricted delivery mail, return card attached delivery to

return is made by an individual other than a sheriff or constable, I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief and do further affirm I am a competent person over 18 years of age and not a party to the case.

Date Signature Title Address if Private Process Server Telephone Number if Private Process Server

Serve on

Garnishee/Agent Address City, State, Zip Serve in County Special Instructions:

Plaintiff Mason Louden Plaintiff's Attorney Edward A. Schwartz, Esq. Address The Canton House, 300 Water Street City, State, Zip Baltimore, MD 21202

Defendant Mayor and City Council of Baltimore, City, Maryland, by and through the City Solicitor, Neal M. Janey, 101 City Hall, City, State, Zip 100 N. Holiday St., Baltimore, MD 21202 Serve in Baltimore City county.

Table with 4 rows and 2 columns: ATTEMPT, Date/Time



DISTRICT COURT OF MARYLAND FOR Baltimore City

City/County

Located at Fayette and Gay Streets, Baltimore, MD 21202

Court Address

Case No. 00-57754

Mason Louden

vs.

Mayor and City Council of Baltimore, City

Plaintiff/Judgment Creditor

Defendant/Judgment Debtor

Trial Date 6-11-90 Issue Date 5/21/90 Expiration Date 9/30/90 Received From County

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process to the Court no later than ten days following the termination of the validity of the process.

Case No.

Type of Paper Complaint

If service is not effected, send refund to:

Date 5/21/90

Clerk [Signature]

PROOF OF SERVICE

I CERTIFY

I that I served a Summons by restricted delivery mail, return card attached delivery to

Name

On

Date

Time

Description of Defendant: Race Sex Ht

Wt Age Other

I and left with him a copy of the Complaint and all supporting papers.

I posted the premises at

I was unable to serve because

I served the Writ of Garnishment on Wages on the Garnishee by restricted delivery mail, return card attached delivery to

I served the Writ of Garnishment on Property on the Garnishee by restricted delivery mail, return card attached delivery to

and promptly after service mailed a copy of the Writ to the Judgment Debtor's last known address.

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I served a Show Cause Order by restricted delivery mail, return card attached delivery to

If return is made by an individual other than a sheriff or constable, I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief and do further affirm I am a competent person over 18 years of age and not a party to the case.

Date 5/21/90

Signature [Signature]

Title

Time

Address if Private Process Server

Telephone Number if Private Process Server

Plaintiff Mason Louden

Plaintiff's Attorney Leonard M. Schwartz, Esq.

Address The Canton House, 300 Water Street

City, State, Zip Baltimore, MD 21202

Defendant Mayor and City Council of Baltimore Serve on

City, Maryland, by and through the City

Address Solicitor, Neal M. Janey, 101 City Hall,

City, State, Zip 100 N. Holiday St., Baltimore, MD 21202

Serve in Baltimore City County

Garnishee/Agent

Address

City, State, Zip

Serve in County

Special Instructions:

Serve on

ATTEMPT

Table with 4 rows for tracking service attempts, including Date/Time columns.

D. Lee
2-1-10
Image 108

From: Jennifer Hafner
To: Ray Connor, Doris Byrne, Sheila Simms, Edward Papenfuse
Date: Monday, February 01, 2010 12:53:12 PM
Subject: MSA SC 5458-82-150, 1990 cases

These are the remaining 1990 cases. I have updated the work order.

Mayor AND City Council VS LOUDEN Box 1003 Case No. 90211027 [MSA DL 2-1-10 Image 108]
T2691-3640, OR/11/15/36]
File should be named msa_sc5458_82_150_[full case number]-####

DESSESAURE VS ST PAUL RENTALS Box 1003 Case No. 90211028 [MSA
T2691-3640, OR/11/15/36]
File should be named msa_sc5458_82_150_[full case number]-####

LANGREHR VS HOBBS Box 1010 Case No. 90215022 [MSA T2691-3647, OR/11/15/43]
File should be named msa_sc5458_82_150_[full case number]-####

OZOLIN VS BOARD OF APPEALS, ET. AL. Box 1060 Case No. 90243035 [MSA
T2691-3697, OR/11/16/9]
File should be named msa_sc5458_82_150_[full case number]-####

WILLIAMS VS BD. OF APPEALS, ET. AL. Box 1129 Case No. 90285042 [MSA
T2691-3766, OR/11/16/77]
File should be named msa_sc5458_82_150_[full case number]-####

BOST VS DISTANCE Box 1204 Case No. 90331026 [MSA T2691-3841, OR/11/17/68]
File should be named msa_sc5458_82_150_[full case number]-####

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