

ANTHONY N. WOJLOH
VS.
EDWARD REIFER, ET. AL.
94143054/CL-181082
VOLUME 1 of 2
TRANSCRIPT --- NO
EXHIBITS --- NO

02 28 11-19

No. 1872
Sept. Term
1 19 95

Court of Special Appeals

No. 1872, September Term, 1995

Anthony N. Wojloh
vs.
Edward Reifer et al.

DISPOSITION OF APPEAL IN COURT OF SPECIAL APPEALS:

September 18, 1996: Per Curiam filed.
Judgment affirmed; costs to be paid by
appellant.

October 18, 1996: Mandate issued.

RECORD RETURNED TO CLERK OF CIRCUIT COURT FOR:
BALTIMORE CITY
BALTIMORE, MD 21202 DATE: 10/18/96

BY: HAND DELIVERED

REMARKS:

Ledie D. Gadet



MANDATE

Court of Special Appeals

Maryland Relay Service
1-800-736-2258
TTY VOICE

No. 1872, September Term, 1995

Anthony N. Wojloh
vs.
Edward Reifer et al.

JUDGMENT: September 18, 1996: Per Curiam filed.
Judgment affirmed; costs to be paid by
appellant.

October 18, 1996: Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for BALTIMORE CITY
94143054', CL181082

In Court of Special Appeals:

Printing Brief for Appellant.....	75.60
Reply Brief.....	79.20
Portion of Record Extract--Appellant....	54.00
* Total *	208.80 *
Printing Brief for Appellee.....	439.20
* Total *	439.20 *

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this eighteenth day of October A.D. 1996

Jedie D. Bradet
Clerk of the Court of Special Appeals

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1872

September Term, 1995

ANTHONY N. WOJLOH

v.

EDWARD REIFER, *et al.*

Fischer,
Davis,
Bishop, (Ret'd., Specially
Assigned)

JJ.

Per Curiam

Filed: September 18, 1996

Anthony N. Wojloh appeals from a judgment based on the granting of a motion for summary judgment, with prejudice and the granting of a motion to dismiss with prejudice. The basis of the granting of both of these motions was the death of Charlie Anderson, one of the defendants.

The original complaint named the following defendants:

Edward Reifer, Pastor
Rubie Hostetler
Charlie Anderson
Unity Center of Christianity, and,
John Anukem
John Coliton
Barbara Dersch
Joan Earnshaw
Santee Falls
Viola Greene
Edward Reifer
Brian Tune,
Members of the Board of Directors,
Unity Center of Christianity

All, except Charlie Anderson, deceased, are appellees here.

The complaint contained the following four counts: I. Libel, II. Slander, III. Harassment, and IV. Conspiracy. Certain statements made by Charlie Anderson were the bases for the complaint.

This Court, on its own initiative, limited the issue of this appeal to "Whether Judge Ward abused his discretion in the Order[s] of July 14, 1995 (docketed July 17, 1995) in granting the motion to dismiss with prejudice of defendants Edward Reifer, et al., and ordering that the plaintiff's remaining Count II abated against defendant, Charlie Anderson, and could not be revived by substitution of any other party." As a result, the Orders dated July 14, 1995, contain the only issue that is before us.

By order of August 31, 1994, the trial court granted motions to dismiss Counts I, Libel, Count II, Harassment, and Count IV, Conspiracy, as to Edward Reifer, Rubie Hostetler, Charlie Anderson, and Viola Greene. As to Count II, Slander, the motion was denied.

By that same order, the court, on the grounds of insufficient service of process and improper parties, dismissed defendants, John Anderson, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, and Brian Tune.

Appellees then filed a motion to dismiss as to Charlie Anderson and a motion for summary judgment on behalf of the other defendants. The court granted both of these motions with prejudice through its July 14th orders.

As a basis for its grant of the motion to dismiss with prejudice, the court "Ordered that Plaintiff's remaining Cou[n]t II - Slander abated against defendant, Charles Anderson, who died on April 19, 1995, and cannot be revived by substitution of any other party as set forth under Md. Code (1974, 1995 Repl. Vol.) Section 6-401, Cts. and Jud. Proc. Art." Section 6-401(b) provides:

Slander.—A cause of action for slander abates upon the death of either party unless an appeal has been taken from a judgment entered in favor of the plaintiff.

Based on the foregoing, the court had no alternative but to grant the motion to dismiss and thereafter the motion for summary judgment in favor of the appellees. Clearly, it is the law of Maryland that an action for slander abates upon the death of either party unless a judgment has been entered in favor of the plaintiff

and an appeal filed therefrom. Section 6-401(b) *supra*. See also *Cant v. Bartlett*, 292 Md. 611, 619-20 (1982).

Not only has the appellant failed to provide argument on this issue here, he failed to do so before the circuit court. Md. Rule 8-504. Contents of brief § (a)(5) requires "Argument in support of the party's position." This has not been provided by appellant. Rather, the appellant argues the doctrine of *respondeat superior*, scope of employment, and vicarious liability—none of which is germane to the limited issue ordered by this Court. This is understandable since there is no Maryland law that supports appellant's position.

Appellant argues that summary judgment should not have been granted because of a dispute of facts. This argument is incomprehensible. There is no question Anderson is dead and therefore under the law the action abates. The entire basis of the slander count were the statements made by Anderson. There is no way that appellant may continue his action against the other defendants when the substance of that action, because of Anderson's death, abates.

We will not tarry longer to dispose of an appeal that should have never been filed and probably would not have been filed if the *pro se* appellant had sought legal advice.

**JUDGMENT AFFIRMED;
COSTS TO BE PAID BY
APPELLANT.**

CCA



Court of Special Appeals

Courts of Appeal Building
Annapolis, Md. 21401-1699

LESLIE D. GRADET
CLERK

(410) 974-3646
WASHINGTON AREA (301) 261-2920

KATHARINE M. KNIGHT
CHIEF DEPUTY

April 23, 1996

Larry J. Albert, Esquire
Legg Mason Tower, 14th Floor
111 South Calvert Street
Baltimore, Maryland 21202

Re: Anthony N. Wojloh vs. Edward Reifer et al.
No. 1872, September Term, 1995

Dear Mr. Albert:

Enclosed find a copy of an Order of this Court dated April 23, 1996, denying the motions to dismiss the appeal and the motion to strike, limiting the issue on appeal, and directing Appellant to file corrected briefs and record extracts by June 17, 1996. Appellees' briefs are due 30 days after Appellant's corrected briefs are filed.

Very truly yours,

Leslie D. Gradet
Clerk

LDG:ls

Enclosure

cc: Mr. Anthony N. Wojloh

IN THE COURT OF SPECIAL APPEALS

ANTHONY N. WOJLOH
Appellant

v.

EDWARD REIFER, et al
Appellees

* Appeal from the Circuit
* Court for Baltimore City
* CASE NO. 94143054/CL181082
*
* PHC NO. 805
*
* September Term, 1995
*

* * * * *

MOTION TO DISMISS APPEAL

EDWARD REIFER, et al, Appellees, by Larry J. Albert, their attorney, move this Court to dismiss the above appeal and, in support thereof say:

1. This appeal was taken by Anthony N. Wojloh, Appellant, from the decisions of the Circuit Court for Baltimore City, Honorable Thomas Ward, on July 14, 1995, granting Defendants' Motion to Dismiss and Defendants' Motion for Summary Judgment.

2. The Court of Special Appeals, pursuant to Order of the Honorable Paul Alpert on October 3, 1995, copy attached hereto and marked "Exhibit A", directed Appellant, *inter alia*, to order the transcript(s) within ten (10) days of said Order in accordance with Maryland Rule 8-411(b).

3. Notwithstanding said Order of October 3, 1995, Appellant advised the Clerk, Circuit Court for Baltimore City, by letter of October 11, 1995, copy attached hereto and marked "Exhibit B" that, because of the alleged "irrelevancy" of said transcripts, he had withdrawn his previous request for their preparation.

4. The Maryland Rules vest no authority in Appellant to determine, on his own, whether or not any transcripts will be prepared or what transcripts will be prepared.

5. Appellant's defiance of an Order of this Court, as well as his implicit declaration he is not bound by the Rules of Procedure warrants dismissal of his appeal herein.

WHEREFORE Appellees Edward Reifer, et al, move this Court to dismiss Appellant Anthony Wojloh's appeal.



LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 1995, a copy of the foregoing Motion to Dismiss and Order was mailed, postage prepaid, to:

Mr. Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

IN THE COURT OF SPECIAL APPEALS

EXHIBIT
A

ANTHONY N. WOJLOH

*
*
*
*
*

vs.

PHC No. 805

September Term, 1995

EDWARD REIFER, et al.

ORDER

The Court of Special Appeals, pursuant to Maryland Rule 8-206(a)(1), orders and directs that the above captioned appeal proceed without a Prehearing Conference.

BY THE COURT

Paul E. Albert
JUDGE

Date: 10/3/95

cc:* Saundra Banks, Clerk
Circuit Court for Baltimore City
Anthony N. Wojloh
Larry A. Albert, Esquire

*Mr./Ms. Clerk: Will you kindly place this Order with the record in this cause (Your 94143054/CL181082). The date of this Order establishes commencement of the 10 day period under Md. Rule 8-411(b) and the 60 day period for transmittal of the record under Md. Rule 8-412(a).

Leslie D. Gradet, Clerk

Leslie D. Gradet

04 OCT 1995

EXHIBIT B

3700 West Rogers Avenue
Baltimore, Maryland 21215
October 11, 1995

Mrs. Sandra Banks, Clerk
Circuit Court of Maryland
for Baltimore City
Civil Division
111 North Calvert Street
Baltimore, Maryland 21202

RE: Wojcik v. Keifer, et. al.
CA. NO. 94143034/CL181082

Dear Mrs. Banks:

Please note that my previous Request for preparation of transcript(s) for the appeal in the above-referenced case is hereby withdrawn. Irrelevancy of said transcript(s) upon carefully reviewing the records is the basis.

Thank you for your continued cooperation.

Very truly yours,

Anthony N. Wojcik
Anthony N. Wojcik
Plaintiff/Appellant

cc: Leslie D. Gradet, Clerk
Court of Special Appeals of Maryland
Larry A. Albert, Esquire

RECEIVED
NOV 1 1995

95 NOV -1 AM 10:21

CLERK

3700 West Rogers Avenue
Baltimore, Maryland 21215
October 30, 1995

Leslie D. Gradet, Clerk
Court of Special Appeals of Maryland
Courts of Appeal Building
Rowe Boulevard & Taylor Avenue
Annapolis, Maryland 21401

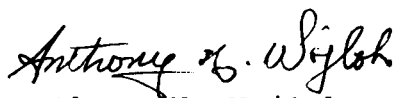
RE: Wojloh v. Reifer, et. al.
CASE NO. 94143054/CL181082
PHC NO. 805, September Term, 1995

Dear Clerk:

Enclosed herewith, please find for filing an Original
and three Copies each of Appellant's Opposition To
Motion To Dismiss Appeal.

Thank you for your continued cooperation.

Very truly yours,


Anthony N. Wojloh

ENCLOSURES:

cc: Larry J. Albert, Esquire
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 South Calvert Street
Baltimore, Maryland 21202

95 NOV -1 AM 10:21

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

CLERK

ANTHONY N. WOJLOH
Appellant

* Appeal from the Circuit
Court for Baltimore City
* CASE NO. 94143054/CL181082

v.

*
* PHC NO. 805

EDWARD REIFER, et. al.
Appellees

*
*
* September Term, 1995
*

** ** * ** *** ** ** ** **

APPELLANT'S OPPOSITION TO MOTION TO DISMISS APPEAL

COMES NOW, Anthony N. Wojloh, Appellant, Pro se, and in opposition to Appellees' Motion To Dismiss Appeal asks the Court of Special Appeals for an Order denying said Motion, on grounds and for reasons as follow:

1. The Motion is inappropriate, misleading and has no basis; because the hearing of July 14, 1995, was not recorded and therefore no transcript can be prepared for same.

2. That at the July 14, 1995 hearing, there was neither a court reporter, nor an electronic recording device and therefore no statements were recorded.

3. That in as much as there was no recording of statements whatsoever, from the July 14, 1995 hearing, Appellees can not demand a submission and preparation of transcript.

4. That under the law, Appellant in this case is entitled to submit a particular question and ask the Court of Special Appeals of Maryland to review the same, and to request of the clerk

of the lower court a transcript for the question. Similarly, Appellant is entitled to inform the Appellate Court of his intention to withdraw a previously submitted question and accordingly, ask the clerk of the lower court not to prepare a previously requested transcript for the eliminated question, upon determining that the question and the correspondent transcript are immaterial, inapplicable and irrelevant.

5. That the Order of the Circuit Judge, the Honorable Thomas E. Noel of May 26, 1995 relating to Motion to Compel is not an issue before this Court, therefore, a transcript relating to said Order is irrelevant and immaterial, as the issue and a correspondent transcript are withdrawn. See a copy of Judge Noel's Order marked herewith as Attachment A.

6. That it is the Order of the Honorable Thomas Ward, Judge, that has become an issue and not that of Judge Noel. Therefore, the withdrawal of the request for preparation of transcript in this regard does not constitute "Appellant's defiance," as stated by Appellees.

7. That the withdrawal of the transcript and its related issue, Appellant's first issue, numbered "1", do not and can not prejudice Appellees' case.

8. Maryland Rule 8-411 (b), upon which Appellees rely is applicable only where a transcript is attainable from a recorded proceeding. But in the case where the proceeding is not recorded, no transcript can be produced, as in this case. Unarguably, the Appellees have not met, nor shifted the burden.

WHEREFORE, in all things considered, the Appellant, Anthony N. Wojloh respectfully asks the Court of Special Appeals to deny Appellees' Motion to Dismiss Appeal.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Appellant, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215

Telephone: (410) 664-4587

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on this 21st day of October, 1995, that a copy of the foregoing Appellant's Opposition to Motion to Dismiss Appeal and Order were mailed, first class postage prepaid, to:

Larry J. Albert, Esquire
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 South Calvert Street
Baltimore, Maryland 21202
Attorney for Appellees

Anthony N. Wojloh

ANTHONY N. WOJLOH
Appellant

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

ANTHONY N. WOJLOH	*	Appeal from the Circuit
	*	Court for Baltimore City
Appellant	*	CASE NO. 94143054/CL181082
	*	
v.	*	PHC NO. 805
	*	
EDWARD REIFER, et. al.	*	
	*	September Term, 1995
Appellees	*	
* * * * *	*	

O R D E R

Upon Consideration of Appellant's Opposition To Motion To Dismiss Appeal and for good cause shown, it is by the Court of Special Appeals of Maryland, this _____th day of _____, 1995,

ORDERED that Appellees' Motion To Dismiss Appeal be and the same is hereby DENIED.

JUDGE
COURT OF SPECIAL APPEALS
OF MARYLAND

34

PRESIDING JUDGE

COURTROOM CLERK

STENOGRAPHER

ASSIGNMENT FOR FRIDAY MAY

26, 1995 P10

CASE NUMBER - 94143054
CASE TITLE - WOJLOH VS REIFER, ETAL CLINIC
CATEGORY - OTHER TORT
PROCEEDING - MOTION HEARING - DISCOVERY

ERLIE CORN
300
800
Sumdra E. Banks

ALBERT, LARRY
FINAMORE, PAUL M
WOJLOH, ANTHONY N

DEFENSE ATTORNEY 783-6300
DEFENSE ATTORNEY 783-6300
PLAINTIFF

*The Plaintiff's Motion to Compel
as to Interrogatories numbered 1, 2,
5, 12 (in part) 13, 14, 23, and 24 is
granted, and must be responded to within
15 days of this order.*

TYPE OF PROCEEDING: () JURY () NON-JURY () OTHER
DISPOSITION (CHECK ONE)
() SETTLED () CANNOT SETTLE () NEXT COURT DATE
() VERDICT () REMANDED () NON PROS/DISMISSED
() JUDGEMENT NISI () ORDER/DECREE SIGNED () OTHER
() JUDGEMENT ABSOLUTE () ORDER/DECREE TO BE SIGNED PLEASE EXPLAIN:
() POSTPONED () MOTION GRANTED
() SUB CURIA () MOTION DENIED

THOMAS E. NOEL
JUDGE

The Judge's signature appears on the original document

DATE *May 26, 1995*

MAY 31 1995

Attachment A

IN THE COURT OF SPECIAL APPEALS

ANTHONY N. WOJLOH
Appellant

v.

EDWARD REIFER, et al
Appellees

* Appeal from the Circuit
* Court for Baltimore City
* CASE NO. 94143054/CL181082
*
* PHC NO. 805
*
* September Term, 1995
*

* * * * *

MOTION TO STRIKE APPELLANT'S LATE-FILED
OPPOSITION TO MOTION TO DISMISS APPEAL

EDWARD REIFER, et al, Appellees, by Larry J. Albert, their attorney, move this Court to strike Appellant's late-filed Opposition to Motion to Dismiss Appeal and, in support thereof, say:

1. Appellees' Motion to Dismiss Appeal was mailed to the Clerk of this Court and a copy thereof was mailed to Appellant on October 17, 1995.

2. Appellant's Opposition was mailed to the Clerk of this Court on October 30, 1995, with a copy thereof mailed to Appellees' attorney on October 31, 1995.

3. Rule 8-431(b) states with regard to a Motion that, "unless a different time is fixed by order of the Court, the response shall be filed within five days after service of the motion" (emphasis supplied).

4. Appellant would have received a copy of Appellees' Motion on October 18, 1995 or certainly no later than October 19, 1995.

5. Appellant's Opposition was filed more than five days after service of Appellees' Motion.

6. Appellant's Opposition contains no averment whatsoever as to excusable negligence.

WHEREFORE, Appellees Edward Reifer, et al, move this Court pass an Order.

- (a) to strike Appellant's late-filed Opposition;
and
(b) to grant Appellees' Motion to Dismiss Appeal.



LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November, 1995, a copy of the foregoing Motion to Strike Appellant's Late-Filed Opposition to Motion to Dismiss Appeal and Order was mailed, postage prepaid, to:

Mr. Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

95 NOV -9 AM11:02

ERK

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

ANTHONY N. WOJLOH	*	
Appellant	*	Appeal from the Circuit Court for Baltimore City
v.	*	CASE NO. 94143054/CL181082
	*	PHC NO. 805
EDWARD REIFER, et. al.	*	September Term, 1995
Appellees	*	
*		
* * * * *		

APPELLANT'S OPPOSITION TO MOTION TO STRIKE
OPPOSITION TO MOTION TO DISMISS APPEAL

Anthony N. Wojloh, Appellant, moves this Court in opposition to Appellees' Motion To Strike Opposition To Motion To Dismiss the Appellant's Appeal for an Order denying said Motion, on grounds and for reasons as follow:

1. Appellees' Motion(s) emanated for the most part, if not in its entirety, from Appellant's determination to seek justice, the Appellees' previous losses before the Circuit Judges, the Honorable Ellen L. Hollander, Marvin B. Steinberg, on two occasions, and Cclifton J. Gordy, Jr., which said losses and defeats in the lower court, precipitated the Appellees' egoism, verbal insult, affront, and incooperation. See Attachments A and B.

2. Appellant's failure to file his Opposition to Motion to Dismiss Appeal timely was neither willful, nor negligent. Rather, it was due to Appellant's being out of the State of Maryland, and upon return received Appellees' Motion on October 29, 1995 at 11:30 P.M. That Appellant had no control ^{OVER} of this incident.

3. Appellant did not request consent for extension of time for filing a response in any event, because Appellees would have opposed the same merely for vengeance and the reasons cited in Paragraph 1 (One) of this Opposition. Similarly, Appellant did not ask the Court for extension of time because the period within which to ask had expired.

4. Finally, Appellant's Opposition to Motion to Strike the Opposition to Motion to Dismiss Appeal will neither prejudice the Appellees' case, nor cause Appellees any injury.

WHEREFORE, having shown good cause for filing untimely, your Appellant respectfully urges the Court to deny Appellees' Motion.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Appellant, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: (410) 664-4587

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on this ___th day of November, 1995, that a copy of the foregoing Opposition to Motion to Strike Opposition to Motion to Dismiss Appeal along with a copy of Order was mailed, first-class postage prepaid, to: Larry A. Albert, Esquire, 111 S. Calvert Street, 14th Floor, Baltimore, Maryland 21202, Attorneys for Appellees.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Appellant, Pro se

95 NOV 16 1986

IN THE COURT OF SPECIAL APPEALS

ANTHONY N. WOJLOH

Appellant

v.

EDWARD REIFER, et al

Appellees

* Appeal from the Circuit
* Court for Baltimore City
* CASE NO. 94143054/CL181082

* PHC NO. 805

* September Term, 1995

* * * * *

APPELLEES' RESPONSE TO APPELLANT'S OPPOSITION
TO APPELLEES' MOTION TO STRIKE APPELLANT'S
LATE-FILED OPPOSITION TO MOTION TO DISMISS APPEAL

EDWARD REIFER, et al, Appellees, by Larry J. Albert, their attorney, respond, as follows, to Appellant's Opposition to Appellees' Motion to Strike Appellant's Late-Filed Opposition to Motion to Dismiss Appeal:

1. Appellees deny, in toto, the allegations contained in paragraph 1 of Appellant's Opposition, as (a) such allegations are patently untrue (Mr. Wojloh, not Edward Reifer, et al filed this appeal, presumably because of Mr. Wojloh's "losses and defeats in the lower court"); (b) such allegations constitute a spurious and unwarranted ad hominem attack on Appellees and undersigned counsel which violates the spirit, if not the letter, of pleading under the Maryland Rules; and (c) such allegations are neither material nor relevant to the issue raised by Appellees' Motion to Strike.

2. With regard to the allegations contained in paragraph 2 of Appellant's Opposition, Appellees state that these allegations are self-serving, are unsupported by affidavit or other proof of

their veracity and do not constitute, insofar as Appellees' counsel is aware, an excusable reason for late-filing (if it did, virtually no pleading in Maryland practice could be late-filed).

3. With respect to the allegations contained in paragraph 3 of Appellant's Opposition, Appellees can neither admit nor deny Appellant's representation of his "state of mind" directing what he did or did not do; Appellees, however, deny any motive of "vengeance" as ascribed to them by Appellant.

4. Appellees deny the allegations contained in paragraph 4 of Appellant's Opposition and respectfully submit that the prejudice to them, if not the aggravation and expense of this appeal's survival is manifestly obvious.

5. Finally, Appellees note that while the Certificate of Service states that a copy of Appellant's Opposition was mailed on November 8, 1995 to Appellees' counsel, said copy was not received until November 14, 1995 and contained no copy of the referenced "Attachments A & B". (Appellant advised the undersigned by telephone on November 9, 1995 that he had neglected to place stamps on his mailings to the Clerk and the undersigned and would remail his Opposition); accordingly, it would appear that Appellant's Opposition was also filed late.

WHEREFORE, Appellees Edward Reifer, et al, move this Court to pass an Order:

(a) to strike Appellant's late-filed Opposition;

and

(b) to grant Appellees' Motion to Dismiss Appeal.



LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 1995, a copy of the foregoing Response to Appellant's Opposition to Appellees' Motion to Strike Appellant's Late-Filed Opposition to Motion to Dismiss Appeal and Order was mailed, postage prepaid, to:

Mr. Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215


LARRY J. ALBERT

95 NOV 17 AM 11:51

CLERK

3700 West Rogers Avenue
Baltimore, Maryland 21215
November 10, 1995

Leslie D. Gradet, Clerk
Court of Special Appeals
Courts of Appeal Building
Rowe Boulevard & Taylor Av.
Annapolis, Maryland 21401

RE: Wojloh v. Reifer, et. al.
CASE NO. 94143054/CL181082
PHC NO. 805, September Term, 1995

Dear Clerk:

Per our recent telephone conversation, enclosed herewith, for filing please find four copies of Appellant's Order and four Attachments of A and B, each to be appended to the Opposition recently filed by Appellant.

Please note further that I have communicated the aforementioned conversation with Larry J. Albert, Esquire, Attorney for Appellees, and have also sent him copies of the documents herewith enclosed.

Thank you for your continued cooperation.

Sincerely yours,

Anthony N. Wojloh
Anthony N. Wojloh

Enclosures;

cc; Larry J. Albert, Esquire
Attorney for Appellees

NILES, BARTON & WILMER

ATTORNEYS AT LAW

WASHINGTON, D. C. 20006
1616 H STREET, N. W.
202-737-0512

1400 LEGG MASON TOWER
III S. CALVERT STREET
BALTIMORE, MARYLAND 21202-6185

CABLE ADDRESS NILWO
TELEX 87-469-NILES LAW
EASY LINK 62927328
TELECOPIER 410-783-6363

410-783-6300

WRITER'S DIRECT NUMBER

(410) 783-6340
FAX (410) 783-6410

November 2, 1995

Mr. Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215

RE: Anthony N. Wojloh vs. Edward Reifer, et al
Appeal from Circuit Court for Baltimore City
PHC No. 805 September Term, 1995
Our File: 35002

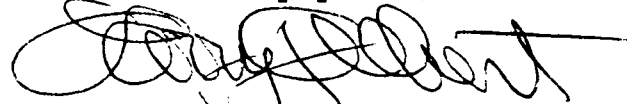
Dear Mr. Wojloh:

Enclosed please find copy each of Motion to Strike Appellant's Late-Filed Opposition to Motion to Dismiss Appeal, Order and my letter of this date to the Clerk.

Quite frankly, while I am appalled, I am no longer surprised by your facility to present an assertion in a pleading as the "gospel truth" and then, when expedient, disavow such assertion in another pleading, as though it had never been made in the first. If you have any conviction other than demonstrating how one individual, you, can play with the legal system, it has not been revealed in this case.

I am not going to cut you any slack. Whatever I can do to have this appeal dismissed or the Lower Court's decision fully affirmed on appeal, I shall do.

Sincerely yours,



Larry J. Albert

LJA:csm
Enclosures

Attachment A

NILES, BARTON & WILMER

ATTORNEYS AT LAW

WASHINGTON, D. C. 20006
1616 H STREET, N. W.
202-737-0512

1400 LEGG MASON TOWER

III S. CALVERT STREET

BALTIMORE, MARYLAND 21202-6185

410-783-6300

CABLE ADDRESS NILWO
TELEX 87-469-NILES LAW
EASY LINK 62927328
TELECOPIER 410-783-6363

WRITER'S DIRECT NUMBER

(410) 783-6340
FAX (410) 783-6410

July 5, 1995

Mr. Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215

RE: Anthony N. Wojloh vs.
Edward Reifer, et al
Case No. 94143054/CL181082
Our File: 35002

Dear Mr. Wojloh:

Enclosed please find copy each of Defendants' Response and my correspondence of this date to the Clerk and Judge Ward.

I must confess that I still remain puzzled as to your motivation in this matter. I certainly do not believe it is solely money. It may simply be the personal satisfaction of one man's joust with "the system" but I am not sure of that either. This lawsuit was apparently not an effort "to humble" Charles Anderson, as surely a man of your intelligence must have discerned his fragility long before he expired, at his own hand, on April 19, 1995.

Obviously, you do not like Rev. Reifer who, since, but not as a result of this litigation, has been succeeded at Unity Center by Rev. Grace Caputo. Rev. Reifer, however, is probably immune from any "fall out" in this case, whatever it may be.

Perhaps you are merely demonstrating to your impressionable daughter what one person can accomplish against formidable odds. It may be that you just enjoy being an advocate, although this does not necessarily explain your asserting propositions I do not seriously think you believe.

I suppose I shall remain puzzled. We shall see what happens on July 14, 1995 and proceed from there.

Sincerely yours,



Larry J. Albert

Attachment B

LJA:csm
Enclosures

95 DEC 11 AM 11:33

IN THE COURT OF SPECIAL APPEALS

ANTHONY N. WOJLOH
Appellant

v.

EDWARD REIFER, et al
Appellees

* Appeal from the Circuit
* Court for Baltimore City
* CASE NO. 94143054/CL181082
*
* PHC NO. 805
*
* September Term, 1995
*
* * * * *

* * * * *

MOTION TO DISMISS APPEAL FOR FAILURE
OF APPELLANT TO COMPLY WITH ORDER OF COURT

EDWARD REIFER, et al, Appellees, by Larry J. Albert, their attorney, move this Court to dismiss the above appeal for failure of Appellant to comply with Order of Court and, in support thereof, say:

1. This Court, by Order dated October 3, 1995, copy attached and marked "Exhibit 1", directed that the record be transmitted, pursuant to Maryland Rule 8-412(a), within sixty (60) days from the date of said Order.

2. Pursuant to said Order, the record was to have been transmitted to this Court on or before December 4, 1995, but was not.

3. Appellant neither moved for an extension of time from this Court nor was he granted an extension of time by this Court.

WHEREFORE, Appellees move this Court to dismiss the above appeal.

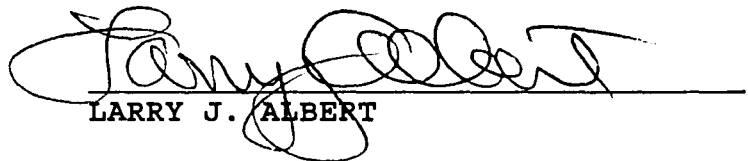


LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Appellees

POINTS AND AUTHORITIES

1. Maryland Rule 8-412(a).
2. Goldman v. Tauber, 258 Md. 174, 265 A.2d 225 (1970).

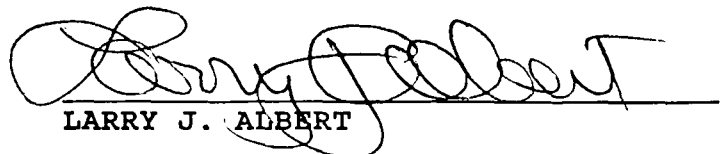


LARRY J. ALBERT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 1995, a copy of the foregoing Motion to Dismiss and Order was mailed, postage prepaid, to:

Mr. Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

CSA/PHC Form No. 2

Mailed: 10/3/95

IN THE COURT OF SPECIAL APPEALS

ANTHONY N. WOJLOH

vs.

EDWARD REIFER, et al.

*
*
* PHC No. 805
* September Term, 1995
*

O R D E R

The Court of Special Appeals, pursuant to Maryland Rule 8-206(a)(1), orders and directs that the above captioned appeal proceed without a Prehearing Conference.

BY THE COURT

Paul E. Alpert
JUDGE

Date: 10/3/95

cc:* Sandra Banks, Clerk
Circuit Court for Baltimore City
Anthony N. Wojloh
Larry A. Albert, Esquire

*Mr./Ms. Clerk: Will you kindly place this Order with the record in this cause (Your 94143054/CL181082). The date of this Order establishes commencement of the 10 day period under Md. Rule 8-411(b) and the 60 day period for transmittal of the record under Md. Rule 8-412(a).

Leslie D. Gradet, Clerk

Leslie D. Gradet

04 OCT 1995

95 DEC 18 AM 10:32

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

ANTHONY N. WOJLOH

Appellant

v.

EDWARD REIFER, et.al.

Appellees

*
* Appeal from the Circuit
* Court for Baltimore City
* CASE NO. 94143054/CL181082
*
* PHC NO. 805
*
* September Term, 1995
*

* * * * *

APPELLANT'S OPPOSITION TO MOTION TO DISMISS APPEAL

COMES NOW, Anthony N. Wojloh, Appellant, Pro se, and in opposition to Appellees' Motion to Dismiss Appeal asks the Court of Special Appeals for an Order denying said Motion, on grounds and for reasons as follow:

1. The Appellant, on or about August 14, 1995, filed a Notice of Appeal to the Court of Special Appeals of Maryland along with a Motion to Proceed in Forma Pauperis, an Affidavit, Order and a Certificate of Service.
2. That, because the Motion to Proceed in Forma Pauperis had not been ruled upon, the Appellant could not and did not have the record transmitted as required by Md. Rule 8-412(a).
3. That, further, Appellant did not request an Extension of Time for filing the record, because he did not and does not know when said Motion to Proceed in Forma Pauperis will be ruled upon. That, Appellant will not be able to go forward with his Appeal, because he does not have the financial resources to pay

the prescribed fee of this Court for filing the record and the fee payable to the Clerk of the Circuit Court for Baltimore City for preparation of the record on appeal.

4. That, in late November, 1995, while Appellant was/is still awaiting the outcome of his Motion to Proceed in Forma Pauperis, the Clerk of the Court of Special Appeals of Maryland sent Appellant an Affidavit along with an Order and a Certificate of Service to complete, because the prior Affidavit Appellant had filed is said not to provide a sufficient information of Appellant's financial status. It is reasonable to believe that this later Affidavit inevitably extends the ruling of the Court on the Motion and Appellant's waiting periods.

WHEREFORE, for good cause shown, Appellant respectfully asks the Court to Deny Appellees' Motion to Dismiss Appeal.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Appellant, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: (410) 664-4587

CERTIFICATE OF SERVICE: I certify that on this 16th day of December, 1995, I mailed copies of the above to Larry J. Albert, Esquire, Niles, Barton & Wilmer, Legg Mason Tower, 14th Floor, 111 South Calvert Street, Baltimore, Maryland 21202.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Appellant

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

ANTHONY N. WOJLOH
Appellant

v.

EDWARD REIFER, et. al.
Appellees

* Appeal from the Circuit
* Court for Baltimore City
* CASE NO. 94143054/CL181082

*
* PHC NO. 805
*

*
* September Term, 1995
*

* * * * *

O R D E R

Upon Consideration of Appellant's Opposition To Motion To Dismiss Appeal and for good cause shown, it is by the Court of Special Appeals of Maryland, this _____th day of _____, 1995,

ORDERED that Appellees' Motion To Dismiss Appeal be and the same is hereby DENIED.

JUDGE
COURT OF SPECIAL APPEALS
OF MARYLAND

IN THE COURT OF SPECIAL APPEALS

ANTHONY N. WOJLOH	*	Appeal from the Circuit
Appellant	*	Court for Baltimore City
v.	*	CASE NO. <u>94143054/CL181082</u>
EDWARD REIFER, et al	*	PHC NO. 805
Appellees	*	September Term, 1995
* * * * *	*	
* * * * *	*	

APPELLEES' RESPONSE TO APPELLANT'S
OPPOSITION TO MOTION TO DISMISS

EDWARD REIFER, et al, Appellees, by Larry J. Albert, their attorney, respond to Appellant's Opposition to Motion to Dismiss as follows:

1. That Appellant admits he did not have the record transmitted in accordance with Maryland rule 8-412(a).
2. That Appellant admits he did not move for an extension of time for transmittal of the record as provided by Maryland Rule 8-412(d).
3. That Appellant does not attribute the failure of the record to be transmitted to "the act or omission of a judge, a clerk of court, the court stenographer, or the appellee." Rule 8-412(d).
4. That Appellant could have moved this Court for an extension to allow his completing proper application to proceed in *forma pauperis* but did not do so.
5. That Appellant and Appellees in this matter, as well as any appellant and appellee before this Court, are equally bound by the dictates of all rules governing an appeal and by any order of

this Court concerning ordering of the transcript and transmittal of the record.

6. That Appellant's failure to abide by the rules or Order of Court is not excused by his proceeding pro se.

7. That Appellant is not entitled to an adjustment, relaxation or abrogation of the rules.

WHEREFORE, Appellees pray this Court to grant their Motion to Dismiss.



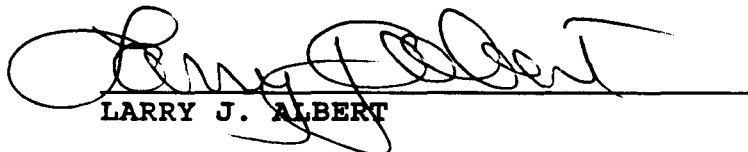
LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of December, 1995, a copy of the foregoing Response to Opposition to Motion to Dismiss was mailed, postage prepaid, to:

Mr. Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

IN THE COURT OF SPECIAL APPEALS

ANTHONY N. WOJLOH

Appellant

v.

EDWARD REIFER, et al

Appellees

* Appeal from the Circuit Court for Baltimore City
* CASE NO. 94143054/CL181082

* PHC NO. 805

* September Term, 1995

* * * * *

MOTION TO DISMISS APPEAL FOR APPELLANT'S FAILURE TO PREPARE AND FILE A RECORD EXTRACT PURSUANT TO MARYLAND RULE 8-501 AND TO ORDER A TRANSCRIPT OF THE HEARING HELD BEFORE THE HONORABLE CLIFTON J. GORDY, JR.

EDWARD REIFER, et al, Appellees, by Larry J. Albert, their attorney, move this Court to dismiss the above appeal and, for reasons, state:

1. That Maryland Rule 8-501(a) mandates that the Appellant "prepare and file a record extract" in "every civil case in the Court of Special Appeals".

2. That, on or about March 6, 1996, Appellant herein filed his brief with this Court without filing a record extract.

3. That Appellant's brief, as originally filed, sought reversal of Judge Ward's rulings of July 14, 1995 in favor of Appellees.

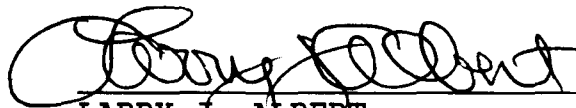
4. That Appellant, on or about March 11, 1996, substituted another page 10 for the original page 10 of his submitted brief, adding a claim for reversal of Judge Gordy's ruling of August 31, 1994 dismissing Appellant's count for conspiracy.

5. That, although said hearing before Judge Gordy was recorded, Appellant declined and/or refused to obtain a transcript of said hearing.

6. That Appellees have been prejudiced by Appellant's failure to prepare and file a record extract and failure to obtain a necessary transcript of a proceeding in the Circuit Court.

7. That Appellant's pro se status ought not and should not exempt him from complying with the mandatory requirements of this Court for prosecuting an appeal nor insulate him from the consequences of failing to comply.

WHEREFORE, Appellees Edward Reifer, et al, move this Court to dismiss Appellant Anthony Wojloh's appeal.



LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 1996, a copy of the foregoing Motion to Dismiss and Order was mailed, postage prepaid, to:

Mr. Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

96 APR -1 AM 11:19

CLERK

3700 West Rogers Avenue
Baltimore, Maryland 21215
March 25, 1996

Mrs. Leslie D. Gradet, Clerk
Court of Special Appeals of MD.
Courts of Appeal Building
Rowe Boulevard & Taylor Avenue
Annapolis, Maryland 21401

RE: Wojloh v. Reifer, et. al.
No. ~~225~~, September Term, 1995

1872

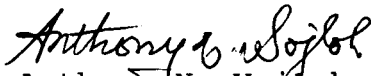
Dear Mrs. Gradet:

By this letter, Appellant respectfully takes the liberty to dispel any fear of "prejudice" which Appellees may have allegedly resulting from merely mentioning the Ruling of August 31, 1994 by Judge Clifton J. Gordy, Jr.

In the above regard, Appellant further takes the liberty to assure Appellees that the Ruling of July 14, 1995 by Judge Thomas Ward is the only one appealed. Under the Rules, it is the only Ruling to be considered, unless the Court of Special Appeals deems the Ruling aforesaid, otherwise absolutely as a part of the Appeal.

Thank you for your continued cooperation.

Very truly yours,


Anthony N. Wojloh

cc: Larry J. Albert, Esquire

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

ANTHONY N. WOJLOH *

Appellant *

v.

Appeal from the Circuit
Court for Baltimore City
CASE NO. 94143054/CL181082

EDWARD REIFER, et. al. *

Appellees *

PHC NO. ~~805~~ 1872

September Term, 1995

* * * * *

APPELLANT'S OPPOSITION TO MOTION TO DISMISS APPEAL

COMES NOW, Anthony N. Wojloh, Appellant, Pro se, and in opposition to Appellees' Motion To Dismiss Appeal, asks the Court of Special Appeals for an Order denying said Motion, on grounds and for reasons, as follow:

1. That Appellant's Brief filed on or about March 6, 1996, which sought a reversal of Judge Thomas Ward's Ruling(s) of July 14, 1995, is the only issue before this Court for consideration.

2. That Appellees' bold and unsubstantiated allegation of "prejudice" allegedly emanating merely from mentioning the Ruling of August 31, 1994 by Judge Clifton J. Gordy, Jr., has not been shown, hence, such alleged "prejudice" does not hold.

3. That since the filing of the Appeal herein by Appellant, Appellees repeatedly filed redundant pleadings designed to circumvent justice and burden the Court, and inadvertently, undermine the issue.

4. That under indigent status, Appellant is not required

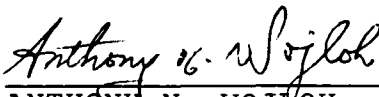
to prepare and file a record extract.

5. That although in a letter dated March 27, 1996 addressed to the Clerk, Mrs. Leslie D. Gradet, Appellees request a 15-day extension of time to file Appellees' Brief, should their Motion to Dismiss Appeal denied, no Motion by Appellees was ever filed to that effect.

6. That Appellees' case is not and can not be prejudiced by mentioning a mere Ruling that is not the subject of this Appeal.

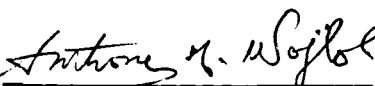
WHEREFORE, Appellant Anthony N. Wojloh respectfully asks the Court of Special Appeals of Maryland to deny the Motion to Dismiss Appellant's Appeal.

Respectfully submitted,



ANTHONY N. WOJLOH
Appellant, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: (410) 664-4587

CERTIFICATE OF SERVICE: I certify that on this 3rd day of April, 1996, I personally mailed copies of the above to Larry J. Albert, Esquire, Niles, Barton & Wilmer, Attorneys, Legg Mason Tower, 14th Floor, 111 South Calvert Street, Baltimore, Maryland 21202.



ANTHONY N. WOJLOH
Appellant, Pro se

substitution of any other party. It is further

ORDERED that the captioned appeal will be dismissed if Appellant does not file on or before June 17, 1996, corrected briefs and record extracts in compliance with Maryland Rules 8-501(a) and (c) (duty to provide record extract and contents of record extract), 8-501(h) (table of contents of record extract), 8-501(i) and 8-503(a) and (b) (style, format and numbering of pages of brief and record extract), 8-503(c) (contents of cover page), and 8-504(a)(4) (reference in statements of facts to pages of record extract supporting assertions). It is further

ORDERED that Appellees' briefs are due 30 days after Appellant's corrected briefs and record extracts are filed.



Chief Judge

CIVIL
libel/slander

No. 1872, SEPTEMBER TERM, 1995 of 2 vols.
(LEAVE BLANK)

TRANSCRIPT OF RECORD

FROM THE

FFwained

CIRCUIT COURT FOR BALTIMORE CITY

Judge: HONORABLE THOMAS WARD

IN THE CASE OF

ANTHONY N. WOJLOH

Appellant

VS.

EDWARD REIFER ET AL.

Appellee

TO THE

COURT OF SPECIAL APPEALS

Anthony N. Wojloh (Pro. Se)
3700 West Rogers Avenue
Baltimore, Maryland 21215
(410)664-4587

FOR APPELLANT

R = Waived
S = 0

Larry J. Albert, Esq.,
NILES, BARTON & WILMER
1400 Legg Mason Tower
111 S. Calvert Street
Baltimore, Maryland 21202
(410)783-6340

FOR APPELLEE

C# 2011724122
1.25.96

Filed 1.26.96
(LEAVE BLANK)

3/6

9/96

9414 3054/CL 181082

PHC 805/95 NC

Start 5.23.94

Judgment 7.17.95

Appeal 8.14.95

CIRCUIT COURT FOR BALTIMORE CITY
MSV523 CASE INQUIRY

DATE: 01/25/96
TIME: 11:31
TERMINAL: V149

CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082
CATEGORY: OTORT
ORIG COURT: CL AMOUNT OF SUIT :\$
DATE FILED: 05/23/94 TRANSCRIPT PAGES :
STATUS: P CONSOLIDATED CASE:
STATUS CODE: 08/14/95

LAST PLEA DATE : 01/25/96
TERMINATION DATE: 01/25/97
BOOK NUMBER :
PAGE NUMBER :
WHO PAYS COSTS : WAIV
LAST MODIFIED ON: 01/25/96

PROTRACTED:

DATE	CODE	AMOUNT	BAD CK/ RECPT #	BANK NUMBER	CHECK NUMBER
06/30/94	LIBRA \$	10.00			
06/30/94	PAYMT \$	10.00	4844		
03/10/95	CLERK \$	15.00			
03/10/95	COPYS \$	5.00			
03/10/95	PAYMT \$	20.00	1280		

DATE CODE TIME PART ROOM SCHED ACTUAL DISP REAS JUDGE ID FUT CAL
05/23/94 FILE COMPLAINT FOR DECLARATION, AFFIDAVIT, EXHIBIT(S), & EJT. (1)

NEXT PAGE

P/N

PAGE: 001

CIRCUIT COURT FOR BALTIMORE CITY
MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

05/23/94 MOTN MOTION TO PROCEED WITHOUT PAYMENT OF COURT COSTS. (2)
05/23/94 ORDR ORDER OF COURT WAIVING PAYMENT OF COURT COST (KAPLAN J). (3)
06/15/94 PROC DEF REIFER, EDWARDPRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF HOSTETLER, RUBPRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF ANDERSEN, CHARPRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF UNITY CENTER OPRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF ANUKEM, JOHN PRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF COLITON, JOHN-PRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF DERSCH, BARBARPRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF EARNSHAW, JOANPRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF FALLS, SANDEE-PRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF GREENE, VIOLA PRIVATE CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF REIFER, EDWARDPRIVATE, CREATED: 06/15/94 SERVED: / / .
06/15/94 PROC DEF TUNE, BRIAN PRIVATE, CREATED: 06/15/94 SERVED: / / .
06/29/94 MOTN DEFTS' MOTION TO DISMISS (4)
07/08/94 MOTN PLTFF, ANTHONY N. WOJLOH, MOTION TO SUBSTITUTE THE INDIVIDUAL
07/08/94 MEMBERS OF THE BOARD OF DIRECTORS OF UNITY CENTER OF CHRISTIANITY

NEXT PAGE

P/N

PAGE: 002

CIRCUIT COURT FOR BALTIMORE CITY
MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

07/08/94 JOHN ANUKEM, JOHN COLITON, BARBARA DERSCH, SANDEE FALLS, VIOLA
07/08/94 GREENE, AND BRIAN TUNE, AS BOARD OF DIRECTORS OF UNITY CENTER OF
07/08/94 CHRISTIANITY, DEFT AND POINTS AND AUTHORITIES (5)
07/08/94 PLEA PLTFF'S OPPOSITION TO DEFTS' MOTION TO DISMISS AND MEMORANDUM OF
07/08/94 POINTS AND AUTHORITIES IN SUPPORT OF OPPOSITION TO DEFTS' MOTION
07/08/94 TO DISMISS (6)
07/14/94 MEMO CASE SENT TO JUDGE HOLLANDER ON ENTRY 4 AND 6
07/18/94 PLEA AFFDT OF SERVICE (E. REIFER PASTOR, C. ANDERSEN, R. HOSTETLER, TH
07/18/94 UNITY CENTER OF CHRISTIANITY, VIOLA GREENE 7-11-94) (7)
07/19/94 ORDR MEMORANDUM AND ORDER OF COURT THAT THE DEFT'S MOTION TO DISMISS
07/19/94 IS HEREBY DENIED, ETC (J,HOLLANDER) (8)
07/19/94 PLEA DEFTS REPLY TO PLTFF'S OPPOSITION TO DEFTS' MOTION TO DISMISS,
07/19/94 WITH REQUEST FOR HEARING (9)
07/19/94 PLEA DEFTS' OPPOSITION TO PLTFF'S MOTION AND REQUEST FOR HEARING.(9A)
07/27/94 ISSU DEFTS, EDWARD REIFER, RUBIE HOSTETLER, CHARLIE ANDERSEN, AND
07/27/94 VIOLA GREEN, ANSWER TO DECLARATION (9B)
07/27/94 MOTN DEFTS, EDWARD REIFER, RUBIE HOSTETLER, CHARLIE ANDERSEN, AND

NEXT PAGE P/N

PAGE: 003

CIRCUIT COURT FOR BALTIMORE CITY
MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

07/27/94 VIOLA GREEN, MOTION TO DISMISS, MEMORANDUM OF POINTS AND AUTHORI-
07/27/94 TIES AND REQUEST FOR HEARING (10)
07/27/94 MOTN DEFTS MOTION TO DISMISS AND REQUEST FOR HEARING (11)
07/29/94 PCOI PRE-TRIAL CONFERENCE ORDER SENT, C/D:950629 T/D:950731
08/05/94 PLEA PLTFF'S OPPOSITION TO THE MOTION TO DISMISS OF DEFTS UNITY CENTER
08/05/94 OF CHRISTIANITY AND MEMBERS OF THE BOARD OF DIRECTORS AND MEMORAN
08/05/94 DUM OF POINTS AND AUTHORITIES IN SUPPORT OF OPPOSITION TO DEFTS
08/05/94 MOTION TO DISMISS (12)
08/05/94 PLEA PLTFF'S OPPOSITION TO THE MOTION TO DISMISS OF DEFTS, REIFER,
08/05/94 HOSTETLER, ANDERSEN AND GREENE AND MEMORANDUM OF POINTS AND
08/05/94 AUTHORITIES IN SUPPORT OF OPPOSITION TO DEFTS MOTION TO DIS-
08/05/94 MISS (13)
08/31/94 CAL P15 10:30 330B MOT CANC CANC CAN ADMINISTRATIVE 8800
08/31/94 PPSN SUMMONS SENT TO PARTIES REPRESENTED AS PROPER PERSON
08/31/94 CAL P15 11:00 330B MOT MOT HRD GORDY, C. J. 8845
09/06/94 ISSU APP. OF LARRY J. ALBERT, ATTY. FOR DEFTS., EDWARD REIFER, RUBIE
09/06/94 HOSTETLER, CHARLIE ANDERSEN, VIOLA GREENE AND UNITY CTR. OF

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PAGE: 004

CIRCUIT COURT FOR BALTIMORE CITY
MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

09/06/94 CHRISTIANITY, INC., SAME DAY ANS. TO COMPLAINT ON REMAINING
09/06/94 CAUSE OF ACTION FOR SLANDER (14)
09/06/94 ORDR ORDER OF COURT THAT DEFT'S MOTION TO DISMISS IS "GRANTED" IN PART
09/06/94 AND IS "DENIED" IN PART/S/JUDGE GORDY (14A)
09/09/94 PLEA DEFTS NOTICE OF DISCOVERY (15)
10/04/94 MOTN PLA.'S MOT. FOR LEAVE TO ADD SANDEE FALLS, JOAN EARNSHAW AND
10/04/94 BARBARA DERSCH AS DEFTS. TO THE COMPLAINT (16)
10/07/94 PLEA OPPOSITION TO MOTION FOR LEAVE TO ADD SANDEE FALLS, JOAN EARN-
10/07/94 SHAW & BARBARA DERSCH AS DEFTS TO THE COMPLAINT FD. (17)
10/07/94 PLEA NOTICE OF SERVICE, FD. (17A)
10/17/94 MEMO CASE SENT TO JUDGE STEINBERG ON ENTRY 16 AND 17
10/21/94 ORDR ORDER DATED 10-18-94 PLTFF'S MOTION FOR LEAVE TO ADD DEFTS
12/21/94 IS HEREBY "DENIED" (STEINBERG J)(18)
12/30/94 PLEA PLTFF'S NOTICE OF DISCOVERY (20)
01/03/95 MOTN CHARLES ANDERSON'S MOT. FOR SUM. JUDG., MEMO., EXHIBITS AND PRO-
01/03/95 POSED ORDER FD. (19)
01/13/95 MOTN CHARLES ANDERSON AMENDED MOTION FOR SUMMARY JUDGMENT, MEMORANDUM

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PAGE: 005

CIRCUIT COURT FOR BALTIMORE CITY
MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

01/13/95 AND EXHIBITS (20)
01/24/95 PLEA DEFTS' NOTICE OF SERVICE. (21)
02/03/95 MEMO CASE SENT TO JUDGE STEINBERG ON ENTRY 20
02/06/95 PLEA PLA'S OPPOSITION TO DEFT'S MOT. AND AMENDED MOT. FOR SUM. JUDG.,
02/06/95 MEMO. AND CONSENT AGREEMENT FD. (22)
02/13/95 PLEA DEFT, CHARLES ANDERSON, REPLY TO PLTFF'S OPPOSITION TO DEFT'S
02/13/95 MOTION AND AMENDED MOTION FOR SUMMARY JUDGMENT, MEMORANDUM AND
02/13/95 REQUEST FOR HEARING (22A)
02/15/95 ORDR ORDER DATED 2-10-95 DEFT'S (ANDERSEN) AMENDED MOTION FOR SUMMARY
02/15/95 JUDGMENT "DENIED" (STEINBERG J)(23)
02/22/95 MEMO CSET EEC
02/22/95 MOTN DEFT., CHARLES ANDERSON, MOT. FOR RECONSIDERATION, PROPOSED OR-
02/22/95 DER AND REQUEST FOR HEARING FD. (24)
03/07/95 PLEA PLA'S OPPOSITION TO DEFT'S MOT. FOR RECONSIDERATION, OR IN THE
03/07/95 ALTERNATIVE, MOT. TO RESCIND, MEMO. AND PROPOSED ORDER (25)
03/07/95 MOTN PLA'S MOT. TO COMPEL ANS. TO INTERROG., MEMO. AND PROPOSED OR-
03/07/95 DER FD. (26)

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MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

03/09/95 MEMO CASE SENT TO JUDGE STEINBERG ON ENTRY 24 AND 25
03/10/95 PLEA DEFTS REPLY TO PLTFFS OPPOSITION TO MOTION FOR RECONSIDERATION FD
03/10/95 (27)
03/10/95 PLEA DEFTS OPPOSITION TO MOTION TO COMPEL FD. (28)
03/17/95 ORDR ORDER DATED 3-13-95 DEFT'S MOTION FOR RECONSIDERATION "DENIED"
03/17/95 (STEINBERG J)(29)
03/28/95 PLEA PLTFF'S REPLY TO DEFT'S OPPOSITION TO MOT. TO COMPEL (30)
03/29/95 MEMO CASE SENT TO JUDGE NOEL ON ENTRY 26 AND 28
03/30/95 MEMO ENTRY #30 SENT TO J., NOEL, WHO HAS FILE.....
03/31/95 PLEA PLTFFS PROPOSED SETTLEMENT FOR #35,000 OR IN THE ALTERNATIVE, A
03/31/95 RANGE OF #35,000-25,000 FD. (31)
04/19/95 PLEA PLA'S REQUEST FOR HEARING, FD. IN P. P. (32)
04/20/95 PLEA DEFTS' ANSWER TO PLTFF'S "REQUEST FOR HEARING" (33)
05/01/95 MEMO PRE-TRIAL CONFERENCE REMINDER NOTICES GENERATED FOR 06/29/95
05/26/95 PPSN SUMMONS SENT TO PARTIES REPRESENTED AS PROPER PERSON
05/31/95 ORDR ORDER DATED 5-26-95 PLTFF'S MOTION TO COMPEL AS TO INTERROGATORIE
05/31/95 S NOS. 1,2,5,12 (IN PART),13,14,22 & 24 "GRANTED", AND MUST BE

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CIRCUIT COURT FOR BALTIMORE CITY
MSV523 CASE INQUIRY
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DATE: 01/25/96
TIME: 11:31

05/31/95 RESPONDED TO WITHIN 15 DAYS OF THIS ORDER (NOEL J)(34)
06/13/95 PLEA DEF. DISCOVERY NOTICE FD. (35)
06/16/95 MOTN NOTICE OF DEATH OF DEFT (CHARLES ANDERSON) AND MOTION TO DISMISS
06/16/95 WITH PREJUDICE, EXHIBITS & REQUEST FOR HEARING FD. (36)
06/16/95 MOTN DEFTS' MOTION FOR SUMMARY JUDGMENT, EX. & REQUEST FOR HEARING(36A)
06/22/95 MEMO CASE SET W.R.
06/29/95 PPSN SUMMONS SENT TO PARTIES REPRESENTED AS PROPER PERSON
06/29/95 CAL P33 09:30 508 PTCO PTCO CANC CAN ADMINISTRATI 8800
06/30/95 PLEA PLTFFS OPPOSITION TO DEFTS MOTION FOR SUMMARY JUDGMENT, MEMO,
06/30/95 AND EXHIBITS FD. (37)
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07/06/95 JUDGMENT & EXHIBITS FD. (38)
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07/14/95 CAL P22 11:30 528 MOT MOT HRD WARD, T 8836
07/17/95 ORDR ORDER DATED 7-14-95 DEFTS (REIFER, HOSTETLER, GREEN, THE UNITY
07/17/95 CENTER OF CHRISTIANITY AND ITS BD OF DIR) MOTION FOR SUMMARY
07/17/95 JUDGMENT "GRANTED", AND THAT JUDGMENT BE ENTERED IN FAVOR OF ALL

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MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

07/17/95 DEFTS AGAINST PLTFF FOR THE SOLE REMAINING COUNT, COUNT II
07/17/95 (WARD J)(39)
07/17/95 CLOS ORDER DATED 7-14-95 DEFTS EDWARD REIFER ETAL MOTION TO DISMISS
07/17/95 WITH PREJUDICE "GRANTED" (WARD J)(40)
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07/31/95 CAL 09:30 219W PTCT CANC CANC CAN ADMINISTRATI 8800
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CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

CONN NAME
DEF *UNITY CENTER OF CHRISTIANITY IDENT C72929
2901 N. CHARLES STREET
BALTIMORE MD 21218

DEF ANUKEM, JOHN ---MEMBER--- IDENT S17933
S/O: VIOLA GREENE, BD. PRES.
6927 G. DONACHIE ROAD
BALTIMORE MD 21239

DEF ANDERSEN, CHARLIE IDENT E04309
2901 N. CHARLES STREET
BALTIMORE MD 21218

DEF COLITON, JOHN---MEMBER--- IDENT J39951
S/O: VIOLA GREENE, BD. PRES.
6927 G DONACHIE ROAD
BALTIMORE MD 21239

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MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

DEF DERSCH, BARBARA---MEMBER--- IDENT V20064
S/O: VIOLA GREENE, BD. PRES.
6927 N. CHARLES STREET
BALTIMORE MD 21239
DEF EARNSHAW, JOAN ---MEMBER--- IDENT L83551
S/O: VIOLA GREENE, BD. PRES.
6927 N. CHARLES STREET
BALTIMORE MD 21239
DEF FALLS, SANDEE ---MEMBER--- IDENT I92959
S/O: VIOLA GREENE, BD. PRES.
6927 G DONACHIE ROAD
BALTIMORE MD 21239
DEF GREENE, VIOLA ---MEMBER--- IDENT R03240
S/O: VIOLA GREENE, BD. PRES.
6927 G DONACHIE ROAD
BALTIMORE MD 21239

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MSV523 CASE INQUIRY
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

DEF HOSTETLER, RUBIE IDENT H09759
2901 N. CHARLES STREET
BALTIMORE MD 21218
DEF REIFER, EDWARD ---MEMBER--- IDENT G65960
S/O: VIOLA GREENE, BD. PRES.
6927 G DONACHIE ROAD
BALTIMORE MD 21239
DEF REIFER, EDWARD ---PASTOR--- IDENT Q23515
2901 N. CHARLES STREET
BALTIMORE MD 21218
DEF TUNE, BRIAN -----MEMBER----- IDENT J18846
S/O: VIOLA GREENE, BD. PRES.
6927 G DONACHIE ROAD
BALTIMORE MD 21239

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CIRCUIT COURT FOR BALTIMORE CITY
MSV523 C A S E I N Q U I R Y
CASE NUMBER: 94143054 WOJLOH VS REIFER, ETAL CL181082

DATE: 01/25/96
TIME: 11:31

ADF ALBERT, LARRY
1400 LEGG MASON TOWER
111 S. CALVERT STREET
BALTIMORE MD 21202

IDENT 569353
PHONE 410 783-6340
SSN 579-56-9353

ADF FINAMORE, PAUL M
1400 LEGG MASON TOWER
111 S CALVERT STREET
BALTIMORE MD 21202

IDENT 917889
PHONE 410 783-6300

ADF WOLF-RODDA, HOWARD A
111 S. CALVERT ST.
1400 LEGG MASON ST.
BALTIMORE MD 21202

IDENT 918804
PHONE 410 783-6300

PLA WOJLOH, ANTHONY N
3700 WEST ROGERS AVENUE
BALTIMORE MD 21215

IDENT K31776 PROPER PERSON
410

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ANTHONY N. WOJLOH
VS.
EDWARD REIFER, ET AL.
94143054/CL-181082

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ANTHONY N. WOJLOH

NO. 94143054/CL-181082

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DOCKET:

VS.

**IN THE
CIRCUIT COURT FOR
BALTIMORE CITY**

EDWARD REIFER, ET AL.

Sandra E. Banks, Clerk

CERTIFICATE BY CLERK OF THE COURT, TO TRANSCRIPT OF RECORD.

State of Maryland, Baltimore City, Set.:

I, Sandra E. Banks, Clerk of the Circuit Court for Baltimore City, hereby certify that the foregoing is a true transcript, taken from the record and proceedings of the said Court, in the Therein entitled cause.

I further certify that all counsel of record, heretofore, have been notified to inspect the foregoing transcript of record, prior to its transmission, and that said counsel have had ample opportunity for such inspection.

In testimony whereof, I hereunto set my hand and affix the seal of the Circuit Court for Baltimore City aforesaid, on this day of *January 25*, 19*96*.
Cost to be paid in the Circuit Court for Baltimore City

SEAL OF
THE COURT

TRANSCRIPT OF RECORD ---
OPEN COURT COST --- (WAIVED)
TOTAL COST ---

Sandra E. Banks, Clerk
Clerk of the Circuit Court for Baltimore City

STENOGRAPHIC TESTIMONY ---
COURT REPORTER ---
EXHIBITS ---

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

94143054

94 MAY 23 PM 3:13

IN THE CIRCUIT COURT FOR BALTIMORE CITY
CIVIL DIVISION

CLL 8/082

ANTHONY N. WOJLOH
3700 West Rogers Avenue
Baltimore, Maryland 21215
Plaintiff

v.

EDWARD REIFER, Pastor
RUBIE HOSTETLER
CHARLIE ANDERSEN
2901 North Charles Street
Baltimore, Maryland 21218

and

UNITY CENTER OF CHRISTIANITY
2901 North Charles Street
Baltimore, Maryland 21218

and

JOHN ANUKEM
JOHN COLITON
BARBARA DERSCH
JOAN EARNSHAW
SANDEE FALLS
VIOLA GREENE
EDWARD REIFER
BRIAN TUNE
Constituting Members of the
Board of Directors, Unity
Center of Christianity
2901 North Charles Street
Baltimore, Maryland 21218

Defendants

SERVE ON: Board President
Viola Greene
6927 G Donachie Road
Baltimore, Maryland 21239

Ball

(1)

Docket:
Folio:
Case:

: : : : : : : :

DECLARATION AND ELECTION FOR JURY TRIAL

COUNT I

(Libel)

COSTS WAIVED

The Plaintiff, Anthony N. Wojloh, sues Edward Reifer, Rubie Hostetler, Charlie Andersen, Unity Center of Christianity, and Sandee Falls, John Anukem, John Coliton, Barbara Dersch, Brian Tune, Joan Earnshaw, and Viola Greene, including Edward Reifer, Members of the Board of Directors of Unity Center of Christianity in Baltimore, Maryland, Defendants.

For that at all times hereinafter referred to, the Plaintiff, Anthony N. Wojloh, was an employee of the Corporate Defendant(s) who was conducting religious services at its place of business in Baltimore, Maryland; and for that at all times hereinafter referred to, the Defendants, Edward Reifer, Rubie Hostetler and Charlie Andersen were agents, servants or employees of the Defendant and its Board of Directors.

And for that at all times hereinafter mentioned, the Plaintiff, Anthony N. Wojloh, was and still is a good and honest resident of the City of Baltimore, State of Maryland.

That the Plaintiff was until in or about April, 1992 through June, 1993, of good name, reputation and highly esteemed and accepted as such by friends, acquaintances, and the Congregation of Defendant, Unity Center of Christianity and enjoyed a reputation for integrity and good character among the same in Baltimore City and throughout the State of Maryland, where he was known for same.

That prior to the publications, utterances, disseminations and acting out of the matters hereinafter complained of, never had this Plaintiff had his integrity, honesty, good

repute, character ever being assiled, or more particularly his levels of performance, ever being questioned; that at a Board Retreat of April, 1992, letters written and submitted by the Defendants, Edward Reifer and Rubie Hostetler critical of the Plaintiff's character and job performance were mentioned and from which excerpts about Plaintiff were made not complementary to the Plaintiff. The letters in question, portrayed Plaintiff as incompetent, inefficient and renders unsatisfactory job performance. The letters were not an evaluations and copies were not given to the Plaintiff, upon request.

That during April, 1992 through June, 1993, the Defendants, Edward Reifer and Rubie Hostetler, as agents, servants or employees of the Unity Center of Christianity and under color of their authority, did maliciously continue to injure Plaintiff and to deprive him of the confidence and repute of the Congregation of and the people of the City of Baltimore and the State of Maryland and his employment, when Defendants Reifer and Hostetler falsely and maliciously wrote, disseminated and published aforesaid documents critical of Plaintiff's conduct and job performance; that said documents impugned Plaintiff's character, and were designed to and did cause him to lose his employment, and having theretofore been advised that his bi-weekly number of 12 days of work was reduced to 4 or less, and Plaintiff's 70 plus or minus number of hours of work to 12 or less without any justification, and the Defendants either knowing said allegations to be false and having willfully and

maliciously falsified the facts, or having negligently failed to ascertain the truth of the matters concerning Plaintiff out motives of malice and intending to injure Plaintiff. See Attachment A, letter addressed to Plaintiff dated February 17, 1993, reducing Plaintiff's numbers of days and hours of work, Attachment B, copies of three of Plaintiff's Time Cards or Sheets, reflecting his various numbers of days and hours normally worked, and Attachment C, copy of letter addressed to Plaintiff dated June 14, 1993, abolishing his position and thereby dismissing him. The letter of February 17, 1993, came shortly after the former Board of Directors had given Plaintiff a \$2.00 increase in hourly rate, and later a \$1.00 increase, making it a total hourly compensation of \$11.00; that while the Defendant, Board of Directors cites "financial situation" allegedly as reason for the reduction in Plaintiff's number of days and hours of work, on or about March 7, 1993, at an Annual Membership Meeting at the Center, Defendant Brian Tune, former Treasurer of the Board of Directors reported that the Center was "in good financial shape." The Defendant added, among other things, that the Church had a cash saving of \$32,000.00, excluding an expenditure of \$17,000.00.

That the conduct of Defendants, Edward Reifer and Rubie Hostetler has implanted a fear of unfitness in the mind of the Plaintiff to enter upon and hold a continued employment, and that the Defendants knew or reasonably should have known that such inference regarding the alleged Plaintiff's unsatisfact-

ory job performance and unfitness to enter upon and hold employment would be injurious and offensive to a person of ordinary sensitivities and would ultimately cause Plaintiff to lose his position as a part-time employee. Plaintiff further avers that at all times the mode of component toward him by Defendants was outrageous, wanton, reckless, and malicious, and calculated to inflict upon Plaintiff severe emotional distress, all directly attributable to Defendants' actions, without any fault on the part of Plaintiff.

And for that the Defendants, Unity Center of Christianity and the Board of Directors, as employer and superior of Defendants Reifer and Hostetler and all those who acted upon the allegations against Plaintiff, willfully, maliciously, negligently, and libelously without ascertaining the truth of the matters knowing the same to be false are liable for the acts of the Defendants, Reifer and Hostetler.

That as a direct consequence of the aforesaid libel and dissemination, the Plaintiff has suffered a loss of employment, has suffered a loss of his compensation; he has suffered a great anxiety, mental anguish and distress.

Wherefore, this suit is brought and the Plaintiff claims Fifty Thousand Dollars (\$50,000.00) in compensatory damages and One Hundred Thousand Dollars (\$100,000.00) in punitive damages.

COUNT II

(Slander)

The Plaintiff, Anthony N. Wojloh, sues the Unity Center

of Christianity, Board of Directors, Edward Reifer, Rubie Hostetler, and Charlie Andersen, Defendants.

For that the Plaintiff does adopt and incorporate herein by reference all of the allegations of aforesaid Defendants, facts and alleged libel, utterances and disseminations of same alleged by the Plaintiff in Count I hereinabove as though same were fully set forth herein and made a part hereof; and Plaintiff further asserts that on or about May 25, 1993, the Defendant, Charlie Andersen, did willfully, falsely, maliciously accuse the Plaintiff of being a "liar," a "thief" and a "deceit" in the presence of Plaintiff's 10-year old daughter and did loudly communicate the accusations in such a manner and tone so that the words spoken by Defendant Andersen were susceptible of being overheard by Plaintiff's daughter who was near by in the room with the Plaintiff, all of which Plaintiff denied.

That the Defendant, Charlie Andersen, by his actions has implanted a fear of criminal prosecution in the mind of Plaintiff, and that the Defendant knew or reasonably should have known that such inference concerning Plaintiff's character would be very injurious and offensive to a person of ordinary sensitivities; Plaintiff further avers that at all times the mode of conduct toward him by Defendant Andersen was outrageous, wanton, reckless, malicious, and calculated to inflict upon the Plaintiff a severe emotional distress; that on May 25, 1993, the Defendant kept a hammer in his hand, as though he intended or planned to assault Plaintiff with the same.

That on May 25, 1993, the Defendant, Charlie Andersen who at all times referred to in this Declaration was an agent, servant, or employee of the Defendants, Unity Center of Christianity and Board of Directors, and acted within the scope of his authority, falsely accused the Plaintiff of being a thief, liar and deceit before Plaintiff's 10-year old daughter; and that the statements of Defendant Andersen constitute an act of slander; that by such slanderous statements, Plaintiff's character has been brought to question, into public scorn, ridicule, and disrepute; that the Plaintiff had heretofore enjoyed a reputation for honesty and integrity, but as a direct result of said slanderous statements uttered and communicated by Defendant, Plaintiff has suffered public disgrace and humiliation; he has suffered a severe mental anguish without any fault on the part of Plaintiff.

And for that the Defendants, Unity Center of Christianity and the Board of Directors as employer and superior of Defendant, Charlie Andersen and those persons who acted upon Allegations against Plaintiff, willfully, maliciously, negligently, and slanderously without ascertaining the truth of the matters knowing the same to be false are liable for the acts and negligence of Defendant Andersen.

By reason of the aforesaid slander, the Plaintiff was damaged; he suffered a loss of employment and salary income; he has suffered humiliation and embarrassment, disgrace and loss of reputation.

Wherefore, this suit is brought and the Plaintiff claims

Fifty Thousand Dollars (\$50,000.00) in compensatory damages and One Hundred Thousand Dollars (\$100,000.00) in punitive damages.

COUNT III

(Harassment)

The Plaintiff, Anthony N. Wojloh, sues the Unity Center of Christianity, Board of Directors, Edward Reifer, Rubie Hostetler, and Charlie Andersen, Defendants.

For that the Plaintiff incorporates by reference all of the allegations contained in Count I and Count II, and further states that the Defendant, Edward Reifer was a pastor of Defendants, Unity Center of Christianity and Board of Directors, who at all times referred to in this Complaint or Declaration was servant, agent, or employee of the above-named Defendants and acted within the scope of his authority as such between January, 1991 through June, 1993, and did willfully, wrongfully, maliciously and negligently continue to harass the Plaintiff, by initiating the Plaintiff's dismissal from his employment; by promulgating the reduction of Plaintiff's initial hourly rate from \$10.00 to \$9.00; by promulgating and reducing Plaintiff's number of days of work and number of hours of work, from 12 plus or minus to 3 or less and from 70 to 6 or less; by demanding Plaintiff to remove snow on the parking lot of the Center, although such function was/is assigned to a contractor; by demanding Plaintiff to clean and/or remove trash from Defendant Hostetler's office, inspite of a lady employed to perform said duty; by threatening Plaintiff's termination from his position from time to time; by accusing

Plaintiff of pestering a white female cleaning lady who was merely attempting to introduce herself to the Plaintiff, in words substantially to wit: "Don't bother the lady, I am very serious," and repeating such remarks on two occasions; by advising Plaintiff not to answer the telephone at the Center for fear of causing white people to stay away from the Church upon hearing Plaintiff's voice and accordingly assuming the Center has all black congregation; by advising Plaintiff not to watch television nor use the telephone at the Center because Plaintiff was not paid to do the same and that Plaintiff may do either one at his "living room;" by advising Plaintiff that he, Reifer was not at Unity to "settle disputes," rather to preach." In furtherance of his continued harassment of Plaintiff, Defendant Reifer unilaterally arranged, rearranged and finally reduced Plaintiff's numbers of days and hours of work, in some cases by abolishing Wednesday Evening Services. In another, by abolishing Yoga Classes normally held on Saturday Mornings and abolishing other activities and giving the Center's key(s) to contractors in order to prevent Plaintiff from acquiring a sufficient number of hours and days normally worked.

And for that the Defendants, Unity Center of Christianity and the Board of Directors as employers and superiors of said Defendant, Edward Reifer who acted upon the insidious act of harassment of Reifer, willfully, maliciously and negligently without cause are liable for the harassment and negligence.

That as a direct consequence of the aforesaid harassment,

the Plaintiff was damaged; he suffered a loss of employment, days and hours of work; he lost a significant portion of income; he suffered a great anxiety, mental anguish and distress, and he suffered a great embarrassment.

Wherefore, Plaintiff claims Fifty Thousand Dollars (\$50,000) in punitive damages and One Hundred Thousand Dollars (\$100,000.00) in compensatory damages.

COUNT IV

(Conspiracy)

The Plaintiff, Anthony N. Wojloh, sues the Unity Center of Christianity, Board of Directors, Edward Reifer, Rubie Hostetler, and Charlie Andersen, Defendants.

For that the Plaintiff incorporates by reference all the allegations contained in Counts I, II and III, above as though they were fully set forth herein and made a part thereof; and the Plaintiff further asserts that in March, 1992 through June, 1993, the Defendants, Edward Reifer, Rubie Hostetler and Charlie Andersen were employees, servants, or agents of the Defendants, Unity Center of Christianity and Board of Directors, and at all times acted within the scope of their authority did in or about April, 1992 and on other occasions, conspire with, aided and abetted other named Defendants or one or more of them in their insidious acts of harassment, libel and slander, utterances, publications and disseminations against Plaintiff, have written and sent such statements or documents to the Members of the Board of Directors of the Unity Center of Christianity, or one or more

of them and to others, knowing the contents thereof to be untrue or having negligently failed to ascertain the truth of the matters out of motives of malice and intending to injure Plaintiff.

And that in about May, 1993 and June, 1993 and on other occasions, the Defendants, Edward Reifer, Rubie Hostetler and Charlie Andersen joinedly and severally met with some Members of the Board of Directors, or one or more of them to reduce Plaintiff's initial hourly rate from \$10.00 to \$9.00, to reduce Plaintiff's bi-weekly numbers of days of work from about 12 to about 3 or less and from 70 plus or minus hours of work to 6 or less; to dismiss or have Plaintiff dismissed from his employment. See the Plaintiff's Attachments A, B and C to this Declaration. Plaintiff further avers that at all times the component of the Defendants toward him was outrageous, wanton, reckless, malicious, and calculated to inflict upon him a tremendous financial hardship and severe emotional distress, all contributed to Defendants' insidious and negligent acts without any negligence on the part of Plaintiff.

And for that the Defendants, Unity Center of Christianity and the Board of Directors as employers and superiors of the Defendants, Edward Reifer, Rubie Hostetler and Charlie Andersen and those who acted upon the allegations and insidious acts of said Defendants are liable for aforesaid acts and allegations.

That as a direct result of the aforesaid conspiracy, libel and slander, and harassment, Plaintiff was ridiculed; he suffered a tremendous loss of employment and salary income; he

was humiliated and embarrassed; he suffered a severe mental anguish and much anxiety and distress.

Wherefore, this suit is brought and the Plaintiff claims Seventy-Five Thousand Dollars (\$75,000.00) in compensatory damages and One Hundred Thousand Dollars (\$100,000.00) in punitive damages.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: (410) 664-4587

PRAYER FOR TRIAL BY JURY

Plaintiff prays to have the above-captioned case tried by Jury panel of 12 (TWELVE) persons.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: (410) 664-4587

A F F I D A V I T

STATE OF MARYLAND)
) to wit:
CITY OF BALTIMORE)

I HEREBY CERTIFY, on this 23rd day of MAY, 1994, before me a Notary in and for the State and City aforesaid, appeared ANTHONY N. WOJLOH, personally known or made known to me to be the person who executed the foregoing Complaint, and made oath under penalties of perjury that the facts and statements contained in this Document are true to the best of his knowledge, information and belief.

WITNESS my hand and Notarial Seal.

Johnny Rice
NOTARY PUBLIC

Anthony N. Wojloh
Affiant

5/23/94
Date

5/23/94
Date

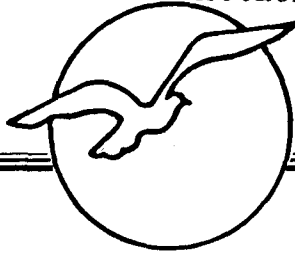
MY COMMISSION EXPIRES AUGUST 7, 1995
My Commission Expires _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this ___th day of May, 1994, a copy of the foregoing Declaration And Election for Jury Trial and Motion For Leave To Proceed In Forma Pauperis with a copy of Order and Affidavit attached, was personally mailed, certified, with postage pre-paid, to: Viola Greene, Board President, 6927 G Donachie Road, Baltimore, Maryland 21239 and to Edward Reifer, Rubie Hostetler and Charlie Andersen, 2901 North Charles Street, Baltimore, Maryland 21218, Defendants.

ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: (410) 664-4587

Rec'd 2/28/93



UNITY CENTER OF CHRISTIANITY • 2901 N. Charles Street • Baltimore, MD 21218

Office: 410/243-4282 • Dial-A-Message: 410/243-4024

Rev. Edward Reifer, Minister

February 17, 1993

Dear Dr. Wojloh,

After reviewing the financial situation here at Unity Center of Christianity, the Board of Directors has made the decision to reduce the number of hours per week that are required for the security of the building.

This letter is to inform you of the new schedule for the position of Security Guard here at the Center as of March 1, 1993.

Monday 6pm-8pm 2 hrs.

AA group meets from 6:30-7:30pm in Fellowship Room.

Tuesday 6:30-8pm 1½ hrs.

Prayer group meets from 7-8pm in Sanctuary.

DA meets from 6:30-7:30pm in Fellowship Room.

Saturday 9-11:30am 2½ hrs.

Yoga meets 9:30-11am in Sanctuary.

Total hours per week - 6 hours.

Sincerely

John Anukem
President, Board of Directors

15

Wojlo's Boats 3 1/2
Worked

Rate Of Pay

To

RECORD OF EARNINGS OR PAYMENTS

NON-NEGOTIABLE

Fri, 3/29/91	6 - 10	=	4 1/2	
Mon, 4/1/91	5 - 10 1/2	=	5 1/2	
Tues, 4/2/91	5 - 9	=	4	
Wed, 4/3/91	5 - 9	=	4	
Fri, 4/5/91	6 - 10 1/2	=	4 1/2	
Sat, 4/6/91	7 1/2 - 3	=	8 1/2	7 1/2
Sun, 4/7/91	7 1/2 - 3 1/2	=	9	8
Mon, 4/8/91	5 - 10 1/2	=	5 1/2	
Tues, 4/9/91	5 - 9	=	4	
Wed, 4/10/91	5 - 9	=	4	
Fri, 4/12/91	6 - 10 1/2	=	4 1/2	
Sat, 4/13/91	8 - 3	=	7	
Sun, 4/14/91	7 1/2 - 3	=	8 1/2	7 1/2
Mon, 4/15/91	5 - 9	=	4	
Total Hours =			77 1/2	

Attachment B²

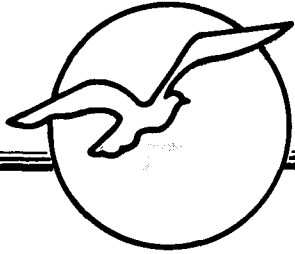
Wojcik's Time Schedule

17

Tues,	4/16/91	5	-	9	=	4
Wed,	4/17/91	5	-	9	=	4
Fri,	4/19/91	5	-	9	=	4
Sat,	4/20/91	8	-	2 1/2	=	6 1/2
Sun,	4/21/91	8	-	3	=	5
Mon,	4/22/91	5	-	9	=	4
Tues,	4/23/91	-	-	-	=	0
Wed,	4/24/91	5	-	9	=	4
Fri,	4/26/91	5	-	9	=	4
Sat,	4/27/91	8	-	2 1/2	=	6 1/2
Sun,	4/28/91	8 1/2	-	3 1/2	=	5
Mon,	4/29/91	5	-	9	=	4
Tues,	4/30/91	5	-	9	=	4

Total Hours = ~~61 1/2~~ 59 1/2

59 1/2 x 7 = 416.50



UNITY CENTER OF CHRISTIANITY • 2901 N. Charles Street • Baltimore, MD 21218

Office: 410/243-4282 • Dial-A-Message: 410/243-4024

Rev. Edward Reifer, Minister

June 14, 1993

Mr. Anthony Wojloh
3700 W. Rogers Avenue
Baltimore, MD. 21215

Dear Mr. Wojloh:

As a result of the Board of Directors Meeting on Sunday, June 13, 1993, the decision was made to abolish the position of security guard at Unity of Baltimore.

In order to give a one-week notice, the decision becomes effective June 19, 1993. Therefore, your services will no longer be needed after completing your 1-1/2 hour shift on Tuesday, June 15, 1993. The Yoga class scheduled for Saturday, June 19, 1993 has been cancelled.

Upon securing the building and activating the alarm on Tuesday, June 15th, kindly drop your keys into the mail slot located to the left of the 29th Street entrance door.

On behalf of the Board of Directors, I would like to extend our appreciation for your service to Unity of Baltimore.

Sincerely,

Sandra W. Falls
President
Board of Directors

AFFIDAVIT IN SUPPORT OF MOTION

STATE OF MARYLAND)
CITY OF BALTIMORE) to wit:

I, Anthony N. Wojloh, being first duly sworn according to law, depose and say that I am the Complainant in the above-entitled case; that in support of my Motion to proceed without being required to pay fees, costs or give security therefor, I state that because I am indigent, I am unable to pay the costs of said case or to give security therefor; and that I believe I am entitled to redress.

I further swear that the responses which I have made to the questions, instructions and answers below relating to my inability to pay the costs of proceeding in this Court are true.

QUESTIONS

1. Are you presently employed?

No. I am not presently employed.

2. Have you received within the past twelve months any income from a business, profession, or in the form of rent payments, interests, dividends or other source?

No. Excepting that I received very small payment(s) from an Internship Program. See Attachments. A.

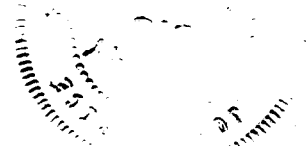
WITNESS my hand and Notarial Seal.

John Rice
NOTARY PUBLIC

MY COMMISSION EXPIRES AUGUST 7, 1995
5/23/94
Date

x Anthony B. Doyle
Affiant

5/23/94
Date



Tax Computation

(See page 23.)

If you want the IRS to figure your tax, see page 24.

32	Amount from line 31 (adjusted gross income)	32	20003.
33a	Check if: <input type="checkbox"/> You were 65 or older, <input type="checkbox"/> Blind; <input type="checkbox"/> Spouse was 65 or older, <input type="checkbox"/> Blind. Add the number of boxes checked above and enter the total here ▶ 33a	0	
b	If your parent (or someone else) can claim you as a dependent, check here ▶ 33b	<input type="checkbox"/>	
c	If you are married filing separately and your spouse itemizes deductions or you are a dual-status alien, see page 24 and check here ▶ 33c	<input type="checkbox"/>	
34	Enter the larger of your: Itemized deductions from Schedule A, line 26, OR Standard deduction shown below for your filing status. But if you checked any box on line 33a or b, go to page 24 to find your standard deduction. If you checked box 33c, your standard deduction is zero. • Single—\$3,700 • Head of household—\$5,450 • Married filing jointly or Qualifying widow(er)—\$6,200 • Married filing separately—\$3,100	34	6200.
35	Subtract line 34 from line 32	35	13803.
36	If line 32 is \$81,350 or less, multiply \$2,350 by the total number of exemptions claimed on line 6e. If line 32 is over \$81,350, see the worksheet on page 25 for the amount to enter	36	7050.
37	Taxable income. Subtract line 36 from line 35. If line 36 is more than line 35, enter -0-	37	6753.
38	Tax. Check if from a <input checked="" type="checkbox"/> Tax Table, b <input type="checkbox"/> Tax Rate Schedules, c <input type="checkbox"/> Schedule D Tax Worksheet, or d <input type="checkbox"/> Form 8615 (see page 25). Amount from Form(s) 8814 ▶ e 0.	38	1016.
39	Additional taxes (see page 25). Check if from a <input type="checkbox"/> Form 4970 b <input type="checkbox"/> Form 4972 ▶	39	0.
40	Add lines 38 and 39	40	1016.

Credits

(See page 5.)

41	Credit for child and dependent care expenses. Attach Form 2441	41	0.
42	Credit for the elderly or the disabled. Attach Schedule R	42	0.
43	Foreign tax credit. Attach Form 1116	43	0.
44	Other credits (see page 26). Check if from a <input type="checkbox"/> Form 3800 b <input type="checkbox"/> Form 8396 c <input type="checkbox"/> Form 8801 d <input type="checkbox"/> Form (specify) _____	44	0.
45	Add lines 41 through 44	45	0.
46	Subtract line 45 from line 40. If line 45 is more than line 40, enter -0- ▶	46	1016.

Other Taxes

47	Self-employment tax. Attach Schedule SE. Also, see line 25.	47	0.
48	Alternative minimum tax. Attach Form 6251	48	0.
49	Recapture taxes (see page 27). Check if from a <input type="checkbox"/> Form 4255 b <input type="checkbox"/> Form 8611 c <input type="checkbox"/> Form 8828	49	0.
50	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137	50	0.
51	Tax on qualified retirement plans, including IRAs. If required, attach Form 5329	51	0.
52	Advance earned income credit payments from Form W-2	52	0.
53	Add lines 46 through 52. This is your total tax ▶	53	1016.

Payments

Attach Forms W-2, W-2G, and 1099-R on the front.

54	Federal income tax withheld. If any is from Form(s) 1099, check ▶ <input type="checkbox"/>	54	886.
55	1993 estimated tax payments and amount applied from 1992 return	55	0.
56	Earned income credit. Attach Schedule EIC	56	400.
57	Amount paid with Form 4868 (extension request)	57	0.
58a	Excess social security, Medicare, and RRTA tax withheld (see page 28)	58a	0.
58b	Deferral of 1993 tax increase. Attach Form 8841	58b	0.
59	Other payments (see page 28). Check if from <input type="checkbox"/> Form 2439 <input type="checkbox"/> Form 4136	59	0.
60	Add lines 54 through 59b. These are your total payments ▶	60	1286.

Refund or Amount You Owe

61	If line 60 is more than line 53, subtract line 53 from line 60. This is the amount you OVERPAID. ▶	61	270.
62	Amount of line 61 you want REFUNDED TO YOU. ▶	62	270.
63	Amount of line 61 you want APPLIED TO YOUR 1994 ESTIMATED TAX ▶	63	0.
64	If line 53 is more than line 60, subtract line 60 from line 53. This is the AMOUNT YOU OWE. For details on how to pay, including what to write on your payment, see page 29	64	0.
65	Estimated tax penalty (see page 29). Also include on line 64	65	0.

Sign Here

Keep a copy of this return for your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge

Your signature	Date	Your occupation
		COLLEGE PROFESSOR
Spouse's signature. If a joint return, BOTH must sign.	Date	Spouse's occupation
		TEACHER

Paid Preparer's Use Only

Preparer's signature	Date	Check if self-employed <input type="checkbox"/>	Preparer's social security no.
Firm's name (or yours if self-employed) and address	Jackson Hewitt Tax Service 1101 N. ROLLING ROAD CATONSVILLE, MD	EI. No. 52-1799904	ZIP code 21228

AI

Department of the Treasury - Internal Revenue Service
Injured Spouse Claim and Allocation

(For Paperwork Reduction Act Notice, see Instructions on back.)

Requirements: To file an Injured Spouse Claim, the Injured Spouse must have—

1. Filed a joint tax return with the spouse owing the debt.
2. Received income (such as wages, interest, etc.).
3. Payments (such as withholding, estimated tax payments) or refundable credits reported on the joint return.
4. An overpayment, all or part of which was, or is expected to be, applied against a past-due child support or Federal agency debt owed by the other spouse.

1. Taxpayer Information As Shown on Joint Tax Return				Tax Year >	1993
First name and initial ANTHONY N.	Last name WOJLOH	Social security no. (SSN) 219-38-0428		Injured Spouse? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Spouse's first name and initial SHELIA M.	Last name KASEY	SSN (spouse)		Injured Spouse? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Home address 3700 W. Rogers Ave Balto,	City MD.	State	ZIP code 21215	Phone number (optional) (410) 664-4587	
Filing status claimed on original return >				<input checked="" type="checkbox"/> Married filing joint return	

Note: If filing status on original return is other than as indicated above, you cannot file this form. See "Requirements."

1. Is the address above the same as on the joint return? Yes No
2. **Questions:** Answer the questions below before filing your claim.
 - a. Has the joint refund for tax year 93 (enter tax year) been, or will it be, applied to a past-due child support or Federal agency debt? Yes No
 - b. Is the Injured Spouse liable for any past-due support or Federal agency debt? Yes No
 - c. Does the Injured Spouse have payments (such as withholding, estimated tax payments) or refundable credits? Yes No
 - d. During the tax year indicated above, was your domicile in a community property state? (See instructions.) Which state? _____ Yes No

3. Allocation Items <i>(See Instructions)</i>	Joint	Injured Spouse	Other Spouse
a. Total income (Identify sources) Wages	20,003	13889	6113
b. Adjustments to income	20,003	13889	6113
c. Itemized or Standard deduction	6200	3100	3100
d. Exemptions	7050	2350	2350
e. Credits against tax <i>(Do not enter earned income credit here.)</i>	0	0	0
f. Other taxes	0	0	0
g. Withheld taxes or any excess social security or RRTA tax (Attach copies of all W-2s.)	886	745	140.
h. Payments	0	0	0

4. **Injured Spouse refund—** IRS will figure this amount. Indicate here if the refund is requested in the Injured Spouse's name only. **>** Yes No

Under penalties of perjury, I declare that I have examined this form, and to the best of my knowledge it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which the preparer has any knowledge.

Signature of Injured Spouse Shelia M. Kasey	Date	Signature of paid preparer	Date
---	------	----------------------------	------

Paid Preparer Use Only	Check, if self-employed > <input type="checkbox"/>	Preparer's SSN
------------------------	--	----------------

**Paperwork
Reduction Act
Notice**

We ask for the information on this form to carry out Internal Revenue laws of the United States. You are required to give us the information. The time needed to complete this form will vary depending on individual circumstances. The estimated average time is: 30 minutes.

If you have comments concerning the accuracy of this time estimate or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service**, Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP, and the **Office of Management and Budget**, Paperwork Reduction Project (1545-1210), Washington, DC 20503. **Do not** send the form to either of these offices. Instead, file your claim where you filed your original return.

Instructions for Completing Form 8379

1. Taxpayer Information. Enter the taxpayer information exactly as it appears on your original Form 1040 or Form 1040A tax return. The spouse's name and SSN shown first on the original tax return **must** be shown first on the **Injured Spouse Claim and Allocation**. Enter the tax year for which you are filing this form.

2. Questions.

- a. If you have previously filed a joint return for the indicated tax year, and all or part of the overpayment has been applied against your spouse's debt, indicate **Yes**. If you have not yet filed a joint tax return for the tax year, indicate **No**.
- b. Indicate **Yes** if the Injured Spouse is liable for any part of this or any other past-due amount owed for child support or Federal agency debt.
- c. A **No** indicates the Injured Spouse does not qualify for a refund.
- d. Indicate **Yes** if the Injured Spouse's domicile was in any of the following community property states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. Refunds involving community property states must be divided according to state law. Generally, claims from California, Idaho, Louisiana, and Texas will result in no refund for the Injured Spouse.

3. Allocation Items.

- a. **Total income.** Allocate individual income to the spouse who earned the income. Identify the type of income you are allocating; i.e., wages, unemployment compensation, etc. Allocate joint income (i.e., interest, state and local income tax refunds) as you determine. However, you must allocate **all** income shown on the joint tax return.
- b. **Adjustments to income.** Allocate all adjustments shown on the joint return; i.e., IRA deductions, alimony paid, to the spouse to whom the adjustment belongs.
- c. **Itemized or Standard Deduction.** Each spouse is entitled to 1/2 the Standard Deduction unless you itemized deductions on the original tax return, then you must allocate the deductions now. However, you may allocate and appropriate them in any manner.
- d. **Exemptions.** Exemptions cannot be apportioned, they must be allocated in whole numbers only; i.e., 3 exemptions may not be allocated as 1-1/2 and 1-1/2. Each spouse must claim the exemptions he or she would have been entitled to, if separate tax returns had been filed.
- e. **Credits against tax.** Credits earned from a business must be claimed by the spouse who reported income from the business; i.e., investment credit. Child care credit must be claimed by the spouse who is claiming the exemption for the child or other dependent on this form. Do not enter any earned income credit here, see item h. below.
- f. **Other taxes.** Self-employment tax must be claimed by the spouse who earned the self-employment income. Alternative minimum tax may be allocated as you determine.
- g. **Withheld taxes; excess social security or RRTA tax.** Each spouse must claim his or her own share as shown on copies of Forms W-2 and included with this claim.
- h. **Payments.** If not allocated by you, IRS will allocate any joint or estimated tax payments. If earned income credit is shown on the original tax return, IRS will allocate this credit, based upon each spouse's share of the original joint earned income credit.

4. Injured Spouse refund. File Form 8379 as indicated below.

- a. If you answered **No** to question 2.a, file Form 8379 with your Form 1040 or 1040A joint tax return. Write "Injured Spouse" on the top left of the return.
- b. If you answered **Yes** to question 2.a, file Form 8379 alone, but include copies of all W-2 forms for both spouses for the tax year you entered on Form 8379.
- c. Make sure that all sections of Form 8379 have been completed and that the claim has been signed by the Injured Spouse. File your claim where you filed your original return.
- d. Filing Form 8379, Injured Spouse Claim and Allocation, other than as indicated above may delay any refund due the Injured Spouse.

94143054

CU 87082

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH
Plaintiff

(B)

v.

CIVIL ACTION NO. _____

EDWARD REIFER, et. al.,
Defendants

: : : : : : : :

O R D E R

Upon consideration of Plaintiff's Motion to proceed
in Forma Pauperis, it is this *11th* day of *June*, 1994,

ORDERED that said motion is

Granted, and the payment of court costs is hereby
waived.

Denied without prejudice, on the grounds that

It is further Ordered that

[Handwritten Signature]

JUDGE

JOSEPH H. H. KAPLAN
JUDGE

copy sent

6

24

CIRCUIT COURT FOR BALTIMORE CITY
SAUNDRA E. BANKS, CLERK
111 N. CALVERT ST. - ROOM 462
BALTIMORE, MD. 21202

COSTS WAIVED

WRIT OF SUMMONS CASE NUMBER 94143054 CL181082

STATE OF MARYLAND, COUNTY TO WIT: BALTO CITY

TO: EDWARD REIFER, PASTOR
 UNITY CENTER OF CHRISTIANITY
 2901 N. CHARLES STREET
 BALTIMORE MD 21218

YOU ARE HEREBY SUMMONED TO FILE A WRITTEN RESPONSE BY PLEADING OR MOTION
IN THIS COURT TO THE ATTACHED COMPLAINT FILED BY

ANTHONY N. WOJLOH BALTO MD 21215
3700 W. ROGERS AVE

WITHIN 30 DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU.
WITNESS THE HONORABLE CHIEF JUDGE OF THE EIGHTH JUDICIAL CIRCUIT OF MARYLAND.

DATE ISSUED 06/15/94

Sandra E. Banks

CLERK
Clerk
Circuit Court for Balto. City



TO THE PERSON SUMMONED:

1. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT REQUIRED.
2. FAILURE TO FILE A RESPONSE WITHIN THE TIME ALLOWED MAY RESULT IN A JUDGEMENT BY DEFAULT OR THE GRANTING OF THE RELIEF SOUGHT AGAINST YOU.

SHERIFF(S) RETURN.

PERSON SERVED _____ TIME _____ DATE _____

PERSON SERVED _____ TIME _____ DATE _____

NON EST(REASON) _____

FEE \$ _____ SHERIFF _____

NOTE:

1. THIS SUMMONS IS EFFECTIVE FOR SERVICE ONLY IF SERVED WITHIN 60 DAYS AFTER THE DATE IS ISSUED.
2. PROOF OF SERVICE SHALL SET OUT THE NAME OF THE PERSON SERVED, DATE AND THE PARTICULAR PLACE AND MANNER OF SERVICE. IF SERVICE IS NOT MADE, PLEASE STATE THE REASONS.
3. RETURN OF SERVED OR UNSERVED PROCESS SHALL BE MADE PROMPTLY AND IN ACCORDANCE WITH RULE 2-126.
4. IF THIS SUMMONS IS SERVED BY PRIVATE PROCESS, PROCESS SERVER SHALL FILE A SEPERATE AFFIDAVIT AS REQUIRED BY RULE 2-126(A).

25

CIRCUIT COURT FOR BALTIMORE CITY
SAUNDRA E. BANKS, CLERK
111 N. CALVERT ST. - ROOM 462
BALTIMORE, MD. 21202

COSTS WAIVED

WRIT OF SUMMONS CASE NUMBER 94143054 CL181082

STATE OF MARYLAND, COUNTY TO WIT: BALTO CITY

TO: RUBIE HOSTETLER
 UNITY CENTER OF CHRISTIANITY
 2901 N. CHARLES STREET
 BALTIMORE MD 21218

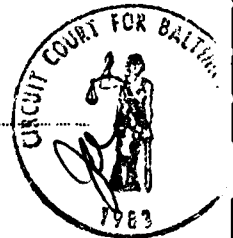
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ANTHONY N. WOJLOH BALTO MD 21215
3700 W. ROGERS AVE

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WITNESS THE HONORABLE CHIEF JUDGE OF THE EIGHTH JUDICIAL CIRCUIT OF MARYLAND.

DATE ISSUED 06/15/94

Sandra E. Banks



TO THE PERSON SUMMONED:

CLERK
Clerk
Circuit Court for Balto. City

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2. FAILURE TO FILE A RESPONSE WITHIN THE TIME ALLOWED MAY RESULT IN A JUDGEMENT BY DEFAULT OR THE GRANTING OF THE RELIEF SOUGHT AGAINST YOU.

SHERIFF(S) RETURN.

PERSON SERVED _____ TIME _____ DATE _____

PERSON SERVED _____ TIME _____ DATE _____

NON EST(REASON) _____

FEE \$ _____ SHERIFF _____

NOTE:

1. THIS SUMMONS IS EFFECTIVE FOR SERVICE ONLY IF SERVED WITHIN 60 DAYS AFTER THE DATE IS ISSUED.
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H6

CIRCUIT COURT FOR BALTIMORE CITY
SAUNDRA E. BANKS, CLERK
111 N. CALVERT ST. - ROOM 112
BALTIMORE, MD. 21202

COSTS WAIVED

WRIT OF SUMMONS CASE NUMBER 94143054 CL181082

STATE OF MARYLAND, COUNTY TO WIT: BALTO CITY - *Private Process*

TO:
VIOLA GREENE-BOARD PRESIDENT
6927 G DONACHIE ROAD
BALTIMORE MD 21239

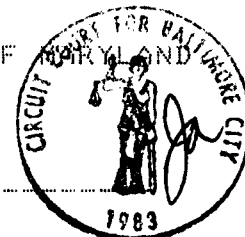
YOU ARE HEREBY SUMMONED TO FILE A WRITTEN RESPONSE BY PLEADING OR MOTION
IN THIS COURT TO THE ATTACHED COMPLAINT FILED BY

ANTHONY N. WOJLOH BALTO MD 21215
3700 W. ROGERS AVE

WITHIN 30 DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU.
WITNESS THE HONORABLE CHIEF JUDGE OF THE EIGHTH JUDICIAL CIRCUIT OF MARYLAND

Sandra E. Banks

Clerk
Circuit Court for Baltimore City



DATE ISSUED 06/15/94

TO THE PERSON SUMMONED:

1. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT REQUIRED.
2. FAILURE TO FILE A RESPONSE WITHIN THE TIME ALLOWED MAY RESULT IN A JUDGEMENT BY DEFAULT OR THE GRANTING OF THE RELIEF SOUGHT AGAINST YOU.

SHERIFF(S) RETURN.

PERSON SERVED _____ TIME _____ DATE _____

PERSON SERVED _____ TIME _____ DATE _____

NON EST(REASON) _____

FEE \$ _____ SHERIFF _____

NOTE:

1. THIS SUMMONS IS EFFECTIVE FOR SERVICE ONLY IF SERVED WITHIN 60 DAYS AFTER THE DATE IS ISSUED.
2. PROOF OF SERVICE SHALL SET OUT THE NAME OF THE PERSON SERVED, DATE AND THE PARTICULAR PLACE AND MANNER OF SERVICE. IF SERVICE IS NOT MADE, PLEASE STATE THE REASONS.
3. RETURN OF SERVED OR UNSERVED PROCESS SHALL BE MADE PROMPTLY AND IN ACCORDANCE WITH RULE 2-126.
4. IF THIS SUMMONS IS SERVED BY PRIVATE PROCESS, PROCESS SERVER SHALL FILE A SEPERATE AFFIDAVIT AS REQUIRED BY RULE 2-126(A).

4UB

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
 * CIRCUIT COURT
 * FOR
 * BALTIMORE CITY
 * CASE NO. 94143054/CL181082

RECEIVED
 CIRCUIT COURT FOR
 BALTIMORE CITY
 1994 JUN 29 A 7 59
 CIVIL DIVISION

* * * * *

MOTION TO DISMISS

Now come EDWARD REIFER, et al, Defendants, by Larry J. Albert, their attorney, and, pursuant to Maryland Rule 2-322(a)(3) and (a)(4), move this Court to dismiss Plaintiff's "Declaration" (hereinafter properly referred to as "Complaint") and, in support thereof, say:

1. That Plaintiff, proceeding pro se, filed Complaint and Motion for Leave to Proceed in Forma Pauperis, etc. with the Clerk of this Court on May 31, 1994.

2. That, without first obtaining summons for each Defendant from the Clerk, Plaintiff, on May 31, 1994, sent, by certified mail, to some, but not all Defendants, a copy of the Complaint, etc.

3. That Plaintiff failed to comply with Maryland Rules 2-111(a), 2-112(a) and 2-114(a) and (b).

4. That the foregoing omissions and deficiencies constitute, with regard to all Defendants, an insufficiency of process and insufficiency of service of process.

5. That the Complaint on its face and the Certificate of Service accompanying same reveal an effort, by Plaintiff, to serve the eight members of the Board of Directors, Unity Center of

Christianity, collectively by service upon said board's President, Viola Greene, which purported action is improper and insufficient without any showing that said board's President is constituted or authorized to accept service for all individual board member Defendants listed in the caption.

WHEREFORE, Defendants move this Court to dismiss Plaintiff's Complaint.



569353

LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Defendants

POINTS AND AUTHORITIES

1. As cited hereinabove.



LARRY J. ALBERT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1994, a copy of the foregoing Motion to Dismiss and Order was mailed, postage prepaid, to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

5/2
AF

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY
94 JUL -8 PM 3:42
CIVIL DIVISION

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH,
Plaintiff

v.

CASE NO. 94143054/CL181082

EDWARD REIFER, et. a.,
Defendants

: ; : : : : : : : :

MOTION TO SUBSTITUTE THE INDIVIDUAL MEMBERS OF THE
BOARD OF DIRECTORS OF UNITY CENTER OF CHRISTIANITY,
JOHN ANUKEM, JOHN COLITON, BARBARA DERSCH, SANDEE
FALLS, VIOLA GREENE, AND BRIAN TUNE, AS BOARD OF
DIRECTORS OF UNITY CENTER OF CHRISTIANITY, DEFENDANT

COMES NOW the Plaintiff, Anthony N. Wojloh, and moves the
Court for an Order to substitute the individual Members of the
Board of Directors of Unity Center of Christianity as Board of
of Directors for the following reasons:

1. The Motion will not cause a delay in the proceedings.
2. The Motion will not cause a hardship nor harm to the Defendants' cause.
3. The Motion will cause a tremendous burden and hardship upon Plaintiff both financially and otherwise.
4. And other reasons to be advanced at hearing.

Wherefore, in all things considered, Plaintiff prays that the
Motion be granted.

Anthony N. Wojloh
ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215

POINTS AND AUTHORITIES

1. The Record herein.
2. The Civil Rules of this Court.

Anthony N. Wojloh
ANTHONY N. WOJLOH
Plaintiff, Pro se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 8th day of July 1994, a copy of the foregoing Motion, with Points and Authorities and Order was personally mailed, postage pre-paid, to: Larry J. Albert, Niles, Barton & Wilmer, Legg Mason Tower, 14th Floor, 111 South Calvert Street, Baltimore, Maryland 21202, Counsel for Defendants.

Anthony N. Wojloh
ANTHONY N. WOJLOH
Plaintiff, Pro se

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

94 JUL -8 PM 3:42

CIVIL DIVISION

(6)
AS

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

21 JUL -8 PM 3:42

CIVIL DIVISION

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH,
Plaintiff

v.

CASE NO. 94143054/CL18082

EDWARD REIFER, et. al.,
Defendants

: : : : : : : :

PLAINTIFF'S OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS

COMES NOW Anthony N. Wojloh, Plaintiff, Pro se, and in
Opposition to Defendants' Motion to Dismiss states the following
reasons:

1. The Defendants' Motion is premature, improper and is
circuituously unmaintenable.

2. The Motion has no basis, other than to waste the
gigantic time and energy of the Court and the parties in the
instant case, in an attempt(s) to circumvent justice.

3. That there exists a genuine issue of material fact.

4. That the Members of the Board of Directors of the
Unity Center of Christianity are been sued joinedly and collect-
ively, as such, Plaintiff is not required to serve said Members
individually.

5. That the Constitution and By-Laws or addendum, of
the Unity Center of Christianity makes no mention concerning
the Board President's authority to accept or not to accept

service, or a piece of mail for the Board or for the Center.

6. Plaintiff has 30 (THIRTY) days within which to serve Defendants, beginning June 16, 1994 and ending July 16, 1994.

7. Plaintiff vigorously denies his alleged failure to comply with any Maryland Rules of Civil Procedure of this Court, including Rules 2-111(a), 2-112(a) and 2-114(a) and (b).

8. Defendants fail to show that service upon Viola Greene and Edward Reifer has respectively and successfully been affected and that a copy or copies of the same on Court's file, let aside their failure to attach copies of said Returns.

9. And other reasons to be advanced at hearing.

WHEREFORE, in all things considered, Plaintiff respectfully urges the Court to deny the Defendants' Motion to dismiss.

Respectfully submitted,

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215

Telephone: 664-4587

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH,
Plaintiff

v.

EDWARD REIFER, et. al.,
Defendants

CASE NO. 94143054/CL18082

: : : : : : : :

PLAINTIFF'S MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS

1. FACTS

Between approximately, September, 1990 and June, 1993, Plaintiff was a part-time employee of the Defendant, Unity Center of Christianity and its Board of Directors.

Between approximately, January, 1991 and May, 1993, after unsuccessful attempts to dismiss and/or have Plaintiff dismissed, the Defendants, Edward Reifer and Rubie Hostetler or one or two of them approached the Members or some of the Members of the Board of Directors of the Unity Center of Christianity, or one or more of them and requested that Plaintiff be dismissed.

On or about June 14, 1993, the Board of Directors of the Unity Center of Christianity in response to the wishes and request of said Defendants, accordingly dismissed Plaintiff. Plaintiff was not given a hearing relative to the dismissal.

On May 23, 1994, Plaintiff filed this law suit.

2. ARGUMENT

The Defendants' Motion to Dismiss is premised upon the fact that the Civil Rules of this Court require a filing by Defendant, a written response with the Court either by pleading or by motion within 30 days after service of Summons upon a given defendant(s). Accordingly, in an effort to meeting the requirement, this Motion is filed by Defendants.

In the Motion, the Defendants advance a deliberate and sensational misrepresentation of facts which evidences very clearly Defendants inability to demonstrate any substantive or appropriate pleading or defense to the Complaint. The very inexactitude of Defendants' Motion states that Plaintiff filed "a Complaint on May 31, 1994, sent, by certified mail, to some, but not all Defendant, a copy of the Complaint, etc." This alleged assertion, the Defendants conclude is a violation or Plaintiff's failure to "comply with Maryland Rules 2-111(a), 2-112(a) and 2-114(a) and (b)," thereby constitutes allegedly, omissions and deficiencies and insufficiency of process and of service of process. It is very clear that Defendants' lack of appropriate defense compels Defendants to stray to points so distant from the issues and facts, and reveals the weakness of Defendants' defense to the Plaintiff's Complaint.

Plaintiff merely attempted to lay a ground work for settlement negotiations when he (Plaintiff) sent, by certified mail, copies of Complaint to Defendants, Edward Reifer and Viola Greene without Summons. By the same token, Plaintiff did not file

Returns, nor Affidavits with the Court as required by Rules 2-126(A), and there is no showing by Defendants on the contrary. Plaintiff's action as described herein above, does not constitute a violation of Rules 2-111(a), 2-112(a) and 2-114(a) and (b).

As to serving copies of Complaint with Summons upon the Defendants, Plaintiff has 30 (THIRTY) days within which to affect service and process of service, beginning June 16, 1994 and ending July 16, 1994. Plaintiff will serve Defendants in due time.

As to whether or not the Board President and Defendant, Viola Greene is authorized to accept service for all individual Defendant Members of the Board of Directors, Defendants have not demonstrated, nor can they demonstrate any such non-authorization of acceptance of service.

WHEREFORE, in all things considered, Plaintiff respectfully urges the Court to deny the Defendants' Motion to Dismiss.

Respectfully submitted,

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: 664-4587

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 8 th day of July, 1994, a copy of the Plaintiff's Opposition to Defendants' Motion to Dismiss with the attached, was personally mailed, postage prepaid, to: Larry J. Albert, Niles, Barton & Wilmer, Legg Mason Tower, 14th Floor, 111 South Calvert Street, Baltimore, Maryland 21202, Counsel for Defendants.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH,
Plaintiff

v.

EDWARD REIFER, et. al.,
Defendants

*

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*

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*

*

CASE NO. 94143054/CL18082

O R D E R

Upon consideration of Plaintiff's Opposition to the
Defendants' Motion to Dismiss and Opposition thereto, it is
this ____th day of July, 1994,

ORDERED that the Motion be, and the same is hereby
Denied.

JUDGE

700

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

94 JUL 18 PM 2:42

CIVIL DIVISION

ANTHONY N. WOJLOH, *
Plaintiff *

v. *

CA NO. 94143054/CL181082

EDWARD REIFER, et. al., *
Defendants *

* * * * *

A F F I D A V I T

I, Anthony N. Wojloh, Plaintiff, Pro se, being first duly sworn according to law, depose and present that I personally affected services of the Summons with copies of Declaration/Complaint by certified mail, postage prepaid, on July 11, 1994 upon: Edward Reifer, Pastor, 2901 N. Charles Street, Baltimore, Maryland 21218, Charles Andersen, 2901 N. Charles Street, Baltimore, Maryland 21218, Rubie Hostetler, 2901 N. Charles Street, Baltimore, Maryland 21218, The Unity Center of Christianity, 2901 N. Charles Street, Baltimore, Maryland 21218, and Viola Greene, Board President, Defendants, 6927 G Donachie Road, Baltimore, Maryland 21239, for and on behalf of Defendants, Members of the Board of Directors and The Unity Center of Christianity.

Pauley D. Warr
Notary Public
7/18/94
Date

Anthony N. Wojloh
Affiant
7/18/94
Date

My Commission Expires 4-1-95

Z 118 6 368



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to EDWARD REIFER, PASTOR	
Street and No. 2901 N. CHARLES, ST.	
P.O., State and ZIP Code BALTIMORE, MD. 21218	
Postage	\$ 121
Certified Fee	100
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	100
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 321
Postmark or Date	

PS Form 3800, March 1999

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

EDWARD REIFER, PASTOR
UNITY CTR. OF CHRISTIANITY
2901 CHARLES STREET
BALTIMORE, MD 21218

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

2118 638 368

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

3-12-99

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

U.S. GPO: 1983-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Z 118 638 367



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to RUBIE HOSTETLER	
Street and No. 2901 N. CHARLES ST.	
P.O., State and ZIP Code BALTIMORE, MD 21218	
Postage	\$ 121
Certified Fee	100
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	100
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 321
Postmark or Date	

PS Form 3800, March 1999

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

RUBIE HOSTETLER
UNITY CTR. OF CHRISTIANITY
2901 N. CHARLES ST.
BALTIMORE, MD 21218

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

2118 638 367

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

3-12-99

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

U.S. GPO: 1983-352-714

DOMESTIC RETURN RECEIPT

51

ED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Print your name, address and ZIP Code here

ANTHONY N. WOJLOH
3700 W. ROGERS AVE.
BALTIMORE, MD 21215

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Print your name, address and ZIP Code here

ANTHONY N. WOJLOH
3700 W. ROGERS AVE.
BALTIMORE, MD 21215

Z 118 638 366



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to VIOLA GREENE	
Street and No. 6927 G DONACHIE Rd.	
P.O., State and ZIP Code BALTIMORE, MD 21239	
Postage	\$ 144
Certified Fee	100
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	100
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 314
Postmark or Date	

PS Form 3800, March 1993

PS Form 3811, December 1991 *U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Signature (Addressee)
[Signature]

Signature (Agent)

3. Article Addressed to:
**1104 A GREENE
6927 G DONACHIE RD.
BALTIMORE, MD. 21239**

8. Addressee's Address (Only if requested and fee is paid)

7. Date of Delivery
11/15/93

4a. Article Number
2118638 366

4b. Service Type
 Registered
 Certified
 Insured
 COD

1. Addressee's Address
2. Restricted Delivery
Consult postmaster for fee.

SENDER:
• Complete items 1 and/or 2 for additional services.
• Complete items 3, and 4a & b.
• Print your name and address on the reverse of this form so that we can return this card to you.
• Attach this form to the front of the mailpiece, or on the back if space does not permit.
• Write "Return Receipt Requested" on the mailpiece below the article number.
• The Return Receipt will show to whom the article was delivered and the date delivered.

Thank you for using Return Receipt Service.

Z 118 638 365



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to CHARLIE ANDERSEN	
Street and No. 2901 N. CHARLES ST.	
P.O., State and ZIP Code BALTIMORE, MD 21218	
Postage	\$ 121
Certified Fee	100
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	100
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 321
Postmark or Date	

PS Form 3800, March 1993

PS Form 3811, December 1991 *U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Signature (Addressee)
[Signature]

Signature (Agent)

3. Article Addressed to:
**CHARLIE ANDERSEN
UNITY Ctr. OF CHRISTIANITY
2901 N. CHARLES STREET
BALTIMORE, MD. 21218**

8. Addressee's Address (Only if requested and fee is paid)

7. Date of Delivery
11/22/93

4a. Article Number
2118638 365

4b. Service Type
 Registered
 Certified
 Insured
 COD

1. Addressee's Address
2. Restricted Delivery
Consult postmaster for fee.

SENDER:
• Complete items 1 and/or 2 for additional services.
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• Print your name and address on the reverse of this form so that we can return this card to you.
• Attach this form to the front of the mailpiece, or on the back if space does not permit.
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Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

ANTHONY N. WOJLOH
3700 W. ROGERS AVE.
BALTIMORE, MD 21215

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

ANTHONY N. WOJLOH
3700 W. ROGERS AVE.
BALTIMORE, MD 21215

CIRCUIT COURT FOR BALTIMORE CITY
SAUNDRA E. BANKS, CLERK
111 N. CALVERT ST. - ROOM 402
BALTIMORE, MD. 21202

COSTS WAIVED

WRIT OF SUMMONS

CASE NUMBER 94143054 CL181082

STATE OF MARYLAND,

COUNTY TO WIT: BALTO CITY

TO: JOHN ANUKEM-MEMBER BD. OF DIRECTORS
UNITY CENTER OF CHRISTIANITY
2901 N. CHARLES STREET
BALTIMORE MD 21218

YOU ARE HEREBY SUMMONED TO FILE A WRITTEN RESPONSE BY PLEADING OR MOTION
IN THIS COURT TO THE ATTACHED COMPLAINT FILED BY

ANTHONY N. WOJLOH
3700 W. ROGERS AVE

BALTO MD 21215

WITHIN 30 DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU.
WITNESS THE HONORABLE CHIEF JUDGE OF THE EIGHTH JUDICIAL CIRCUIT OF MARYLAND

Saundra E. Banks



DATE ISSUED 06/15/94

Clerk CLERK
Circuit Court for Balto. City

TO THE PERSON SUMMONED:

1. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT REQUIRED..
2. FAILURE TO FILE A RESPONSE WITHIN THE TIME ALLOWED MAY RESULT IN A JUDGEMENT BY DEFAULT OR THE GRANTING OF THE RELIEF SOUGHT AGAINST YOU.

SHERIFF(S) RETURN.

PERSON SERVED VIOLA GREENE, BOARD PRESIDENT TIME _____ DATE 7/8/94

PERSON SERVED _____ TIME _____ DATE _____

NON EST(REASON) _____

Served by Certified Mail

FEE \$ _____ SHERIFF _____

NOTE:

1. THIS SUMMONS IS EFFECTIVE FOR SERVICE ONLY IF SERVED WITHIN 60 DAYS AFTER THE DATE IS ISSUED.
2. PROOF OF SERVICE SHALL SET OUT THE NAME OF THE PERSON SERVED, DATE AND THE PARTICULAR PLACE AND MANNER OF SERVICE. IF SERVICE IS NOT MADE, PLEASE STATE THE REASONS.
3. RETURN OF SERVED OR UNSERVED PROCESS SHALL BE MADE PROMPTLY AND IN ACCORDANCE WITH RULE 2-126.
4. IF THIS SUMMONS IS SERVED BY PRIVATE PROCESS, PROCESS SERVER SHALL FILE A SEPERATE AFFIDAVIT AS REQUIRED BY RULE 2-126(A).

CIRCUIT COURT FOR BALTIMORE CITY
SAUNDRA E. BANKS, CLERK
111 N. CALVERT ST. - RCD 6
BALTIMORE, MD. 21202

COSTS WAIVED

WRIT OF SUMMONS

CASE NUMBER 94143054

CL181082

STATE OF MARYLAND,

COUNTY TO WIT:

BALTO CITY

TO: JOAN EARNSHAW-MEMBER BD OF DIRECTORS
UNITY CENTER OF CHRISTIANITY
2901 N. CHARLES STREET
BALTIMORE MD 21218

YOU ARE HEREBY SUMMONED TO FILE A WRITTEN RESPONSE BY PLEADING OR MOTION
IN THIS COURT TO THE ATTACHED COMPLAINT FILED BY

ANTHONY N. WOJLOH
3700 W. ROGERS AVE

BALTO

MD 21215

WITHIN 30 DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU.
WITNESS THE HONORABLE CHIEF JUDGE OF THE EIGHTH JUDICIAL CIRCUIT OF MARYLAND.

Sandra E. Banks



DATE ISSUED 06/15/94

TO THE PERSON SUMMONED:

Clerk CLERK

Circuit Court for Balto. City

1. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT REQUIRED.
2. FAILURE TO FILE A RESPONSE WITHIN THE TIME ALLOWED MAY RESULT IN A JUDGEMENT BY DEFAULT OR THE GRANTING OF THE RELIEF SOUGHT AGAINST YOU.

SHERIFF(S) RETURN.

PERSON SERVED VIOLA GREENE, BOARD PRESIDENT

TIME _____

DATE [↑] 7/8/94

PERSON SERVED _____

TIME _____

DATE _____

NON EST(REASON)

Served by Certified Mail

FEE \$ _____

SHERIFF _____

NOTE:

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60

CIRCUIT COURT FOR BALTIMORE
SAUNDRA E. BANKS, CLERK
111 N. CALVERT ST. - ROOM 462
BALTIMORE, MD. 21202

COSTS WAIVED

WRIT OF SUMMONS

CASE NUMBER 94143054 CL181082

STATE OF MARYLAND,

COUNTY TO WIT: BALTO CITY

TO: SANDEE FALLS-MEMBER BD OF DIRECTORS
UNITY CENTER OF CHRISTIANITY
2901 N. CHARLES STREET
BALTIMORE MD 21218

YOU ARE HEREBY SUMMONED TO FILE A WRITTEN RESPONSE BY PLEADING OR MOTION
IN THIS COURT TO THE ATTACHED COMPLAINT FILED BY

ANTHONY N. WOJLOH
3700 W. ROGERS AVE

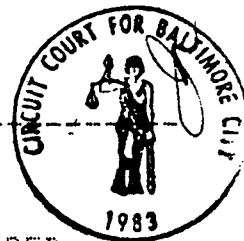
BALTO MD 21215

WITHIN 30 DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU.
WITNESS THE HONORABLE CHIEF JUDGE OF THE EIGHTH JUDICIAL CIRCUIT OF MARYLAND.

DATE ISSUED 06/15/94

Sandra E. Banks

CLERK



TO THE PERSON SUMMONED:

Clerk

Circuit Court for Balto. City

1. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT REQUIRED.
2. FAILURE TO FILE A RESPONSE WITHIN THE TIME ALLOWED MAY RESULT IN A JUDGEMENT BY DEFAULT OR THE GRANTING OF THE RELIEF SOUGHT AGAINST YOU.

SHERIFF(S) RETURN.

PERSON SERVED VIOLA GREENE, BOARD PRESIDENT

TIME _____ DATE 7/8/94

PERSON SERVED _____

TIME _____ DATE _____

NON EST(REASON) _____

Served by Certified Mail

FEE \$ _____

SHERIFF _____

NOTE:

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3. RETURN OF SERVED OR UNSERVED PROCESS SHALL BE MADE PROMPTLY AND IN ACCORDANCE WITH RULE 2-126.
4. IF THIS SUMMONS IS SERVED BY PRIVATE PROCESS. PROCESS SERVER SHALL FILE A SEPERATE AFFIDAVIT AS REQUIRED BY RULE 2-126(A).

61

CIRCUIT COURT FOR BALTIMORE CITY
SAUNDRA E. BANKS, CLERK
111 N. CALVERT ST. - ROOM 600
BALTIMORE, MD. 21202

COSTS WAIVED

WRIT OF SUMMONS

CASE NUMBER 94143054 CL181082

STATE OF MARYLAND,

COUNTY TO WIT: BALTO CITY

TO: EDWARD REIFER, PASTOR
UNITY CENTER OF CHRISTIANITY
2901 N. CHARLES STREET
BALTIMORE MD 21218

YOU ARE HEREBY SUMMONED TO FILE A WRITTEN RESPONSE BY PLEADING OR MOTION
IN THIS COURT TO THE ATTACHED COMPLAINT FILED BY

ANTHONY N. WOJLOH
3700 W. ROGERS AVE

BALTO MD 21215

WITHIN 30 DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU.
WITNESS THE HONORABLE CHIEF JUDGE OF THE EIGHTH JUDICIAL CIRCUIT OF MARYLAND

Saundra E. Banks



DATE ISSUED 06/15/94

Clerk CLERK

Circuit Court for Balto. City

TO THE PERSON SUMMONED:

1. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT REQUIRED.
2. FAILURE TO FILE A RESPONSE WITHIN THE TIME ALLOWED MAY RESULT IN A JUDGEMENT BY DEFAULT OR THE GRANTING OF THE RELIEF SOUGHT AGAINST YOU.

SHERIFF(S) RETURN.

PERSON SERVED EDWARD REIFER TIME _____ DATE ¹² 7/8/94

PERSON SERVED _____ TIME _____ DATE _____

NON EST (REASON) _____

Served by Certified Mail

FEE \$ _____ SHERIFF _____

NOTE:

1. THIS SUMMONS IS EFFECTIVE FOR SERVICE ONLY IF SERVED WITHIN 60 DAYS AFTER THE DATE IS ISSUED.
2. PROOF OF SERVICE SHALL SET OUT THE NAME OF THE PERSON SERVED, DATE AND THE PARTICULAR PLACE AND MANNER OF SERVICE. IF SERVICE IS NOT MADE, PLEASE STATE THE REASONS.
3. RETURN OF SERVED OR UNSERVED PROCESS SHALL BE MADE PROMPTLY AND IN ACCORDANCE WITH RULE 2-126.
4. IF THIS SUMMONS IS SERVED BY PRIVATE PROCESS, PROCESS SERVER SHALL FILE A SEPERATE AFFIDAVIT AS REQUIRED BY RULE 2-126(A).

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 16 th day of July, 1994, a copy of the foregoing Affidavit with the Attached was personally mailed, postage prepaid, to: Larry J. Albert, Niles, Barton & Wilmer, Legg Mason Tower, 14th Floor, 111 South Calvert Street, Baltimore, Maryland 21202, Counsel for Defendants.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215

Telephone: 664-4587

ANTHONY N. WOJLOH
Plaintiff
v.
EDWARD REIFER, et al.
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No. 94143054/CL181082

8 mg

* * * * *

MEMORANDUM AND ORDER

In a multi-count "Declaration", Plaintiff has sued the Unity Center of Christianity, its Pastor, and various members of the Board of Directors, all in their individual capacities. Pursuant to the provisions of Maryland Rules 2-322(a)(3) and 2-322(a)(4), as well as Maryland Rules 2-111(a), 2-112(a), and 2-114(a,b), all of the Defendants seek to dismiss Plaintiff's Declaration on the grounds of insufficiency of process and insufficiency of service of process. Defendants complain because Plaintiff allegedly has attempted to serve the individual Defendants collectively, by service on Viola Green, the Board president.

This court agrees that those Defendants who have been sued individually must be served with the Declaration, and supporting papers, individually. However, it is impossible for this court to determine whether Plaintiff has failed to satisfy the provisions of the various rules upon which Defendants rely.

The court notes that the case file contains requests for writs of summons to the following: Unity Center of Christianity; Viola Green - Board President; Brian Tune - Board Member; Sandee Falls - Board Member; Joan Earnshaw - Board Member; Barbara

Dersch - Board Member; John Coliton - Board Member; John Anukem Board Member; Charlie Anderson; Ruby Hostetler; Edward Reifer Pastor. However, the file has no returns of service contained in it.

Based on the foregoing, Defendants' Motion to Dismiss is, this 19th day of July, 1994, hereby DENIED, without prejudice to Defendants' right to file a properly supported motion to dismiss, with affidavits and/or other exhibits in support of the contention that proper service has not been achieved and/or service has not been properly effected.

Ellen L. Hollander
Ellen L. Hollander, Judge

cc: Mr. Anthony N. Wojloh, Plaintiff
Larry J. Albert, Esquire

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

CIRCUIT COURT
BALTIMORE CITY
FOR

1994 JUL 19 A.C. 11
BALTIMORE CITY

CIVIL DIVISION
CASE NO. 94143054/CL181082

* * * * *

DEFENDANTS' REPLY TO PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

Now come EDWARD REIFER, et al, Defendants, by Larry J. Albert, their attorney, and, in reply to Plaintiff's Opposition to Motion to Dismiss, say:

1. The allegations contained in paragraph 1 of Plaintiff's Opposition (hereinafter abbreviated "PO") are denied.

2. The allegations contained in paragraph 2 of PO which, in addition to being untrue, are violative of Maryland Rule 2-303(b), and are denied.

3. The allegation contained in paragraph 3 of PO is inapplicable to the matters raised by Defendants' Motion to Dismiss and, therefore, is denied.

4. The allegations contained in paragraph 4 of PO assert a legal conclusion, unsupported in fact and at law, and, therefore, are denied.

5. The allegations contained in paragraph 5 of PO refer to documents not before this Court and are extrinsic and immaterial to any determination of the matters raised by Defendant's Motion to Dismiss.

6. The allegations contained in paragraph 6 of PO are irrelevant, albeit apparently accurate, and, therefore, are admitted.

7. Defendants admit that the allegations contained in paragraph 7 of PO apparently represent Plaintiff's perception but deny said allegations are true.

8. The allegations contained in paragraph 8 of PO are incomprehensible and, therefore, are neither admitted nor denied.

9. The allegations contained in paragraph 9 of PO require no response.

In further reply to PO, Defendants aver as follows:

10. Both PO and the memorandum accompanying same include and incorporate statements, representations and characterizations which are immaterial, unnecessary, impertinent, knowingly inaccurate and offensive.

11. Plaintiff's contention, as set forth on page 4 under "Argument", that he sent copies of Complaint (said Complaint containing purported causes of action for libel, slander, harassment and conspiracy, with a total ad damnum prayed of \$225,000.00 compensatory damages of \$400,000.00 punitive damages), by certified mail, without summons to Defendants Reifer and Greene, and in doing so "merely attempted to lay a ground work for settlement negotiations" is not only patently absurd on its face, but is also an admission of Plaintiff's failure to comply with Maryland Rules 2-111(a), 2-112(a) and 2-114(a) and (b).

12. Plaintiff has failed, in toto, to raise any legal basis to warrant denial of Defendants' Motion to Dismiss.

WHEREFORE, Defendants pray this Court to grant their Motion to Dismiss.



LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 1994, a copy of the foregoing Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss was mailed, postage prepaid, to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

9A

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL

Defendants

* IN THE
 CIRCUIT COURT
 BALTIMORE CITY
 FOR
 1994 JUL 19 A 8:16
 BALTIMORE CITY
 CIVIL DIVISION
 * CASE NO. 94143054/CL181082

* * * * *

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO
 SUBSTITUTE THE INDIVIDUAL MEMBERS OF THE BOARD
 OF DIRECTORS OF UNITY CENTER OF CHRISTIANITY,
 JOHN ANUKEM, JOHN COLITON, BARBARA DERSCH, SANDEE
 FALLS, VIOLA GREENE, AND BRIAN TUNE, AS BOARD OF
DIRECTORS OF UNITY CENTER OF CHRISTIANITY, DEFENDANT**

Now come EDWARD REIFER, et al, Defendants, by Larry J. Albert,
 its attorney, and, in opposition to the above Motion state:

1. The Board of Directors of Unity Center of Christianity
 (hereinafter abbreviated "UCC") is comprised of the minister, Rev.
 Edward Reifer, and lay persons from the congregation elected, at
 annual meeting, for one year terms.


2. Presently, among the individuals above named, only Rev.
 Reifer and Viola Greene are current members of the Board of
 Directors.

3. Of the others named, i.e., John Anukem, John Coliton,
 Barbara Dersch, Sandee Falls and Brian Tune, none presently serve
 on the Board of Directors, one or more has moved away from
 Baltimore and one or more are no longer active members of UCC.

4. Plaintiff's Motion asserts no legal basis to support his
 being able to obtain collective service on Defendants no longer on
 the Board of Directors by service on the present Board.

5. Plaintiff herein, as Plaintiff in any civil proceeding, is required to effect service of process on any and all individuals against whom he intends to assert a claim for relief.

WHEREFORE, Defendants pray this Court to deny Plaintiff's Motion.



LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 1994, a copy of the Defendants' foregoing Opposition and Order was mailed, postage prepaid, to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

O R D E R

Upon consideration of Plaintiff's Motion to Substitute the Individual Members of the Board of Directors of Unity Center of Christianity, John Anukem, John Coliton, Barbara Dersch, Sandee Falls, Viola Greene and Brian Tune, as Board of Directors of Unity Center of Christianity, Defendant, and Defendants' Opposition thereto, it is this _____ day of _____, 1994,

ORDERED that said Motion be and the same is hereby DENIED; and it is further

ORDERED that Plaintiff be and hereby is required to effect service individually, on each of the above-named Defendants he intends to make a party in this action.

Judge
Circuit Court for Baltimore City

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ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE

CIRCUIT COURT
 FOR
 BALTIMORE CITY

1994 JUL 19 A.S.H.

* BALTIMORE CITY

CIVIL DIVISION

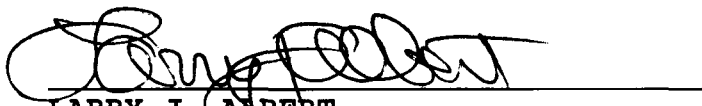
* CASE NO. 94143054/CL181082

* * * * * *

REQUEST FOR HEARING

MADAM CLERK:

EDWARD REIFER, et al, Defendants, by Larry J. Albert, their attorney, request a hearing be set on their Motion to Dismiss and all other pending Motions in the captioned case.




LARRY J. ALBERT
 Niles, Barton & Wilmer
 Legg Mason Tower - 14th Floor
 111 S. Calvert Street
 Baltimore, MD 21202
 (410) 783-6340

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 1994, a copy of the foregoing Request for Hearing was mailed, postage prepaid, to:

Anthony N. Wojloh
 3700 West Rogers Avenue
 Baltimore, MD 21215



LARRY J. ALBERT



AS

ANTHONY N. WOJLOH
Plaintiff
V.
EDWARD REIFER, ET AL
Defendants

* IN THE
* CL. CIRCUIT COURT
* BALTIMORE CITY
* FOR
* 1994 JUL 27 A 3:40
* BALTIMORE CITY
* CL.
* CASE NO. 94143054/CL181082

* * * * *

ANSWER TO DECLARATION

EDWARD REIFER, RUBIE HOSTETLER, CHARLIE ANDERSEN, AND VIOLA GREEN, Defendants, by Larry J. Albert, Paul M. Finamore, and Niles, Barton & Wilmer, their attorneys, hereby answer the Declaration filed by Plaintiff in this case, and say:

GENERAL DENIAL

Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green generally deny all of the allegations in Plaintiff's Declaration.

FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by laches and the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

If plaintiff suffered the damages alleged, which fact these defedants expressly deny, then all such damages were caused by persons or parties other than these Defendants, including plaintiff, without any negligence of these Defendants thereto contributing.

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FOURTH AFFIRMATIVE DEFENSE

If plaintiffs suffered the damages alleged, which fact these Defendants expressly deny, then such damages resulted from other and further reasons for which these Defendants would not be responsible.

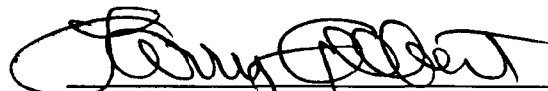
FIFTH AFFIRMATIVE DEFENSE


If plaintiff suffered the damages alleged, which fact these Defendants expressly deny, then such damages resulted from a preexisting or subsequent event or condition for which these Defendants would not be responsible.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff exacerbated rather than mitigated his damages.

WHEREFORE, having fully answered the Complaint, Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green pray that the Complaint be dismissed with costs awarded to these Defendants and for such other, further, and different relief as the justice of the cause may require.


LARRY J. ALBERT


PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorneys for Defendants

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL

Defendants

*CIRCUIT IN THE
*BALTIMORE CIRCUIT COURT

1994 JUL FOR A 7:40

*CIVIL BALTIMORE CITY

* CASE NO. 94143054/CL181082

NOTICE OF SERVICE

Defendants, Edward Reifer, Rubie Hostetler, Charlie Andersen, Viola Green, John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity, by their attorneys, hereby certifies that on this 26th day of July, 1994, copies of the following documents:

1. Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green's Answer to Declaration;
2. Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green's Motion to Dismiss, Memorandum in Support of Motion to Dismiss, Request for Hearing and proposed Order;
3. Defendants John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity's Motion to Dismiss, Memorandum in Support of Motion to Dismiss, Request for Hearing and proposed Order; and,
4. This Notice of Service

were sent by first-class mail, postage prepaid to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215

Paul M. Finamore

 PAUL M. FINAMORE
 Niles, Barton & Wilmer
 1400 Legg Mason Tower
 111 South Calvert Street
 Baltimore, MD 21202
 (410) 783-6300
 Attorneys for Defendants

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL

Defendants

* IN THE
 * CIRCUIT COURT
 * 1994 FOR 27 A 740
 * BALTIMORE CITY
 * CASE NO. 94143054/CL181082

* * * * *

MOTION TO DISMISS

EDWARD REIFER, RUBIE HOSTETLER, CHARLIE ANDERSEN, AND VIOLA GREEN, Defendants, by Larry J. Albert, Paul M. Finamore, and Niles, Barton & Wilmer, their attorneys, hereby move to dismiss Plaintiff's Declaration filed in this case, and say:

BACKGROUND

Plaintiff was employed as a part-time security guard at The Unity Center of Christianity until his position was abolished in June of 1993. Plaintiff filed suit on May 31, 1994, against Edward Reifer, Rubie Hostetler, Charlie Andersen, Viola Green, John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity based on the abolishment of his part-time position. In his four count Declaration, Plaintiff alleges that he is entitled to recover against Defendants, either individually or collectively, for libel in Count I, slander in Count II, harassment in Count III and conspiracy in Count IV. Plaintiff seeks \$225,000 in compensatory damages and \$400,000 in punitive damages. Plaintiff has only perfected service of process on Edward Reifer, Rubie Hostetler,

(10)
AS

Charlie Andersen, and Viola Green.¹

FACTS RELATING TO MOTION²

The following facts are divided into separate sections for the convenience of the court. The separate sections relate to the individual causes of action alleged in Counts I through IV.

I. Facts Relating To Libel Cause of Action in Count I

1. In Count I, Plaintiff seeks to recover for libel based on letters allegedly written and submitted by Defendants Reifer and Hostetler.

2. Plaintiff's cause of action alleges:³

at a Board Retreat of April, 1992, letters written and submitted by the Defendants, Edward Reifer and Rubie Hostetler critical of the Plaintiff's character and job performance were mentioned and from which excerpts about Plaintiff were made not complementary to the Plaintiff. The letters in question, portrayed Plaintiff as incompetent, inefficient and renders unsatisfactory job performance.

[sic] Declaration at 3.

3. Plaintiff further alleges that Defendants Reifer and

¹ Defendants John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity have separately moved to dismiss Plaintiff's Declaration for insufficiency of service of process in addition to all of the grounds asserted herein.

² As the evidence must be viewed in a light most favorable to the Plaintiff for the purposes of this Motion, Defendant does not dispute such facts in this Motion. Defendant, however, does not admit to the truth of the facts stated in this portion of the Motion to Dismiss, but contends that such facts, even if taken as established by this Court, do not entitle Plaintiff to recover.

³ There are no references to the paragraph numbers from Plaintiff's Declaration as Plaintiff failed to number such paragraphs. See footnote 7, infra, and accompanying text.

Hostetler continued to injure him during the period April, 1992 through June, 1993, as follows:

when Defendants Reifer and Hostetler falsely and maliciously wrote, disseminated and published aforesaid documents critical of Plaintiff's conduct and job performance.

II. Facts Relating to Slander Cause of Action in Count II

4. Plaintiff alleges that he is entitled to recover for slander in Count II of his Declaration.

5. As the basis of his cause of action, Plaintiff alleges that:⁴

on or about May 25, 1993, the Defendant, Charlie Andersen, did willfully, falsely, maliciously accuse the Plaintiff of being a 'liar,' a 'thief' and a 'deceit' in the presence of Plaintiff's 10-year old daughter and did loudly communicate the accusations in such a manner and tone so that the words spoken by Defendant Andersen were susceptible of being overheard by Plaintiff's daughter who was near by in the room with the Plaintiff, all of which Plaintiff denied.

[sic] Declaration at 6.

III. Facts Relating to Harassment Cause of Action in Count III

6. Plaintiff alleges that he is entitled to recover for harassment in Count III of his Declaration.

7. As the basis of his cause of action, Plaintiff alleges a laundry list of allegedly harassing activities.⁵ Plaintiff's allegations in this regard cover more than one page of his Declaration, beginning on page 8 and continuing through the

⁴ See footnote 3, supra.

⁵ See footnote 3, supra.

majority of page 9. Based on the breadth of such allegations, Defendants do not quote them at length herein.

IV. Facts Relating to Conspiracy Cause of Action in Count IV

8. Plaintiff alleges that he is entitled to recover for conspiracy in Count IV of his Declaration.

9. Plaintiff's cause of action alleges:⁶

in or about April, 1992 and on other occasions, conspire with, aided and abetted other named Defendants or one or more of them in their insidious acts of harassment libel and slander, utterances, publications and disseminations against Plaintiff

in about May, 1993 and June, 1993 and on other occasions, the Defendants, Edward Reifer, Rubie Hostetler and Charlie Andersen joinedly and severally met with some Members of the Board of Directors, or one or more of them to reduce Plaintiff's initial hourly rate from \$10.00 to \$9.00, to reduce Plaintiff's bi-weekly number of days of work from about 12 to about 3 or less and from 70 plus or minus hours of work to 6 or less; to dismiss or have Plaintiff dismissed from his employment. . . .

[sic] Declaration at 10-11.

ARGUMENT

Plaintiff fails to state a claim in any of the aforementioned counts upon which relief can be granted. His claims of libel in Count I and slander in Count II are barred by the statute of limitations. His claim of harassment in Count III is not a recognized cause of action in Maryland. His claim of conspiracy in Count IV fails to state a claim in view of the fact that Plaintiff fails to allege any other cognizable cause of action.

⁶ See footnote 3, supra.

I. STANDARD OF REVIEW

Motions to dismiss are provided for in Md. Rule 2-322. Such motions should be granted when Plaintiff fails to allege sufficient facts which would entitle him to prevail at trial.

Claims should also be dismissed in cases in which Maryland law does not recognize a cause of action based on the facts alleged in the Complaint.

II. LIBEL AND SLANDER

Plaintiff fails to state a claim upon which relief can be granted in Counts I and II. Both claims are barred by the statute of limitations and, in addition, are procedurally defective. Therefore, Defendants move to dismiss such counts.

(1) Claims Are Barred By The Statute of Limitations

Md. Code Ann., Cts. & Jud. Proc. §5-105 limits causes of action for assault, libel, or slander as follows:

An action for assault, libel, or slander shall be filed within one year from the date it accrues.

Therefore, Plaintiff is barred from recovering under Count I for any damages arising as a result of the alleged libelous letters from Defendants Reifer and Hostetler at the Board Retreat of April, 1992, inasmuch as Plaintiff filed suit on or about May 31, 1994. For the same reasons, Plaintiff is barred from recovering under Count II for the alleged slanderous statements made by Defendant Andersen on May 25, 1993.

"It has been said that the primary consideration underlying statutes of limitations is one of fairness to the defendant; that

he ought not to be called on to resist a claim when 'evidence has been lost, memories have faded, and witnesses have disappeared.'" Doughty v. Prettyman, 219 Md. 83, 92-93, 148 A.2d 438 (1959). Statutes of limitations are to be strictly construed, and exceptions not created by the legislature are not to be grafted onto the statute. Decker v. Fink, 47 Md. App. 202, 422 A.2d 389 (1980), cert. denied, 289 Md. 735 (1981). See also Booth Glass Co. v. Huntingfield, 304 Md. 615, 500 A.2d 641 (1985).

The term "accrues" is not defined in §5-105 and must be construed as a matter of law by the court. As a general rule, a cause of action is said to "accrue" from the date of the alleged wrong and not from the time the wrong is discovered. Maryland is a discovery statute of limitations, and a cause of action accrues when the plaintiff knew or should have known of all of the elements of her cause of action. Poffenberger v. Risser, 290 Md. 631, 431 A.2d 677 (1981). In this case, Plaintiff knew each of the elements of his cause of action at the time of the alleged libelous comments. Plaintiffs' failure to exercise reasonable diligence in pursuing his claim against Defendants does not prevent accrual of his cause of action. See Ferrucci v. Jack, 255 Md. 523, 258 A.2d 414 (1969) (plaintiff's failure to check land records for correct name of owner did not prevent accrual of cause of action).

The fact that Plaintiff's damages may have continued to occur after his cause of action first accrued is also irrelevant. The "continuing damages" theory is sometimes applied in medical malpractice cases in which the plaintiff's injury may not be

immediately known because the plaintiff is undergoing a continuous course of treatment with the physician. See Waldmann v. Rohrbaugh, 241 Md. 137, 215 A.2d 825 (1966). However, even under the continuing damages theory, a plaintiff's cause of action accrues when the plaintiff knew or reasonably should have known of the injuries. Id. When the plaintiff has actual knowledge of the elements of his cause of action, his claim accrues at that time. Poffenberger v. Risser, 290 Md. 631, 431 A.2d 677 (1981). In Feldman v. Granger, 255 Md. 288, 296-97, 257 A.2d 421 (1969), the court held that it is not a "sufficiently sound reason to postpone the accrual of the action or toll the running of limitations" when the plaintiff knows some, but not all of the damages she will ultimately incur. See also 54 C.J.S. Limitations of Actions §166, at 214-15. Maryland has specifically rejected the maturation of harm rule in the context of accrual of the statute of limitations. Watson v. Dorsey, 265 Md. 509, 512, 290 A.2d 530 (1972).

(2) The Complaint Is Deficient

The Complaint is deficient under Md. Rule 2-304(c) because it fails to plead time and place. The time of the alleged actions in Counts I and II are particularly significant in this case because Plaintiff has alleged that Defendant Reifer, Hostetler and Andersen made certain allegedly defamatory statements, but failed to state the time when such statements were made. Plaintiff is required to plead time and place under Md. Rule 2-304(c) inasmuch as such facts are material to his cause of action.

The Declaration is also deficient in that it is improperly

named and fails to have properly numbered paragraphs. Maryland Rule of Procedure 2-302 only allows for "a complaint and an answer." There is no rule providing for "Declarations." Likewise, Maryland Rule of Procedure 2-303(a) requires that each cause of action be set forth in separately numbered paragraphs.⁷ As such, Plaintiff's Declaration is procedurally defective.

HARASSMENT

Maryland does not recognize a cause of action for harassment as alleged in Count III of Plaintiff's Declaration. Maryland Courts recognize that the creation of independent torts is not favored. See, e.g., Walser v. Resthaven Memorial Gardens, Inc., 98 Md. App. 371, 385-86, 633 A.2d 466 (1993), cert. denied, 334 Md. 212, 638 A.2d 753 (1994) (Court found "no reason to create a separate tort for conduct which would seem clearly to fall within the existing one.") Plaintiff cannot cite any authority to support his cause of action for harassment.

CONSPIRACY

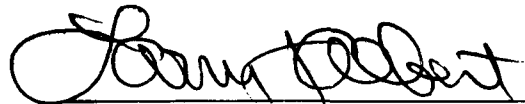
To allege and prove a civil conspiracy, the Plaintiff must show that one or more persons agreed to and accomplished an unlawful act or used unlawful means to accomplish a lawful act and actual damage resulted from their actions. 5 Maryland Law Encyclopedia, Conspiracy, § 11-12. However, no action will lie for tort conspiracy unless there is an actionable tort. Plaintiff's Declaration fails to state any viable cause of action, and

⁷ See footnote 2, supra, and accompanying text.


therefore, Count IV sounding in Conspiracy must be dismissed.

CONCLUSION

WHEREFORE, Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green respectfully request that judgment be entered as a matter of law as to Counts I, II, III, and IV of Plaintiff's Declaration.



LARRY J. ALBERT



PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6300

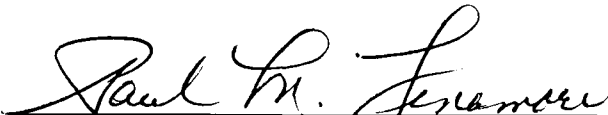
Attorneys for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

As stated in the body of the Motion.



LARRY J. ALBERT



PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6300
Attorney for Defendants

ANTHONY N. WOJLOH
Plaintiff

V.

EDWARD REIFER, ET AL
Defendants

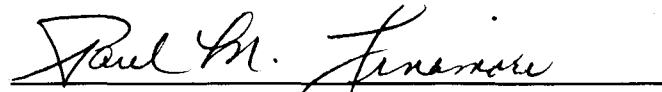
* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

* * * * *

REQUEST FOR HEARING

EDWARD REIFER, RUBIE HOSTETLER, CHARLIE ANDERSEN, AND VIOLA GREEN, Defendants, by Larry J. Albert, Paul M. Finamore, and Niles, Barton & Wilmer, their attorneys, request a hearing on their Motion to Dismiss.


LARRY J. ALBERT


PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6300
Attorney for Defendants

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

* * * * *

ORDER

Upon consideration of Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green's Motion to Dismiss, and any opposition thereto filed, it is this _____ day of _____, 1994, by the Circuit Court for Baltimore City, Maryland,

ORDERED, that the Motion be and the same hereby is GRANTED, and it is further

ORDERED, that Counts I, II, III, and IV of Plaintiff's Declaration fail to state a claim upon which relief can be granted, and it is further

ORDERED, that Counts I, II, III, and IV of Plaintiff's Declaration be and the same are hereby DISMISSED.

JUDGE,
CIRCUIT COURT FOR BALTIMORE CITY

ANTHONY N. WOJLOH
Plaintiff
V.
EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082
* * *


NOTICE OF SERVICE

Defendants, Edward Reifer, Rubie Hostetler, Charlie Andersen, Viola Green, John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity, by their attorneys, hereby certifies that on this 26th day of July, 1994, copies of the following documents:

1. Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green's Answer to Declaration;
2. Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green's Motion to Dismiss, Memorandum in Support of Motion to Dismiss, Request for Hearing and proposed Order;
3. Defendants John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity's Motion to Dismiss, Memorandum in Support of Motion to Dismiss, Request for Hearing and proposed Order; and,
4. This Notice of Service

were sent by first-class mail, postage prepaid to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215


PAUL M. FINAMORE
Niles, Barton & Wilmer
1400 Legg Mason Tower
111 South Calvert Street
Baltimore, MD 21202
(410) 783-6300
Attorneys for Defendants

JUL 27 1994

(11)
A.S.

ANTHONY N. WOJLOH
Plaintiff

V.

EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

* * * * *

MOTION TO DISMISS

JOHN ANUKEM, JOHN COLITON, BARBARA DERSCH, JOAN EARNSHAW, SANDEE FALLS, BRIAN TUNE, AND THE UNITY CENTER OF CHRISTIANITY, Defendants, by Larry J. Albert, Paul M. Finamore, and Niles, Barton & Wilmer, their attorneys, move to dismiss Plaintiff's "Declaration" and in support thereof say:

BACKGROUND

Plaintiff was employed as a part-time security guard at The Unity Center of Christianity until his position was abolished in June of 1993. Plaintiff filed suit on May 31, 1994, against Edward Reifer, Rubie Hostetler, Charlie Andersen, Viola Green, John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity based on the abolishment of his part-time position. His Declaration first names Edward Reifer, Rubie Hostetler, and Charlie Andersen. He then names The Unity Center of Christianity, and he finally names John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, and Brian Tune, "constituting members of the Board of Directors" (hereinafter "the Board Defendants").

In his four count Declaration, Plaintiff alleges that he is entitled to recover against Defendants, either individually or

collectively, for libel in Count I, slander in Count II, harassment in Count III and conspiracy in Count IV. Plaintiff seeks \$225,000 in compensatory damages and \$400,000 in punitive damages. Plaintiff has now filed an Affidavit in which he alleges that he "personally affected service" on all of the Defendants.

FACTS RELATING TO MOTION

1. On July 19, 1994, the Court issued a Memorandum and Order in this case stating "this Court agrees that those Defendants who have been sued individually must be served with the Declaration, and supporting papers, individually." (Emphasis in original). However, based on the Court record as it existed on July 19, 1994, the Court found that it was impossible to ascertain whether Plaintiff failed to comply with the rules regarding service of process.

2. Subsequent to the Court's July 19, 1994 Memorandum and Order, Plaintiff filed an Affidavit in which he alleges that he personally affected service of the Summons with copies of the Declaration on the Board Defendants and The Unity Church of Christianity by serving Viola Green, Board President, "for and on behalf of Defendants, Members of the Board of Directors and The Unity Center of Christer [sic]."

3. The Board Defendants and The Unity Center of Christianity adopt and incorporate, as if fully set forth herein, each and every argument forwarded by Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen and Viola Green in their Motion to Dismiss filed in this case which attacks both substantively and procedurally the

claims raised by Plaintiff in his Declaration.

ARGUMENT

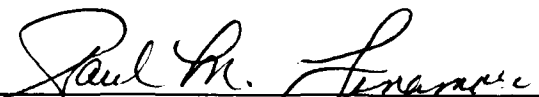
Pursuant to Maryland Rule 2-322(a)(4), the Board Defendants and the Unity Church of Christianity move this Court to dismiss Plaintiff's "Declaration." Plaintiff's purported service of process on the individual Board Defendants and The Unity Church of Christianity by certified mail to the Board President Viola Green fails to comply with the Maryland Rules regarding service of process. The foregoing omissions and deficiencies constitute, with regard to all Defendants, an insufficiency of service of process.

Plaintiff's Declaration should also be dismissed in its entirety based on the arguments raised in Defendants Reifer, Hostetler, Andersen and Green's Motion to Dismiss adopted and incorporated herein by reference.

CONCLUSION

WHEREFORE, Defendants John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity move this Court to dismiss Plaintiff's Declaration.


LARRY J. ALBERT


PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6300
Attorney for Defendants

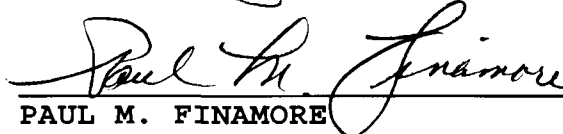
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POINTS AND AUTHORITIES

1. As cited hereinabove.



LARRY J. ALBERT



PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6300
Attorney for Defendants

ANTHONY N. WOJLOH
Plaintiff

V.

EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

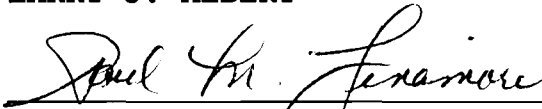
* * * * *

REQUEST FOR HEARING

JOHN ANUKEM, JOHN COLITON, BARBARA DERSCH, JOAN EARNSHAW, SANDEE FALLS, BRIAN TUNE, AND THE UNITY CENTER OF CHRISTIANITY, Defendants, by Larry J. Albert, Paul M. Finamore, and Niles, Barton & Wilmer, their attorneys, request a hearing on their Motion to Dismiss.



LARRY J. ALBERT



PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6300
Attorney for Defendants

ANTHONY N. WOJLOH
Plaintiff

V.

EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

* * * * *

ORDER

Upon consideration of Defendants John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune and The Unity Center of Christianity's Motion to Dismiss, and any opposition thereto filed, it is this _____ day of _____, 1994, by the Circuit Court for Baltimore City, Maryland,

ORDERED, that the Motion be and the same hereby is GRANTED, and it is further

ORDERED, that there is insufficient service of process on the named Defendants, and it is further

ORDERED, that Counts I, II, III, and IV of Plaintiff's Declaration fail to state a claim upon which relief can be granted, and it is further

ORDERED, that Counts I, II, III, and IV of Plaintiff's Declaration be and the same are hereby DISMISSED.

JUDGE,
CIRCUIT COURT FOR BALTIMORE CITY

95

ANTHONY N. WOJLOH
Plaintiff

V.

EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082
* * *

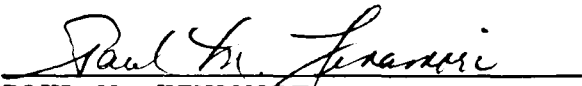
NOTICE OF SERVICE

Defendants, Edward Reifer, Rubie Hostetler, Charlie Andersen, Viola Green, John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity, by their attorneys, hereby certifies that on this 26th day of July, 1994, copies of the following documents:

1. Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green's Answer to Declaration;
2. Defendants Edward Reifer, Rubie Hostetler, Charlie Andersen, and Viola Green's Motion to Dismiss, Memorandum in Support of Motion to Dismiss, Request for Hearing and proposed Order;
3. Defendants John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, and The Unity Center of Christianity's Motion to Dismiss, Memorandum in Support of Motion to Dismiss, Request for Hearing and proposed Order; and,
4. This Notice of Service

were sent by first-class mail, postage prepaid to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215


PAUL M. FINAMORE
Niles, Barton & Wilmer
1400 Legg Mason Tower
111 South Calvert Street
Baltimore, MD 21202
(410) 783-6300
Attorneys for Defendants

12
AS

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CIRCUIT COURT FOR
BALTIMORE CITY
94 AUG -5 PM 1:07
CIVIL DIVISION

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH, *

Plaintiff *

v. *

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al., *

Defendants *

* * * * *

PLAINTIFF'S OPPOSITION TO THE MOTION TO DISMISS
OF DEFENDANTS UNITY CENTER OF CHRISTIANITY AND
MEMBERS OF THE BOARD OF DIRECTORS

COMES NOW, the Paintiff, Anthony N. Wojloh, and in opposi-
tion to the Defendants' Motion respectfully asks the Honorable
Court for an Order denying the Motion on grounds and for reasons
as follow:

1. There exists a genuine issue of material facts which are circuitously maintainable in the court of law.
2. Plaintiff's Declaration/Complaint alleges sufficient facts upon which a monetary relief may be granted.
3. Plaintiff's Declaration/Complaint alleges time and place of the Defendants' actions complained of in the various counts.
4. Plaintiff's Declaration/Complaint was filed timely within the time period of the Annotated Code of Maryland regarding the applicable Statute of Limitations.

5. Let alone properly perfecting process of service by Plaintiff upon Defendants Reifer, Hostetler, Andersen, and Greene, Plaintiff has also properly effected process of service upon the Board President, Viola Greene, for and on behalf of the Defendants Unity Center of Christianity and Members of the Board of Directors for said Center as required under the law.

6. Plaintiff did not file this lawsuit for abolishment of any position. On the contrary notwithstanding, he filed a Declaration/Complaint against Defendants for libel, slander, harassment, and conspiracy.

7. Plaintiff's claim of harassment has standing and therefore, is maintainable in the court of law.

8. Plaintiff's Declaration named all the Defendants in the instant case at the same time.

9. And other reasons to be advanced at hearing.

WHEREFORE, in all things considered, Plaintiff respectfully prays that Defendants' Motion to Dismiss be denied with prejudice.

Respectfully submitted,

Anthony N. Wojloh
ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: 664-4587

PLAINTIFF'S MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS

ARGUMENT

The Defendants' argument that this Plaintiff failed to comply with Maryland Rule 2-322(a)(4) by serving the Board President, Viola Greene on behalf of and for the individual Members instead of serving such aforesaid Members individually and directly respectively is not only misplaced but also moot; since such members were served individually through the Board President on or about July 8, 1994, including the other Defendants as non-Members.

The Defendants' so-called Registered Agent, Elroy J. Herman, 2409 Mayfield Avenue, Baltimore, Maryland 21213, could not be served, because Mr. Herman was/is not at the address listed with the Maryland State Department of Assessments and Taxation Charter Division, nor could he be found elsewhere. Therefore, it was very necessary and appropriate to serve the Board President on behalf and for the Members not as individually listed in the Declaration. Premised upon the foregoing, Plaintiff has complied with all applicable Rules of Civil Procedure of the Annotated Code of Maryland, including Rules 2-332(a)(3) and 2-322(a)(4) and Maryland Rules 2-111(a), 2-112(a), and 2-114(a) and (b), regarding the sufficiency of process & sufficiency of service of process.

According to the Maryland State Department of Assessments

and Taxation Charter Division, Plaintiff was within his legal authority to serve the Members of the Board of Directors with Summons individually through the Board President and not individually directly, as listed in the Plaintiff's Declaration. It must be noted also, that Plaintiff had a choice of serving either the Board President, or the secretary, or the treasurer, or the State Department of Assessments and Taxation for the individual Members of the Board and Unity Center, had he so desired. See Attachment, entitled, "Serving A Corporate Defendant. It is very clear that the Defendants' contention has no standing in the case at bar.

From the foregoing, it is very explicit, that Defendants' Motion to Dismiss must be denied with prejudice as to all in light of the allegations, evidence and Points and Authorities herein, and attached to the other Opposition to Motion to Dismiss of the other Defendants, and because Defendants have made no case.

CONCLUSION

The pervasive public importance of the instant case is not open to question. At the very least, the conduct of the Defendants which casts a great fear in the mind of the Plaintiff, and ultimately caused him to suffer intentional infliction of emotional distress, humiliation, agony, loss of back pay, salary income, employment and reputation is before this Court. This aforesaid conduct is actionable under the law and should not be dismissed without an appropriate punishment and damages commensurate with the injury.

surate with the Defendants' acts of libel, slander, harassment, and conspiracy. Therefore, in light of the facts, evidence and the Points and Authorities cited, Plaintiff respectfully asks the Court for an Order denying the Defendants' Motion to Dismiss with prejudice, as to each and everyone.

Respectfully submitted,

Anthony N. Wojloh
ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: 664-4587

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5 th day of August, 1994, copies of the above were personally mailed, postage pre-paid, to: Larry J. Albert, Niles, Barton & Wilmer, Legg Mason Tower, 14th Floor, 111 South Calvert Street, Baltimore, Maryland 21202, Counsel for Defendants.

Anthony N. Wojloh
ANTHONY N. WOJLOH
Plaintiff, Pro se

NOTICE TO PLAINTIFF

SERVING A CORPORATE DEFENDANT

Serving original suit papers on a corporate defendant is very different from serving an individual or a company. It is important to serve the proper party which is usually called a "Resident Agent." Corporate officers such as President, Secretary, or Treasurer, may also be served. It is not proper to serve employees of the corporation such as Office Manager, Service Manager, Cashier, etc. If you serve the incorrect party the trial of your case may be delayed or the case may possibly be dismissed. If you are not sure if the business you are suing is a corporation and/or you do not know the name and address of the "Resident Agent", you may obtain this information by writing or calling:

State Department of Assessments & Taxation
Charter Division
301 W. Preston Street, Room 809
Baltimore, Maryland 21201
Phone: (301) 225-~~1350~~ /330

If a corporate defendant does not have a Resident Agent, you may serve the President, Secretary, or Treasurer of the corporation, or you may serve the following listed state agency which is authorized to accept service for corporations that do not have a Resident Agent.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
(address listed above)

If you serve the State Department of Assessments and Taxation, you must provide to the Court two (2) copies of all of the suit papers. You must also submit a check payable to the State Department of Assessments and Taxation in the sum of \$15.00.

Again, it is imperative that you serve the proper party designated to accept service for a corporation. Service on other than the proper parties, as listed above, may cause your case to be unnecessarily delayed, or possibly dismissed.

Civil Division

ANTHONY N. WOJLOH,

Plaintiff

v.

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al.,

Defendants

* * * * *

O R D E R

Upon Consideration of the Plaintiff's Opposition to the Defendants' Motion to Dismiss and after hearing argument on behalf of all parties concerned, it is by the Court, this _____th day of _____, 1994,

ORDERED, that the Defendants' Motion is hereby Denied with prejudice.

IT IS FURTHER ORDERED, _____

JUDGE

13
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BALTIMORE CITY

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CIVIL DIVISION

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH, *
Plaintiff *

v.

EDWARD REIFER, et. al., *
Defendants *

CASE NO. 94143054/CL181082

* * * * *

PLAINTIFF'S OPPOSITION TO THE MOTION TO DISMISS OF
DEFENDANTS, REIFER, HOSTETLER, ANDERSEN AND GREENE

COMES NOW, the Plaintiff, Anthony N. Wojloh, and in opposi-
tion to the Defendants' Motion respectfully asks the Honorable
Court for an Order denying the Motion on grounds and for reasons
as follow:

1. There exists a genuine issue of material facts which are circuitously, maintainable in the court of law.
2. Plaintiff's Declaration/Complaint alleges sufficient facts upon which a monetary relief may be granted.
3. Plaintiff's Declaration/Complaint alleges time and place of the Defendants' actions complained of in the various Counts.
4. Plaintiff's Declaration/Complaint was filed timely within the time period of the Annotated Code of Maryland regarding the applicable Statute of Limitations.
5. Let alone properly perfecting process of service by Plaintiff upon Defendants Reifer, Hostetler, Andersen, and

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Greene, Plaintiff has also properly effected process of service upon the Board President, Viola Greene, for and on behalf of the Defendants Unity Center of Christianity and Members of the Board of Directors for said Center as required under the law.

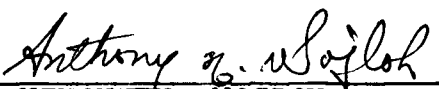
6. Plaintiff did not file this law suit for abolishment of any position. On the contrary notwithstanding, he filed a Declaration/Complaint against Defendants for libel, slander, harassment, and conspiracy.

7. Plaintiff's claim of harassment has standing and therefore is maintainable in the court of law.

8. And other reasons to be advanced at hearing.

WHEREFORE, in all things considered, Plaintiff respectfully prays that Defendants' Motion to Dismiss be denied with prejudice.

Respectfully submitted,


ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: 664-4587

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CIRCUIT COURT FOR
BALTIMORE CITY
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CIVIL DIVISION

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH, *
Plaintiff *

v. *

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al., *
Defendants *

* * * * *

PLAINTIFF'S MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS

1. FACTS

On May 23rd, 1994, Plaintiff filed a civil law suit seeking \$225,000 in Compensatory damages and \$400,000 in Punitive damages. Named in the law suit as Defendants are Edward Reifer, Rubie Hostetler, Charlie Andersen, Unity Center of Christianity, and Members of the Board of Directors.

On June 27, 1994, Defendants filed a Motion to Dismiss. Allegedly, insufficiency of process and insufficiency of service of process were the basis. In the Motion, Defendants further allege a violation of Maryland Rule 2-322(a), (3) and (a)(4) and Rules 2-111(a), 2-112(a) and 2-114(a) and (b) by Plaintiff.

On July 8, 1994, Plaintiff filed an Opposition to the said Motion to Dismiss and a Motion to Substitute The Individual Members of the Board of Directors as Defendant, and, according-

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ly, asked the Court to deny the Defendants' Motion.

On July 18, 1994, Defendants' Opposition to that of the Plaintiff was filed, thus setting a new precedent.

On July 19, 1994, the Honorable Judge Ellen Hollander, "Denied" the Defendants' Motion without prejudice to their right to file a "properly supported Motion to dismiss, with affidavits and/or other exhibits in support of the contention that proper service has not been achieved and/or service has not been properly effected."

On July 21, 1994, Defendants wrote to the Honorable Judge Hollander rendering their contention relating to the allegation of insufficiency of process and insufficiency of service of process as "moot," instead of filing the properly supported motion the Judge had ordered.

On July 26, 1994, in non-compliance or non-obeyance to the Judge's Order, Defendants Reifer, Hostetler, Andersen, and Greene filed an Answer to Plaintiff's Declaration and a Motion to Dismiss. On that date, the Defendants, Unity Center of Christianity and Members of the Board of Directors also filed separately a Motion to Dismiss, but failing to file an Answer to the Plaintiff's Declaration.

ARGUMENT

It is argued that Plaintiff's Complaint, by whatever civil rule the same may be governed, be it a code-pleading provision, or any other legal procedural standard, contains sufficient allegations and facts supported by a preponderance of evidence

to show that Plaintiff has a right to relief. This preponderancy of evidence Defendants labeled a "laundry list."

Admittedly, Plaintiff can not over-emphasized that he had filed his civil action within the applicable statute of limitations as provided in the Annotated Code of Maryland regarding Counts, I, for Libel; II, Slander; III, Harassment; and IV, for Conspiracy.

As to the allegations of libel and slander, Plaintiff did file within the one-year limitation of the aforesaid applicable statute which would run from June, 1993 to June, 1994, respectively. It should also be noted that intentional infliction of emotional distress is three years.

As to the circuitous maintainability of the harassment claim, the same has standing in Maryland as well as in other jurisdictions, including the federal courts. Therefore, the Defendants' Motion to Dismiss must be denied with prejudice. This claim falls within the three-year limitation.

As to the conspiracy claim, it is unquestionably an independent and separate entity, the applicable statute of which would tow from May 25, 1993 to May 25, 1996. Therefore, the Motion to Dismiss the Declaration must also be denied with prejudice. It should be further noted that on May 25, 1993, the conspiracy which took place at Unity in Baltimore, and with which Defendant Andersen acted in concert with Defendants Reifer and Hostetler, aided and abetted each other and some Members of the Board of Directors, or one or more of them to slander Plaintiff maliciously and to threaten him with bodily harm is different,

separated from and is independent of the conspiracy of June, 1993, of which Defendants Reifer, Hostetler, and Members or some of the Members of the Board of Directors are conspirators.

From the foregoing, it is very clear that the issues in this case are apparent, and thus show that the ultimate facts are warmly contested. Additionally, controvertible, are the genuine issues of material fact and their relevant sufficiency or the lack of it relating to an allegations of Plaintiff's injury. Therefore, if Defendants' Motion is granted, it will not only deny Plaintiff the opportunity to test the credibility of witnesses on cross-examination, but also circumvent justice because the allegations herein do not present a predicate for a motion to dismiss under any legal standard.

A motion to dismiss or a summary judgment, it must be noted, is particularly inappropriate, where "the inferences which the parties seek to have drawn deal with questions of motives, intent and subjective feelings and reactions," Empire Electronics Co. v. United States, 311 F. 2d 175, 180 (2nd Cir. 1962),....." A judge may not, on a motion for summary judgment, draw fact inferences..... Such inferences may be drawn only on a trial." Bragen v. Hudson County News Co., 278 F. 2d 615, 618 (3rd Cir. 1960). Also see Dessler v. M/V Sand Piper, 331 F. 2d 130 (2nd Cir. 1964). Unquestionably, Defendants' actions are predicated on motives, intent, subjective feelings, and obsession and a disregard for the rights of others as in the instant case.

In the case at bar, Plaintiff contends that he has a right to recover under the circumstances, on one hand. On the other, Defendants stand on the proposition that Plaintiff is not entitled to a recovery by any legal standard. This genuine dispute, among the others, is the province of the jury and not the court. Thus, in Diversey Liquidating Corp. v. Neunkirhin, 370 Ill. 523, quoted by Sullivan, J., in Barrett v. Shanks, 20 N.E. 2d 799, 3000 Ill. App. 203, (1939), the Court held:

The purpose of a proceeding for summary judgment is to determine whether a defense exists, and where a defense raising an issue of fact as to the Plaintiff's right to recovery is set up, a summary judgment should be denied, as it is the function of a jury to decide disputed issues of fact and to try such issues by affidavit would deprive plaintiff of his right to a jury trial.

Also see Chapman, J., v. Stoddard, 189 So. 138, 400 Fla. 458, (1939). In that case, the Court stated:

If the evidence is conflicting or will admit of different reasonable inferences, or if there is evidence tending to prove the issue, it should be submitted to a jury as a question of fact to be determined by it, and not taken from the jury and passed upon by the court as a question of law.

As to the issue of conspiracy, Plaintiff stands on the proposition that the existence of a conspiracy may be proved by direct evidence, as well as by indirect evidence, or by inference from conduct, statements, facts, and circumstances etc., which disclose a common design of a conspiracy. See Wilson, J., People v. Link, 6 N. E. 2d 201, 365, Ill. 266, (1937). In that case, it enumerated explicitly:

The existence of a conspiracy may be proved, however, not only by direct evidence but also by

inference from conduct, statements, documents, and facts and circumstances which disclose a common design on the part of the accused persons and others to act together in pursuance of a common criminal purpose. When a conspiracy is established, every act or declaration of any of the conspirators in furtherance of the common purpose is regarded as an act binding all. All the steps by which the crime was brought, including every act of each of the conspirators in furtherance of the common purpose, may be shown.

In Malthie, C. J., State v. Kemp, 9 A. 2d 63, 126 Conn. 60, (1939), quoting from Fowler v. U. S., 273 F. 15, the Court stated:

It is well settled that a formal agreement of the parties concerned is not essential to the formation of a conspiracy. It is sufficient if there be concert of action, all the parties working together understandingly, with a single design for the accomplishment of a common purpose.

CONCLUSION

Admittedly, the pervasive public importance of the instant case is not open to question. At the very least, the conduct of Defendants which casts a great fear in the mind of Plaintiff, and ultimately caused him to suffer intentional infliction of emotional distress is before this Court. This conduct is actionable under the law and should not be dismissed without an appropriate damages commensurate with the Defendants' acts of libel, slander, harassment, and conspiracy. Therefore, in light of the facts, evidence and the points and authorities cited, Plaintiff respectfully asks the Court to deny Defendants' Motion with prejudice.

Respectfully submitted,

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: 664-4587

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5th day of August, 1994,
copies of the above were personally mailed, postage pre-paid,
to: Larry J. Albert, Niles, Barton & Wilmer, Legg Mason Tower,
14th Floor, 111 South Calvert Street, Baltimore, Maryland
21202, Counsel for Defendants.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH,
Plaintiff

v.

EDWARD REIFER, et. al.,
Defendants

CASE NO. 94143054/CL181082

* * * * *

O R D E R

Upon Consideration of the Plaintiff's Opposition to the Defendants' Motion to Dismiss and after hearing argument on behalf of all parties concerned, it is by the Court, this _____th day of _____, 1994,

ORDERED, that the Defendants' Motion is hereby Denied with prejudice.

IT IS FURTHER ORDERED, _____

JUDGE

3700 West Rogers Avenue
Baltimore, Maryland 21215
August 5, 1994

Larry J. Albert, Esquire
Niles, Barton & Wilmer
1400 Legg Mason Tower
111 South Calvert Street
Baltimore, Maryland 21202/6185

RE: Wojloh v. Reifer, et. al.
Case No. 94143054/CL181082

Dear Mr. Albert:

In reply to your letter dated July 18, 1994, please note that I find it quite a time consuming to repond to all comments therein.

Additionally, note that in furtherance of my desire/ interest to settling the matters pending before the Court, I respectfully call upon you to join me in a settlement negotiation.

In short, while I find the actions of the Defendants in the aforementioned law suit indefensible, I am very disheartened for inclusion of John Coliton as a Co-Defendant, because he has demonstrated repeatedly his strong support on my behalf during his tenure on the Board of Directors of the Unity Center.

Very truly yours,

Anthony N. Wojloh
Anthony N. Wojloh

CG

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CIRCUIT COURT FOR
BALTIMORE CITY

1994 SEP -6 A 7 02

CIVIL DIVISION

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

CASE NO. 94143054/CL181082

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL.

Defendants


ANSWER TO COMPLAINT ON REMAINING
CAUSE OF ACTION FOR SLANDER

Now come EDWARD REIFER, RUBIE HOSTETLER, CHARLIE ANDERSEN, VIOLA GREENE and UNITY CENTER OF CHRISTIANITY, INC., Defendants, by Larry J. Albert, their attorney, and, pursuant to Order of the Honorable Clifton J. Gordy dated August 31, 1994, answer Plaintiff's Complaint herein on the remaining cause of action for slander (Count II), as follows:

1. Plaintiff fails to state a cause of action upon which relief could be granted.
2. Count II, standing alone is factually defective and legally insufficient.
3. Defendant Andersen expressly denies all allegations contained in Count II which are referable to him.
4. Defendants, all of them, deny that any alleged tortious acts by Defendant Andersen are imputable to them, either individually or collectively, under any theory or principle of law and further deny any liability, vicarious or otherwise, for said alleged acts.
5. Count II asserts no cognizable claim against Defendants Reifer, Hostetler and Greene.

6. Plaintiff's claims are barred by applicable statutes of limitation.
7. Defendants generally deny all allegations contained in Count II.

569353


LARRY J. ALBERT
Niles, Barton & Wilmer
1400 Legg Mason Tower
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340
Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of September, 1994 a copy of the foregoing Answer to Complaint on Remaining Cause of Action for slander was mailed, postage prepaid to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215


LARRY J. ALBERT

14A
AB

ANTHONY N. WOJLOH
Plaintiff
vs.
EDWARD REIFER, et al.
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO.
* 94143054/CL181082
*
*
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*

FILED
SEP 6 1994
CIRCUIT COURT FOR
BALTIMORE CITY

* * * * *

ORDER

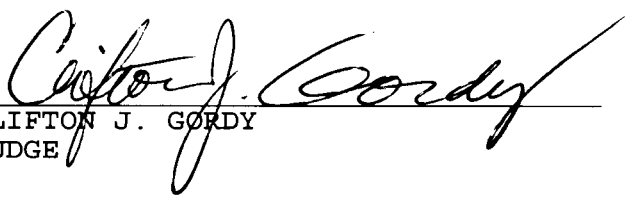
Upon consideration of the Motion To Dismiss filed by Defendants, Edward Reifer, Rubie Hostetler, Charles Andersen and Viola Green, the Plaintiff's opposition thereto, and any oral argument having been taken,

It is this 31st day of August, 1994, ORDERED, that Defendants' Motion To Dismiss is GRANTED as to Counts 1 (Libel), 3 (Harassment) and 4 (Conspiracy) AND is DENIED as to Count 2 (Slander).

AND IT IS FURTHER ORDERED that the Defendants' Motion To Dismiss is GRANTED on grounds of insufficient service of process, improper parties as to Defendants John Anukem, john Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, and Brian Tune.

AND IT IS FURTHER ORDERED that not later than fifteen (15) days from the date of this ORDER Defendant, Unity Center of Christianity, (Inc.), shall file Answer to the Plaintiff's Complaint on cause of action for Slander.

All for reasons as stated on the record.


CLIFTON J. GORDY
JUDGE

cc: Larry J. Albert, Esquire
Anthony N. Wojloh, pro se

FILED

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9.7.94

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ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

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BALTIMORE CITY

* CIRCUIT COURT
1994 SEP -9 A 7:51

* FOR
CIVIL DIVISION

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

NOTICE OF SERVICE

I HEREBY CERTIFY that on this 8th day of September, 1994, a copy of Notice of Depositions (Plaintiff and daughter, 9/27/94), was mailed, postage prepaid, to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Defendants

RECEIVED FOR
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BALTIMORE CITY
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CIVIL DIVISION

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9

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH,
Plaintiff

v.

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al.,
Defendants

* * * * *

MOTION FOR LEAVE TO ADD SANDEE FALLS, JOAN EARNSHAW
AND BARBARA DERSCH AS DEFENDANTS TO THE COMPLAINT

ANTHONY N. WOJLOH, Plaintiff, Pro se, respectfully moves the Court for Leave to add Sandee Falls, Joan Earnshaw and Barbara Dersch, as Defendants to Complaint, and for reasons says:

1. On or about May 23, 1994, Plaintiff filed a civil law suit against Edward Reifer, Charlie Andersen, Rubie Hostetler, Viola Greene, the Unity Center of Christianity, Inc., and the individual members of the Board of Directors, as Defendants.

2. The Court, on August 31st, 1994, dismissed some of the members of the Board of Directors previously named as Defendants in the Complaint, for insufficiency of process and insufficiency of service of process. The Court also dismissed Courts I, III and IV of the aforementioned Complaint.

3. Most significantly, that Sandee Falls, Joan Earnshaw and Barbara Dersch were members of the Board of Directors of the

Unity Center of Christianity, Inc., and were employers, superiors or supervisors of the Defendant, Charlie Andersen: as such, they are proper Defendants in the case at bar. That Sandee Falls was not only a member of the Board, but was also President of the Board, while Joan Earnshaw was Treasurer.

4. And other reasons to be advanced at hearing.

WHEREFORE, in all things considered, Plaintiff respectfully moves the Court for an Order granting Plaintiff's Motion.

Anthony N. Wojloh
ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: 664-4587

POINTS AND AUTHORITIES

1. The Record herein.
2. The Civil Rules of this Court.

Anthony N. Wojloh
ANTHONY N. WOJLOH
Plaintiff, Pro se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 1st. day of October, 1994, a copy of the above was mailed, with postage pre-paid to: Larry J. Albert, 111 S. Calvert Street, Suite 1400, Baltimore, Maryland 21202, Counsel for Defendants.

Anthony N. Wojloh
ANTHONY N. WOJLOH

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH, *

Plaintiff *

v. *

CASE NO. 94743054/CL181082

EDWARD REIFER, et. al., *

Defendants' *

* * * * *

O R D E R

Upon Consideration of Plaintiff's Motion and after hearing argument on behalf of all parties concerned, it is by the Court, this ____th day of October, 1994,

ORDERED, that the Motion be and the same is hereby Granted.

IT IS FURTHER ORDERED, _____

JUDGE

ANTHONY N. WOJLOH
Plaintiff

v.

EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

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BALTIMORE CITY
1994 OCT -7 A 7:53
CIVIL DIVISION

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* * * * *

OPPOSITION TO MOTION FOR LEAVE TO ADD
SANDEE FALLS, JOAN EARNSHAW and
BARBARA DERSCH AS DEFENDANTS TO THE COMPLAINT

Now come EDWARD REIFER, RUBIE HOSTETLER, CHARLIE ANDERSEN, VIOLA GREEN and UNITY CENTER OF CHRISTIANITY, Defendants, by Larry J. Albert, their attorney, and oppose Plaintiff's Motions to Add Sandee Falls ("Falls"), Joan Earnshaw ("Earnshaw") and Barbara Dersch ("Dersch"), as Defendants to the Complaint and, in support thereof, say:

1. Plaintiff's action herein, originally set forth in four counts, was reduced to one count. See Order of the Honorable Clifton J. Gordy dated August 31, 1994.

2. Plaintiff's remaining count, Count II - Slander, alleges that, on or about May 25, 1993, he was defamed by the Defendant Andersen who allegedly made slanderous remarks to Plaintiff in the presence of Plaintiff's daughter.

3. Count II further alleges that Mr. Andersen, at all times was "an agent, servant or employee of the Defendants, Unity Center of Christianity and Board of Directors and acted within the scope of his authority" and that these entities are, therefore, liable for Defendant Andersen's alleged acts.

124

4. Falls, Earnshaw and Dersch, as well as others originally named in the caption of the Complaint when filed, served on the Board of Directors, as did Defendant Greene, a party Defendant herein, in 1993.

5. Defendant Greene was properly served in her capacity of President, Board of Directors.

6. Assuming, without conceding, that the trier of fact found that Defendant Andersen did slander Plaintiff, as alleged, and that Plaintiff suffered injury as a result, Defendant Andersen would be solely liable.

7. Assuming, without conceding that the trier of fact further found that Andersen's actions were within the scope of his authority as agent, servant or employee of Defendants Unity Center and the Board of Directors, then these Defendants would be liable under the doctrine of respondeat superior.

8. There is, however, no allegation under Count II that any individual member of the Board of Directors either slandered Plaintiff or sanctioned his alleged slander by Defendant Andersen.

9. There is no purpose served in adding Defendants where no basis, in either fact or law, requires their addition.

10. Plaintiff does not require that each and every individual board member be a party Defendant - his original intention - or that some members be a party - his present intention - as Defendant Greene does, in fact, represent the Board of Directors, as an entity of the Unity Center.

WHEREFORE, Defendants move this Court to deny Plaintiff's Motion.



LARRY J. ALBERT

Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 1994, a copy of the foregoing Opposition and Order was mailed, postage prepaid, to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

17A

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
 * CIRCUIT COURT
 * FOR
 * BALTIMORE CITY
 * CASE NO. 94143054/CL181082

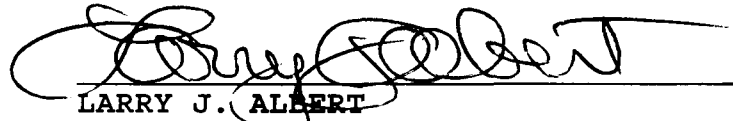
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 BALTIMORE CITY
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 CIVIL DIVISION

* * * * *

NOTICE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 1994, a copy of Notice of Deposition (Bonyonoh B. Wojloh, 10/20/94), was mailed, postage prepaid, to:

Anthony N. Wojloh
 3700 West Rogers Avenue
 Baltimore, MD 21215



LARRY J. ALBERT
 Niles, Barton & Wilmer
 Legg Mason Tower - 14th Floor
 111 S. Calvert Street
 Baltimore, MD 21202
 (410) 783-6340

Attorney for Defendants

18 ASDW

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
 * CIRCUIT COURT
 * FOR
 * BALTIMORE CITY
 * CASE NO. 94143054/CL181082

* * * * *

ORDER

Upon consideration of Plaintiff's Motion for Leave to Add Sandee Falls, Joan Earnshaw and Barbara Dersch as Defendants to the Complaint and Defendants' Opposition thereto, it is this 18th day of October, 1994,

ORDERED that said Motion be and the same is hereby DENIED.

Marilyn B. Steisley
 Judge
 Circuit Court for Baltimore City

OCT 21 1994

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BALTIMORE CITY

1994 DEC 30 A 8:50

CIVIL DIVISION

3700 West Rogers Avenue
Baltimore, Maryland 21215
December 27, 1994

Ms. Ssundra E. Banks, Clerk
Circuit Court for Baltimore City
Courthouse East
111 North Calvert Street, Room 462
Baltimore, Maryland 21202

RE: Anthony N. Wojloh v. Edward Reifer, et al
Case Number 94143054/CL181082

Dear Ms. Banks:

Please file this Letter of Notice of Service, on behalf of the Plaintiff in the above-captioned Case, for a Set of Interrogatories propounded and addressed to the Defendant, Edward Reifer, on December 19, 1994.

I thank you for your continued assistance.

Very truly yours,

Anthony N. Wojloh
Anthony N. Wojloh
Plaintiff, Pro se

CC: LARRY J. ALBERT, ESQUIRE
1400 Legg Mason Tower
111 South Calvert Street
Baltimore, Maryland 21202

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G

ANTHONY N. WOJLOH
Plaintiff

RECEIVED IN THE
CIRCUIT COURT FOR
BALTIMORE CITY

v.

1995 JAN -3 A 115
CIVIL DIVISION

EDWARD REIFER, ET AL
Defendants

BALTIMORE CITY
CASE NO. 94143054/CL181082

* * * * *

MOTION FOR SUMMARY JUDGMENT

Charles Anderson, by Larry J. Albert, Paul M. Finamore,
and Niles, Barton & Wilmer his attorneys, hereby moves for
summary judgment pursuant to Md. Rule 2-501, and as reasons
therefore, says:

1. There is no genuine dispute as to any material facts.
2. Defendant Anderson is entitled to judgment as a matter of law.
3. Summary Judgment is appropriate for all of the reasons more fully set forth in the attached and incorporated Memorandum of Points and Authorities in support of this Motion for Summary Judgment.



LARRY J. ALBERT



PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of December, 1994, a copy of the foregoing Motion for Summary Judgment, Meorandum in support thereof, and proposed Order were mailed, first-class, postage prepaid to the following:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



PAUL M. FINAMORE

ANTHONY N. WOJLOH
Plaintiff

V.

EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

* * * * *

MEMORANDUM IN SUPPORT OF DEFENDANT
ANDERSON'S MOTION FOR SUMMARY JUDGMENT

Charles Anderson, by his undersigned counsel, hereby submits this Memorandum in support of his Motion for Summary Judgment, and as reasons therefore, says:

BACKGROUND

Plaintiff was employed as a security guard by the Unity Center for Christianity, the employer of Defendant Anderson. This lawsuit arose out of an employment dispute between Plaintiffs and various Defendants regarding the abolishment of his position as a security guard. Although Plaintiff initially filed a multiple count Complaint alleging various theories of recovery, Count II, the only remaining count, sounds in slander against Defendant Anderson.

PROCEDURAL HISTORY

Plaintiff filed his Complaint on May 23, 1994. His Complaint named numerous Defendants, including the Unity Center of Christianity, its Board of Directors, and several individual Defendants. Judge Gordy granted a Motion to Dismiss all Counts, except the slander count against Defendant Anderson in Count II.

(Exhibit 1). Defendant Anderson now moves for summary judgment with respect to the remaining count.¹

FACTS

1. Plaintiff alleges that Defendant Anderson called him a "liar" [sic], "thief, and "deceit" in front of Plaintiff's daughter.² (Plaintiff's "Declaration," Count II at page 6).

2. Plaintiff alleges that the slanderous statement was made in 1993 on Preakness Saturday. (Exhibit 2 - Plaintiff's Deposition at page 45).³

3. At the time of the allegedly slanderous comments, Plaintiff and Defendant Anderson were in the Library of the Unity

¹ Although not clearly stated in Plaintiff's "Declaration," it appears that Plaintiff also attempted to assert that Defendant Andersen's employers are vicariously liable for his alleged slanderous statements. To the extent that Plaintiff's "Declaration" makes such claim, Defendant's alleged employers John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, Edward Reifer, Rubie Hostetler, Viola Green, and The Unity Center of Christianity join in Defendant Andersen's Motion for Summary Judgment. Such Defendants do not, however, concede that Count II of Plaintiff's "Declaration" states a claim upon which relief can be granted nor do some of these Defendants waive their right to reassert insufficient service of process.

² Defendant Anderson contests that such statements were ever made. However, for purposes of this Motion, Defendant Anderson does not contest such allegations inasmuch as Defendant Anderson contends that Plaintiff's claim is barred by the applicable Statute of Limitations. See Exhibit 4 - Defendant Andersen's Affidavit at ¶ 2.

³ After his deposition on September 27, 1994, Plaintiff chose to read and sign his deposition. The thirty day period for reading and signing has long since expired. To date, Defendant has not received any notice from Plaintiff that he contends that the deposition transcript is inaccurate. (Exhibit 6)

Church of Christianity in Baltimore City, Maryland. (Exhibit 2 at p. 45).

4. Plaintiff's daughter, Bonyonoh Woljoh was present at the time of the allegedly slanderous comments. (Exhibit 3 - Deposition of Bonyonoh Wojloh at page 10).⁴

5. Plaintiff's daughter, Bonyonoh Woljoh does not have any reason to doubt that her father's testimony that the conversation occurred on Preakness Saturday is accurate. (Exhibit 3 at p. 22).

6. Defendant Anderson agrees that the conversation in question occurred on Preakness Saturday in 1993. (Exhibit 4 - Affidavit of Defendant Anderson at ¶¶ 3 & 7).

7. The conversation occurred on Preakness Saturday 1993, on May 15, 1993. (Exhibit 4 at ¶¶ 3 & 7).

8. In 1993, Preakness Saturday was on May 15, 1993. (Exhibit 5 - Affidavit of Ann-Marie Taylor at ¶ 4).

9. Plaintiff filed his Complaint on May 23, 1994.

ARGUMENT

Plaintiff's claim of slander against Defendant Anderson is barred by the applicable Statute of Limitations. Plaintiff's causes of action accrued on May 15, 1993. Plaintiff, however, did not file his Complaint until May 23, 1994, over one week

⁴ After her deposition on October 20, 1994, Bonyonoh Wojloh chose to read and sign her deposition. The thirty day period for reading and signing has long since expired. To date, Defendant has not received any notice from Ms. Woljoh that she contends that the deposition transcript is inaccurate. (Exhibit 7)

after expiration of the statutory one year limitation period.
Therefore, his claim is barred.

Claims Are Barred By The Statute of Limitations

Md. Code Ann., Cts. & Jud. Proc. §5-105 limits causes
of action for assault, libel, or slander as follows:

An action for assault, libel, or slander
shall be filed within one year from the date
it accrues.

Plaintiff is barred from recovering under Count II for any
damages arising as a result of the alleged slanderous statements
made by Defendant Andersen on May 15, 1993 because he failed to
file suit within the one year limitations period.

"It has been said that the primary consideration
underlying statutes of limitations is one of fairness to the
defendant; that he ought not to be called on to resist a claim
when 'evidence has been lost, memories have faded, and witnesses
have disappeared.'" Doughty v. Prettyman, 219 Md. 83, 92-93, 148
A.2d 438 (1959). Statutes of limitations are to be strictly
construed, and exceptions not created by the legislature are not
to be grafted onto the statute. Decker v. Fink, 47 Md. App. 202,
422 A.2d 389 (1980), cert. denied, 289 Md. 735 (1981). See also
Booth Glass Co. v. Huntingfield, 304 Md. 615, 500 A.2d 641
(1985).

The term "accrues" is not defined in §5-105 and must be
construed as a matter of law by the court. As a general rule, a
cause of action is said to "accrue" from the date of the alleged
wrong and not from the time the wrong is discovered. Maryland is

a discovery statute of limitations, and a cause of action accrues when the plaintiff knew or should have known of all of the elements of her cause of action. Poffenberger v. Risser, 290 Md. 631, 431 A.2d 677 (1981). In this case, Plaintiff knew each of the elements of his cause of action at the time of the alleged slanderous comments by Defendant Anderson. Plaintiffs' failure to exercise reasonable diligence in pursuing his claim against Defendant does not prevent accrual of his cause of action. See Ferrucci v. Jack, 255 Md. 523, 258 A.2d 414 (1969) (plaintiff's failure to check land records for correct name of owner did not prevent accrual of cause of action).

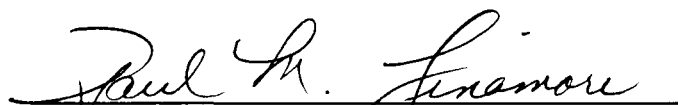
When the plaintiff has actual knowledge of the elements of his cause of action, his claim accrues at that time. Poffenberger v. Risser, 290 Md. 631, 431 A.2d 677 (1981). In Feldman v. Granger, 255 Md. 288, 296-97, 257 A.2d 421 (1969), the court held that it is not a "sufficiently sound reason to postpone the accrual of the action or toll the running of limitations" when the plaintiff knows some, but not all of the damages she will ultimately incur. See also 54 C.J.S. Limitations of Actions §166, at 214-15. In this case, Plaintiff knew on May 15, 1993, that Defendant Andersen had allegedly called him a "liar" [sic], "thief, and "deceit." He believed at that time that the statement was not true. Further, he knew that such purported statement was allegedly made in the presence of his daughter. Therefore, Plaintiff knew each of the elements of his cause of action on that day, May 15, 1993. Plaintiff,

however, waited until after expiration of the statutory limitations period to file suit. His claim is therefore barred.

CONCLUSION

NOW, THEREFORE, Defendant moves that this Court enter judgment in his favor as a matter of law.


LARRY J. ALBERT


PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorneys for Defendant

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

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25

ANTHONY N. WOJLOH
Plaintiff
vs.
EDWARD REIFER, et al.
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO.
* 94143054/CL181082
*
*
*
*
*

FILED
SEP 8 1994
CIRCUIT COURT FOR
BALTIMORE CITY

ORDER

Upon consideration of the Motion To Dismiss filed by Defendants, Edward Reifer, Rubie Hostetler, Charles Andersen and Viola Green, the Plaintiff's opposition thereto, and any oral argument having been taken,

It is this 31st day of August, 1994, ORDERED, that Defendants' Motion To Dismiss is GRANTED as to Counts 1 (Libel), 3 (Harassment) and 4 (Conspiracy) AND is DENIED as to Count 2 (Slander).

AND IT IS FURTHER ORDERED that the Defendants' Motion To Dismiss is GRANTED on grounds of insufficient service of process, improper parties as to Defendants John Anukem, john Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, and Brian Tune.

AND IT IS FURTHER ORDERED that not later than fifteen (15) days from the date of this ORDER Defendant, Unity Center of Christianity, (Inc.), shall file Answer to the Plaintiff's Complaint on cause of action for Slander.

All for reasons as stated on the record.

CLIFTON J. GORDY, JR.
THE JUDGE'S SIGNATURE APPEARS
ON THE ORIGINAL DOCUMENT

08 SEP 1994

cc: Larry J. Albert, Esquire
Anthony N. Wojloh, pro se

TRUE COPY

Sandra E. Banks

SANDRA E. BANKS, CLERK

137

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

138

ORIGINAL

1 ANTHONY N. WOJLOH, : IN THE
2 Plaintiff, : CIRCUIT COURT
3 vs. : FOR
4 EDWARD REIFER, et al., : BALTIMORE CITY
5 Defendant. : Case No. 94143054/CL181082
6 -----
7 Baltimore, Maryland
8 September 27, 1994

8 Deposition of ANTHONY WOJLOH, Plaintiff, called for
9 oral examination by counsel for the Defendant, taken at the
10 law offices of Niles, Barton and Wilmer, 111 South Calvert
11 Street, Baltimore, Maryland, before Leslie K. Heird, Notary
12 Public, beginning at 10:15 o'clock a.m.

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A P P E A R A N C E S

LARRY ALBERT, ESQ., on behalf of the Defendant.

Reported By:
Leslie K. Heird, Notary Public
Riggleman, Turk & Nelson
(410) 539-6398

RIGGLEMAN, TURK & NELSON

1 Thereupon ---

2 ANTHONY WOJLOH

3 Plaintiff, called for oral examination by counsel for the
4 Defendant, having been first duly sworn by the Notary
5 Public, was examined and testified as follows:

6 (Documents were marked
7 Deposition Exhibit Nos. 1
8 through 13.)

9 EXAMINATION BY MR. ALBERT

10 Q Mr. Wojloh, my name is Larry Albert and I represent
11 the defendants in this case, the Unity Center of Christianity,
12 Inc., its board of directors and the various members on the
13 board of directors as well as Charles Anderson.

14 I am going to be asking you questions with regard
15 to the lawsuit that you have brought against these defendants,
16 specifically the allegations in count 2 of your complaint and
17 also some general questions about yourself so that I get a
18 feel from where you are coming from and so forth.

19 If you do not understand a question that I ask you,
20 please tell me.

21 A Sure.

Q And then I'll rephrase it hopefully that you can

RIGGLEMAN, TURK & NELSON

1 happened on only one date, May 25, 1993; is that correct?

2 A Correct.

3 Q And all I'm trying to determine is what day of the
4 week it was.

5 A Yeah.

6 Q And you are telling me May 25, 1993 was a Saturday?

7 A It was a Saturday, it was Preakness day.

8 Q A pretty day?

9 A With the horses, Preakness.

10 Q And that's why you remember it because of Preakness
11 day? Have you ever been out to the Preakness race?

12 A Well when Secretariat was running I went just to
13 see her. That was my first visit and since then I haven't
14 visiting.

15 Q So if you saw Secretariat run at the Preakness you
16 must have fine memories of the Preakness?

17 A Well he didn't run that day.

18 Q Where in the church when this incident -- I mean
19 what you are alleging happened on May 25, 1993 -- where in the
20 church did the incident occur?

21 A Well it occurred in the library.

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

140

ORIGINAL

1 ANTHONY N. WOJLOH : IN THE
2 Plaintiff : CIRCUIT COURT
3 vs. : FOR
4 EDWARD REIFER, et al. : BALTIMORE CITY
5 Defendants : 94143054CL181082
6 -----
7 Baltimore, Maryland
8 October 20, 1994

8 Deposition of BONYONOH WOJLOH, a Witness, called
9 for oral examination by counsel for the Defendants, taken
10 at the law offices of Niles, Barton & Wilmer, 111 South
11 Calvert Street, Baltimore, Maryland 21202, before Rita M.
12 Rosellini, Notary Public, beginning at 10:30 a.m.

13 A P P E A R A N C E S

14 ANTHONY N. WOJLOH, Pro Se.

15 LARRY J. ALBERT, ESQ., on behalf of the
16 Defendants.

17 -----
18
19 Reported By:
20 Rita M. Rosellini, RPR-CM
Riggleman, Turk & Nelson
21 (410) 539-6398

RIGGLEMAN, TURK & NELSON

1 Thereupon ---

2 BONYONOH WOJLOH

3 a Witness, called for oral examination by counsel for the
4 Defendants, having been first duly sworn by the Notary Public,
5 was examined and testified as follows:

6 EXAMINATION BY MR. ALBERT

7 Q I'm going to address you as Ms. Wojloh, because I
8 think that's less letters than your first name. It will
9 probably save us some money. Save me some money.

10 For the record, could I have you give your full
11 name.

12 A Bonyonoh Baetaeh Wojloh.

13 Q How do you spell your middle name?

14 A B-a-e-t-a-e-h.

15 Q H?

16 A Yes.

17 Q If I ask you to repeat something it's not because
18 -- it's probably not so much that I don't understand; it's
19 that I'm getting old and my hearing is not as good, so don't
20 be offended. Just repeat yourself, please.

21 What is your date of birth?

RIGGLEMAN, TURK & NELSON

1 Q (By Mr. Albert) Well, maybe I'll change the
2 question.

3 On this particular Saturday that you were at the
4 Unity Center with your father, did you witness anything
5 occurring between a Mr. Charles Anderson and your father?

6 A Yes, I did.

7 Q Do you know who Mr. -- who Charles Anderson is?

8 A Kind of, yes, I do.

9 Q Do you know what his job if any at the church was
10 in May of 1993?

11 A No.

12 Q Do you know why he would have been at the church
13 that particular Saturday?

14 A No.

15 Q Do you know anything about Mr. Anderson other than
16 what you may or may not have heard on that particular
17 Saturday?

18 A Yes, I do.

19 Q What do you know about Mr. Anderson?

20 A He was bald, fat and he was white.

21 Q Bald, fat --

1 your father, your father did not reply at all, or you don't
2 have a memory of whether he did or not?

3 A I don't know if he did or not.

4 Q After Mr. Anderson left, did your father say
5 anything to you about what Mr. Anderson had said to him?

6 A No.

7 Q Other than you, do you know of any other person
8 that day in the area who might have heard what Mr. Anderson
9 said to your father?

10 A No.

11 Q If your father says that he remembers this
12 particular Saturday was the Saturday of the Preakness race, do
13 you have any reason not to agree with him?

14 A No.

15 Q Did your father at any time after this incident
16 ever say to you that he was hurt by what Mr. Anderson said?

17 A I don't remember. Probably.

18 Q Well, what makes you say probably if you don't
19 remember?

20 A The possibility.

21 Q Now we're down to a possibility. Did you ever hear

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

DEFENDANT ANDERSEN WILL SUBMIT
AN EXECUTED COPY OF EXHIBIT 4
AS SOON AS SUCH EXECUTED COPY
BECOMES AVAILABLE.

'ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
* CIRCUIT COURT

* FOR
* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

AFFIDAVIT OF CHARLIE ANDERSON

1. I, Charlie Anderson, am a Defendant in the above case.

2. Although I deny that I made any of the statements which Plaintiff attributes to me in the Complaint, I do not contest such statements for purposes of this Motion for Summary Judgment. However, in the event that such Motion is not granted, I expressly reserve the right to contest such allegations at the time of trial.

3. I specifically recall a conversation between the Plaintiff and me which occurred on May 15, 1993, on Preakness Saturday.

4. The conversation to which I am referring occurred on a Saturday morning while the Plaintiff's daughter was present in the Unity Church of Christianity.

5. The conversation took place at the far end of the building near a window and the sanctuary on the extreme east end of the building.

6. The Plaintiff's daughter was in the church library on the extreme west end of the building on Charles Street.

7. I am certain that the conversation took place on Preakness Saturday of 1993 which was May 15, 1993.

8. After that time, I do not recall having any other conversations with the Plaintiff.

I SOLEMNLY DECLARE UNDER THE PENALTIES OF PERJURY THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE AND CORRECT AND ARE BASED UPON MY PERSONAL KNOWLEDGE.

Charlie Anderson

State of Maryland
County of _____

On this _____ day of _____, 1994, before me, appeared Charlie Anderson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same of the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

(SEAL)

Notary Public

My commission expires: _____

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

151

DEFENDANT ANDERSEN WILL SUBMIT
AN EXECUTED COPY OF EXHIBIT 5
AS SOON AS SUCH EXECUTED COPY
BECOMES AVAILABLE.

ANTHONY N. WOJLOH
Plaintiff

V.

EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

* * * * *

AFFIDAVIT OF ANN-MARIE TAYLOR

I, Ann-Marie Taylor, am competent to testify as a witness in this case, am over the age of 18 years and have personal knowledge of the facts as follows:

1. I am the Assistant Media Director for Pimlico and Laurel Racetracks.

2. My office is located at Laurel Park, P.O. Box 130, Laurel, Maryland 20726.

3. Attached hereto and incorporated herein by reference is a copy of the Racing Form which is the official record of the 1993 Preakness.

4. The 1993 Preakness was the 118th Running and occurred on May 15, 1993.

5. The Racing Form is the official record of the 1993 Preakness and compiles the events of the 1993 Preakness.

6. The Racing Form was made at or near the time of the 1993 Preakness.

7. The Racing Form was made by persons with knowledge of the events.

8. The Racing Form was made and kept in the course of this regularly conducted business activity.

9. The regular practice of this business is to make and keep the Racing Form.

I, Ann-Marie Taylor, am the Assistant Media Director for Pimlico and Laurel Racetracks, and am duly authorized by the corporation to execute this Affidavit under oath on its behalf. The information set forth in this Affidavit was collected by others, and all such information is not necessarily solely within my personal knowledge. However, on behalf of the corporation, I solemnly affirm under the penalties of perjury that the foregoing Affidavit is true to the best of my knowledge, information and belief.

Ann-Marie Taylor

Subscribed to and sworn before me
this ___ day of _____, 1994.

Notary Public

My commission expires:

118th RUNNING—SATURDAY MAY 15, 1993

TENTH RACE Pimlico MAY 15, 1993

1 1/4 MILES. (1527) 118th Running THE PREAKNESS STAKES (Grade I). Purse \$300,000. Added. 3-year-olds. Scalesweight 3-year-olds with an entry fee of \$3,000 to pass the entry box, starters to pay \$5,000 additional. All eligibility, entrance and starting fees to the winner with \$500,000 added of which 65% of all monies to the winner, 20% to second, 10% to third and 5% to fourth. Weights: 126 lbs. (Fillies allowed five pounds.) Starters to be named through the

entry box on Thursday, May 13, two days before the race by the usual time of closing. The Preakness field will be limited to fourteen (14) entries and shall be determined on the Thursday immediately preceding the day of the race. In the event that more than fourteen horses are properly nominated and pass through the entry box by the usual time of closing, the field shall be the fourteen horses that have accumulated the greatest career money earnings determined by the Racing Secretary. In application of the above-described rule each horse will be separately considered without regard to identity of its owner. In the event that the Racing Secretary determines that operation of the above-described rule results in two or more horses being qualified for the fourteenth position, the Racing Secretary shall select the fourteenth horse by lot. The above conditions notwithstanding, no horse which earns purse money in the Kentucky Derby shall be denied the opportunity to enter and start in the Preakness Stakes. If the rule described in this paragraph results in the exclusion of any horse, the \$5,000 entry fee previously paid will be refunded to the owner of said horse. A replica of the Woodlawn Vase will be presented to the winning owner to remain his or her personal property. Nominations to each and all of the Triple Crown race, the Kentucky Derby, the Preakness and the Belmont (the "Races") may be made only by payment of a single subscription fee to the Triple Crown Productions, Inc., as agent for Churchill Downs Incorporated, the Maryland Jockey Club and the New York Racing Association Inc. (The "Associations"). The subscription fee of 342 nominations received by January 16, 1993, is \$600 and for 25 nominations received by March 27, 1993, is \$4,500. (These fees are to be apportioned equally among the three Associations to be part of the total part of the total purse for each of the three races.) At any time prior to closing for the Kentucky Derby, the additional nominations to all three races will be accepted and the nominee will be eligible for the Chrysler Triple Crown Challenge bonus, upon payment of a supplementary fee of \$150,000 to Churchill Downs Incorporated. Following the running of the Kentucky Derby, but at any time prior to closing for the Preakness Stakes, horses may be nominated to the remaining Races but will not be eligible for the Chrysler Triple Crown Challenge bonus, upon payment of a supplementary fee of \$100,000 to the Maryland Jockey Club of Baltimore City, Inc. At any time prior to the closing for the Belmont Stakes, horses may be nominated to the Belmont Stakes upon payment of a supplementary fee of \$50,000 to the New York Racing Association. All supplemental fees will be included in the purse distribution of the respective Races for which paid. Horses nominated by payment of supplementary fee ("Supplemental nominee") will not be allowed to enter any Race in which the maximum number of starters has otherwise been reached prior to the time of closing. If the number of supplemental nominees exceed the number of available starting positions at closing, the conditions of each respective Race will be applied to determine which supplemental nominees will be allowed to start in such Race. All nominees, supplemental or otherwise, will be requested to pay entry and starting fees for the Race or Races to which they have been nominated. Triple Crown Productions, Inc., is guaranteeing total earnings of \$5,000,000 to the owner of any horse which wins all of the 1993 Kentucky Derby, Preakness Stakes and Belmont Stakes races (the "Races") and is offering a \$1,000,000 bonus to the owner of a horse with the best, most consistent finishes in the Races. The "Triple Crown Challenge" monies will be paid to the owner of a horse which meets these criteria: 1. Finishes in all three Triple Crown Races as listed above; 2. Earns points by finishing first, second, third or fourth in at least one of the Triple Crown Races, and 3. Earns the highest number of points over the course of the three Races. Points are assigned for each race: Win-10, Place-5, Show-3, Fourth-1. In the event of a tie, the \$1 million bonus will be distributed equally among the top point-getters. In the event of a dead-heat, equal points will be awarded in full. For example, 10 points for each horse in a dead-heat to win. Triple Crown Productions Inc., will pay to the owner of a horse winning all of the Races that amount necessary to bring total earnings for the Triple Crown winner to \$5,000,000. The total will include the winner's purse distributed by each racing association; the \$1 million point bonus described above; and a further bonus guaranteed by Triple Crown Productions to reach \$5 million total. Triple Crown Productions will present the Triple Crown Trophy to the owner of a horse that sweeps the Kentucky Derby, Preakness Stakes and Belmont Stakes. Value of race \$725,900; value to winner \$471,835; second \$145,180; third \$72,590; fourth \$36,295. Mutuel pool \$1,227,644. Exacta Pool \$730,961 Triple Pool \$231,341

118th RUNNING

Last Raced	Horse	M/Ect	A.Ws	PP	St	%	1/2	3/4	Str	Fin	Jockey	Odds \$1	
1May93 #CD2	Prairie Bayou		3	126	3	9	10 ³	9 ³	8 ³	2 1/2	1 1/2	Smith M E	2.20
24Apr93 #CD1	Cherokee Run		3	126	12	4	31	4 ¹	4 1/2	12 ³	27	Day P	9.40
1May93 #CD10	El BAKAN	L	3	126	2	1	2 1/2	2 1/2	4 1/2	3 ³	Perret C	51.40	
1May93 #CD4	Personal Hope		3	126	1	2	1 1/2	1 ³	1 1/2	3 ³	4 1/2	Stevens G L	1.20
1May93 #CD1	Sea Hero		3	126	9	11	9 1/2	10 1/2	7 1/2	5 1/2	Bailey J D	4.30	
24Apr93 #Pim1	Woods Of Windsor	L	3	126	7	6	6 1/2	5 1/2	5 1/2	6 1/2	6 1/2	Wilson R	14.10
1May93 #CD17	Rockamundo	L	3	126	8	3	4 1/2	3 ³	3 ³	5 1/2	7 1/2	Prado E S	9.70
1May93 #CD3	Wild Gale		3	126	10	12	12	11 1/2	10 1/2	9 1/2	8 1/2	Sellers S J	22.60
8May93 #Hia1	Hegar	L	3	126	4	8	8 1/2	8 1/2	9 ³	8 ³	9 1/2	Ferrer J C	68.10
17Apr93 #Aqu1	Koluctoo Jimmy Al		3	126	11	5	5 1/2	6 1/2	6 1/2	10 1/2	10 1/2	McCarron C J	17.10
17Apr93 #Aqu2	Too Wild	b	3	126	5	10	13 ³	12	11	11	11	McCaskey W H	59.90
1May93 #CD15	Union City	L	3	126	6	7	7 1/2	7 1/2	7 1/2	7 1/2	7 1/2	Valezuela P A	11.80

Union City, Broke down.

OFF AT 5:34 Start good, Won driving. Time, :23, :46, 1:11, 1:37, 1:56 Track fast.

\$2 Mutuel Prices:
 3-PRAIRIE BAYOU _____ 6.00 3.80 3.40
 12-CHEROKEE RUN _____ 7.20 5.20
 2-EL BAKAN _____ 14.50

\$2 EXACTA 3-12 PAID \$69.00 \$2 TRIPLE 3-12-2 PAID \$2,256.00

CS. g. (Mar), by Little Missouri—Whiffing, by Waringer Monarch. Trainer Bohannon Thomas. Bred by Lobb Stable (Ky).

PRAIRIE BAYOU, reserved early while saving ground, was steadied when UNION CITY broke down midway along the backstretch, was patiently handled while looking for room racing into the far turn, angled out four wide after splitting horses approaching the stretch, ducked in while continuing his rally after straightening away for the drive and proved best under strong handling. CHEROKEE RUN quickly reached a striking position from the outside, raced forwardly to the far turn, reached the front from between horses while three wide with three sixteenths remaining and held on stubbornly in a stiff drive. EL BAKAN raced just outside PERSONAL HOPE while prompting the pace, dived with that rival to the upper stretch and led under pressure. PERSONAL HOPE saved ground while showing speed, held on well until near midstretch and gave way. SEA HERO, unhurried early, moved up outside horses approaching the end of the backstretch, then lacked a late response while finishing between horses. WOODS OF WINDSOR bumped with ROCKAMUNDO racing into the first turn, remained a factor until near the far turn while saving ground, then was carried five wide after angling out between horses approaching the stretch and sired. ROCKAMUNDO bumped with WOODS OF WINDSOR racing into the first turn, made a run between horses on the backstretch, remained prominent to the stretch and gave way after moving to the inside for the drive. WILD GALE, off sluggishly, raced wide throughout. HEGAR failed to be a serious factor while saving ground. KOLUCTOO JIMMY AL, with an easy striking distance while racing five wide into the backstretch, was finished soon after gain's six furlongs. TOO WILD was never close. UNION CITY was well placed when he broke down near the four and one-half furlong marker.

Owners— 1, Lobb Stable; 2, Robinson Jib; 3, Perez Robert; 4, Lewis Debl & Lee; 5, Rokeby Stable; 6, Eggs Mrs Augustus IV; 7, West Gary & Mary; 8, Little Fish Stable Inc; 9, Huntington Point Stable; 10, Pasteras; 11, J. 21, Condren William J; 12, Overbrook Farm.

Trainers— 1, Bohannon Thomas; 2, Alexander Frank A; 3, Callejas Alfredo; 4, Hennig Mark; 5, Miller M. - J; 6, Perkins Ben W Jr; 7, Glass Oris J Jr; 8, Doyle Michael J; 9, Lewis Penay; 10, Levine Bruce N; 11, Zito; 12, Lukas D Wayne.

Pick Six 2-5-5-1-3-3 Six of Six Paid \$9,512.20 Five of Six Paid \$124.60 Pick Six Pool \$59,188 \$2 Late Daily Double 3-3 Paid \$18.80 Daily Double Pool \$107,674

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

15c

Riggleman, Turk & Nelson

COURT REPORTING SERVICE
10 NORTH CALVERT STREET
SUITE 930
BALTIMORE, MARYLAND 21202

410-539-6398
FAX: 410-576-7207

October 12, 1994

Anthony Wojloh
3700 W. Rogers Ave.
Baltimore, MD 21215

Re: No. 94143054CL181082 CIRCUIT COURT/BALTIMORE CITY
Wojloh vs. Reifer
Deposition of Anthony Wojloh

Dear Mr. Wojloh:

We enclose for your review and signature a copy of the above referenced deposition. We ask that you read the transcript carefully. If it is necessary to make any corrections, please do so on the enclosed errata sheets, indicating the page, line number, correction and the reason for such correction. Each errata sheet must be signed and dated. Also, you must sign the original Certificate of Deponent enclosed in the front of the transcript.

Additionally, under the Maryland Rules, if you do not complete the reading and signing within thirty days, you may have waived your right to make corrections. Therefore, your prompt attention to this matter is greatly appreciated. Please return the transcripts, the original Certificate of Deponent and any errata sheets to me in the enclosed return envelope.

Very truly yours,

Marcie W. Bolt
Marcie W. Bolt
Office Manager

No. 8527
Enclosure
cc: Larry Albert, Esq.

12 OCT 1994

157

Riggleman, Turk & Nelson

COURT REPORTING SERVICE
10 NORTH CALVERT STREET
SUITE 930
BALTIMORE, MARYLAND 21202
410-539-6398
FAX: 410-576-7207

December 13, 1994

Mr. Larry J. Albert, Esq.
Niles, Barton & Wilmer
111 South Calvert Street, Suite 1400
Baltimore, MD 21202

Re: No. 94143054CL181082 CIRCUIT COURT/BALTIMORE CITY
Wojloh vs. Reifer
Deposition of Anthony Wojloh

Dear Mr. Albert, Esq.:

This office submitted a transcript to the above named deponent for correction and signing. As of this date, the signed transcript has not been returned to us. We have been provided no information as to why the deponent has not signed. You have previously been provided with the original transcript signed by the officer.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Marcie W. Bolt

Marcie W. Bolt
Office Manager

No. 8527

14 DEC 1994

158

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

Riggleman, Turk & Nelson

COURT REPORTING SERVICE
10 NORTH CALVERT STREET
SUITE 930
BALTIMORE, MARYLAND 21202

410-539-6398
FAX: 410-576-7207

November 2, 1994

Bonyonoh Wojloh
3700 West Roger Ave.
Baltimore, MD 21215

Re: No. 94143054CL181082 CIRCUIT COURT/BALTIMORE CITY
Wojloh vs. Reifer
Deposition of Bonyonoh Wojloh

Dear Ms. Wojloh:

We enclose for your review and signature a copy of the above referenced deposition. We ask that you read the transcript carefully. If it is necessary to make any corrections, please do so on the enclosed errata sheets, indicating the page, line number, correction and the reason for such correction. Each errata sheet must be signed and dated. Also, you must sign the original Certificate of Deponent enclosed in the front of the transcript.

Additionally, under the Maryland Rules, if you do not complete the reading and signing within thirty days, you may have waived your right to make corrections. Therefore, your prompt attention to this matter is greatly appreciated. Please return the transcripts, the original Certificate of Deponent and any errata sheets to me in the enclosed return envelope.

Very truly yours,

Marcie W. Bolt
Marcie W. Bolt
Office Manager

No. 8680
Enclosure

cc: Larry J. Albert, Esq. ✓

Riggleman, Turk & Nelson

COURT REPORTING SERVICE
10 NORTH CALVERT STREET
SUITE 930
BALTIMORE, MARYLAND 21202

410-539-6398
FAX: 410-576-7207

December 13, 1994

Mr. Larry J. Albert, Esq.
Niles, Barton & Wilmer
111 South Calvert Street, Suite 1400
Baltimore, MD 21202

Re: No. 94143054CL181082 CIRCUIT COURT/BALTIMORE CITY
Wojloh vs. Reifer
Deposition of Bonyonoh Wojloh

Dear Mr. Albert, Esq.:

This office submitted a transcript to the above named deponent for correction and signing. As of this date, the signed transcript has not been returned to us. We have been provided no information as to why the deponent has not signed. You have previously been provided with the original transcript signed by the officer.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Marcie W. Bolt

Marcie W. Bolt
Office Manager

No. 8680

14 DEC 1994

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

O R D E R

Upon consideration of Defendant Charles Andersen's Motion for Summary Judgment and any opposition thereto filed, it is this ___ day of _____, 1995,

ORDERED, that said Motion be and the same is hereby GRANTED, and it is further

ORDERED, that Plaintiff filed suit on May 23, 1994 for allegedly slanderous statements made on May 15, 1994, and it is further

ORDERED, that the one year statute of limitations bars Plaintiff from recovering any damages, and it is further

ORDERED, that the clerk shall enter judgment in favor of Defendant Andersen as well as all other Defendants allegedly employing Mr. Andersen.

Judge
Circuit Court for Baltimore City

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Circuit Court for Baltimore City
Civil Division
Room 462 Court House East
111 N. Calvert St.
Balto. MD 21202

Is your RETURN ADDRESS completed on the reverse side?

SENDER: 94125054 ICE 180182

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Adams F. Assoc., Inc.
 Woodstock Job Corp Center
 10900 Old Court Rd.
 Woodstock, MD 21163

4a. Article Number

2133 171684

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

11-17-94

5. Signature (Addressee)

Arline Truck

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

94125054/CE-180182

RC
AS

ANTHONY N. WOJLOH
Plaintiff

v.

EDWARD REIFER, ET AL
Defendants

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BALTIMORE CITY

1995 JAN 13 FOR 8:28

CIVIL DIVISION BALTIMORE CITY

* CASE NO. 94143054/CL181082

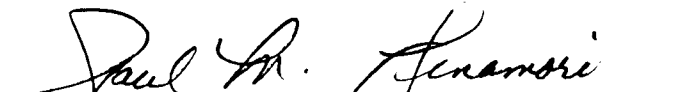
* * * * *

AMENDED MOTION FOR SUMMARY JUDGMENT

Charles Anderson, by Larry J. Albert, Paul M. Finamore, and Niles, Barton & Wilmer his attorneys, hereby moves for summary judgment pursuant to Md. Rule 2-501, and as reasons therefore, says:

1. There is no genuine dispute as to any material facts.
2. Defendant Anderson is entitled to judgment as a matter of law.
3. Summary Judgement is appropriate for all of the reasons more fully set forth in the attached and incorporated Memorandum of Points and Authorities in support of this Motion for Summary Judgment.


LARRY J. ALBERT


PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorneys for Defendant

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

**AMENDED MEMORANDUM IN SUPPORT OF DEFENDANT
ANDERSON'S MOTION FOR SUMMARY JUDGMENT**

Charles Anderson, by his undersigned counsel, hereby submits this Memorandum in support of his Amended Motion for Summary Judgment, and as reasons therefore, says:¹

BACKGROUND

Plaintiff was employed as a security guard by the Unity Center for Christianity, the employer of Defendant Anderson. This lawsuit arose out of an employment dispute between Plaintiffs and various Defendants regarding the abolishment of his position as a security guard. Although Plaintiff initially filed a multiple count Complaint alleging various theories of recovery, Count II, the only remaining count, sounds in slander against Defendant Anderson.

¹ In his original Motion for Summary Judgment, Mr. Anderson included an Affidavit regarding the date of the occurrence. Mr. Anderson has chosen not to sign this Affidavit and specifically requests that the Court not rely on such Affidavit in support of this Motion for Summary Judgment. Mr. Anderson's undersigned counsel join in his request and specifically advise the Court that neither they, nor the Court should rely on any statement included in the original Affidavit.

PROCEDURAL HISTORY

Plaintiff filed his Complaint on May 23, 1994. His Complaint named numerous Defendants, including the Unity Center of Christianity, its Board of Directors, and several individual Defendants. Judge Gordy granted a Motion to Dismiss all Counts, except the slander count against Defendant Anderson in Count II. (Exhibit 1). Defendant Anderson now moves for summary judgment with respect to the remaining count.²

FACTS

1. Plaintiff alleges that Defendant Anderson called him a "liar" [sic], "thief, and "deceit" in front of Plaintiff's daughter. (Plaintiff's "Declaration," Count II at page 6).

² Although not clearly stated in Plaintiff's "Declaration," it appears that Plaintiff also attempted to assert that Defendant Anderson's employers are vicariously liable for his alleged slanderous statements. To the extent that Plaintiff's "Declaration" makes such claim, Defendant's alleged employers John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, Brian Tune, Edward Reifer, Rubie Hostetler, Viola Green, and The Unity Center of Christianity join in Defendant Anderson's Motion for Summary Judgment. Such Defendants do not, however, concede that Count II of Plaintiff's "Declaration" states a claim upon which relief can be granted or do some of these Defendants waive their right to reassert insufficient service of process.

2. Plaintiff alleges that the slanderous statement was made in 1993 on Preakness Saturday. (Exhibit 2 - Plaintiff's Deposition at page 45).³

3. At the time of the allegedly slanderous comments, Plaintiff and Defendant Anderson were in the Library of the Unity Church of Christianity in Baltimore City, Maryland. (Exhibit 2 at p. 45).

4. Plaintiff's daughter, Bonyonoh Wojloh was present at the time of the allegedly slanderous comments. (Exhibit 3 - Deposition of Bonyonoh Wojloh at page 10).⁴

5. Plaintiff's daughter, Bonyonoh Wojloh does not have any reason to doubt that her father's testimony that the conversation occurred on Preakness Saturday is accurate. (Exhibit 3 at p. 22).

6. In 1993, Preakness Saturday was on May 15, 1993. (Exhibit 4 - Affidavit of Ann-Marie Taylor at ¶ 4).⁵

7. Plaintiff filed his Complaint on May 23, 1994.

³ After his deposition on September 27, 1994, Plaintiff chose to read and sign his deposition. The thirty day period for reading and signing has long since expired. To date, Defendant has not received any notice from Plaintiff that he contends that the deposition transcript is inaccurate. (Exhibit 5)

⁴ After her deposition on October 20, 1994, Bonyonoh Wojloh chose to read and sign her deposition. The thirty day period for reading and signing has long since expired. To date, Defendant has not received any notice from Ms. Woljoh that she contends that the deposition transcript is inaccurate. (Exhibit 6)

⁵ A fully executed copy of Ms. Taylor's Affidavit is attached hereto and is incorporated herein by reference at Exhibit 5.

ARGUMENT

Plaintiff's claim of slander against Defendant Anderson is barred by the applicable Statute of Limitations. Plaintiff's causes of action accrued on May 15, 1993. Plaintiff, however, did not file his Complaint until May 23, 1994, over one week after expiration of the statutory one year limitation period. Therefore, his claim is barred.

Claims Are Barred By The Statute of Limitations

Md. Code Ann., Cts. & Jud. Proc. §5-105 limits causes of action for assault, libel, or slander as follows:

An action for assault, libel, or slander shall be filed within one year from the date it accrues.

Plaintiff is barred from recovering under Count II for any damages arising as a result of the alleged slanderous statements made by Defendant Anderson on May 15, 1993 because he failed to file suit within the one year limitations period.

"It has been said that the primary consideration underlying statutes of limitations is one of fairness to the defendant; that he ought not to be called on to resist a claim when 'evidence has been lost, memories have faded, and witnesses have disappeared.'" Doughty v. Prettyman, 219 Md. 83, 92-93, 148 A.2d 438 (1959). Statutes of limitations are to be strictly construed, and exceptions not created by the legislature are not to be grafted onto the statute. Decker v. Fink, 47 Md. App. 202, 422 A.2d 389 (1980), cert. denied, 289 Md. 735 (1981). See also

Booth Glass Co. v. Huntingfield, 304 Md. 615, 500 A.2d 641 (1985).

The term "accrues" is not defined in §5-105 and must be construed as a matter of law by the court. As a general rule, a cause of action is said to "accrue" from the date of the alleged wrong and not from the time the wrong is discovered. Maryland is a discovery statute of limitations, and a cause of action accrues when the plaintiff knew or should have known of all of the elements of her cause of action. Poffenberger v. Risser, 290 Md. 631, 431 A.2d 677 (1981). In this case, Plaintiff knew each of the elements of his cause of action at the time of the alleged slanderous comments by Defendant Anderson. Plaintiffs' failure to exercise reasonable diligence in pursuing his claim against Defendant does not prevent accrual of his cause of action. See Ferrucci v. Jack, 255 Md. 523, 258 A.2d 414 (1969) (plaintiff's failure to check land records for correct name of owner did not prevent accrual of cause of action).

When the plaintiff has actual knowledge of the elements of his cause of action, his claim accrues at that time. Poffenberger v. Risser, 290 Md. 631, 431 A.2d 677 (1981). In Feldman v. Granger, 255 Md. 288, 296-97, 257 A.2d 421 (1969), the court held that it is not a "sufficiently sound reason to postpone the accrual of the action or toll the running of limitations" when the plaintiff knows some, but not all of the damages she will ultimately incur. See also 54 C.J.S. Limitations of Actions §166, at 214-15. In this case, Plaintiff

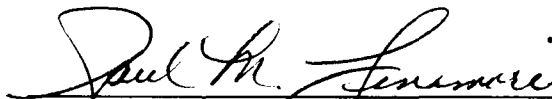
knew on May 15, 1993, that Defendant Anderson had allegedly called him a "liar" [sic], "thief, and "deceit." He believed at that time that the statement was not true. Further, he knew that such purported statement was allegedly made in the presence of his daughter. Therefore, Plaintiff knew each of the elements of his cause of action on that day, May 15, 1993. Plaintiff, however, waited until after expiration of the statutory limitations period to file suit. His claim is therefore barred.

CONCLUSION

NOW, THEREFORE, Defendant moves that this Court enter judgment in his favor as a matter of law.



LARRY J. ALBERT



PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340

Attorneys for Defendant

EXHIBIT 1

14
AB

ANTHONY N. WOJLOH
Plaintiff
vs.
EDWARD REIFER, et al.
Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY
CASE NO.
94143054/CL181082

FILED
SEP 8 1994
CIRCUIT COURT FOR
BALTIMORE CITY

ORDER

Upon consideration of the Motion To Dismiss filed by Defendants, Edward Reifer, Rubie Hostetler, Charles Andersen and Viola Green, the Plaintiff's opposition thereto, and any oral argument having been taken, It is this 31st day of August, 1994, ORDERED, that Defendants' Motion To Dismiss is GRANTED as to Counts 1 (Libel), 3 (Harassment) and 4 (Conspiracy) AND is DENIED as to Count 2 (Slander).

AND IT IS FURTHER ORDERED that the Defendants' Motion To Dismiss is GRANTED on grounds of insufficient service of process, improper parties as to Defendants John Anukem, john Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, and Brian Tune.

AND IT IS FURTHER ORDERED that not later than fifteen (15) days from the date of this ORDER Defendant, Unity Center of Christianity, (Inc.), shall file Answer to the Plaintiff's Complaint on cause of action for Slander.

All for reasons as stated on the record.

CLIFTON J. GORDY, JR.
THE JUDGE'S SIGNATURE APPEARS
ON THE ORIGINAL DOCUMENT

08 SEP 1994

cc: Larry J. Albert, Esquire
Anthony N. Wojloh, pro se

TRUE COPY
Sandra E. Banks

SANDRA E. BANKS, CLERK

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EXHIBIT 2

1 ANTHONY N. WOJLOH, : IN THE
 2 Plaintiff, : CIRCUIT COURT
 3 vs. : FOR
 4 EDWARD REIFER, et al., : BALTIMORE CITY
 5 Defendant. : Case No. 94143054/CL181082
 6 -----
 7 Baltimore, Maryland
 8 September 27, 1994

8 Deposition of ANTHONY WOJLOH, Plaintiff, called for
 9 oral examination by counsel for the Defendant, taken at the
 10 law offices of Niles, Barton and Wilmer, 111 South Calvert
 11 Street, Baltimore, Maryland, before Leslie K. Heird, Notary
 12 Public, beginning at 10:15 o'clock a.m.

A P P E A R A N C E S

LARRY ALBERT, ESQ., on behalf of the Defendant.

19 Reported By:
 20 Leslie K. Heird, Notary Public
 21 Riggleman, Turk & Nelson
 (410) 539-6398

RIGGLEMAN, TURK & NELSON

724

1 Thereupon ---

2 ANTHONY WOJLOH

3 Plaintiff, called for oral examination by counsel for the
4 Defendant, having been first duly sworn by the Notary
5 Public, was examined and testified as follows:

6 (Documents were marked
7 Deposition Exhibit Nos. 1
8 through 13.)

9 EXAMINATION BY MR. ALBERT

10 Q Mr. Wojloh, my name is Larry Albert and I represent
11 the defendants in this case, the Unity Center of Christianity,
12 Inc., its board of directors and the various members on the
13 board of directors as well as Charles Anderson.

14 I am going to be asking you questions with regard
15 to the lawsuit that you have brought against these defendants,
16 specifically the allegations in count 2 of your complaint and
17 also some general questions about yourself so that I get a
18 feel from where you are coming from and so forth.

19 If you do not understand a question that I ask you,
20 please tell me.

21 A Sure.

Q And then I'll rephrase it hopefully that you can

RIGGLEMAN, TURK & NELSON

1 happened on only one date, May 25, 1993; is that correct?

2 A Correct.

3 Q And all I'm trying to determine is what day of the
4 week it was.

5 A Yeah.

6 Q And you are telling me May 25, 1993 was a Saturday?

7 A It was a Saturday, it was Preakness day.

8 Q A pretty day?

9 A With the horses, Preakness.

10 Q And that's why you remember it because of Preakness
11 day? Have you ever been out to the Preakness race?

12 A Well when Secretariat was running I went just to
13 see her. That was my first visit and since then I haven't
14 visiting.

15 Q So if you saw Secretariat run at the Preakness you
16 must have fine memories of the Preakness?

17 A Well he didn't run that day.

18 Q Where in the church when this incident -- I mean
19 what you are alleging happened on May 25, 1993 -- where in the
20 church did the incident occur?

21 A Well it occurred in the library.

EXHIBIT 3

ORIGINAL

1 ANTHONY N. WOJLOH : IN THE
 2 Plaintiff : CIRCUIT COURT
 3 vs. : FOR
 4 EDWARD REIFER, et al. : BALTIMORE CITY
 5 Defendants : 94143054CL181082
 6 -----
 7 Baltimore, Maryland
 8 October 20, 1994

9 Deposition of BONYONOH WOJLOH, a Witness, called
 10 for oral examination by counsel for the Defendants, taken
 11 at the law offices of Niles, Barton & Wilmer, 111 South
 12 Calvert Street, Baltimore, Maryland 21202, before Rita M.
 13 Rosellini, Notary Public, beginning at 10:30 a.m.

A P P E A R A N C E S

14 ANTHONY N. WOJLOH, Pro Se.
 15 LARRY J. ALBERT, ESQ., on behalf of the
 16 Defendants.

17 -----
 18

19 Reported By:
 20 Rita M. Rosellini, RPR-CM
 21 Riggleman, Turk & Nelson
 (410) 539-6398

RIGGLEMAN, TURK & NELSON

1 Thereupon ---

2

BONYONOH WOJLOH

3

a Witness, called for oral examination by counsel for the

4

Defendants, having been first duly sworn by the Notary Public,

5

was examined and testified as follows:

6

EXAMINATION BY MR. ALBERT

7

Q I'm going to address you as Ms. Wojloh, because I

8

think that's less letters than your first name. It will

9

probably save us some money. Save me some money.

10

For the record, could I have you give your full

11

name.

12

A Bonyonoh Baetaeh Wojloh.

13

Q How do you spell your middle name?

14

A B-a-e-t-a-e-h.

15

Q H?

16

A Yes.

17

Q If I ask you to repeat something it's not because

18

-- it's probably not so much that I don't understand; it's

19

that I'm getting old and my hearing is not as good, so don't

20

be offended. Just repeat yourself, please.

21

What is your date of birth?

1 Q (By Mr. Albert) Well, maybe I'll change the
2 question.

3 On this particular Saturday that you were at the
4 Unity Center with your father, did you witness anything
5 occurring between a Mr. Charles Anderson and your father?

6 A Yes, I did.

7 Q Do you know who Mr. -- who Charles Anderson is?

8 A Kind of, yes, I do.

9 Q Do you know what his job if any at the church was
10 in May of 1993?

11 A No.

12 Q Do you know why he would have been at the church
13 that particular Saturday?

14 A No.

15 Q Do you know anything about Mr. Anderson other than
16 what you may or may not have heard on that particular
17 Saturday?

18 A Yes, I do.

19 Q What do you know about Mr. Anderson?

20 A He was bald, fat and he was white.

21 Q Bald, fat --

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1 your father, your father did not reply at all, or you don't
2 have a memory of whether he did or not?

3 A I don't know if he did or not.

4 Q After Mr. Anderson left, did your father say
5 anything to you about what Mr. Anderson had said to him?

6 A No.

7 Q Other than you, do you know of any other person
8 that day in the area who might have heard what Mr. Anderson
9 said to your father?

10 A No.

11 Q If your father says that he remembers this
12 particular Saturday was the Saturday of the Preakness race, do
13 you have any reason not to agree with him?

14 A No.

15 Q Did your father at any time after this incident
16 ever say to you that he was hurt by what Mr. Anderson said?

17 A I don't remember. Probably.

18 Q Well, what makes you say probably if you don't
19 remember?

20 A The possibility.

21 Q Now we're down to a possibility. Did you ever hear

EXHIBIT 4

ANTHONY N. WOJLOH
Plaintiff
V.
EDWARD REIFER, ET AL
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

* * * * *

AFFIDAVIT OF ANN-MARIE TAYLOR

I, Ann-Marie Taylor, am competent to testify as a witness in this case, am over the age of 18 years and have personal knowledge of the facts as follows:

1. I am the Assistant Media Director for Pimlico and Laurel Racetracks.

2. My office is located at Laurel Park, P.O. Box 130, Laurel, Maryland 20726.

3. Attached hereto and incorporated herein by reference is a copy of the Racing Form which is the official record of the 1993 Preakness.

4. The 1993 Preakness was the 118th Running and occurred on Mary 15, 1993.

5. The Racing Form is the official record of the 1993 Preakness and compiles the events of the 1993 Preakness.

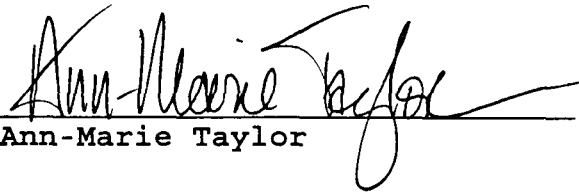
6. The Racing Form was made at or near the time of the 1993 Preakness.

7. The Racing Form was made by persons with knowledge of the events.

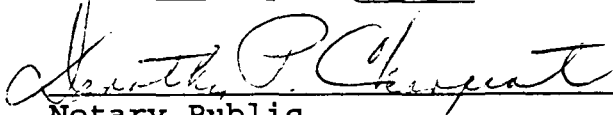
8. The Racing Form was made and kept in the course of this regularly conducted business activity.

9. The regular practice of this business is to make and keep the Racing Form.

I, Ann-Marie Taylor, am the Assistant Media Director for Pimlico and Laurel Racetracks, and am duly authorized by the corporation to execute this Affidavit under oath on its behalf. The information set forth in this Affidavit was collected by others, and all such information is not necessarily solely within my personal knowledge. However, on behalf of the corporation, I solemnly affirm under the penalties of perjury that the foregoing Affidavit is true to the best of my knowledge, information and belief.


Ann-Marie Taylor

Subscribed to and sworn before me
this 27 day of Dec., 1994.


Notary Public

My commission expires:

3-1-96

118th RUNNING—SATURDAY MAY 15, 1993

TENTH RACE Pimlico MAY 15, 1993

1 1/4 MILES (LS27) 118th Running THE PREAKNESS STAKES (Grade I). Purse \$500,000. Added 3-year-olds. Scales weight 3-year-olds with an entry fee of \$5,000 to pass the entry box, starters to pay \$5,000 additional. All eligibility, entrance and starting fees to the winner with \$500,000 added of which 65% of all monies to the winner, 20% to second, 10% to third and 5% to fourth. Weights: 126 lbs. (Fillies allowed five pounds.) Starters to be named through the

entry box on Thursday, May 13, two days before the race by the usual time of closing. The Preakness field will be limited to fourteen (14) entries and shall be determined on the Thursday immediately preceding the day of the race. In the event that more than fourteen horses are properly nominated and pass through the entry box by the usual time of closing, the field shall be the fourteen horses that have accumulated the greatest career money earnings determined by the Racing Secretary. In application of the above-described rule each horse will be separately considered without regard to identity of its owner. In the event that the Racing Secretary determines that operation of the above-described rule results in two or more horses being qualified for the fourteenth position, the Racing Secretary shall select the fourteenth horse by lot. The above conditions notwithstanding, no horse which earns purse money in the Kentucky Derby shall be denied the opportunity to enter and start in the Preakness Stakes. If the rule described in this paragraph results in the exclusion of any horse, the \$5,000 entry fee previously paid will be refunded to the owner of said horse. A replica of the Woodlawn Vase will be presented to the winning owner to remain his or her personal property. Nominations to each and all of the Triple Crown races, the Kentucky Derby, the Preakness and the Belmont (the "Races") may be made only by payment of a single subscription fee to the Triple Crown Productions, Inc., an agent for Churchill Downs Incorporated, the Maryland Jockey Club and the New York Racing Association Inc. (The "Associations"). The subscription fee of \$42 nominations received by January 16, 1992, is \$600 and for 25 nominations received by March 27, 1992, is \$4,500. (These fees are to be apportioned equally among the three Associations to be part of the total part of the total purse for each of the three races.) At any time prior to closing for the Kentucky Derby, the additional nominations to all three races will be accepted and the nominee will be eligible for the Chrysler Triple Crown Challenge bonus, upon payment of a supplementary fee of \$150,000 to Churchill Downs Incorporated. Following the running of the Kentucky Derby, but at any time prior to closing for the Preakness Stakes, horses may be nominated to the remaining Races but will not be eligible for the Chrysler Triple Crown Challenge bonus, upon payment of a supplementary fee of \$100,000 to the Maryland Jockey Club of Baltimore City, Inc. At any time prior to the closing for the Belmont Stakes, horses may be nominated to the Belmont Stakes upon payment of a supplementary fee of \$50,000 to the New York Racing Association. All supplemental fees will be included in the purse distribution of the respective Races for which paid. Horses nominated by payment of supplementary fee ("Supplemental nominee") will not be allowed to enter any Race in which the maximum number of starters has otherwise been reached prior to the time of closing. If the number of supplemental nominees exceed the number of available starting positions at closing, the conditions of each respective Race will be applied to determine which supplemental nominees will be allowed to start in such Races. All nominees, supplemental or otherwise, will be requested to pay entry and starting fees for the Race or Races to which they have been nominated. Triple Crown Productions, Inc. is guaranteeing total earnings of \$5,000,000 to the owner of any horse which wins all of the 1993 Kentucky Derby, Preakness Stakes and Belmont Stakes races (the "Races") and is offering a \$1,000,000 bonus to the owner of a horse with the best, most consistent finishes in the Races. The "Triple Crown Challenge" monies will be paid to the owner of a horse which meets these criteria: 1. Finishes in all three Triple Crown Races as listed above; 2. Earns points by finishing first, second, third or fourth in at least one of the Triple Crown Races; and 3. Earns the highest number of points over the course of the three Races. Points are assigned for each race: Win-16, Place-5, Show-3, Fourth-1. In the event of a tie, the \$1 million bonus will be distributed equally among the top point-getters. In the event of a dead-heat, equal points will be awarded in full. For example, 10 points for each horse in a dead-heat to win. Triple Crown Productions Inc., will pay to the owner of a horse winning all of the Races that amount necessary to bring total earnings for the Triple Crown winner to \$5,000,000. The total will include the winner's purse distributed by each racing association; the \$1 million point bonus described above; and a further bonus guaranteed by Triple Crown Productions to reach \$5 million total. Triple Crown Productions will present the Triple Crown Trophy to the owner of a horse that sweeps the Kentucky Derby, Preakness Stakes and Belmont Stakes. Value of race \$725,000; value to winner \$471,835; second \$145,180; third \$72,590; fourth \$36,295. Mutual pool \$1,227,644. Exacta Pool \$790,341 Triple Pool \$291,241

118th RUNNING

Last Raced	Horse	M/E	Q	A	W	PP	St	1/4	1/2	3/4	Sir	Fin	Jockey	Odds \$1
11Apr93 #CD1	Prairie Bayou		3	126	3	9	107	9	87	2 1/4	1 1/2		Smith M E	2.20
24Apr93 #CD1	Cherokee Run		3	126	12	4	31	4	4 1/2	1 1/2	2 1/2		Day P	9.40
11Apr93 #CD10	El BAKAN	L	3	126	2	1	2 1/2	2 1/2	2 1/2	4 1/2	3 1/2		Perret C	31.40
11Apr93 #CD4	Personal Hope		3	126	1	2	3 1/2	1 1/2	1 1/2	3 1/2	4 1/2		Stevens G L	1.20
11Apr93 #CD1	Sea Hero		3	126	9	11	9 1/2	10 1/2	7 1/2	5 1/2	5 1/2		Bailey J D	4.30
24Apr93 #Pim1	Woods Of Windsor	L	3	126	7	6	62	5 1/2	5 1/2	6 1/2	6 1/2		Wilson R	14.00
11Apr93 #CD17	Rockamundo	L	3	126	7	6	62	5 1/2	5 1/2	6 1/2	6 1/2		Prado E S	3.70
11Apr93 #CD1	Wild Gale		3	126	10	12	12	1 1/2	10 1/2	9 1/2	8 1/2		Sellers S J	22.00
81Apr93 #Hia1	Hegar	L	3	126	4	8	87	8 1/2	9 1/2	8 1/2	9 1/2		Ferrer J C	68.00
17Apr93 #Aqua1	Koluctoo Jimmy Al		3	126	11	5	5 1/2	6 1/2	6 1/2	10 1/2	10 1/2		McCarron C J	17.00
17Apr93 #Aqua2	Too Wild	b	3	126	3	10	17 1/2	12	11	11	11		McCordy W H	59.50
11Apr93 #CD15	Union City	L	3	126	6	7	7 1/2	7 1/2	—	—	—		Valezcada P A	11.00

Union City, broke down.

OFF AT 5:34 Start good, Woe driving. Time: :29, :44, 1:11, 1:37, 1:59 Track fast.

\$2 Mutuel Prices:

3-PRAIRIE BAYOU	8.40	3.00	3.00
12-CHEROKEE RUN	7.20	5.20	
2-EL BAKAN			14.60

\$2 EXACTA 3-12 PAID \$63.00 \$2 TRIPLE 3-12-2 PAID \$2,254.00

Ch. g. (Mr.) by LITTLE MISSOURI—WHITING, by Waverling Monarch, Trainer Bohannon Thomas, bred by Latta, Stable (Ky).

PRAIRIE BAYOU, reserved early while saving ground, was staided when UNION CITY broke down midway along the backstretch, was patiently handled while looking for room racing into the far turn, angled out four wide after splitting horses approaching the stretch, ducked in while continuing his rally after straightening away for the drive and proved best under strong handling. CHEROKEE RUN quickly reached a scuffling position from the outside, raced forwardly to the far turn, reached the front from between horses while three wide with three sixteenths remaining and held on stubbornly in a stiff drive. EL BAKAN raced just outside PERSONAL HOPE while promoting the pace, dueted with that rival to the upper stretch and then under pressure. PERSONAL HOPE saved ground while showing speed, head on well until near midstretch and gave way. SEA HERO, who hurried early, moved up outside horses approaching the end of the backstretch, then lacked a late response while halting between horses. WOODS OF WINDSOR bumped with ROCKAMUNDO racing into the first turn, remained a factor until near the far turn while saving ground, then was carried five wide after angling out between horses approaching the stretch and tired. ROCKAMUNDO bumped with WOODS OF WINDSOR racing into the first turn, made a run between horses on the backstretch, remained prominent to the stretch and gave way after moving to the inside for the drive. WILD GALE, off sluggishly, staked wide throughout. HEGAR failed to be a serious factor while saving ground. KOLUCTOO JIMMY AL, with his easy staking distance while racing five wide into the backstretch, was finished soon after going six furlongs. TOO WILD was never close. UNION CITY was well placed when he broke down racing the four and one-half furlong marker.

Owners— 1, Lobbly Stable; 2, Robinson JB; 3, Perez Roberts; 4, Lewis Debl & Lee; 5, Rokeby Stable; 6, Iggs; Mrs Augustus IV; 7, West Gary & Mary; 8, Little Fish Stable Inc.; 9, Hamlington Point Stable; 10, Pasteras still J; 11, Conroy William J; 12, Overbrook Farm.

Trainers— 1, Bohannon Thomas; 2, Alexander Frank A; 3, Calves Alfredo; 4, Heenig Mark; 5, Miller M. C.; 6, Perkins Ben W Jr; 7, Glass Oris J Jr; 8, Doyle Michael J; 9, Lewis Peary; 10, Levine Bruce M; 11, Zile holes P; 12, Lukas D Wayne.

Pick Six 2-5-5-1-3-3 Six of Six Paid \$9,512.28 Five of Six Paid \$124.68 Pick Six Pool \$59,188 \$2 Late Daily Double 3-3 Paid \$16.80 Daily Double Pool \$107,674



EXHIBIT 5

Riggleman, Turk & Nelson

COURT REPORTING SERVICE
10 NORTH CALVERT STREET
SUITE 930
BALTIMORE, MARYLAND 21202

410-539-6398
FAX: 410-576-7207

October 12, 1994

Anthony Wojloh
3700 W. Rogers Ave.
Baltimore, MD 21215

Re: No. 94143054CL181082 CIRCUIT COURT/BALTIMORE CITY
Wojloh vs. Reifer
Deposition of Anthony Wojloh

Dear Mr. Wojloh:

We enclose for your review and signature a copy of the above referenced deposition. We ask that you read the transcript carefully. If it is necessary to make any corrections, please do so on the enclosed errata sheets, indicating the page, line number, correction and the reason for such correction. Each errata sheet must be signed and dated. Also, you must sign the original Certificate of Deponent enclosed in the front of the transcript.

Additionally, under the Maryland Rules, if you do not complete the reading and signing within thirty days, you may have waived your right to make corrections. Therefore, your prompt attention to this matter is greatly appreciated. Please return the transcripts, the original Certificate of Deponent and any errata sheets to me in the enclosed return envelope.

Very truly yours,

Marcie W. Bolt
Marcie W. Bolt
Office Manager

No. 8527
Enclosure
cc: Larry Albert, Esq. .

12 OCT 1994

10

Riggleman, Turk & Nelson

COURT REPORTING SERVICE
10 NORTH CALVERT STREET
SUITE 930
BALTIMORE, MARYLAND 21202
410-539-6398
FAX: 410-576-7207

December 13, 1994

Mr. Larry J. Albert, Esq.
Niles, Barton & Wilmer
111 South Calvert Street, Suite 1400
Baltimore, MD 21202

Re: No. 94143054CL181082 CIRCUIT COURT/BALTIMORE CITY
Wojloh vs. Reifer
Deposition of Anthony Wojloh

Dear Mr. Albert, Esq.:

This office submitted a transcript to the above named deponent for correction and signing. As of this date, the signed transcript has not been returned to us. We have been provided no information as to why the deponent has not signed. You have previously been provided with the original transcript signed by the officer.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Marcie W. Bolt

Marcie W. Bolt
Office Manager

No. 8527

14 DEC 1994

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EXHIBIT 6

Riggleman, Turk & Nelson

COURT REPORTING SERVICE
10 NORTH CALVERT STREET
SUITE 930
BALTIMORE, MARYLAND 21202

410-539-6398
FAX: 410-576-7207

November 2, 1994

Bonyonoh Wojloh
3700 West Roger Ave.
Baltimore, MD 21215

Re: No. 94143054CL181082 CIRCUIT COURT/BALTIMORE CITY
Wojloh vs. Reifer
Deposition of Bonyonoh Wojloh

Dear Ms. Wojloh:

We enclose for your review and signature a copy of the above referenced deposition. We ask that you read the transcript carefully. If it is necessary to make any corrections, please do so on the enclosed errata sheets, indicating the page, line number, correction and the reason for such correction. Each errata sheet must be signed and dated. Also, you must sign the original Certificate of Deponent enclosed in the front of the transcript.

Additionally, under the Maryland Rules, if you do not complete the reading and signing within thirty days, you may have waived your right to make corrections. Therefore, your prompt attention to this matter is greatly appreciated. Please return the transcripts, the original Certificate of Deponent and any errata sheets to me in the enclosed return envelope.

Very truly yours,

Marcie W. Bolt

Marcie W. Bolt
Office Manager

No. 8680
Enclosure

cc: Larry J. Albert, Esq. ✓

Riggleman, Turk & Nelson

COURT REPORTING SERVICE
10 NORTH CALVERT STREET
SUITE 930
BALTIMORE, MARYLAND 21202

410-539-6398
FAX: 410-576-7207

December 13, 1994

Mr. Larry J. Albert, Esq.
Niles, Barton & Wilmer
111 South Calvert Street, Suite 1400
Baltimore, MD 21202

Re: No. 94143054CL181082 CIRCUIT COURT/BALTIMORE CITY
Wojloh vs. Reifer
Deposition of Bonyonoh Wojloh

Dear Mr. Albert, Esq.:

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Very truly yours,

Marcie W. Bolt

Marcie W. Bolt
Office Manager

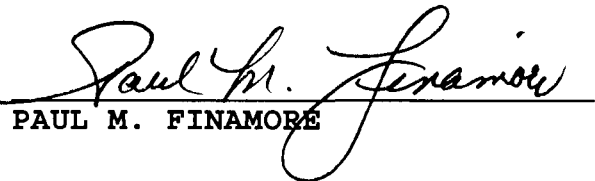
No. 8680

14 DEC 1994

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of January 1995, a copy of the foregoing Amended Motion for Summary Judgment, Meorandum in support thereof, and proposed Order were mailed, first-class, postage prepaid to the following:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215


PAUL M. FINAMORE

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

O R D E R

Upon consideration of Defendant Anderson's Motion for Summary Judgment, and any opposition thereto filed, it is this _____ day of _____, 199____, by the Circuit Court for Baltimore City,

ORDERED, that the Motion be and the same hereby is GRANTED, and it is further

ORDERED, that the Court finds that the allegedly slanderous comment was made on May 15, 1993, and it is further

ORDERED, that the Court further finds that Plaintiff's Complaint was filed on May ____, 1994, and it is further

ORDERED, that Plaintiff's claim of slander against Defendant Anderson is barred by the applicable Statute of Limitations.

JUDGE
Circuit Court for Baltimore City

ANTHONY N. WOJLOH

IN THE

Plaintiff

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

CIRCUIT COURT

v.

1995 JAN 24 A 7:53

FOR

EDWARD REIFER, ET AL

CIVIL DIVISION

BALTIMORE CITY

Defendants

CASE NO. 94143054/CL181082

NOTICE OF SERVICE

PLEASE TAKE NOTICE that on this 23rd day of January, 1995, a copy of Defendant Reifer's Answer to Interrogatories was mailed, first-class, postage prepaid to the following:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215

Paul M. Finamore

PAUL M. FINAMORE
Niles, Barton & Wilmer
1400 Legg Mason Tower
111 South Calvert Street
Baltimore, MD 21202
(410) 783-6300

Attorneys for Defendants

WJL

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

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RECORDED
CIRCUIT COURT FOR
BALTIMORE CITY
1995 FEB -6 A 11:54
CIVIL DIVISION

ANTHONY N. WOJLOH *

Plaintiff *

v. *

EDWARD REIFER, et. al. *

CASE NO. 94143054/CL181082 *

* * * * *

PLAINTIFF'S OPPOSITION TO DEFENDANT'S
MOTION AND AMENDED MOTION FOR SUMMARY JUDGMENT

COMES NOW, the Plaintiff, Anthony N. Wojloh, and in op-
position to Defendant's Motion or Amended Motion for Summary
Judgment asks the Honorable Court for an Order denying said
Motion, on grounds and for reasons as follow:

1. Plaintiff vigorously denies the allegations contain
in Defendant's Motion(s) for Summary Judgment, as there exists
a genuine issue of material facts.

2. The Motion(s) for Summary Judgment is inappropriate,
presumptuous, inventive, misleading, and moot.

3. The issue of Statute of Limitations, among others, as
to all Counts relative to all Defendants in this case was
settled by the Court on or about August 31st, 1994.

4. WHEREFORE, for the reasons herein set forth and to
be fully advanced in the Memorandum and Affidavits attached in
support of Plaintiff's Opposition to Motion(s), the Plaintiff

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very respectfully urges the Court in all things considered,
to deny Defendant's Motion for Summary Judgment.

Respectfully submitted,

Anthony N. Wojloh

✓ ANTHONY N. WOJLOH

Plaintiff, Pro Se

3700 West Rogers Avenue

Baltimore, Maryland 21215

Telephone: (410) 664-4587

PLAINTIFF'S MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF OPPOSITION
WITH AFFIDAVITS ATTACHED

STATEMENT OF MATERIAL FACTS NOT
SUBJECT TO GENUINE DISPUTE

On or about May 23rd, 1994, Plaintiff filed a civil law suit against the Unity Center of Christianity, Inc., the Board of Directors and certain employees. Thereupon, Defendants filed separate Motions respectively, to Dismiss based on insufficiency of process and service of process. The same on the 19th day of July, 1994, the Honorable Judge, Ellen L. Hollander denied the Motions without prejudice.

In about July, 1994, Defendants filed a second Motion(s) respectively, again raising the issue of the Statute of Limitations as to all Counts relative to all Defendants.

On or about August 31st, 1994, the Honorable Judge, Clifton J. Gordy granted Defendants' Motions to Dismiss only as to Counts 1 (Libel), 3 (Harassment) and 4 (Conspiracy). The

Judge on the other hand, "DENIED" the Motions as to Count 2 (Slander). He also dismissed all charges against Defendants John Anukem, John Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, and Brian Tune, on "grounds of insufficient service of process, improper parties as to Defendants" named in this Paragraph. Plaintiff respectfully attached a copy of the Judge's Order and marked the same herewith, as Exhibit A.

The Plaintiff, throughout his Complaint, consistently indicated that the 1993 Unity Center incident occurred on May 25, 1993. Again Plaintiff respectfully attached Count II, (Slander) of Complaint in its entirety, Pages 5 through Pages 8, and marked the same as Exhibit B.

On or about September 27, 1994, Plaintiff stated in his Deposition erroneously, that the 1993 Unity Center Incident occurred on May 25, 1993, in response to questioning in several instances.

Similarly, on September 27, 1994, Plaintiff was erred in his Deposition when he testified that he was taking librium for treatment of his hypotension, instead of plendil.

Plaintiff further testified erroneously admittedly, that on September 27, 1994, the 1993 Preakness took place on May 25, 1993.

Like wise, on October 20, 1994, Bonyonoh Wojloh testified erroneously in her Deposition that the 1993 Preakness occurred on May 25, 1993, the same date on which the 1993 Unity Center incident took place. Having forgot the date of the Unity Center incident, Bonyonoh asked Plaintiff what the date was. In

response, the Plaintiff erroneously informed the witness Bonyonoh Wojloh that it was on May 25, 1993, on the same date of the 1993 Preakness. Relying on this mis-information, Bonyonoh, on October 20, 1994, testified at her Deposition that the Preakness occurred on May 25, 1993. Bonyonoh also erroneously testified that her mother worked at the hospital, which is incorrect. on the contrary notwithstanding, her mother works at the Baltimore City Health Department.

STATEMENT OF MATERIAL FACT NOW
BELEATEDLY SUBJECT TO GENUINE DISPUTE

Whether Or Not The Plaintiff And The Witness, Erred When They Testified At Their Respective Depositions That The 1993 Preakness Was On May 25, 1993, On the Same Date Of The Unity Incident Of 1993; Although In Both Count II, (SLANDER) And In His Deposition, Plaintiff Repeatedly Indicated That The Incident Of Unity Center Of Christianity Was On The Above Date.

ARGUMENT

Uncontroversially, the Defendants' efforts to have the remaining Count II, (Slander) of Plaintiff's Complaint dismissed become infinitesimal and infinite, simply because Defendants were successful in their previous efforts to have Counts 1, (Libel), 3 (Harassment) and 4 (Conspiracy) dismissed and also certain Members of the Board of Directors of the Unity Center of Christianity, Inc., in Baltimore, Maryland, as improper parties. And in the process of so doing, the Defendant Charley Andersen is vigorously persevering adamantly to capitalize on the honest and sincere mis-statement or error of Plaintiff and the witness, Bonyonoh Wojloh, when they testified at their respective Depositions that the 1993 Preakness was on May 25, 1993, on the same

date of the Unity Center incident. For all practical purposes, it is intended and meant that the 1993 Unity Center incident was on May 25, 1993 and not on May 15, 1993, as Defendant(s) contend(s).

Statute of Limitations can not now act as bar to Count II, (Slander), when it was not applicable in previous hearings under the same set of circumstances, solely because of the honest erroneous statements described herein. See Count II, (Slander) in its entirety and marked herewith as Exhibit A; Judge Clifton Gordy's Order of August 31st, 1994; Affidavit of Shelia Kasey Wojloh; Affidavit of Bonyonoh Wojloh; and of the Plaintiff, Anthony N. Wojloh and marked separately and singularly as Exhibits A, C, D, and E.

It must be noted that Plaintiff has consistently repeatedly established in Count II, (Slander) that the 1993 Unity Center incident occurred on May 25, 1993. Similarly, Plaintiff has consistently testified in several instances in his Deposition of September 27, 1994, that the Unity Center incident of 1993, was on May 25, 1993, in spite of Plaintiff's honest error in which he indicated that the 1993 Preakness was on May 25, 1993.

Plaintiff does not dispute that the 1993 Preakness was on May 15, 1993, that is on one hand. On the other hand, Plaintiff stands on the proposition that the Unity Center incident took place on May 25, 1993. It can not be over-emphasized, therefore, that the honest errors made in the Depositions can not change nor undo what has been done.

Statute Of Limitations Is Inapplicable

Md. Code Ann., Cts. & Jud. Proc. S5-105 and the catalogue of citations of Defendant Andersen relating to the Statute of Limitations in causes of an action upon which the Defendant relies have no standing in the case at bar. The language of the Maryland Code is very clear in stating the following:

An action for assault, libel, or slander shall be filed within one year from the date it accrues.

No mention is made in the case of an error a mistaken statement as in the instant case. Also see Daughy v. Prettyman, 219 Md. A. 2d 438 (1959); Decker v. fink, 47 Md. App. 202, 422 A. 2d (1980), cert. at 289 Md. 735 (1981), etc.

As to the Affidavit of Ann-Marie Taylor, it failed to establish that Defendant Andersen and the Plaintiff were ever seen on May 15, 1993, on the Preakness day and engaged in a dispute, or in Counsel's term, "conversation." On the contrary, Plaintiff and Defendant Andersen were seen on May 25, 1993 at the Unity Center of Christianity at which time Defendant deliberately with malice but without just cause uttered the slanderous statements to Plaintiff, to wit: "a liar," "theif" and "deceit."

Defendant Andersen's Affidavit has no credence, because it is designed for the sole purpose of capitalizing the errors named in this pleading and undermining the Court so as to circumvent justice. Had Andersen's Affidavit any credence or reliability, it would have been filed with the Court earlier along with the three previous Motions to Dismiss, in support of the same. It must be presumed on Plaintiff's part that it is quite unlikely the same was ever filed.

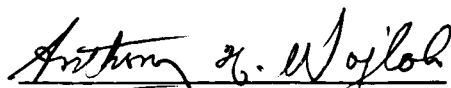
Summary judgment, it must be noted, is particularly in

appropriate, where "the inferences which the parties seek to have drawn deal with questions of motives, intent and subjective feelings and reactions," Empire Electronics Co. v. United States, 311 F. 2d 175, 180 (2nd Cir. 1962), " A judge may not, on a motion for summary judgment, draw fact inferences..... Such inferences may be drawn only on a trial." Bragen v. Hudson County News Co., 278 F. 2d 615 (3rd Cir. 1960). Also see Dressler v. M/V Sand Piper, 331 F. 2d 130 (2nd Cir. 1964). "A litigant has a right to a trial where there is the slightest doubt as to the facts, and a denial of that right is reviewable" Frank F., Doehler Metal Furniture Co. v. U. S., F. 2d 130 (1945).

CONCLUSION

For the reasons set forth in this Pleading, Plaintiff respectfully urges the Court to deny Defendant's Motion and Amended Motion for Summary Judgment.

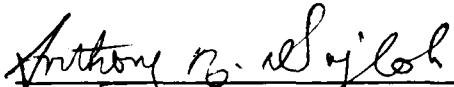
Respectfully submitted,


ANTHONY M. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215

Telephone: (410) 664-4587

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 6 th day of February, 1995, a copy of the foregoing Opposition with Memorandum of Points and Authorities, Affidavits, proposed Order, and a Consent Agreement were mailed, first-class, postage prepaid, to: Larry J. Albert, Esquire, Niles, Barton & Wilmer, Legg Mason Tower, 111 South Calvert Street, Suite 1400, Baltimore, Maryland 21202, Counsel for Defendants.


ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215

Telephone: (410) 664-4587

ANTHONY N. WOJLOH
Plaintiff
vs.
EDWARD REIFER, et al.
Defendants

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AB

IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY
CASE NO.
94143054/CL181082

FILED
SEP 8 1994
CIRCUIT COURT FOR
BALTIMORE CITY

ORDER

Upon consideration of the Motion To Dismiss filed by Defendants, Edward Reifer, Rubie Hostetler, Charles Andersen and Viola Green, the Plaintiff's opposition thereto, and any oral argument having been taken,

It is this 31st day of August, 1994, ORDERED, that Defendants' Motion To Dismiss is GRANTED as to Counts 1 (Libel), 3 (Harassment) and 4 (Conspiracy) AND is DENIED as to Count 2 (Slander).

AND IT IS FURTHER ORDERED that the Defendants' Motion To Dismiss is GRANTED on grounds of insufficient service of process, improper parties as to Defendants John Anukem, john Coliton, Barbara Dersch, Joan Earnshaw, Sandee Falls, and Brian Tune.

AND IT IS FURTHER ORDERED that not later than fifteen (15) days from the date of this ORDER Defendant, Unity Center of Christianity, (Inc.), shall file Answer to the Plaintiff's Complaint on cause of action for Slander.

All for reasons as stated on the record.

CLIFTON J. GORDY, JR.
THE JUDGE'S SIGNATURE APPEARS
ON THE ORIGINAL DOCUMENT

08 SEP 1994

cc: Larry J. Albert, Esquire
Anthony N. Wojloh, pro se

CLY. A.

TRUE COPY
Sandra E. Banks
SANDRA E. BANKS, CLERK

ory job performance and unfitness to enter upon and hold employment would be injurious and offensive to a person of ordinary sensitivities and would ultimately cause Plaintiff to lose his position as a part-time employee. Plaintiff further avers that at all times the mode of component toward him by Defendants was outrageous, wanton, reckless, and malicious, and calculated to inflict upon Plaintiff severe emotional distress, all directly attributable to Defendants' actions, without any fault on the part of Plaintiff.

And for that the Defendants, Unity Center of Christianity and the Board of Directors, as employer and superior of Defendants Reifer and Hostetler and all those who acted upon the allegations against Plaintiff, willfully, maliciously, negligently, and libelously without ascertaining the truth of the matters knowing the same to be false are liable for the acts of the Defendants, Reifer and Hostetler.

That as a direct consequence of the aforesaid libel and dissemination, the Plaintiff has suffered a loss of employment, has suffered a loss of his compensation; he has suffered a great anxiety, mental anguish and distress.

Wherefore, this suit is brought and the Plaintiff claims Fifty Thousand Dollars (\$50,000.00) in compensatory damages and One Hundred Thousand Dollars (\$100,000.00) in punitive damages.

COUNT II

(Slander)

The Plaintiff, Anthony N. Wojloh, sues the Unity Center

of Christianity, Board of Directors, Edward Reifer, Rubie Hostetler, and Charie Andersen, Defendants.

For that the Plaintiff does adopt and incorporate herein by reference all of the allegations of aforesaid Defendants, facts and alleged libel, utterances and disseminations of same alleged by the Plaintiff in Count I hereinabove as though same were fully set forth herein and made a part hereof; and Plaintiff further asserts that on or about May 25, 1993, the Defendant, Charlie Andersen, did willfully, falsely, maliciously accuse the Plaintiff of being a "liar," a "thief" and a "deceit" in the presence of Plaintiff's 10-year old daughter and did loudly communicate the accusations in such a manner and tone so that the words spoken by Defendant Andersen were susceptible of being overheard by Plaintiff's daughter who was near by in the room with the Plaintiff, all of which Plaintiff denied.

That the Defendant, Charlie Andersen, by his actions has implanted a fear of criminal prosecution in the mind of Plaintiff, and that the Defendant knew or reasonably should have known that such inference concerning Plaintiff's character would be very injurious and offensive to a person of ordinary sensitivities; Plaintiff further avers that at all times the mode of conduct toward him by Defendant Andersen was outrageous, wanton, reckless, malicious, and calculated to inflict upon the Plaintiff a severe emotional distress; that on May 25, 1993, the Defendant kept a hammer in his hand, as though he intended or planned to assault Plaintiff with the same.

That on May 25, 1993, the Defendant, Charlie Andersen who at all times referred to in this Declaration was an agent, servant, or employee of the Defendants, Unity Center of Christianity and Board of Directors, and acted within the scope of his authority, falsely accused the Plaintiff of being a thief, liar and deceit before Plaintiff's 10-year old daughter; and that the statements of Defendant Andersen constitute an act of slander; that by such slanderous statements, Plaintiff's character has been brought to question, into public scorn, ridicule, and disrepute; that the Plaintiff had heretofore enjoyed a reputation for honesty and integrity, but as a direct result of said slanderous statements uttered and communicated by Defendant, Plaintiff has suffered public disgrace and humiliation; he has suffered a severe mental anguish without any fault on the part of Plaintiff.

And for that the Defendants, Unity Center of Christianity and the Board of Directors as employer and superior of Defendant, Charlie Andersen and those persons who acted upon Allegations against Plaintiff, willfully, maliciously, negligently, and slanderously without ascertaining the truth of the matters knowing the same to be false are liable for the acts and negligence of Defendant Andersen.

By reason of the aforesaid slander, the Plaintiff was damaged; he suffered a loss of employment and salary income; he has suffered humiliation and embarrassment, disgrace and loss of reputation.

Wherefore, this suit is brought and the Plaintiff claims

Fifty Thousand Dollars (\$50,000.00) in compensatory damages and one Hundred Thousand Dollars (\$100,000.00) in punitive damages.

COUNT III

(Harassment)

The Plaintiff, Anthony N. Wojloh, sues the Unity Center of Christianity, Board of Directors, Edward Reifer, Rubie Hostetler, and Charlie Andersen, Defendants.

For that the Plaintiff incorporates by reference all of the allegations contained in Count I and Count II, and further states that the Defendant, Edward Reifer was a pastor of Defendants, Unity Center of Christianity and Board of Directors, who at all times referred to in this Complaint or Declaration was servant, agent, or employee of the above-named Defendants and acted within the scope of his authority as such between January, 1991 through June, 1993, and did willfully, wrongfully, maliciously and negligently continue to harass the Plaintiff, by initiating the Plaintiff's dismissal from his employment; by promulgating the reduction of Plaintiff's initial hourly rate from \$10.00 to \$9.00; by promulgating and reducing Plaintiff's number of days of work and number of hours of work, from 12 plus or minus to 3 or less and from 70 to 6 or less; by demanding Plaintiff to remove snow on the parking lot of the Center, although such function was/is assigned to a contractor; by demanding Plaintiff to clean and/or remove trash from Defendant Hostetler's office, inspite of a lady employed to perform said duty; by threatening Plaintiff's termination from his position from time to time; by accusing

Ex. B⁴

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IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH

*

Plaintiff

*

v.

*

EDWARD REIFER, et. al.

*

CASE NO. 94143054/CL181082

*

Defendants

*

* * * * *

AFFIDAVIT

STATE OF MARYLAND)

CITY OF BALTIMORE)

to wit:

I HEREBY CERTIFY, that on this 6th day of February, 1995, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, appeared Anthony N. Wojloh, Plaintiff, Pro se, who is competent to testify as to the matters herein-set-forth, and made oath on personal knowledge in due form as follows:

I testify that I made a honest and sincere error at my Deposition on September 27, 1994, when I stated that the 1993 Preakness was on May 25, 1993.

I further state that by the aforementioned error, I neither implied, nor intended to indicate at the Deposition that the 1993 Unity Center incident which occurred on May 25, 1993 between the Defendant, Charley Andersen and me at the Unity Center of Christianity was on Saturday, May 15, 1993.

Ex. G'

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Additionally, I testify that when I stated on September 27, 1994. at my Deposition that the May, 1993 Preakness was on the same day of the Unity Center incident of May 25, 1993, I with all honesty meant to indicate that the Unity Center incident occurred about a little over a week from the date of the Preakness, or that it took place in the Preakness month of 1993.

Finally, I testify that on September 27, 1994, I asked to look at or see a 1993 Calendar, on my way to the Men's room during a very short recess. Upon my return, the Calendar was never produced; advertently, by reason of forgetfulness on the part of Defense counsel and myself, the request was not remade nor met. Certainty of or authenticity of the part of the testimony relating to the actual date of the 1993 Preakness mandated the need.

I, ANTHONY N. WOJLOH, solemnly affirm under the penalties of perjury that the statements set forth in the foregoing Affidavit is true to the best of my knowledge, information and belief.

Anthony N. Wojloh
ANTHONY N. WOJLOH
Affiant

Subscribed to and sworn before me
this 2 day of February, 1995.

Paige H. Warren
Notary Public

My Commission Expires: 4-1-95

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH

*

Plaintiff

*

*

v.

*

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al.

*

Defendants

*

* * * * *

AFFIDAVIT

STATE OF MARYLAND)
CITY OF BALTIMORE)

to wit:

I HEREBY CERTIFY, that on this 6 th day of February, 1995, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, appeared Shelia Kasey Wojloh, who is competent to testify as to the matters herein set forth, and made an oath on personal knowledge in due form as follows:

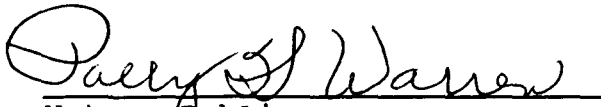
I testify that on Tuesday, May 25, 1993, I took Anthony N. Wojloh along with our daughter, Bonyonoh B. Wojloh to work to the Unity Center of Christianity, Inc., in Baltimore, Maryland, and went to a hair salon with our vehicle to have my hair done; that on that date, I went back to pick them up, but they had already left the premises. Later, I learned that Mr. Wojloh and an employee of the Center had a dispute.

Ex. C'

I, SHELIA KASEY WOJLOH, solemnly affirm under the penalties of perjury that the statements set forth in the foregoing Affidavit is true to the best of my knowledge and belief.


SHELIA KASEY WOJLOH
Affiant

Subscribed to and sworn before me
this 6th day of February, 1995


Perry J. Warren
Notary Public

My Commission Expires: 4-1-95

E.C.²

the 1993 Preakness was on May 15, 1993 and not on the 25th of May; that the Unity Center incident was on May 25, 1993. And that by the mistake I did not imply, nor intend to indicate that the Unity Center incident was on May 15, 1993.

I, BONYONOH B. WOJLOH, solemnly affirm under the penalties of perjury that the statements set forth in the foregoing Affidavit is true to the best of my knowledge and belief.

Bonyonoh B. Wojloh
BONYONOH B. WOJLOH
Affiant

Subscribed to and sworn before me
this 6 th day of February, 1995.

Pauley J. Warren
Notary Public
Comm. Exp 4-1-95

IN THE CIRCUIT COURT FOR BALTIMORE CITY

Civil Division

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, et. al.

Defendants

* * * * *

FILED
FEB 6 * 1995
CIRCUIT COURT FOR
BALTIMORE CITY

CASE NO. 94143054/CL181082

CONSENT AGREEMENT

Plaintiff, now notifies the Court that on or about 20 January, 1995, a Consent Agreement for filing Plaintiff's Response to Defendant's Original and/or Amended Motions for Summary Judgment was reached, thus precluding Plaintiff's Motion for Extension of Time for filing a Response.

That the Consent Agreement is based upon Plaintiff's untimely receipt of Defendant's Original and Amended Motions for Summary Judgment, because Plaintiff was out of the State of Maryland, and accordingly did not have a sufficient time for filing his Response upon return.

Anthony N. Wojloh

ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: (410) 664-4587

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A-3

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL

Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

CASE NO. 94143054/CL181082

CIRCUIT
BALTIMORE

1995 FEB 13

A 7:33

CIVIL DIVISION

* * * * *

REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S
MOTION AND AMENDED MOTION FOR SUMMARY JUDGMENT

Now comes CHARLES ANDERSON, Defendant, by Larry J. Albert, Paul M. Finamore and Niles, Barton & Wilmer, his attorneys, and, in reply to Plaintiff's Opposition to Defendant's Motion and Amended Motion for Summary Judgment, says:

1. Defendant incorporates by reference, as if fully set forth herein, his Motion for Summary Judgment and Memorandum in support thereof, including all exhibits attached thereto.

2. That there is no dispute whatsoever as to the 118th Running of the 1993 Preakness having been on May 15, 1993.

3. That there is no dispute whatsoever as to Plaintiff's having testified under oath, at his deposition on September 27, 1994, that the allegedly slanderous remarks made to him by Charles Anderson, upon which the only remaining count of Plaintiff's Complaint, Count II (Slander) is based, occurred on Saturday, Preakness Day, 1993.

4. That there is also no dispute whatsoever that Plaintiff's Complaint was filed herein on May 23, 1994, more than one year after Preakness Day, 1993.

5. That Plaintiff's tortured effort to "rewrite history" by affidavit, revising and recasting his original sworn testimony,

does not create a disputed issue of fact.

6. That Defendant Anderson, in further support of his Motion, submits his Memorandum of Law in conjunction with this Reply.

7. That Defendant Anderson, as a matter of law, is entitled to entry of summary judgment, in his favor, as to the lone surviving count of Plaintiff's Complaint, Count II (Slander).

WHEREFORE, Defendant Anderson prays this Court to grant his Motion for Summary Judgment.



LARRY J. ALBERT



PAUL M. FINAMORE
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6300

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of February, 1995, a copy of the foregoing Reply and Order was mailed, postage prepaid, to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

MEMORANDUM IN SUPPORT OF DEFENDANT ANDERSON'S REPLY
TO PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

Defendant CHARLES ANDERSON, by and through his counsel,
submits the following Memorandum in support of his reply.

PLAINTIFF'S REVISIONISM

Plaintiff's Opposition to Defendant Anderson's Motion for
Summary Judgment can most charitably be described as a "now I know
what I really meant to say" position.

Plaintiff, at his deposition under oath on September 27, 1994,
clearly testified that the alleged incident (the purported
slandorous remarks to him by Defendant Anderson in the presence of
his daughter, Bonyonoh Wojloh, almost 11, which are the gravamen of
Count II, the only surviving cause of action in Plaintiff's
Complaint), occurred on "a Saturday, it was Preakness day" (see
Exhibit 2, Motion for Summary Judgment). Ms. Wojloh, who testified
under oath on October 20, 1994, also confirmed that the alleged
incident occurred on a "Saturday" (see Exhibit 3, Motion for
Summary Judgment).

Moreover, Plaintiff, at his deposition, explained why his
daughter accompanied him to Unity Center on that particular

Saturday (Wojloh Transcript, p. 47, copy attached hereto as "Exhibit 2A").

After Defendant Anderson's Motion for Summary Judgment was filed, Plaintiff, in a desperate effort to save his remaining count from summary judgment, now asserts he did not mean to say what he did say. Specifically, he did not mean to state that the alleged slander occurred on Preakness Saturday in 1993, he did not even mean to say it occurred on a Saturday, as (1) Preakness 1993 was on May 15, 1993, more than a year before his Complaint was filed on May 23, 1994; and (2) his alleged date of May 25, 1993 was a Tuesday, not a Saturday.

**PLAINTIFF HAS FAILED TO
CREATE AN ISSUE OF FACT**

A conflict created by the contradictory statement made by the Plaintiff does not create an issue of fact. See Rohrbough v. Wyeth Laboratories, Inc., 916 F.2d 970, 974-76 (4th Cir. 1990) (doctor's affidavit which contradicted his deposition testimony was not sufficient to create an issue of fact warranting trial on the merits). In Barwick v. Celotex Corp., 736 F.2d 946, 960 (4th Cir. 1984), the court addressed this issue as follows:

The entire content of the affidavit is conclusory, it does not set forth facts of which the plaintiff has personal knowledge and it does not give specific facts, but only generalities. 'If a party who has been examined at length on deposition could raise an issue of fact simply by submitting an affidavit contradicting his own prior testimony, this would greatly diminish the utility of summary judgment as a procedure for screening out sham issues of fact.' A genuine issue of material fact is not created where the only

issue of fact is to determine which of the two conflicting versions of the plaintiff's testimony is correct.

(Emphasis supplied).

SUMMARY

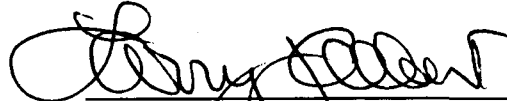
A party's disavowal of prior sworn testimony, unfavorable to its cause, and its proffer of new sworn testimony, favorable to its cause, does not create an issue of fact. If it did, no matter would be amenable to summary judgment as any non-moving party, enlightened by the opposing party's motion, as Plaintiff in this case, could selectively repudiate or recast prior testimony upon which opposing party's motion for summary judgment is based.

As Defendant Anderson's supporting Memorandum to his Motion for Summary Judgment clearly establishes, Plaintiff received a copy of his deposition transcript (furnished to him gratis by Defendants) with the opportunity to note any corrections. He failed to do so. Only after Defendant's Motion for Summary Judgment was filed did Plaintiff appreciate the consequences of his original sworn testimony and the crucial "need" for revision. With Orwellian guile, Plaintiff now asserts "I with all honesty meant to indicate that the Unity Center incident occurred about a little over a week from the date of the Preakness, or that it took place in the Preakness month of 1993". This is patently preposterous.

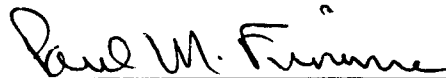
Plaintiff's belated and personally self-serving "interpretation" of his original sworn testimony may raise a conflict as to his integrity. It does not create an issue of fact which would

defeat Defendant Anderson's Motion for Summary Judgment as to Count II of the Complaint.

WHEREFORE, Defendant Anderson prays this Court to grant summary judgment, in his favor, against the Plaintiff as to Count II of the Complaint.



LARRY J. ALBERT



PAUL M. FINAMORE
Niles, Barton & Wilmer
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111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6300

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of February, 1995, a copy of the foregoing Memorandum was mailed, postage prepaid, to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215



LARRY J. ALBERT

1 A Yeah.

2 Q And how long would you have worked that day? Aside
3 from anything that might have happened, how long would you
4 have worked?

5 A You mean that happened that day or that caused --
6 that happened on that particular day?

7 Q Let's forget about whatever incident occurred.
8 What hours would you normally have expected to have worked on
9 that Saturday?

10 A Normally I usually work from 8 to 2, normally, but
11 as a result of the conflict with Reverend Reifer my hours on
12 that day maybe might have been changed because my hours change
13 so much.

14 Q Why was your daughter with you?

15 A The mother, it was Saturday, and she had -- she
16 wanted to go with me and nobody was -- in fact she went with
17 me several times when I was there and she didn't want to stay
18 home alone so she went with me. So she went there to do her
19 homework.

20 Q Were employees encouraged to bring their children
21 to work?

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants


* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 94143054/CL181082

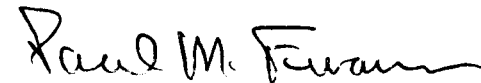
* * * * *

REQUEST FOR HEARING

MADAM CLERK:

Defendant Charles Anderson requests a hearing on his Motion for Summary Judgment, Defendant's Opposition and his Reply.


LARRY J. ALBERT


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(410) 783-6300

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of February, 1995, a copy of the foregoing Request for Hearing was mailed, postage prepaid, to:

Anthony N. Wojloh
3700 West Rogers Avenue
Baltimore, MD 21215


LARRY J. ALBERT

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL

Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

CASE NO. 94143054/CL181082

1995 FEB 13 A 7:33
CIVIL DIVISION
BALTIMORE CITY

* * * * *

ORDER

Upon consideration of Defendant Anderson's Motion for Summary Judgment as to Count II (Slander) of the Complaint, Plaintiff's Opposition and Defendant Anderson's Reply, and for good cause shown, it is this _____ day of _____, 1995,

ORDERED that said Motion be and the same is hereby GRANTED.

Judge
Circuit Court for Baltimore City

John
2.16.95

1994

D. Lee
2-5-10
IMAGE 279

OLIVER ET AL VS. BD. OF LIQUOR LICENSE Box 32 Case No.
94026005 [MSA T2691-5740, OR/28/7/21]

File should be named msa_sc5458_82_150_[full case
number]-####

WOJLOH VS REIFER, ETAL Box 222 Case No.
94143054 [MSA T2691-5930, OR/28/11/19]

File should be named msa_sc5458_82_150_
[full case number]-####

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