

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

OR 28-11-19

1872-95
222

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
1995 FEB 22 A 7:41
CIVIL DIVISION

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* * * * *

MOTION FOR RECONSIDERATION

Now comes CHARLES ANDERSON, Defendant, by Larry J. Albert, Paul M. Finamore and Niles, Barton & Wilmer, his attorneys, and moves this Court for reconsideration of its Order dated February 10, 1995, denying his Motion for Summary Judgment as to Count II - Slander of the Complaint and, in support thereof says:

1. That Defendant's Motion for Summary Judgment was filed on or about December 29, 1994.

2. That, pursuant to Plaintiff's request that he be given additional time, beyond fifteen (15) days, in which to file Opposition to Defendant's Motion, Defendant's attorneys agreed to an extension until February 6, 1995.

3. That, on or about February 6, 1995, Plaintiff filed his Opposition.

4. That, on February 10, 1995, this Court, per the Honorable Marvin B. Steinberg, passed the following Order:

"Upon Consideration of Plaintiff's Opposition to the Original and/or Amended Motion for Summary Judgment of Defendant Charley Anderson, and after hearing argument on behalf of all the parties concerned, it is by the Court, this 10th day of February, 1995,

ORDERED, that the Defendant's Motion be and the same is hereby DENIED." (emphasis supplied)


5. That neither side to this controversy presented oral argument to the Court at hearing prior to passage of aforesaid Order.

6. That, moreover, well within fifteen (15) days after the filing of Plaintiff's Opposition, Defendant's attorneys on February 10, 1995 mailed to the Clerk, with a copy to Plaintiff, Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment, Order, Memorandum in Support of Defendant Anderson's Reply, with attached Exhibit 2A and Request for Hearing (a copy of said letter is attached hereto as "Exhibit 1").


7. That Defendant Anderson was neither given an opportunity to present oral argument nor, even more significantly, was the Court given the opportunity to consider his Reply which was timely filed.

WHEREFORE, Defendant Anderson prays this Court.

1. to grant his Motion for Reconsideration;
2. to rescind the Order of February 10, 1995;
3. to hold a hearing on Defendant's Motion, Plaintiff's Opposition and Defendant's Reply; and
4. to grant Defendant Anderson's Motion for Summary Judgment as to Count II of the Complaint.



LARRY J. ALBERT



PAUL M. FINAMORE
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 21st day of February, 1995, a copy of the foregoing Motion for Reconsideration and Order, was mailed, postage prepaid, to:

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

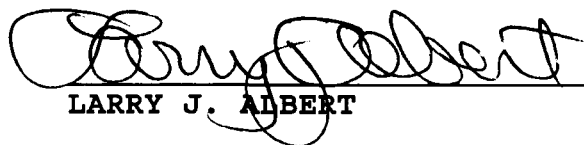

LARRY J. ALBERT

EXHIBIT 1

NILES, BARTON & WILMER

ATTORNEYS AT LAW

1400 LEGG MASON TOWER

III S. CALVERT STREET

BALTIMORE, MARYLAND 21202-6185

410-783-6300

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

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

WRITER'S DIRECT NUMBER

(410) 783-6340

February 10, 1995

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

Re: Anthony N. Wojloh vs.
Edward Reifer, et al
Case No. 94143054/c1181082
Our File: 35002

Dear Ms. Banks:

Please file the each of the following enclosed items on behalf of Defendant Charles Anderson in the above case:

1. Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment;
2. Order;
3. Memorandum in Support of Defendant Anderson's Reply, with attached Exhibit 2A; and
4. Request for Hearing.

Thank you for your kind assistance.

Sincerely yours,

Larry L. Albert

LJA:csm
Enclosures

CC: Mr. Anthony N. Wojloh

202

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 Reconsideration and for good cause shown, it is this _____ day of _____, 1995,

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

ORDERED that the Court's Order of February 10, 1995, be and the same is hereby rescinded; and it is further

ORDERED that this matter be assigned for hearing on Defendant Anderson's Motion for Summary Judgment, Plaintiff's Opposition and Defendant Anderson's Reply.

 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

* * * * *

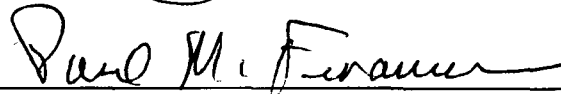
REQUEST FOR HEARING

MADAM CLERK:

Defendant Charles Anderson requests a hearing on his Motion for Reconsideration.



LARRY J. ALBERT



PAUL M. FINAMORE
 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 21st 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

65
9

IN THE CIRCUIT COURT FOR BALTIMORE CITY

Civil Division

1995 MAR -7 A 739

CIVIL DIVISION

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, et. al.

Defendants

CASE NO. 94143054/CL181082

* * * * *

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE, MOTION TO RESCIND

NOW COMES, ANTHONY N. WOJLOH, Plaintiff, Pro se, and in opposition to Defendant's Motion for Reconsideration, moves the Court for an Order to deny said Motion, or in the alternative, to rescind the same. The grounds for Plaintiff's Opposition are as follow:

1. The Defendant's Motion has no merit upon which a Reconsideration of the Court's Order of February 10, 1995, can be based.

2. The material facts in the instant case upon which the Order of February 10, 1995 was/is based were the same before and after the Order.

3. Opposing parties in a given lawsuit (Plaintiff and Defendant), do not trade for, nor exchange a mere courtesy for justice.

4. And other reasons to be advanced at hearing.

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, OR OF MOTION TO RESCIND

It is neither unprecedented, nor unconscionable for a court to rule on a motion or any pleading on record. See the Memorandum And Order of the Honorable, Ellen Lipton Hollander, Judge, Circuit Court for Baltimore City in the instant. Also see the Rules of this Court. As a, or pursuant to this precedent, appeal courts do deny appeals or writs of certiorary on records. For a ruling to be modified, or an order be reconsidered, there must at least be a new evidence or a new citation to support any reconsideration. Agreeing to a consent motion for extension of time within which to file a particular pleading, or furnishing a copy or copies of transcripts gratis does not merit a reconsideration of any court's ruling.

WHEREFORE, in all things considered, Plaintiff respectfully prays that Defendant's Motion for Reconsideration be denied, or in the alternative, be rescinded.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 6 th day of March, 1995, a copy of the Plaintiff's Opposition, Or In The Alternative, Motion To Rescind The Defendant's Motion For Reconsideration, with attached Memorandum of Points and Authorities and Order, 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. Wojcik
ANTHONY N. WOJCIK
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215
Telephone: (410) 664-4587

26
G

IN THE CIRCUIT COURT FOR BALTIMORE CITY

115 1111 - civil Division
1939

CIVIL DIVISION *

ANTHONY N. WOJLOH

Plaintiff

v.

CASE NO. 94143054/CL18182

EDWARD REIFER, et. al.

Defendants

CL181082

* * * * *

MOTION TO COMPEL ANSWERS TO INTERROGATORIES

Anthony N. Wojloh, Plaintiff, Pro se, pursuant, to the Civil Rules of Procedure of this Court, moves the Court for an Order compelling Defendant, Edward Reifer, to answer certain Numbers of the Interrogatories herein filed and as herein-after set forth, completely, under oath, and in writing, and to file a copy of his Answers to and serve upon Plaintiff along with copies of all documents requested, and to bear all costs accrue upon this Motion, and in support thereof states:

1. Interrogatories herein filed and mailed to counsel for Defendant Reifer, certain of which were either not answered fully, were evaded, or were not answered at all, as follows:

Interrogatory Number 1 asked the Defendant: State your full name, date of birth, social security number, marital status; if married, give the name and present address of your spouse. If you have ever used any other names, please list them.

In answer thereto, Defendant stated:

Edward Reifer, 5/2/37; single.

Interrogatory No. 2: State your present address, and all former addresses for the past ten (10) years and inclusive dates of each.

ANSWER: 223 D. Montrose Manor Court, Catonsville, Maryland 21228; 12 Estates Court, Apt. 5411, Pikesville, Maryland 21208.

Interrogatory No. 3: If you were employed at the time of the incident involved in this case, please answer the following:

- (a) state the name and address of your employer;
- (b) the nature of your duties including the physical activities involved;
- (c) the amount of, or number of hours and days per week you worked and attach a copy of your job description.

ANSWER: Unity Church of Christianity; Pastor; always on duty.

Interrogatory No. 3: State whether or not you ever advised Plaintiff that his services would no longer be continued as long as you were Pastor of the Center. If so, Please state the reason(s) that give rise to the statement.

ANSWER: Objection, this Interrogatory requests information which is irrelevant, immaterial, and unlikely to lead to the discovery of admissible evidence in view of the fact that Judge Gordy dismissed all Counts except for the slander Count against Defendant Anderson.

Interrogatory No. 4: State whether or not you ever asked Plaintiff at any time between 1991 and 1993, to clean and remove trash from the Co-Defendant, Rubie Hostetler's office, and

to remove snow from the parking lot of the Unity Center of Christianity, Inc. or in the alternative, state in detail your version of how the incidents allegedly give rise to the requests that occurred, including the exact or proximate date, time and location of each occurrence.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 5: State whether or not you and/or any member of the Center ever wrote a letter or report adversely, to any group of persons or to members of the Board of Directors relating to an alleged refusal on the part of Plaintiff to perform certain duties asked of him by you, other than asking Plaintiff to clean and remove trash from Hostetler's office and other than asking him to remove snow on/from the parking lot of the Center. If your Answer is affirmative, please describe the particular duties Plaintiff allegedly refused to perform, the dates, times and locations of such incidents.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 6: State whether or not you ever accused Plaintiff of pestering a white female cleaning lady, named, Heather, who was merely attempting to introduce herself to the Plaintiff, in words substantially to wit: "Dont's bother the lady, I am very serious," and repeating such remarks on two occasions. If your Answer is negative, please state in full detail your version of what happened, or how the incident gave rise to the alleged remarks.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 7: State whether or not you ever advised

Plaintiff not to answer the telephone at the Center for fear of causing white people to stay away from the Church upon hearing the Plaintiff's voice and accordingly assuming that the Center has or may have predominately Black congregation. If not so, state your version of what happened.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 8: State whether or not you ever served on the past and/or present Board of Directors of the Unity Center of Christianity in Baltimore, Maryland. If your Answer is affirmative, please give the dates and length of time served, the names, addresses and telephone numbers of all persons with whom you have or may have served, dates and locations of all meetings held which dealt with Plaintiff's employment status, including all agendas, minutes, recordings, tapes, letters, etc., having to do with Plaintiff's employment, and attach all copies of the same, noting the Board Meetings of March, 1993, February, 1993, June, 1993, and the one Plaintiff attended at the Board Retreat of April 25, 1992.

ANSWER: Objection, this Interrogatory is ambiguous as written, unduly burdensome, and solely for purposes of harassment. Without waiving such objection, Defendant states that he was a member of the Board from December, 1991 through October, 1994.

Interrogatory No. 9: Please name all Board meetings you have attended, including those mentioned in Answer to Interrogatory Number 8 concerning Plaintiff, the names and business addresses of all members in attendance, their telephone numbers, and attach all minutes, recordings, and tapes of the same.

ANSWER: See Answer to Interrogatory number 8.

✓ Interrogatory No. 10: Please give the full names, home and business addresses and telephonenumber if known, of all members of the Board of Directors, if different from those named in Answer to Interrogatory Number 8 and 9, who had attended the Board Meeting held at the Retreat of April 25, 1992, and attach copies of letters which have been submitted, concerning Plaintiff.

ANSWER: See Answer to Interrogatory numbers 3 and 8.

✓ Interrogatory No. 11: State whether or not you have attended the Annual Membership Meeting of March 7, 1993 of the Center at which time the financial status was described by the former treasurer of the Board, Brian Tune, as "in good financial shape," and that the Church had a cash saving of \$32,000.00, excluding an expenditure of \$17,000.00, noting the Board letter of February 17, 1993, addressed to the Plaintiff alleging the contrary. If so, please give the full names, home and business addresses, if known, of all members of the Board and the congregation, using the Church's Roster to assist you, and attach copies of the financial report, minutes, recordings and tape(s) of the Board Meeting immediately held thereafter.

ANSWER: See Answer to Interrogatory numbers 3 and 8.

✓ Interrogatory No. 12: State the names, addresses and phone numbers of any person not mentioned in your Answer to Interrogatories, who have in his/her possession, minutes, recordings, tapes, letters, and relevant documents of the Board having any relationship to Plaintiff's employment, and whether or not that

person has personal knowledge of facts material to this case, and the substance of such person's knowledge, and attach all copies of items mentioned herein.

ANSWER: See Answer to Interrogatory numbers 3 and 8.

✓ Interrogatory No. 13: If you contend that Plaintiff in this case has caused or contributed to the occurrence in this case, please give a concise statement of facts which support such contention.

ANSWER: Objection, this Interrogatory is ambiguous as written to the extent that occurrence is not defined. Without waiving such objection, Defendant denies all allegations contained in the slander Count against Defendant Anderson.

✓ Interrogatory No. 14: State whether you have within your control or possession, or have any knowledge of minutes, recordings, tapes, or knowledge of any transcripts of any testimony in any proceeding of Board meeting which you may or may not have attended, arising out of the occurrence, and, if so, state the subject matter, the name and business address of the person recording such testimony and the name of the person who presently has custody of such transcripts of testimony.

ANSWER: Objection, this Interrogatory is ambiguous as written to the extent that occurrence is not defined.

✓ Interrogatory No. 15: State whether between 1991 and 1992, you were aware of the fact that Plaintiff's assigned normal bi-weekly number of days of work was 12 days, plus or minus, and 70 plus or minus number of hours of work bi-weekly. If your answer is negative, state the reason supporting the negation, and attach supporting documents.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 16: State whether you have contributed to, and/or supported the Board's letter dated February 17, 1993, reducing the Plaintiff's bi-weekly hours of 70 plus or minus, to 6 hours, Deposition Exhibit 3, as marked. In any event, state precisely your version of the position taken by you, and attach a copy of the minutes, recordings and tapes of the Board Meeting at which time said letter was brought about.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 17: If you contend that you did not contribute to, and/or support the decision of the Board of Directors to abolish the Plaintiff's Position of Security Guard at the Unity Center of Christianity of Baltimore, expressed in a letter dated June 14, 1993, Deposition Exhibit 3, as marked and addressed to Plaintiff, please state the reason in support of your contention.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 18: If you contend that you and the Board of Directors did not ask the AA Group to discontinue meetings on Monday Evenings, as a result of your dispute with the Group concerning smoking at the Center and your consequent demand from said Group relating to homeowner's insurance, please state your reason in support of your contention, and, give the full names, home and business addresses and telephone numbers, if known, of all members and representatives of the Group with whom you have dealt relating to other matters, i. e., payment of fees and meeting arrangements, noting Deposit-

ion Exhibit 3, letter dated June 3, 1993, addressed to the Plaintiff.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 19: State whether or not you ever unilaterally rearranged and reduced Plaintiff's regularly assigned number of days and hours of work per week, between 1991 and 1993, prior to the Board's letter dated February 17, 1993, reducing Plaintiff's number of days and hours of work per week. If your answer is negative, please state precisely your reason in support of your negation with documentation(s).

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 20: State whether or not you ever advised the greeters of Sunday services at the Center to put the collection (Monies) in your office upon collecting the same but prior to counting the same. If, in any event you answer negatively or affirmatively, please state precisely your version of the occurrence according to the best of your recollection.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 21: State the reason(s) upon which the Board's decision of June 14, 1993 to abolish the Plaintiff's Position as a Security Guard was based, and give the full names, home and business addresses, and telephone numbers of all Board Members who were in attendance on said date, and attach all records, minutes, recordings, tapes, and other documents generated therefrom.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 22: Identify each person who has given

you a written or recorded statement concerning the circumstances in this case, including the name, address and phone number of any such person.

ANSWER: Objection. This information is not discoverable. Fernandes v. United Fruit Co., 50 F.R.D. 82, 83-84 (D.Md. 1970) (no discovery of those persons from whom a statement was taken); Board of Educ. v. Heating & Ventilating, Inc., 104 F.R.D. 23, 32 N.D. Ill. 1984) (interrogator cannot ask who was interviewed and whether a statement was prepared); Uinta Oil Refining Co. v. Continental Oil Co., 226 F. Supp. 495, 500, 505-06 (D.Utah 1964) (no discovery of those persons from whom a statement was requested or taken); Buining v. The Transporter, 171 F.Supp. 127, 133 (D.Md. 1959) (court disallowed interrogatory seeking identity of any person who had given a written statement to the opponent); O'Brien v. Equitable Life Assur. Soc'y, 13 F.R.D. 475, 477 (W.D. Mo. 1953) (same); Caplan v. Zalis (Super. Ct. Balto. City Mar. 1, 1956), reprinted in Maryland Discovery Opinions 58 (B. Kaufman ed. 1975) (no discovery of individuals who have given oral statements).

Interrogatory No. 23: Identify each person who has worked for the Unity Center paid or unpaid (Volunteer), in about, between 1991 and 1993, including the name, address, and phone number of any such person, and also the job title, duties including the physical activities involved, number of days or hours per week worked, and job description.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 24: State the names and addresses of all persons, experts and non-experts, whom you intend to call as witnesses at the trial of this matter; and state the subject matter on which each person is expected to testify, substance of the facts and opinions where applicable, and a summary of the grounds for each opinion. If the persons prepared a report(s) of their findings, please attach a copy to your Answer to these Interrogatories. If any such report was oral, please state the

subject matter on which each person is expected to testify, and a summary of the grounds for each such statement or opinion.

ANSWER: Objection, this Interrogatory requests information which is privileged by both the Attorney-Client Privilege as well as the Attorney Work-Product Privilege.

Interrogatory No. 25: Please state the reason why the only eyewitness, Bonyonoh Wojloh, Plaintiff's daughter to the incident that took place on or about May 25, 1993, was not permitted to testify or give statement as to what she has witnessed.

ANSWER: Objection, this Interrogatory is ambiguous and incomprehensible. Without waiving such objection, Defendant states that Bonyonoh Wojloh, plaintiff's daughter, was permitted to give a deposition in this case.

Interrogatory No. 26: State whether or not Plaintiff has ever stolen any item during and after his tenure as a Security Guard from the Unity Center of Christianity, Inc., in Baltimore, Maryland, from any member of the Center, from you, or from any other person out side of the Center, according to the best of your knowledge. If your Answer is affirmative, please describe the alleged stolen item, including the date and location where the incident had occurred.

ANSWER: To the extent that this Interrogatory seeks information regarding Mr. Anderson's alleged slanderous statement, Defendant denies that such statement was made. Defendant states that he has no direct, personal knowledge of any facts requested in this Interrogatory. However, discovery is continuing, and this Interrogatory will be supplemented as necessary.

Interrogatory No. 27: If you and/or the Board of Directors contend that the Plaintiff's Position afoementioned herein, was abolished by reason emanated from "reviewing the financial situation," why did you cancel Tamera Swan's Tuesday Evening

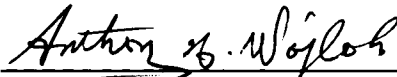
Meetings for which she was willing and prepared to compensate the Plaintiff.

ANSWER: See Answer to Interrogatory number 3.

Interrogatory No. 28: State whether or not you have ever been institutionalized or treated at anytime, past and present, or discharged from any branch of the United States Arm Forces by a physician, clinic, nurse, or any authorized medical officer for a nervous breakdown, mental disorder, or paranoia. If your Answer to this Interrogatory Number 28 is in the affirmative, please give the name of each and every medical or health care provider mentioned herein, including the name of all medications prescribed and taken for said mental disorder or paranoia.

ANSWER: Objection, this Interrogatory seeks information which is irrelevant, immaterial, and unlikely to lead to the discovery of admissible evidence.

2. The retort of the Defendant, Edward Reifer, in answers to the Interrogatories for which appropriate, complete and satisfactory answers are sought is the essence of the issues at bar. Further, the responses to these Interrogatories provided by the Defendant are grossly incomplete and evasive, in some instances. In another, Defendant blatantly and adamantly refused and/or failed to answer the Interrogatories. Finally, the essential documents requested were not produced by Defendant.



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

IN THE CIRCUIT COURT FOR BALTIMORE CITY

Civil Division

APR 7 1979

0101-11-0101

ANTHONY N. WOJLOH

*

Plaintiff

*

v.

*

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al.

*

Defendants

*

* * * * *

PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES

IN SUPPORT OF MOTION TO COMPEL ANSWERS TO INTERROGATORIES

Without an extended discussion, it is very imperative that an Order be issued compelling Defendant, Edward Reifer, not only to answer certain Numbers of Interrogatories aforementioned in the Plaintiff's Motion to Compel Answers to Interrogatories, properly, completely and under oath, but also to produce the documents requested in the aforesaid Interrogatories, namely, letters, recordings, tapes, minutes of the Board of Directors of the Unity Center of Christianity, Inc., in Baltimore, Maryland, having relation to Plaintiff's employment, pursuant to the applicable Rules of Discovery of the Circuit Court for Baltimore City. That, the information being sought is within the personal knowledge of the Defendant; it is pertinent and relevant to the issue raised by the pleading of the Plaintiff; it is not privileged information; and would

also be admissible as evidence in the action at trial. It cannot be over-emphasized herein, that the information being sought is necessary for trial preparation, and that Plaintiff is unable without undue hardship to obtain the substantial equivalent of the materials by other means. See Snead v. American Export-Isbrandtsen Lines, Inc., 59 F.R.D. 148, 151 (E. D.Pa. 1973); Sloan v. S. S. Kresge Company, Ohio Com. Pl., 97 N.E.2d 238; Feinstein v. Cleveland, 67 Ohio Law Abst. 518, "Interrogatories may seek information relevant to any issue of the action and to all sides of the case." (Italics supplied.). The information being sought is relevant to the issue in the action. See Federal Rule 26(b) The "privilege" which protects matter from discovery under (Rule 26(b) is the same as that applicable under the Rules of evidence at a trial. United States v. Reynolds, 345 U.S. 1, 6, 73 S.Ct. 528, 97 L.Ed. 727 (1953) Furthermore, the party claiming the existence of the privilege has the burden of persuasion. . . . The defendants have not met this burden." Discovery of the documents sought and/or their related discription is covered by Rule 26(b) (3). Also see Peterson v. United States, 52 F.R.D. 317, 320 (S.D. Ill. 1971).

It is a long held principle in the State of Maryland in Baltimore City that when considering the scope of pre-trial discovery the Court "must interpret relevant very broadly to mean matter that is relevant to anything that is or may become an issue in litigation." Dunn v. The Evening Star Newspaper Company, 232 A.2d 293 (D.C. App. 1967). Additionally, the Dunn

Court also stated that relevancy is to be construed liberally "to the point that discovery should be granted where there is any possibility that information sought may be relevant to the subject matter of the action." Dunn at 295 omitting citation.

Rule 34 is intended to be a discovery device which is "as broad in scope as any of the discovery devices and is in all respects an essential part of a liberal and integrated scheme for the full disclosure of relevant information between the parties that will facilitate the prompt and just disposition of their litigation." Volume 8, C. Wright & A. Miller, Section 2206.

As this Court knows, discovery is not limited only to matters which would be admissible at trial. *Id.* Rather, anything that is relevant unless it is privileged or has been prepared in anticipation of litigation is subject to discovery. Defendant has not only failed to show that the information he has refused to produce was prepared in anticipation of litigation, he is unable to demonstrate that it is privileged, by shifting the burden.

CONCLUSION

It is clear by the documents requested, Interrogatories propounded and the case law that Defendant, Edward Reifer is required to produce the documents and respond appropriately to the Interrogatories.

WHEREFORE, it is respectfully requested that Plaintiff's Motion to Compel Answers to Interrogatories be granted and an

Order entered requiring Defendant to answer all discovery requests.

Respectfully submitted,

Anthony N. Wojloh

ANTHONY N. 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 March, 1995, a copy of the Plaintiff's Motion to Compel Answers to Interrogatories, with Memorandum of Points and Authorities attached and Order, 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

ANTHONY N. WOJLOH
Plaintiff, Pro se

2008

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL

Defendants

RECEIVED IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
1995 MAR 10 A 7:30R
CIRCUIT COURT
CIVIL DIVISION BALTIMORE CITY

CASE NO. 94143054/CL181082

* * * * *

DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION
TO MOTION FOR RECONSIDERATION

Defendants, by their undersigned counsel, reply to Plaintiff's Opposition to Defendant's Motion for Reconsideration and state as follows:

1. Defendant asserts that reconsideration is necessary and appropriate in this matter as the Court did not have the benefit of a reply to Plaintiff's allegations in his Opposition.

2. Plaintiff's allegations in Opposition are insufficient, as a matter of law, to warrant a trial on the merits. The interests of justice mandate that Defendant's Motion for Reconsideration be granted so that the judicial system not be unnecessarily burdened with frivolous claims and allegations.

3. Plaintiff testified at deposition that the alleged statements were made on a Saturday. He then further testified that the alleged statements were made on Preakness Saturday, 1993. Realizing that such date would warrant summary judgment against him, Plaintiff submitted an Affidavit that not only indicates that the incident did not occur on a Saturday, but also that the incident occurred on May 25, 1993.

247

4. Plaintiff's Opposition to Motion for Summary Judgment first states that Plaintiff mistakenly testified that the alleged slanderous statements were made on May 25, 1993. (Plaintiff's Opposition at page 3, second full paragraph).

5. Plaintiff then provides an Affidavit that indicates that the alleged incident occurred on May 25, 1993. (Plaintiff's Opposition at Exhibit E).


6. Plaintiff cannot present a material fact in dispute by providing affidavits which disclaim prior testimony. 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).


7. 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).

NOW, THEREFORE, Defendant requests that his Motion for Reconsideration be granted and that the Court hold a hearing on 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) 783-6340

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March 1995,
a copy of the foregoing Opposition to Motion for Reconsideration
was mailed, first-class, postage prepaid to the following:

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



PAUL M. FINAMORE

2000
28

ANTHONY N. WOJLOH
Plaintiff

RECEIVED IN THE
CIRCUIT COURT FOR
BALTIMORE CITY CIRCUIT COURT

v.

1995 MAR 10 A 7:37 PM

EDWARD REIFER, ET AL CIVIL DIVISION BALTIMORE CITY

Defendants * CASE NO. 94143054/CL181082

* * * * *

DEFENDANT'S OPPOSITION TO MOTION TO COMPEL

Rev. Edward Reifer, by his undersigned counsel, opposes Plaintiff's Motion to Compel answers to interrogatories and states:

1. Plaintiff's Motion to Compel should be denied as Plaintiff has failed to comply with the certificate requirements stated in Maryland Rule 2-431. Plaintiff never attempted to resolve this apparent dispute in good faith, but merely filed this Motion with the Court.

2. Even if the Court were to consider Plaintiff's Motion, Plaintiff requested information in Interrogatories which is irrelevant to any matter before this Court and unlikely to lead to the discovery of admissible evidence.

3. On August 31, 1994, Judge Gordy dismissed many of the counts stated in Plaintiff's "Declaration." The only remaining count sounds in slander against Defendant Anderson and vicariously against Rev. Reifer among others.

4. The only issues relating to count II are whether Defendant Anderson made the allegedly slanderous comments and when such comments were made.

5. Plaintiff served Defendant Reifer with Interrogatories that were designed or intended to support his claims in the counts which were dismissed.

6. Interrogatory Numbers 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, and 27 all request information relating to causes of action which have been dismissed. None of the requested information is likely to lead to admissible evidence with respect to Plaintiff's slander allegation.

7. Interrogatory Number 1 requests certain identifying information relating to Rev. Reifer, including, inter alia, his social security number. Rev. Reifer produced all requested information in response to Interrogatory Number 1, except for his social security number. This information is not relevant to any issue presented in this case, and Plaintiff has articulated no reason to believe that this information is likely to lead to the discovery of admissible evidence. Defendant Reifer is unwilling to provide this information to Plaintiff in the absence of a Court Order. Rev. Reifer has a privacy interest in maintaining the confidentiality of this information. Therefore, Rev. Reifer would request a Protective Order under Maryland Rule 2-403 that this information not be discovered. Plaintiff is requesting this information purely for annoyance, and Rev. Reifer requests that the Court order that Plaintiff not be granted this information.

8. Interrogatory Number 2 has been answered except for the dates during which Rev. Reifer resided at the referenced

locations. Should the Court determine that such information is relevant or likely to lead to the discovery of admissible evidence, this answer will be supplemented.

9. Interrogatory Number 13 has been fully answered, and Plaintiff's Motion to Compel is without basis.

10. Interrogatory Number 22 requests privileged information. Plaintiff has articulated no substantial need such that the articulated privilege should be ignored.

11. Interrogatory Number 24 requests the names of all witnesses that Rev. Reifer intends to call at trial. This information is privilege and not subject to discovery. Should Plaintiff restrict his Interrogatory to expert witnesses, Rev. Reifer would produce such names when any expert is retained. No experts have been retained to date.

12. Interrogatory Number 25 has been fully answered, and Plaintiff's Motion to Compel is without basis.

13. Interrogatory Number 26 has been fully answered, and Plaintiff's Motion to Compel is without basis.

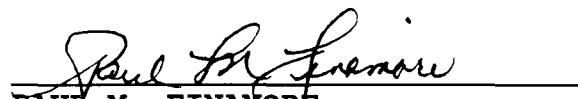
14. Interrogatory Number 28 is purely for the purposes of annoyance, embarrassment, and oppression. Rev. Reifer has not put his physical or mental condition at issue, and Plaintiff's attempt to discover such information is outrageous and should not be tolerated.

15. Plaintiff is engaging in abusive discovery which should not be tolerated by this Court. His attempt to obtain discovery of information pertaining to counts which have been dismissed is

prima facie evidence of his failure to comply with the discovery rules.

NOW, THEREFORE, Defendant Reifer requests that Plaintiff's Motion to Compel be denied.


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 9th day of March 1995,
a copy of the foregoing Opposition to Motion to Compel 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

* * * * *

ORDER

Upon consideration of Defendant Reifer's Opposition to Plaintiff's Motion to Compel, it is this ____ day of _____, 1995, by the Circuit Court for Baltimore City,

ORDERED, that Plaintiff's Motion be and the same hereby is DENIED, and it is further

ORDERED, that Rev. Reifer's request for Protective Order with respect to Interrogatory Numbers 1 and 28 is hereby GRANTED.

JUDGE
CIRCUIT COURT FOR BALTIMORE
CITY

254

29 NSW

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH *
Plaintiff *

v. *

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al. *
Defendants *

* * * * *

O R D E R

Upon Consideration of Plaintiff's Opposition To Defendant's Motion For Reconsideration, Or In The Alternative, Motion To Rescind Defendant's Motion, and after hearing argument on behalf of all parties, it is by the Court, this 13 th day of March, 1995,

ORDERED, that the Defendant's Motion be and the same is hereby DENIED.

No extension of time to plead requested of court; therefore, no extension was granted. No request for a hearing; therefore, that was no hearing.

Marvin B. Steenberg
JUDGE

MAR 17 1995

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

AG

IN THE CIRCUIT COURT FOR BALTIMORE CITY

Civil Division

1995 MAR 28 A 7:17

CIVIL DIVISION

ANTHONY N. WOJLOH

*

Plaintiff

*

*

v.

*

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al.

*

Defendants

*

* * * * *

PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION

TO MOTION TO COMPEL

COMES NOW, Anthony N. Wojloh, Plaintiff, Pro se, pursuant to the Civil Rules of Procedure of this Court, moves in reply to Defendant Reifer's Opposition To Motion To Compel for an Order compelling said Defendant to answer certain Numbers of the Interrogatories which were not answered fully and which were evaded without justifiable grounds, on or about 9th March, 1995, and to answer the same forthwith, completely, under oath, and in writing, and to file a copy of his Answers to and serve same upon Plaintiff along with copies of all documents which had been requested; in support thereof, Plaintiff states:

1. Plaintiff has complied with the Certificate requirements stated in Maryland Rule 2-431, in so doing, on or about August 31, 1994 at a settlement conference between defense counsel and Plaintiff, at which time, the latter proposed a

110

range of \$35,000.00 to \$15,000.00 settlement offer, of the total \$49,000.00 Plaintiff had lost in salary. Again, on August 5, 1994, in an attempt to avoid a lengthy litigation, Plaintiff wrote to defense counsel inviting him to settlement negotiation. On August 17, 1994 in reply to the aforementioned letter, the counsel wrote that until Defendants' Motion For Summary Judgment was ruled upon, "a determination regarding any possibility of negotiation is premature." That, although Defendants' Motion For Summary Judgment, among other Motions to Dismiss has been denied, no settlement inclination on the part of Defendants is demonstrated. See Attachments A and B, Plaintiff's letter to counsel and a reply thereto.

2. The information Plaintiff has requested is very appropriate under discovery rules; and that the information is not only relevant and would be admissible as evidence at trial, but is relevant to the subject matter of the action at bar.

3. That the scope of discovery extends to any matter that is relevant unless privileged, or has been prepared in anticipation of litigation. The information sought is neither privileged, nor is in anticipation for trial.

4. The nature of the action at bar extends the scope of the information being sought, including, but not limited to, the full names, home and business addresses of members of the Board of Directors of the Center, roster of all members, letters, recordings, minutes, financial or related records, tapes, of all meetings of the Board having relevancy to Plaintiff's

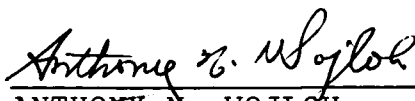
employment. Plaintiff respectfully submits a copy of a letter dated February 17, 1993 and marked herewith as Attachment C, from Defendants to Plaintiff, a copy of a letter dated June 14, 1993 addressed to Plaintiff by Defendants as Attachment D, and a copy of a letter dated from Defendants to Plaintiff, June 3, 1993 and marked as Attachment E.

5. The Order of August 31st, 1994, by the Honorable Judge Clifton J. Gordy dismissing Counts 1 (Libel), 3 (Harassment) and 4 (Conspiracy) of Complaint does not however, preclude requesting relevant information by Plaintiff in the action against Defendants.

6. The information being sought is not only essential to the action before the Court, but is also inseparable from the same, let aside Defendants' own volition or voluntariness, to energizing Plaintiff's case by Deposition Exhibits. See the Attachments C. D and E, above.

NOW and THEREFORE, Plaintiff respectfully asks the Court to compel Defendant Edward Reifer by an Order to answer the Interrogatories mentioned in the Motion, fully, completely and under oath in GRANTING said Motion.

Respectfully submitted,


ANTHONY M. WOJLOH
3700 West Rogers Avenue
Baltimore, Maryland 21215

Telephone: (410) 664-4587

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, et. al.

Defendants

*

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CASE NO. 94143054/CL181082

* * * * *

PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
REPLY TO DEFENDANT'S OPPOSITION TO MOTION

It is submitted, that the information sought by Plaintiff is pertinent and relevant to the issue raised by the pleading; and that Plaintiff is unable without undue hardship to obtain the substantial equivalent of the materials by other means. See Snead v. American Export-Isbrandtsen Lines, Inc., 59 F.R.D. 148, 151 (E.D.Pa. 1973); Sloan v. S. S. Kresge Company, Ohio Com. Pl., 97 N.E.2d 238; . . . Feinstein v. Cleveland, 67 Ohio Law Abst. 518, "Interrogatories may seek information relevant to the issue of the action and to all sides of the case." (Italics supplied.). The information being sought is relevant to the issue in the action. See Federal Rule 26(b) The "priviledge" which protects matter from discovery under (Rule 26 (b) is the same as that applicable under the Rules of evidence at a trial. United States v. Reynold, 345 U.S. 1, 6,

73 S.Ct. 528, 97 L.Ed. 727 (1953) Furthermore, the party claiming the existence of the privilege has the burden of persuasion. . . . The defendants have not met this burden." Discovery of the documents sought and/or their related description is covered by Rule 26(b) (3). Also see Peterson v. United States, 52 F.R.D. 317, 320 (S.D. Ill. 1971).

Likewise, Plaintiff's request regarding information about Defendants' financial record is essential, because Defendants have placed their financial status directly in issue, when they stated in a letter dated February 17, 1993 addressed to the Plaintiff that "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" of Plaintiff. See Attachment C. The reduction of Plaintiff's number of hours per week from 36½ plus or minus to 3 hours clearly go hand-in-hand. Therefore, Defendants by their own admission has placed their financial status directly in issue. Therefore, Plaintiff is entitled to this information, including the other requested information as it may lead to the discovery of admissible evidence, notwithstanding the fact it may be admissible in and of itself.

Likewise, Defendants, including Reifer, have objected to relevant information and records relating to Plaintiff's employment and have failed to answer Interrogatories relating to same; although they directly placed this information in issue.

It is a long held principle in the State of Maryland in

Baltimore City that when considering the scope of pre-trial discovery the Court "must interpret relevant very broadly to mean matter that is relevant to anything that is or may become an issue in litigation." Dunn v. The Evening Star Newspaper Company, 232 A.2d 293 (D.C. App. 1967). Additionally, the Dunn Court also stated that relevancy is to be construed liberally "to the point that discovery should be granted where there is any possibility that information sought may be relevant to the subject matter of the action." Dunn at 295 omitting citation.

Rule 34 is intended to be a discovery device which is "as broad in scope as any of the discovery devices and is in all respects an essential part of a liberal and integrated scheme for the full disclosure of relevant information between the parties that will facilitate the prompt and just disposition of their litigation." Volume 8, C. Wright & A. Miller, Section 2206.

As this Court knows, discovery is not limited only to matters which would be admissible at trial. *Id.* Rather, anything that is relevant unless it is privileged or has been prepared in anticipation of litigation is subject to discovery. Defendant has not only failed to show that the information he has refused to produce was prepared in anticipation of litigation, he is unable to demonstrate that it is privileged, by shifting the burden.

Lastly, Defendant Reifer has failed to answer not only Plaintiff's legitimate request for production of documents

embodied in the Interrogatories, but has also failed to answer Interrogatories propounded by Plaintiff. Defendant has failed to comply with the requirement of Circuit Rule of Civil Procedure, in that he has not only failed to provide Answers to Interrogatories but he also failed to provide his answers under oath. Specifically, the Interrogatories in question which the Defendant has refused to answer include Interrogatories Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, and 28. It is uncontrovertible that these Interrogatories are appropriate and relevant in the action against the Defendant(s), under the circumstances. The information sought is within the personal knowledge of Defendant and is pertinent to the issue raised by Plaintiff and by Defendant in his pleading and Deposition Exhibits.

CONCLUSION

It is very clear by the documents requested, Interrogatories propounded and the case law that Defendant, Edward Reifer is required to produce the documents and respond appropriately to the Interrogatories.

WHEREFORE, it is respectfully requested that Plaintiff's Motion to Compel Answers to Interrogatories be GRANTED and an Order entered requiring Defendant to answer all discovery requests.

Respectfully submitted,

Anthony N. Wojloh

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 25 th day of March, 1995,
a copy of the Plaintiff's Reply to Defendant's Opposition to
Motion to Compel, with Memorandum of Points and Authorities
attached and Order, 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

ANTHONY N. WOJLOH
Plaintiff, Pro se

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

ATTACHMENT A.

267

NILES, BARTON & WILMER

ATTORNEYS AT LAW

1400 LEGG MASON TOWER

111 S. CALVERT STREET

BALTIMORE, MARYLAND 21202-6185

410-783-6300

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

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

WRITER'S DIRECT NUMBER

(410) 783-6340

August 17, 1994

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:

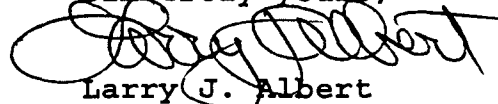
Please excuse my delay in responding to your letter of August 5, 1994, as I was out of the office the week of August 8, 1994 and my wife underwent surgery on August 15, 1994.

You have, I trust, received notice from the Clerk's office that a hearing on Defendants' Motions to Dismiss and your Opposition thereto, will be held before Judge Gordy on Wednesday, August 31, 1994, at 11:00 a.m. in Room 330, Courthouse East (the building in which the main Post Office is located). Judge Gordy will hear argument from each of us and either give his decision at that time or hold this matter and make his decision at a later date.

Judge Gordy could grant Defendants' Motion as to all claims you have asserted, as to some or as to none. Until he rules, a determination regarding any possibility of negotiation is premature. Even after he rules, such determination may still be premature, without the benefit of any discovery concerning what, if any, factual basis underlies the allegations which have been made.

I do, however, look forward to meeting you on August 31, 1994.

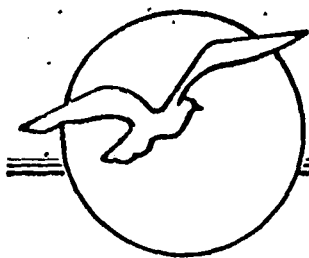
Sincerely yours,



Larry J. Albert

LA: csm

ATTACHMENT B.



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.

Saturday 9-11:30am 2½ hrs.

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

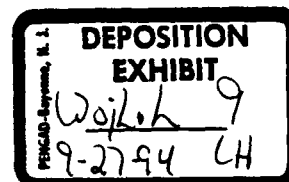
Yoga meets 9:30-11am in Sanctuary.

Total hours per week - 6 hours.

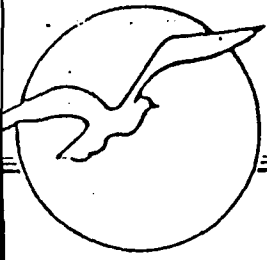
Sincerely,

John Anukem
President, Board of Directors

ATTACHMENT C.



27m



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.

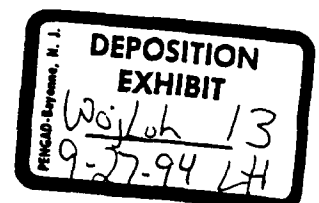
Upon securing the building and activating the alarm on Tuesday, June 15th, kindly drop your keys into the mail slot located to the left of the 29th Street entrance door.

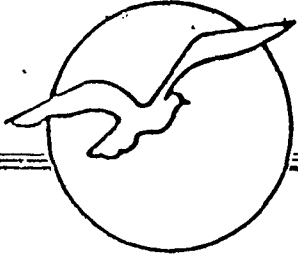
On behalf of the Board of Directors, I would like to extend our appreciation for your service to Unity of Baltimore.

Sincerely,

Sandra W. Falls
President
Board of Directors

ATTACHMENT D.





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 3, 1993

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

Dear Mr. Wojloh;

We have just been informed that the A.A. group that has been meeting at our Center on Monday evenings will not be meeting here after June 7, 1993. Therefore your services during the two hours normally scheduled for that meeting will no longer be necessary after that date.

Also, please be advised that Gwen Marable has suspended yoga classes during the months of July and August, and your 2 1/2 hours each Saturday during that period will not be required.

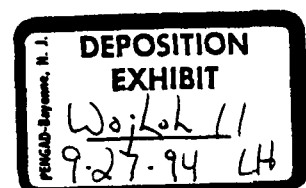
At this time your 1 1/2 hours on Tuesday evenings remains unaffected.

Sincerely,

Sandee Falls

Sandee Falls, President
Board of Directors

ATTACHMENT E.



| | | |
|----------------------|---|-----------------------------------|
| ANTHONY N. WOJLOH | * | IN THE |
| Plaintiff | * | CIRCUIT COURT- |
| V. | * | FOR |
| EDWARD REIFER, ET AL | * | BALTIMORE CITY |
| Defendants | * | CASE NO. <u>94143054/CL181082</u> |
| * * * * * | * | * * * * * |

ANSWERS TO INTERROGATORIES

FROM: Edward Reifer - Co-Defendant

TO: Anthony N. Wojloh - Plaintiff

Edward Reifer, Defendant, by and through his attorneys, hereby answers the Interrogatories propounded by Plaintiff, Anthony N. Wojloh, and says as follows:

a. The information supplied in these Answers is not based solely on the knowledge of the executing party, but includes knowledge of the party, its agents, representatives and attorneys, unless privileged.

b. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers, and thus does not necessarily purport to be the precise language of the executing party.

c. The information contained in these Answers is being provided in accordance with the provisions and intent of the Maryland Rules of Procedure, which require disclosure of facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the party answering these Interrogatories, by providing the information requested, does not waive objections to its admission in evidence on grounds of materiality or relevancy or other proper grounds for objection.

INTERROGATORY NO. 1: State your full name, date of birth, social security number, marital status; if married, give the name and present address of your spouse. If you have ever used any other names, please list them.

ANSWER: Edward Reifer, 5/2/37; single.

INTERROGATORY NO. 2: State your present address, and all former addresses for the past ten (10) years and inclusive dates of each.

ATTACHMENT F¹

ANSWER: 223 D. Montrose Manor Court, Catonsville,
Maryland 21228; 12 Estates Court, Apt. 5411, Pikesville,
Maryland 21208.

INTERROGATORY NO. 3: If you were employed at the time of the incident involved in this case, please answer the following:

- a. state the name and address of your employer;
- b. the nature of your duties including the physical activities involved;
- c. the amount of, or number of hours and days per week you worked and attach a copy of your job description.

ANSWER: Unity Church of Christianity; Pastor; always on duty.

INTERROGATORY NO. 3: State whether or not you ever advised Plaintiff that his services would no longer be continued as long as you were Pastor of the Center. If so, please state the reason(s) that give rise to the statement.

ANSWER: Objection, this Interrogatory requests information which is irrelevant, immaterial, and unlikely to lead to the discovery of admissible evidence in view of the fact that Judge Gordy dismissed all Counts except for the slander Count against Defendant Anderson.

INTERROGATORY NO. 4: State whether or not you ever asked Plaintiff at any time between 1991 and 1993, to clean and remove trash from the Co-Defendant, Rubie Hostetler's office, and to remove snow from the parking lot of the Unity Center of Christianity, Inc. or in the alternative, state in detail your version of how the incidents allegedly give rise to the requests that occurred, including the exact or proximate date, time and location of each occurrence.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 5: State whether or not you and/or any member of the Center ever wrote a letter or report adversely, to any group of persons or to members of the Board of Directors relating to an alleged refusal on the part of Plaintiff to perform certain duties asked of him by you, other than asking Plaintiff to clean and remove trash from Hostetler's office and

other than asking him to remove snow on/from the parking lot of the Center. If your Answer is affirmative, please describe the particular duties Plaintiff allegedly refused to perform, the dates, times and locations of such incidents.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 6: State whether or not you ever accused Plaintiff of pestering a white female cleaning lady, named, Heather, 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. If your Answer is negative, please state in full detail your version of what happened, or how the incident gave rise to the alleged remarks.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 7: State whether or not you ever advised Plaintiff not to answer the telephone at the Center for fear of causing white people to stay away from the Church upon hearing the Plaintiff's voice and accordingly assuming that the Center has or may have predominately Black congregation. If not so, state your version of what happened.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 8: State whether or not you ever served on the past and/or present Board of Directors of the Unity Center of Christianity in Baltimore, Maryland. If your Answer is affirmative, please give the dates and length of time served, the names, addresses and telephone numbers of all persons with whom you have or may have served, dates and locations of all meetings held which dealt with Plaintiff's employment status, including all agendas, minutes, recordings, tapes, letters, etc., having to do with Plaintiff's employment, and attach all copies of the same, noting the Board of Meetings of March 1993, February, 1993, June, 1993, and the one Plaintiff attended at the Board Retreat of April 25, 1992.

ANSWER: Objection, this Interrogatory is ambiguous as written, unduly burdensome, and solely for purposes of harassment. Without waiving such objection, Defendant states that he was a member of the Board from December, 1991 through October, 1994.

INTERROGATORY NO. 9: Please name all Board meetings you have attended, including those mentioned in Answer to Interrogatory Number 8 concerning Plaintiff, the names, home and business addresses of all members in attendance, their telephone numbers, and attach all minutes, recordings, and tapes of the same.

ANSWER: See Answer to Interrogatory number 8.

INTERROGATORY NO. 10: Please give the full names, home and business addresses and telephone numbers if known, of all members of the Board of Directors, if different from those named in Answers to Interrogatory numbers 8 and 9, and had attended the Board Meeting held at the Retreat of April 25, 1992, and attach copies of letters which have been submitted, concerning Plaintiff.

ANSWER: See Answer to Interrogatory numbers 3 and 8.

INTERROGATORY NO. 11: State whether or not you have attended the Annual Membership Meeting of March 7, 1993 of the Center at which time the financial status was described by the former treasurer of the Board, Brian Tune, as "in good financial shape," and that the Church had a cash saving of \$32,000.00, excluding an expenditure of \$17,000.00 noting the Board letter of February 17, 1993, addressed to the Plaintiff alleging the contrary. If so, please give the full names, home and business addresses, if known, of all members of the Board and the congregation, using the church's Roster to assist you, and attach copies of the financial report, minutes, recording and tape(s) of the Board Meeting immediately held thereafter.

ANSWER: See Answer to Interrogatory numbers 3 and 8.

INTERROGATORY NO. 12: State the names, addresses and phone numbers of any person not mentioned in your answers to Interrogatories, who have in his/her possession, minutes, recordings, tapes, letters, and relevant documents of the Board having any relationship to Plaintiff's employment, and whether or not that person has personal knowledge of facts material to this case, and the substance of each person's knowledge, and attach all copies of items mentioned herein.

ANSWER: See Answer to Interrogatory numbers 3 and 8.

INTERROGATORY NO. 13: If you contend that Plaintiff in this case has caused or contributed to the occurrence in the case, please give a concise statement of facts which support such contention.

ANSWER: Objection, this Interrogatory is ambiguous as written to the extent that occurrence is not defined. Without waiving such objection, Defendant denies all allegations contained in the slander Count against Defendant Anderson.

INTERROGATORY NO. 14: State whether you have within your control or possession, or have any transcripts of any testimony in any proceeding of Board meeting which you may or may not have attended, arising out of the occurrence, and, if so, state the date, the subject matter, the name and business address of the person recording such testimony and the name of the person who presently has custody of such transcripts of testimony.

ANSWER: Objection, this Interrogatory is ambiguous as written to the extent that occurrence is not defined.

INTERROGATORY NO. 15: State whether between 1991 and 1992, you were aware of the fact that Plaintiff's assigned normal bi-weekly number of days of work was 12 days, plus or minus, and 70 plus or minus number of hours of work bi-weekly. If your answer is negative, state the reason supporting the negation, and attach supporting documents.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 16: State whether you have contributed to, and/or supporting the Board's letter dated February 17, 1993, reducing the Plaintiff's bi-weekly hours of 70 plus or minus to 6 hours, Deposition Exhibit 3, as marked. In any event, state precisely your version of the position taken by you, and attach a copy of the minutes, recordings and tapes of the Board Meeting at which time said letter was brought about.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 17: If you contend that you did not contribute to, and/or support the decision of the Board of Directors to abolish the Plaintiff's position of Security Guard at the Unity Center of Christianity of Baltimore, expressed in a letter dated June 14, 1993, Deposition Exhibit 3, as marked and addressed to Plaintiff, please state the reason in support of your contention.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 18: If you contend that you and the Board of Directors did not ask the AA Group to discontinue meetings on Monday evening, as a result of your dispute with the

Group concerning smoking at the Center and your consequent demand from said Group relating to homeowner's insurance, please state your reason in support of your contention, and, give the full names, home and business addresses and telephone numbers, if known, of all members and representatives of the Group with whom you have dealt relating to other matters, i.e., payment of fees and meeting arrangements, noting Deposition Exhibit 3, letter dated June 3, 1993, addressed to Plaintiff.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 19: State whether or not you ever unilaterally rearranged and reduced Plaintiff's regularly assigned number of days and hours of work per week, between 1991 and 1993, prior to the Board's letter dated February 17, 1993, reducing Plaintiff's number of days and hours of work per work. If your answer is negative, please state precisely your reason in support or you negation with documentation(s).

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 20: State whether or not you ever advised the greeters of Sunday services at the Center to put the collection (monies) in your office upon collecting the same but prior to counting the same. If, in any event you answer negatively or affirmatively, please state precisely your version of the occurrence according to the best of your recollection.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 21: State the reason(s) upon which the Board's decision of June 14, 1993 to abolish the Plaintiff's position as a Security Guard was based, and give the full names, home and business addresses, and telephone numbers of all Board Members who were in attendance on said date, and attach all records, minutes, recordings, tapes, and other documents generated therefrom.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 22: Identify each person who has given you a written or recorded statement concerning the circumstances in this case, including the name, address and phone number of any such person.

ANSWER: Objection. This information is not discoverable. Fernandes v. United Fruit Co., 50 F.R.D. 82, 83-84 (D.Md. 1970) (no discovery of those persons from whom a statement was taken); Board of Educ. v. Heating & Ventilating,

ATTACHMENT F.

Inc., 104 F.R.D. 23, 32 (N.D. Ill. 1984) (interrogator cannot ask who was interviewed and whether a statement was prepared); Uinta Oil Refining Co. v. Continental Oil Co., 226 F.Supp. 495, 500, 505-06 (D.Utah 1964) (no discovery of those persons from whom a statement was requested or taken); Buining v. The Transporter, 171 F.Supp. 127, 133 (D.Md. 1959) (court disallowed interrogatory seeking identity of any person who had given a written statement to the opponent); O'Brien v. Equitable Life Assur. Soc'y, 13 F.R.D. 475, 477 (W.D. Mo. 1953) (same); Caplan v. Zalis (Super. Ct. Balto. City Mar. 1, 1956), reprinted in Maryland Discovery Opinions 58 (B. Kaufman ed. 1975) (no discovery of individuals who have given oral statements).

INTERROGATORY NO. 23: Identify each person who has worked for the Unity Center paid or unpaid (volunteer), in about, between 1991 and 1993, including the name, address, and phone number of any such person, and also the job title, duties including the physical activities involved, number of days or hours per week worked, and job description.

ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 24: State the names and addresses of all person, experts and non-experts, whom you intend to call as witnesses at the trial of this matter; and state the subject matter on which each person is expected to testify, substance of the facts and opinions where applicable, and a summary of the grounds for each opinion. If the persons have prepared a report(s) of their findings, please attach a copy to your Answer to these Interrogatories. If any such report was oral, please state the subject matter on which each such person is expected to testify, and a summary of the grounds for each such statement or opinion.

ANSWER: Objection, this Interrogatory requests information which is privileged by both the Attorney-Client Privilege as well as the Attorney Work-Product Privilege.

INTERROGATORY NO. 25: Please state the reasons why the only eyewitnesses, Bonyonoh Wojloh, Plaintiff's daughter to the incident that took place on or about May 25, 1993, was not permitted to testify or give a statement as to what she has witnessed.

ANSWER: Objection, this Interrogatory is ambiguous and incomprehensible. Without waiving such objection, Defendant states that Bonyonoh Wojloh, plaintiff's daughter, was permitted to give a deposition in this case.

INTERROGATORY NO. 26: State whether or not Plaintiff has ever stolen any item during and after his tenure as a Security Guard from the Unity Center of Christianity, Inc., in Baltimore, Maryland, from any member of the Center, from you, or from any other person outside of the Center, according to the best of your knowledge. If your Answer is affirmative, please describe the alleged stolen item, including the date and location where the incident had occurred.

ANSWER: To the extent that this Interrogatory seeks information regarding Mr. Anderson's alleged slanderous statement, Defendant denies that such statement was made. Defendant states that he has no direct, personal knowledge of any facts requested in this Interrogatory. However, discovery is continuing, and this Interrogatory will be supplemented as necessary.

INTERROGATORY NO. 27: If you and/or the Board of Directors contend that the Plaintiff's position aforementioned herein, was abolished by reason emanating from "reviewing the financial situation," why did you cancel Tamera Swan's Tuesday evening meetings for which she was willing and prepared to compensate the Plaintiff.


ANSWER: See Answer to Interrogatory number 3.

INTERROGATORY NO. 28: State whether or not you have ever been institutionalized or treated at anytime, past and present, or discharged from any branch of the United States Arm Forces by a physician, clinic, nurse, or any authorized medical officer for a nervous breakdown, mental disorder or paranoia. If your Answer to this Interrogatory number 28 is in the

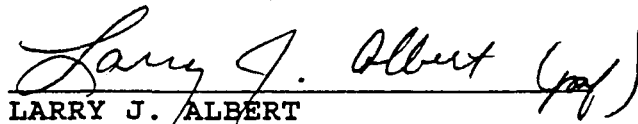
affirmative, please give the name of each and every medical or health care provider mentioned herein, including the name of all medications prescribed and taken for said mental disorder or paranoia.


ANSWER: Objection, this Interrogatory seeks information which is irrelevant, immaterial, and unlikely to lead to the discovery of admissible evidence.

I HEREBY CERTIFY UNDER THE PENALTIES OF PERJURY, THAT THE INFORMATION CONTAINED IN THE FOREGOING ANSWERS TO INTERROGATORIES IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.


EDWARD REIFER

Respectfully submitted,


LARRY J. ALBERT


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

Attorneys for Defendant
Edward Reifer

IN THE CIRCUIT COURT FOR BALTIMORE CITY

Civil Division

ANTHONY N. WOJLOH

*

Plaintiff

*

*

v.

*

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al.

*

Defendants

*

* * * * *

O R D E R

Upon Consideration of Plaintiff's Reply to Defendant's Opposition to Motion to Compel, and after hearing argument on behalf of all parties, it is by the Court, this ___th day of _____, 1995,

ORDERED, that the Motion to Compel be and the same is hereby GRANTED.

IT IS FURTHER Ordered that Defendant shall respond appropriately to the Interrogatories and shall also produce the requested documents, within ___ days from the date hereof.

JUDGE

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

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BALTIMORE CITY
1995 MAR 31 A 1:01
CIVIL DIVISION

ANTHONY N. WOJLOH *

Plaintiff *

v. *

CASE NO. 94143054/CL181082

EDWARD REIFER, et. al. *

Defendants *

* * * * *

PLAINTIFF'S PROPOSED SETTLEMENT FOR \$35,000,

OR IN THE ALTERNATIVE, A RANGE OF \$35,000-\$25,000

COMES NOW, Anthony N. Wojloh, Plaintiff, Pro se, pursuant to the Rules of Civil Procedure of the Circuit Court of Maryland for Baltimore City, proposes a satisfactory and complete settlement of the above-referenced Case for \$35,000, or for a range of \$35,000-\$25,000, and for reasons states:

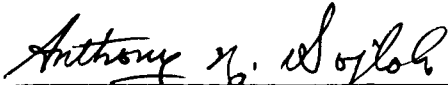
1. Plaintiff proposes the settlement in order to resolve this matter immediately so as to avoid the agony and burden of lengthy litigation; although Plaintiff has lost the total sum of \$49,000 in salary compensation.

2. That the \$35,000, or the alternative range of \$35,000-\$25,000 proposed settlement is just, appropriate and equitable under the circumstances, and therefore, is neither exorbitant nor unconscionable.

3. That in addition to loosing a significant portion of

\$49,000 in salary, Plaintiff will also be loosing the total amount of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) in compensatory and punitive damages.

Respectfully submitted,

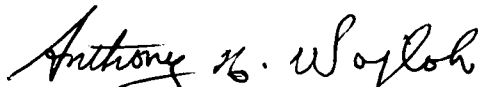


ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215

Telephone: (410) 664-4587

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 31st day of March, 1995, a copy of the foregoing Proposed Settlement, was 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

IN THE CIRCUIT COURT FOR BALTIMORE CITY

Civil Division

1995 APR 19 A 7 18

CIVIL DIVISION

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, et. al.

Defendants

CASE NO. 94143054CL181082

* * * * *

REQUEST FOR HEARING

Anthony N. Wojloh, Plaintiff, Pro se, respectfully requests a Hearing on his Motion To Compel Answers To Interrogatories before this Court at her earliest convenience, and for reasons states:

1. The Interrogatories herein referred to, were propounded and addressed to Defendant, Edward Reifer, who in response thereto, deliberately and willfully failed to answer fully, or evaded certain of the Interrogatories, and also failed to produce the documents requested therein.

2. That the Case before the Court is scheduled for trial on July 31st, 1995 at 9:30 A. M.; and that the information sought is very relevant to the subject matter of the action.

Respectfully submitted,

Anthony N. Wojloh

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

Telephone: (410) 664-4587

CERTIFICATE OF ASERVICE

I HEREBY CERTIFY, that on this 18th day of April, 1995,
a copy of the Plaintiff's Request For Hearing, was 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

ANTHONY N. WOJLOH
Plaintiff, Pro se

33
AS-

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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* * * * *

ANSWER TO PLAINTIFF'S "REQUEST FOR HEARING"

REV. REIFER, et al, Defendants, by Larry J. Albert, their attorney, answer Plaintiff's "Request for Hearing" as follows:

1. The only count of Plaintiff's Complaint remaining after Judge Gordy's dismissal on August 31, 1994 of Counts I, III and IV of the Complaint, respectively entitled libel, harassment and conspiracy, is his Count II - Slander.

2. Count II alleges that Plaintiff, in the presence of his daughter, was slandered by Defendant Andersen, and further alleges that Anderson, in so doing, was the "agent, servant and employee of the Defendants, Unity Center of Christianity and the Board of Directors" and did so "within the scope of his authority."

3. The only issues relative to liability for trial on July 31, 1995 or whenever held are (a) whether Andersen made the slanderous remarks alleged; (b) whether said alleged slanderous remarks, if made, were uttered more than one (1) year prior to Plaintiff's filing of Complaint; and (c) whether or not said alleged slanderous remarks, if made, subject Defendants Unity Center of Christianity and the Board of Directors to any vicarious liability.

4. Plaintiff's Interrogatories to Rev. Reifer, with

purported documents request, seek information patently irrelevant to the adjudication of Plaintiff's cause of action for slander alleged in Count II, as well as information unlikely to lead to the discovery of any admissible evidence bearing on said cause of action.

5. Plaintiff's Interrogatories, read in context, represent a calculated and deliberate attempt to annoy, embarrass, oppress and harass Rev. Reifer against whom no specific allegations are asserted in Count II.

6. Defendant Reifer incorporates, as if fully set forth herein, Defendant's opposition to Motion to Compel previously filed in these proceedings.

7. Plaintiff has succeeded in avoiding summary judgment, as to Count II, by blatantly recasting prior sworn testimony under oath at deposition.

8. Plaintiff's lack of candor before this tribunal is egregious.

9. Plaintiff's Motion to Compel should be summarily denied sua sponte.

10. Defendants pray this Court to grant the relief sought by Defendant Reifer's Order accompanying Defendant's Opposition to Motion to Compel.

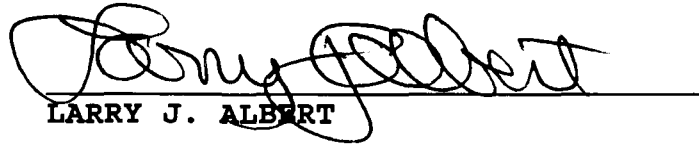


LARRY J. ALBERT
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6340
Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of April, 1995, a copy of the foregoing Answer to Plaintiff's "Request for Hearing", was mailed, postage prepaid, to:

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


LARRY J. ALBERT

34 *AAV*

PRESIDING JUDGE

COURTROOM CLERK

STENOGRAPHER

3⁰⁰
8⁰⁰

ASSIGNMENT FOR FRIDAY MAY 26, 1995 P16

CASE NUMBER - 94143054
CASE TITLE - WOJLOH VS REIFER, ETAL CL181082
CATEGORY - OTHER TORT
PROCEEDING - MOTION HEARING - DISCOVERY

CL

✓ 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) PLEASE EXPLAIN:
- (___ JUDGEMENT ABSOLUTE) (___ ORDER/DECREE TO BE SIGNED)
- (___ POSTPONED) (___ MOTION GRANTED)
- (___ SUB CURIA) (___ MOTION DENIED)

JUDGE SIGNATURE *[Signature]*

DATE *May 26, 1995*

MAY 31 1995

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ANTHONY N. WOJLOH
Plaintiff

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IN THE
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CIRCUIT COURT

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v.

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EDWARD REIFER, ET AL

CIVIL DIVISION BALTIMORE CITY

Defendants

CASE NO. 94143054/CL181082

* * * * *

NOTICE AND CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on this 12th day of June, 1995, a copy of Defendant Reifer's Supplemental Answers to Interrogatories were 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

3600

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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 1995 JUN 16 P 2:25
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* * * * *

**NOTICE OF DEATH
 OF DEFENDANT CHARLES ANDERSON
 AND MOTION TO DISMISS WITH PREJUDICE**


Defendants Edward Reifer, et al., by and through their attorneys, Larry J. Albert, Howard A. Wolf-Rodda, and Niles, Barton & Wilmer, hereby notify the Court that, on April 19, 1995, Defendant Charles Anderson died and hereby move for an order declaring the action against Mr. Anderson abated and as reasons therefor say:

1. Defendant Charles Anderson died on April 19, 1995. See Exhibit 1, Certificate of Death.
2. The sole count still pending in this suit against Mr. Anderson is the Plaintiff's claim alleging Slander (Count II). See Exhibit 2, Order of Judge Gordy (dismissing all counts of Plaintiff's complaint except Count II).
3. Section 6-401 of the Courts & Judicial Proceedings Article provides that "[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." Md. Code (1974, 1995 Repl. Vol.) § 6-401 of the Cts. & Jud. Proc. Art; see also Cant v. Bartlett, 292 Md. 611, 620, 440 A.2d 388 (1982) (in action for

damages "action die[s] with the person to whom or by whom, the wrong was done").

4. Because Plaintiff's claim abated upon the death of Mr. Anderson, and because the cause of action cannot be revived by the substitution of any other party, the Defendants respectfully request the Court to enter an order dismissing with prejudice Plaintiff's claim for slander against Mr. Anderson.


LARRY J. ALBERT


 918804
HOWARD A. WOLF-RODDA
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6382

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 1995, a copy of the foregoing Notice of Death and Motion to Dismiss with Prejudice and proposed Order was mailed, postage prepaid, to:

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


HOWARD A. WOLF-RODDA

VALID ONLY
WITH
IMPRESSED
SEAL

I HEREBY CERTIFY THAT THE ATTACHED IS A TRUE COPY OF A
RECORD ON FILE IN THE DIVISION OF VITAL RECORDS.

DATE ISSUED: JUN 07 1995

Julia E. Davidson Randall
STATE REGISTRAR OF VITAL RECORDS

95 72247

Item # 18 film # g 722 4-24-95 N.A. per Funeral Home

Item 4, Film 722, 4/26/95, lt

STATE OF MARYLAND / DEPARTMENT OF HEALTH AND MENTAL HYGIENE
1 - STATE REGISTRAR CERTIFICATE OF DEATH REG. NO.

| | | | | | | |
|--|--|--|--|---|---|--|
| 1. DECEDENT'S NAME (First, Middle, Last) CHARLES DIXON ANDERSON Jr. | | | 2. DATE OF DEATH MONTH DAY YEAR APRIL 19, 1995 | | 3. TIME OF DEATH 16:04 P M | |
| 4. SOCIAL SECURITY NUMBER 220-36-7109 | | 5. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F | 6. AGE (In yrs. last birthday) 54 YRS. | | 7. DATE OF BIRTH (Month, Day, Year) APR 03, 1941 | |
| 8. BIRTHPLACE (State or Foreign Country) Maryland | | | | | | |
| 9a. FACILITY NAME (If not institution, give street and number) 2714 N. CALVERT ST | | | 9b. CITY, TOWN OR LOCATION OF DEATH BALTIMORE | | 9c. COUNTY OF DEATH N/A | |
| RESIDENCE OF DECEDENT | | | | | | |
| 10a. STATE Maryland | | 10b. COUNTY N/A | | 10c. CITY, TOWN OR LOCATION Baltimore | | |
| 10d. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | |
| 10e. STREET AND NUMBER 2714 N. Calvert Street | | | 10f. ZIP CODE 21218 | | 10g. CITIZEN OF WHAT COUNTRY? USA | |
| 11. MARITAL STATUS <input type="checkbox"/> Never Married <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input checked="" type="checkbox"/> Divorced | | 12. WAS DECEDENT EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE WAR OR DATES | | 13. WAS DECEDENT OF HISPANIC ORIGIN? (Specify Yes or No— If yes, specify Cuban, Mexican, Puerto Rican, etc.) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Specify: | | |
| 14. RACE — American Indian, Black, White, etc. Specify: White | | | | | | |
| 15. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) 4 College (1-4 or 5+) 4 | | 16a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired.) Production Assistant | | 16b. KIND OF BUSINESS/INDUSTRY Newspaper | | |
| 17. FATHER'S NAME (First, Middle, Last) Charles Dixon Anderson, Sr. | | | 18. MOTHER'S NAME (First, Middle, Maiden Surname) CHRISTINA Skrivan Christina Skrivan | | | |
| 19a. INFORMANT'S NAME (Type/Print) Elizabeth Anderson | | | 19b. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 6551 Warner, #184 Huntington Beach, CA 92647 | | | |
| 20a. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify) | | 20b. PLACE AND DATE OF DISPOSITION (Name of cemetery, crematory or other place) Metro Crematory, Inc. 04/22/95 | | 20c. LOCATION — City or Town, State Baltimore, MD | | |
| 21. SIGNATURE OF FUNERAL SERVICE LICENSER <i>George E. MacNabb</i> George E. MacNabb | | | 22. NAME AND ADDRESS OF FACILITY Cremation Society of Maryland, Inc. 299 Frederick Rd. Baltimore, MD 21228 | | | |
| 23. PART I. Enter the diseases, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → ASPHYXIATION BY PLASTIC BAG AND COMBINED DRUG AND ALCOHOL INTOXICATION | | | | | Approximate Interval Between Onset and Death | |
| Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or Injury that initiated events resulting in death) LAST | | | | | | |
| PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I. | | | | | 24a. WAS AN AUTOPSY PERFORMED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| DID TOBACCO USE CONTRIBUTE TO CAUSE OF DEATH YES <input type="checkbox"/> NO <input type="checkbox"/> UNCERTAIN <input type="checkbox"/> | | | | | 24b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| 25. WAS CASE REFERRED TO MEDICAL EXAMINER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | 26. PLACE OF DEATH (Check only one) HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA OTHER: <input type="checkbox"/> Nursing Home <input checked="" type="checkbox"/> Residence <input type="checkbox"/> Other (Specify) | | | | |
| 27. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input checked="" type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending investigation <input type="checkbox"/> Could not be determined | | 28a. DATE OF INJURY (Month, Day, Year) FOUND 4-19-95 | 28b. TIME OF INJURY UNKNOWN M | 28c. INJURY AT WORK? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | 28d. DESCRIBE HOW INJURY OCCURRED PLASTIC BAG OVER HEAD AND INGESTED DRUG AND ALCOHOL | |
| 28e. PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify) HOME | | | 28f. LOCATION (Street and Number or Rural Route Number, City or Town, State) 2714 N. CALVERT ST. BALTIMORE, MD. | | | |
| 29a. CERTIFIER (Check only one) <input type="checkbox"/> CERTIFYING PHYSICIAN: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated. <input checked="" type="checkbox"/> MEDICAL EXAMINER: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner as stated. | | | | | | |
| 29b. SIGNATURE AND TITLE OF CERTIFIER <i>Carol W...</i> | | | 29c. LICENSE NUMBER OCME | | 29d. DATE SIGNED (Month, Day, Year) APRIL 20, 1995 | |
| 30. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (ITEM 27) (Type, Print) JACKEN Locke MD 111 Penn Street, Baltimore, Maryland 21201 | | | | | | |
| 31. DATE FILED (Month, Day, Year) APR 24 1995 | | 32. REGISTRAR'S SIGNATURE <i>Julia E. Davidson Randall</i> | | EXHIBIT 1 | | |

TO BE COMPLETED BY FUNERAL DIRECTOR

TO BE COMPLETED BY PHYSICIAN: MEDICAL CERTIFICATION

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 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, JR.
THE JUDGE'S SIGNATURE APPEARS
ON THE ORIGINAL DOCUMENT

CL
JU

08 SEP 1994

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

TRUE COPY

Sandra E. Banks

SANDRA E. BANKS, CLERK

EXHIBIT 2

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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*

O R D E R

Upon consideration of the Motion to Dismiss with Prejudice of defendants Edward Reifer, et al. and any opposition thereto filed, it is this ____ day of _____, 1995,

ORDERED that Defendants' Motion to Dismiss with Prejudice be and the same is hereby GRANTED; and it is further

ORDERED that the Court takes notice that Defendant Charles Anderson died on April 19, 1995; and it is further

ORDERED that the sole remaining count (Count II - Slander) against the late defendant Charles Anderson abated on the death of Mr. Anderson; and it is further

ORDERED that, pursuant to Md. Code (1974, 1995 Repl. Vol.) § 6-401 of the Cts. & Jud. Proc. Art., the cause of action for slander cannot be revived by the substitution of any other party, Plaintiff's slander claim against Mr. Anderson is DISMISSED WITH PREJUDICE.

JUDGE

5/16

36A

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY
1995 JUN 16 P 2:25
CIVIL DIVISION

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


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


* * * * *

MOTION FOR SUMMARY JUDGMENT

Defendants Edward Reifer, et al., by and through their attorneys, Larry J. Albert, Howard A. Wolf-Rodda, and Niles, Barton & Wilmer, hereby move this Court for summary judgment pursuant to Maryland Rule 2-501, and as reasons therefor say:

1. There is no genuine dispute as to any material facts.
2. Defendants Edward Reifer, et al. are 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

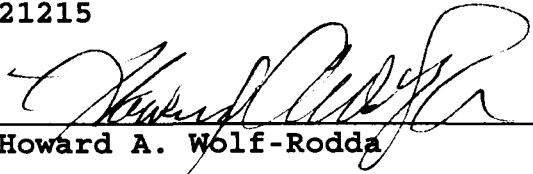

HOWARD A. WOLF-RODDA
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6382

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 1995, a copy of the foregoing Motion for Summary Judgment, Memorandum in support thereof, Request for Hearing, and proposed Order were mailed, first-class, postage prepaid to:

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


Howard A. Wolf-Rodda

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'S MOTION FOR SUMMARY JUDGMENT**

Defendants Edward Reifer, et al., by and through their attorneys, Larry J. Albert, Howard A. Wolf-Rodda, and Niles, Barton & Wilmer, hereby submit this Memorandum in support of their Motion for Summary Judgment, and in support thereof say:

BACKGROUND AND PROCEDURAL HISTORY

Plaintiff was employed as a part-time security guard at the Unity Center of Christianity ("Unity Center") until his position was abolished in June, 1993. Plaintiff filed suit on May 31, 1994 against the Unity Center and numerous other defendants for alleged torts related to the abolishment of his part-time position. Although plaintiff initially filed a multiple count complaint alleging various theories of recovery, all but one count, Count II (slander), were dismissed. (See, Exhibit 1, Order of the Honorable Clifton J. Gordy, Jr.). When the other counts of plaintiff's declaration were dismissed, Judge Gordy also granted defendant's motion to dismiss "on grounds of insufficient service of process, improper parties" leaving Reverend Reifer, Rubie Hostetler, Charles Anderson, Viola Green, and the Unity Center as the sole remaining

defendants.¹ Defendants Reifer, Hostetler, Green, and the Unity Center of Christianity now move for summary judgment with respect to the slander count. Since the commencement of this lawsuit, defendant Charles Anderson has died. (Exhibit 2, Death Certificate of Charles Anderson).

MATERIAL FACTS NOT IN DISPUTE²

Plaintiff alleges that Charlie Anderson "did willfully, falsely, maliciously accuse the plaintiff of being a 'liar,' [sic] a 'thief' and a 'deceit' in the presence of plaintiff's ten-year old daughter. . . ." (Exhibit 3, Declaration and Election for Jury Trial, at 6). At the time plaintiff asserts that Mr. Anderson made these statements, Mr. Anderson worked for the Unity Center as a janitor. (Exhibit 4, Deposition of Anthony Wojloh, at 25; see also Exhibit 5, Affidavit of Edward Reifer, at ¶ 4). In his role as a janitor, Mr. Anderson had no supervisory authority over plaintiff at any time. (Exh. 5, at ¶ 5). Plaintiff conceded as much at his deposition when he stated that Mr. Anderson was not on the board of

¹Defendant Viola Green was not named as a defendant as to Count II of plaintiff's declaration. Nonetheless, pursuant to Judge Gordy's Order, Ms. Green filed an answer and joins this motion for summary judgment though she does not concede or waive her right to assert the insufficiency of service of process and/or the impropriety of her remaining as a party to this action.

²As the evidence must be viewed in a light most favorable to the plaintiff for the purposes of this motion, defendants do not dispute such facts in this motion. Defendants, however, do not admit to the truth of the facts stated in this portion of the motion for summary judgment, but contend that such facts, even if taken as established by this Court, do not entitle plaintiff to recover. In particular, the defendants contest that any statements allegedly attributable to Mr. Anderson were ever made, and that such statements were made on any date other than Saturday, May 15, 1993.

directors of the Unity Center and that Mr. Anderson did not have the power to hire or fire. (Exh. 4, at 55). Moreover, plaintiff acknowledged that Mr. Anderson, himself, reported to "as in my case[,] the members of the board, the minister or the president of the board. I used to report to the president of the board." (Exh. 4, at 25).

At the time plaintiff claims Mr. Anderson made the alleged slanderous statements, plaintiff and Mr. Anderson encountered one another in the library of the Unity Center. (Exh. 4, at 50). Mr. Anderson entered the library, and plaintiff said to him "I want to ask you a few questions." (Exh. 4, at 50). Plaintiff then recounted that a Unity Center official had "mentioned [to him] something about using office equipment" and that Mr. Anderson had told her about it. (Exh. 4, at 50). Plaintiff then denied to Mr. Anderson that he used any office equipment; "it [was] at that point he said you are a liar, a thief, dishonest and he even made comment in front of my daughter." (Exh. 4, at 51). Mr. Anderson, thus, made the alleged statement in response to being confronted by plaintiff.

At no time did the Unity Center or any of the remaining individual defendants expressly or implicitly direct or authorize Mr. Anderson to make the alleged statements to plaintiff. (Exh. 5, at ¶ 6). Mr. Anderson also did not have any explicit or implicit duty to monitor or report on any incidents or conduct involving plaintiff or any other employees of the Unity Center. (Exh. 5, at ¶ 5). Mr. Anderson also did not serve as an employee or agent of

directors of the Unity Center and that Mr. Anderson did not have the power to hire or fire. (Exh. 4, at 55). Moreover, plaintiff acknowledged that Mr. Anderson, himself, reported to "as in my case[,] the members of the board, the minister or the president of the board. I used to report to the president of the board." (Exh. 4, at 25).

At the time plaintiff claims Mr. Anderson made the alleged slanderous statements, plaintiff and Mr. Anderson encountered one another in the library of the Unity Center. (Exh. 4, at 50). Mr. Anderson entered the library, and plaintiff said to him "I want to ask you a few questions." (Exh. 4, at 50). Plaintiff then recounted that a Unity Center official had "mentioned [to him] something about using office equipment" and that Mr. Anderson had told her about it. (Exh. 4, at 50). Plaintiff then denied to Mr. Anderson that he used any office equipment; "it [was] at that point he said you are a liar, a thief, dishonest and he even made comment in front of my daughter." (Exh. 4, at 51). Mr. Anderson, thus, made the alleged statement in response to being confronted by plaintiff.

At no time did the Unity Center or any of the remaining individual defendants expressly or implicitly direct or authorize Mr. Anderson to make the alleged statements to plaintiff. (Exh. 5, at ¶ 6). Mr. Anderson also did not have any explicit or implicit duty to monitor or report on any incidents or conduct involving plaintiff or any other employees of the Unity Center. (Exh. 5, at ¶ 5). Mr. Anderson also did not serve as an employee or agent of

any of the individual defendants in this case. (Exh. 5, at ¶ 7. Moreover, plaintiff has conceded that he has no independent claim against Reverend Reifer or against the board of directors of the Unity Center for any reason other than the fact that Mr. Anderson was their employee. (Exh. 4, at 36-37). Plaintiff also has conceded that Mr. Anderson had no authority on behalf of Reverend Reifer or the board of directors to make any slanderous remarks to any employees. (Exh. 4, at 60). Lastly, plaintiff conceded that Mr. Anderson, himself, understood that he had no responsibility to investigate unauthorized use of church equipment, i.e. "[Anderson] said I don't have to do that, that's not my job, that's your [the plaintiff's] job." (Exh. 4, at 51).

Consequently, it is undisputed that the statements made by Mr. Anderson, assuming but not conceding that they were indeed made, were uttered outside the scope of his employment.

ARGUMENT

A. STANDARD FOR SUMMARY JUDGMENT

A party may file a motion for summary judgment at any time on all or part of an action when there is no genuine dispute as to material facts and the party is entitled to judgment as a matter of law. Md. Rule 2-501(a). Summary judgment is no longer "a sort of procedural step-child disfavored, not permitted out in polite society." Seaboard Surety Co. v. Richard F. Kline Co., Inc., 91 Md. App. 236, 242, 603 A.2d 1357 (1991). Summary adjudication serves the purpose of determining whether a trial is necessary to resolve a factual controversy material to the disposition of the

cause of action. Foy v. Prudential Ins. Co., 316 Md. 418, 422, 559 A.2d 371 (1989). The movant bears the burden of demonstrating that there is no genuine dispute as to material facts. Willis v. Allstate Ins. Co., 88 Md. App. 21, 25, 591 A.2d 896 (1991).

Once the movant establishes sufficient grounds for summary dismissal, the burden shifts to the non-moving party to show with some "precision" that there exists a "genuine" dispute of "material" fact. Beatty v. Trailmaster, 330 Md. 726, 738-39, 625 A.2d 1005 (1993). Because the plaintiff will bear the burden of proving its case at trial, the "plaintiff[]" on summary judgment, even where the defendants are the movants, must demonstrate that . . . a triable issue [exists]." Geisz, 313 Md. at 330-31, 545 A.2d 658 (1988).

B. NO LIABILITY WHERE ACTION AS TO TORTFEASOR HAS ABATED

Defendant Charles Anderson died on April 19, 1995. (Exh. 2, Death Certificate). Section 6-401 of the Cts. & Jud. Proc. Art. provides that "[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." Md. Code (1974, 1995 Repl. Vol.) § 6-401 of the Cts. & Jud. Proc. Art. In adopting this statute, the legislature provided that slander actions should not survive the death of either party, though it permitted other causes of action to survive their death. The Court of Appeals discussed at length the history of this provision and the previously long-standing common law rule "that if an injury were done either to the person or property of another, for which damages only could be

recovered in satisfaction, the action died with the person to whom or by whom, the wrong was done." Cant v. Bartlett, 292 Md. 611, 620, 440 A.2d 388 (1982) (quoting Stewart v. United Electric Light & Power Co., 104 Md. 332, 65 A. 49 (1906)).

As the defendants have stated in the accompanying motion to dismiss with prejudice, the cause of action against Mr. Anderson abated upon his death. Moreover, the suit against him cannot be revived by the substitution of any other party. In this motion, the defendants assert that, by virtue of the death of the action against Mr. Anderson, they cannot be held liable under a respondeat superior doctrine.

The Court of Appeals recently discussed the principles governing a principal's liability for the torts of his agent or servant. Curry v. Hillcrest Clinic, Inc., 337 Md. 412, 435, 653 A.2d 934 (1995). The plaintiff in Curry brought claims against a physician and an abortion clinic alleging, inter alia, that the clinic was "liable under the doctrine of respondeat superior for the actions of [the physician]." Id. at 416, 653 A.2d 934 (quoting the plaintiff's complaint). The clinic did not appear and defend the claim until after a panel chairperson of the Health Claims Arbitration Office ("HCAO") had entered an order of default against the clinic. Id. at 417, 653 A.2d 934. Ultimately, the HCAO found that the physician was not guilty of negligence. The HCAO vacated its earlier order of default against the clinic and entered an order of no liability in its favor.

The plaintiff argued that the order of default should have been binding against the clinic regardless of the subsequent finding of no negligence on the part of the physician. The Court rejected this argument and concluded that a co-defendant whose liability rests solely upon the doctrine of respondeat superior cannot be held liable by default when "the real actor" is exonerated. Id. at 430, 653 A.2d 934; see also id. at 435, 653 A.2d 934 (holding that principal may not be held liable by default when agent or servant is not held liable for "actionable negligence").

Defendants argue that, because plaintiff's cause of action against Mr. Anderson has abated, no agent or servant of the Unity Center or any of the other defendants can be held liable for any actionable wrong. For these reasons, judgment should be entered in favor of the remaining defendants as a matter of law.

C. NO VICARIOUS LIABILITY WHERE ALLEGED STATEMENTS WERE MADE OUTSIDE OF EMPLOYEE'S SCOPE OF EMPLOYMENT

The Unity Center cannot be held liable for what was nothing more than a personal dispute between two of its employees. The statements asserted by Plaintiff to have been slanderous, assuming but not conceding that the statements were uttered and are otherwise actionable, were made outside the scope of Mr. Anderson's employment with the Unity Center.

In Maryland, an employer may be vicariously liable for the intentional torts of its employee, but only if certain conditions exist. The plaintiff must establish (1) that the tortfeasor was indeed an employee of the one against whom vicarious liability is

asserted, (2) that the assertedly tortious act was committed within the scope of the tortfeasor's employment, and (3) that the tortious act caused the harm alleged. Globe Indemnity Co. v. Victill Corp., 208 Md. 573, 584, 119 A.2d 423 (1955); see also Rosalyn B. Bell, Maryland Civil Jury Instructions and Commentary § 8.02, at 109-11 (1993). For the purposes of this motion, the Defendants will assume, but not concede, that Mr. Anderson was an employee of the Unity Center making the central issue whether Mr. Anderson's alleged utterances fell within the scope of his employment.

Acts are said to be committed within the scope of one's employment if "they were in furtherance of the employer's business and were 'authorized' by the employer." Sawyer v. Humphries, 322 Md. 247, 255, 587 A.2d 467 (1991) (quoting Hopkins C. Co. v. Read Drug & C. Co., 124 Md. 210, 214, 92 A. 478 (1914)). A number of factors may be considered including whether the act was performed with a purpose to serve the employer and was conduct of the kind the employee was hired to perform at a time "not unreasonably disconnected" and in a place "not unreasonably distant" from the time and place of normal working hours. Sawyer, 322 Md. at 255, 587 A.2d 467 (quoting Hopkins, 124 Md. at 214, 92 A. 478).

Where a particular act was not authorized by the employer, it may be brought within the scope of employment if it was "similar or . . . incidental to" otherwise authorized conduct. To determine whether alleged acts are sufficiently similar or incidental to authorized conduct to render them within the scope of employment, one may consider:

" (a) whether or not the act is one commonly done by such servants; (b) the time, place, and purpose of the act; (c) the previous relations between the master and the servant; (d) the extent to which the business of the master is apportioned between different servants; (e) whether the act is outside the enterprise of the master or, if within the enterprise, has not been entrusted to any servant; (f) whether or not the master has reason to expect that such an act will be done; (g) the similarity in quality of the act done to the act authorized; (h) whether or not the instrumentality by which the harm is done has been furnished by the master to the servant; (i) the extent of departure from the normal method of accomplishing an authorized result, and (j) whether or not the act is seriously criminal."

Sawyer, 322 Md. at 256, 587 A.2d 467 (quoting A & P Co. v. Noppenberger, 171 Md. 378, 390-91, 189 A. 434 (1937) quoting in turn, Restatement of Agency § 229 (1933)). An act that is particularly "'expectable' or 'foreseeable'" will more likely fall within the scope of an actor's employment. Sawyer, 322 Md. at 256, 587 A.2d 467 (quoting Cox v. Prince George's County, 296 Md. 162, 171, 460 A.2d 1038 (1983)).

Though an employee's conduct may have been "during normal duty hours and at an authorized locality," where intentional torts are at issue, the Court of Appeals "emphasize[s] that [if] an employee's actions are personal, or . . . represent a departure from the purpose of furthering the employer's business, or where the employee is acting to protect his own interests, . . . the employee's actions are outside the scope of his employment." Sawyer, 322 Md. at 256-57, 587 A.2d 467.

Workplace disputes have, at times, prompted lawsuits by employees against their employers or their co-workers. See, e.g., Reaves v. Westinghouse Electric Corporation, 683 F. Sup. 521 (D.

Md. 1988); Lewis v. Accelerated Transport-Pony Express, Inc., 219 Md. 252, 148 A.2d 783, (1958); Newton v. Spence, 20 Md. App. 126, 316 A.2d 837 (1974). In Lewis, the owner of a truck stop sued a trucking company and its employee, who had referred to the truck stop as "'nothing but a whore-house.'" Lewis, 219, Md. at 254, 148 A.2d 783. This remark was made by the safety supervisor of the trucking company at a meeting of employees to resolve a dispute over the suspension of an employee, who had gone to the truck stop in violation of company policy. Id., 148 A.2d 783. There being no question over the slanderous nature of the remark, the issue resolved by the Court was whether the safety supervisor had uttered the remark in the course of his employment. The Court held that a jury question had been generated as to this issue because:

[H]e was employed by the appellee as its Supervisor of Safety. He was attending a meeting that had as its principal object persuading the drivers to proceed immediately with his employer's business -- "go out that night." The main controversy that was delaying the drivers from starting on their respective routes was that they thought [the suspended employee] had been unjustly treated by [his employer] for stopping at [the] truck stop. When the question was asked as to why Whitey's Truck Stop had been placed "off limits," [the Safety Supervisor's] answer, the slanderous words uttered in the presence and within the hearing of the [employer's] president was an attempt to justify the company's previous action and to palliate the aroused feelings of the drivers, in order to get them to return to the employer's business as soon as possible. We, therefore, hold that the trial court was not in error when it submitted the case to the jury on this question.

Id. at 256-57, 148 A.2d 783.

Likewise, in Newton, an employee of Sears, Roebuck & Co. sued the company and another employee for a false accusation of workplace theft. Newton, 20 Md. App. at 136, 316 A.2d 837. The Court

rejected Sears's contention that the employee was "'using his position to give vent to personal motives and no way related to the business of his employer.'" Id. at 139, 316 A.2d 837. The Court stated:

[The employee who made the accusation] was on the job at the time the utterance was made and was a full-time employee of the hardware department with certain supervisory jurisdiction over the part-time personnel. As testimony previously quoted was that he had no hostility or ill-feeling toward the appellant but was protecting his employer's property when he informed on him. At the time of trial in this case [the employee] still maintained that he had observed [the accused employee] stealing the money, and the employer, Sears, likewise filed a plea of justification as well as the general issue.

Id., 316 A.2d 837.

Most recently, however, the United States District Court for the District of Maryland held that a comment made by the plaintiff-employee's co-worker, though uttered in the work-place during work hours, was not uttered during the course of employment. Reaves, 683 F. Supp. at 526. In this case, Westinghouse conducted an investigation of a scheme to obtain money and property through the manipulation of purchasing procedures. Id. at 523. During the course of its investigation, Westinghouse questioned two of its employees, Fuselier and Reaves (the plaintiff). Id. at 523. During the course of the investigation, Fuselier wrote a document that accused Reaves of fraudulent activities of which Fuselier claimed he was not aware. Id. Reaves sued Westinghouse and Fuselier alleging that Fuselier's document was slanderous. Reaves's claim against Westinghouse rested upon her argument that Fuselier had prepared the document in the course of his employment.

The Court rejected this argument stating that:

If an employee makes a defamatory statement to an outside third person as to a matter falling within the general scope of his authority, the employer is held liable because the employee is acting for his employer. Likewise, an employer would properly be held liable for a defamatory statement made by one of its employees while conducting an internal investigation on the employer's behalf. However, when an employee is interviewed during the course of an internal investigation as a potential participant in the alleged wrongdoing, he is speaking in his personal capacity; although his responses may be in furtherance of his own interest in retaining his employment, they bear upon his individual responsibility and are not in furtherance of his employer's business. Common sense and public policy dictate that the employer not be held liable for what the employee says under those circumstances. Otherwise, an employer could never conduct an investigation of alleged wrongdoing without substantial risk of almost inevitable liability if, as here, two employees are (at least after the fact) blaming one another for what occurred.

Id. at 526.

The circumstances in Reaves are substantially similar to those presented in this case. Here, the specific statement alleged to have been made by Mr. Anderson was not made in the course of performing any responsibilities assigned by the Unity Center to Mr. Anderson. Rather, like Reaves, Mr. Anderson and the plaintiff were confronting one another in a personal dispute. Mr. Anderson was making no inquiry on behalf of the Unity Center concerning the plaintiff's conduct; in fact, Mr. Anderson merely responded to the plaintiff when he himself confronted Mr. Anderson. Like Reaves, "common sense and public policy dictate that the employer not be held liable for what the employee says under [these] circumstances." Id. at 526. Consequently, Reverend Reifer, the Unity Center, and the other defendants cannot be held vicariously

liable for the statement alleged to have been made by Mr. Anderson
in his personal capacity.

CONCLUSION

NOW, THEREFORE, Defendants Edward Reifer, et al. respectfully
request that, pursuant to Rule 2-501, this Court enter an Order
granting it summary judgment as a matter of law based on all of the
aforementioned reasons.



LARRY J. ALBERT



HOWARD A. WOLF-RODDA
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6382

Attorneys for Defendants

EXHIBIT 1

14
AB

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

Plaintiff
Defendants

IN THE
CIRCUIT COURT
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CASE NO.
94143054/CL181082

FILE
SEP 8 1994
Circuit Court
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 EXHIBIT 1

EXHIBIT 2

VALID ONLY
WITH
IMPRESSED
SEAL

I HEREBY CERTIFY THAT THE ATTACHED IS A TRUE COPY OF A
RECORD ON FILE IN THE DIVISION OF VITAL RECORDS.

DATE ISSUED: JUN 07 1995

John J. Davidson Randall
STATE REGISTRAR OF VITAL RECORDS

95-72247

Item # 18 Film # g 722 4-24-95 N.A. per Funeral Home
Item 4, Film 722, 4/26/95, 1t

FOR STATE REGISTRAR
STATE OF MARYLAND / DEPARTMENT OF HEALTH AND MENTAL HYGIENE
CERTIFICATE OF DEATH
REG. NO.

| | | | | | |
|--|--|--|--|---|---|
| 1. DECEDENT'S NAME (First, Middle, Last) CHARLES DIXON ANDERSON Jr. | | 2. DATE OF DEATH MONTH YEAR APRIL 19, 1995 | | 3. TIME OF DEATH 16:04 P M | |
| 4. SOCIAL SECURITY NUMBER 220-36-7109 0719 | | 5. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F | | 6. AGE (In yrs. last birthday) 54 YRS. | |
| 7. DATE OF BIRTH (Month, Day, Year) APR 03, 1941 | | 8. BIRTHPLACE (State or Foreign Country) Maryland | | | |
| 9a. FACILITY NAME (If not institution, give street and number) 2714 N. CALVERT ST | | | 9b. CITY, TOWN OR LOCATION OF DEATH BALTIMORE | | 9c. COUNTY OF DEATH N/A |
| 10a. STATE Maryland | | 10b. COUNTY N/A | | 10c. CITY, TOWN OR LOCATION Baltimore | |
| 10d. STREET AND NUMBER 2714 N. Calvert Street | | 10e. ZIP CODE 21218 | | 10f. CITIZEN OF WHAT COUNTRY? USA | |
| 11. MARITAL STATUS <input type="checkbox"/> Never Married <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input checked="" type="checkbox"/> Divorced | | 12. WAS DECEDENT EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE YEAR OR DATES | | 13. WAS DECEDENT OF HISPANIC ORIGIN? (Specify Yes or No— If yes, specify Cuban, Mexican, Puerto Rican, etc.) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Specify: | |
| 14. RACE — American Indian, Black, White, etc. Specify: White | | | | | |
| 15. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (9-12) 4 College (1-4 or 5+) 4 | | 16a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired.) Production Assistant | | 16b. KIND OF BUSINESS/INDUSTRY Newspaper | |
| 17. FATHER'S NAME (First, Middle, Last) Charles Dixon Anderson, Sr. | | | 18. MOTHER'S NAME (First, Middle, Maiden Surname) CHRISTINA Skrivan Christina Klerivan | | |
| 19a. INFORMANT'S NAME (Type/Print) Elizabeth Anderson | | 19b. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 6551 Warner, #184 Huntington Beach, CA 92647 | | | |
| 20a. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify) | | 20b. PLACE AND DATE OF DISPOSITION (Name of cemetery, crematory or other place) Metro Crematory, Inc. 04/22/95 | | 20c. LOCATION — City or Town, State Baltimore, MD | |
| 21. SIGNATURE OF FUNERAL SERVICE LICENSEE <i>George E. MacNabb</i> George E. MacNabb | | | 22. NAME AND ADDRESS OF FACILITY Cremation Society of Maryland, Inc. 299 Frederick Rd. Baltimore, MD 21228 | | |
| 23. PART I. Enter the diseases, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → ASPHYXIATION BY PLASTIC BAG AND COMBINED DRUG AND ALCOHOL INTOXICATION | | | | | Approximate Interval Between Onset and Death |
| DUE TO (OR AS A CONSEQUENCE OF): | | | | | |
| DUE TO (OR AS A CONSEQUENCE OF): | | | | | |
| DUE TO (OR AS A CONSEQUENCE OF): | | | | | |
| PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I. | | | | | 24a. WAS AN AUTOPSY PERFORMED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| DID TOBACCO USE CONTRIBUTE TO CAUSE OF DEATH YES <input type="checkbox"/> NO <input type="checkbox"/> UNCERTAIN <input type="checkbox"/> | | | | | 24b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 25. WAS CASE REFERRED TO MEDICAL EXAMINER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | 26. PLACE OF DEATH (Check only one) HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA OTHER: <input checked="" type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify) | | | |
| 27. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Accident <input type="checkbox"/> Could not be determined <input checked="" type="checkbox"/> Suicide <input type="checkbox"/> Homicide | | 28a. DATE OF INJURY (Month, Day, Year) FOUND 4-19-95 | | 28b. TIME OF INJURY UNKNOWN | |
| 28c. INJURY AT WORK? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | 28d. DESCRIBE HOW INJURY OCCURRED SUBJECT PLACED DRUG AND ALCOHOL | | 28e. LOCATION (Street and Number or Rural Route Number, City or Town, State) 2714 N. CALVERT ST. BALTIMORE, MD. | |
| 29a. CERTIFIER (Check only one) <input type="checkbox"/> CERTIFYING PHYSICIAN: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated. <input checked="" type="checkbox"/> MEDICAL EXAMINER: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner as stated. | | 29b. SIGNATURE AND TITLE OF CERTIFIER <i>David Locke MD</i> | | 29c. LICENSE NUMBER OCME | |
| 29d. DATE SIGNED (Month, Day, Year) APRIL 20, 1995 | | 30. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (ITEM 27) (Type, Print) JANE LOCKE, MD 111 Penn Street, Baltimore, Maryland 21201 | | | |
| 31. DATE FILED MAR 24 1995 | | 32. REGISTRAR'S SIGNATURE <i>John Davidson Randall</i> | | EXHIBIT 2 | |

TO BE COMPLETED BY FUNERAL DIRECTOR

TO BE COMPLETED BY PHYSICIAN: MEDICAL CERTIFICATION

EXHIBIT 3

IN THE CIRCUIT COURT FOR BALTIMORE CITY
CIVIL DIVISION

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 :

Docket:

Folio:

Case:

: : : : : : : :
DECLARATION AND ELECTION FOR JURY TRIAL

COUNT I

(Libel)

EXHIBIT 3

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 conduct 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

EXHIBIT 4

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 A Correct.

2 Q Who is Charles Anderson?

3 A Well Charles Anderson --

4 Q I guess I should say who was he on May 25, 1993?

5 A He was an employee of Unity Center.

6 Q What did he do?

7 A At the time the incident took place he was a
8 janitor.

9 Q In May of 1993 what was his job for the church, if
10 you know?

11 A '93, this is '94. At the time I was there it was a
12 janitor taking care of building, cutting grass, that was what
13 he was doing.

14 Q So your understanding was that in May of '93 Mr.
15 Anderson was an employee of the church?

16 A Correct.

17 Q Do you know who his supervisor was in May '93? To
18 whom did he report?

19 A Well I presume as in my case the members of the
20 board, the minister or the president of the board. I used to
21 report to the president of the board.

1 letters and his attempt to get rid of me. They had conflict
2 with him and he's had conflict with everybody.

3 Q You are not alleging in this case, are you, that
4 Reverend Reifer slandered you, are you?

5 A No, I'm not. I alleged that he conspired against
6 me.

7 Q But you have --

8 A No, he didn't slander me.

9 Q You are not alleging any claim directly under count
10 two of the complaint that Reverend Reifer slandered you
11 himself?

12 A Not him, but as a member of the board, on that
13 condition.

14 Q You are alleging in count two that Mr. Anderson
15 slandered you on a specific date?

16 A Right.

17 Q You are also alleging that his doing so makes the
18 board of directors and Reverend Reifer also responsible
19 because he was their employee?

20 A Correct.

21 Q But you have no independent claim against Reverend

1 Reifer?

2 A No, no.

3 Q Now I show you what has been marked Wojloh Exhibit
4 12 which purports to be a letter from Reverend Reifer to you
5 dated June 7, 1993 and ask you if you received that letter?

6 A That's correct. Again --

7 Q That's all I'm asking if you received the letter.

8 A Well --

9 Q You don't have to say anything. All I asked is did
10 you receive the letter?

11 A Yes.

12 Q That's all I want to know. I'll show you what has
13 been marked Wojloh Deposition Exhibit 13 which purports to be
14 a letter to you from Ms. Falls dated June 14, 1993 and ask if
15 you have received that letter?

16 A Yes, I did receive that letter.

17 Q Was June 15, 1993 the last day that you were
18 employed by Unity Center?

19 A I should think so, yes.

20 Q Were you paid through June 15, 1993 or were you
21 paid -- if you don't remember the exact date were you paid

1 not recall the exact date and time but must have been in the
2 morning. I don't know what date. Perhaps it was Saturday
3 because I was not there in the morning on weekdays unless
4 something special, other than Sundays.

5 Q I don't want to inhibit your responses but all I'm
6 looking for is you are at the church on Saturday, May 25,
7 1993, Mr. Anderson's at the church and you say that he said
8 things to you?

9 A Correct.

10 Q I'm trying to find out did he just walk up to you
11 and say them or how did that occur?

12 A I'm giving you the background of that. No, he
13 didn't walk up and say you are a thief. From a previous
14 incident, I recall the incident on one day, must have been a
15 Saturday, what happened was I came in and now and then I make
16 a run and go upstairs and check. You have to go on the second
17 floor to look over the parking lot. So I go upstairs. So he
18 came in to do some cleaning or something. He never came
19 upstairs to see who was there or what I was doing. There was
20 no conversation. I left.

21 Sandee Falls called me to say was I in the building

1 and I said yes. Where was I. I said, well, I was in the
2 building, I might have been perhaps on the first floor or
3 second floor taking my round or doing my rounds. Then she
4 said Anderson came and said that you were using office
5 equipment. And I said Anderson told you that. She said yes.
6 And I said Anderson could not have told you that because I
7 heard someone open the door downstairs so I went downstairs
8 and checked it was he so I came upstairs.

9 I believe she wrote me a letter to say that I
10 should not use office equipment including telephone, something
11 like that, but then I couldn't understand it.

12 So then there was another day Anderson came. On
13 that Saturday now, the 25th, when he came I said, yes, Mr.
14 Anderson, he came to the library I said I want to ask you a
15 few questions. I said Sandee Falls called me to ask if I was
16 in the building and what was I doing. I said I must have been
17 on the first floor or second floor taking my round. And she
18 mentioned something about using office equipment that she said
19 you told her, what equipment did you see me using, you know I
20 went upstairs to see who was upstairs.

21 And he replied to say I don't have to go upstairs,

1 I know the typewriter, I know the voice of the typewriter, you
2 were using the typewriter?

3 A And I said I never took that typewriter before. My
4 typewriter is manual. It is at that point he said you are a
5 liar, a thief, dishonest and he even made comment in front of
6 my daughter. I was asking him what did he tell Sandee Falls.
7 It was I who heard the voice to come downstairs and he said --
8 I said even though you might be cleaning since you are an
9 employee, if you come to the building and you hear movement
10 and noise wouldn't you go upstairs to investigate and see what
11 is happening. He said I don't have to do that, that's not my
12 job, that's your job.

13 Q After May 25, 1993 did you have any relations with
14 Mr. Anderson, speak with him or have occasion to talk with him
15 after May 25, 1993?

16 A I can't recall, but I doubt it very seriously.

17 Q Had Mr. Anderson ever yelled at you or rebuked you
18 for anything before May 25, 1993?

19 A No. But I could add that he must have been jealous
20 of the fact that he -- that I'm sitting there calling myself
21 security and he's doing all the mediocre jobs. So he probably

1 resented that fact but other than that --

2 Q You are an intelligent person. You don't know what
3 Mr. Anderson was thinking, do you?

4 A Well because of the way the system is, you know,
5 you can --

6 Q I'm saying can you read minds?

7 A No. I can't read yours but I can observe your
8 behavior and draw some conclusion.

9 Q When Mr. Anderson made these accusations was any
10 other adult in the area?

11 A When you say the area what do you mean?

12 Q Was any other adult in close enough proximity to
13 the two of you to have heard what he said?

14 A My daughter was at the table.

15 Q I'm not disparaging your daughter but my question
16 is was any adult?

17 A I can't recall any person being present.

18 Q So you have no knowledge as to any adult having
19 heard Mr. Anderson and what he said to you?

20 A I have no recollection of that.

21 Q And you said your daughter was right next to you?

1 Q So then you would have no fear that any prosecution
2 would ever take place against you?

3 A When somebody calls you those things you don't
4 know. I don't know. People -- he say I'm a deceit, I'm a
5 liar, dishonest.

6 Q Mr. Anderson at the time of these alleged
7 statements to you was a janitor at the church?

8 A Correct.

9 Q He was not on the board of directors?

10 A He was not.

11 Q He had no power to hire or fire?

12 A No.

13 Q And you were never prosecuted by the Unity Center
14 for anything, were you?

15 A No, I was not, correct. But I was defamed.

16 Q And after Mr. Anderson said these words to you you
17 continued working at the church from May 25 to June 15, 1993?

18 A Correct.

19 Q Listen to this question carefully. Have you ever
20 been convicted of a crime? I'm not talking about motor
21 vehicle. Have you ever been convicted of a crime where you

1 working day. But I reported to work that Sunday but I don't
2 know whether or not because that day -- if it were that Sunday
3 then I might have. If I wasn't supposed to go maybe I didn't
4 go.

5 Q Are you claiming in this lawsuit that Mr. Anderson
6 had authority on behalf of Reverend Reifer and the board of
7 directors to make slanderous remarks to any other employee?

8 A I didn't say had authority. I said they were his
9 supervisor and they are responsible for his actions is what I
10 said.

11 Q So you are not contending that he had authority?

12 A Nobody authorized anybody to call anybody names
13 according to my knowledge so I don't know if he had authority.

14 Q As a result of this of whatever Mr. Anderson
15 allegedly said to you on May 25, 1993 what public disgrace and
16 humiliation did you suffer?

17 A As a result of the comment, the public disgrace
18 that I suffered is for him without any previous contact,
19 disagreement, to come out of the blue sky and make those
20 comments in the presence of my daughter, I considered that as
21 causing me those things that you asked.

EXHIBIT 5

(Executed Affidavit will be forwarded upon signing by affiant)

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL.

Defendants

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

AFFIDAVIT OF EDWARD REIFER

I, EDWARD REIFER, make the following Affidavit under oath:

1. I am over the age of eighteen years.
2. I am competent to testify and have personal knowledge regarding the facts contained herein.

3. For all times material herein, I was employed as the Pastor of the Unity Center of Christianity ("Unity Center") and served on its Board of Directors. In that capacity, I am duly authorized by the Unity Center to testify as to matters within the knowledge of the corporation as to claims in this suit when I was pastor.

4. The late Mr. Charles D. Anderson was employed by the Unity Center as a janitor at the time of the occurrence in this suit.

5. At no time was Mr. Anderson assigned supervisory duties by either the Unity Center, its Board of Directors or by me individually as to the Plaintiff Anthony N. Wojloh nor was Mr. Anderson directed, either expressly or implicitly, to monitor or report on any incidents or conduct involving Anthony N. Wojloh or any other employees of the Unity Center.

6. Neither the Unity Center, its Board of Directors nor I individually did at any time authorize, approve, or acquiesce in Mr. Anderson's statements to Anthony N. Wojloh (assuming but not conceding that they occurred) as alleged in the Complaint in this case.

7. I never personally employed Charles Anderson as either an employee or agent on my behalf nor was he employed as an employee or agent of Viola Green, a Board member, or Rubie Hostetler, Church secretary.

I, EDWARD REIFER, am the Pastor of the Unity Center of Christianity 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 and correct.

EDWARD REIFER

File

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL.

Defendants

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY
1995 JUN 23 A 8 10
CIVIL DIVISION
BALTIMORE CITY

CASE NO. 94143054/CL181082


* * * * *

LINE

Defendants Edward Reifer, et al., by and through their attorneys, Larry J. Albert, Howard A. Wolf-Rodda, and Niles, Barton & Wilmer, hereby submit the executed affidavit of Edward Reifer. This takes the place of the unexecuted affidavit previously attached as Exhibit 5 to Defendants' Motion for Summary Judgment.

Respectfully submitted,

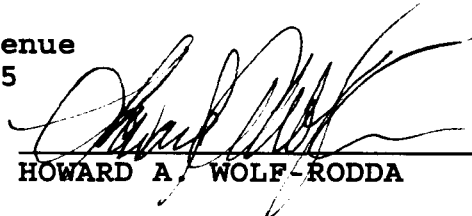

LARRY J. ALBERT


HOWARD A. WOLF-RODDA
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6382
Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June, 1995, a copy of the foregoing was mailed, postage prepaid, to:

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


HOWARD A. WOLF-RODDA

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL.

Defendants

FILED IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
1995 JUN 23 *A 8:10
FOR
BALTIMORE CITY
CIVIL DIVISION

CASE NO. 94143054/CL181082

* * * * *

AFFIDAVIT OF EDWARD REIFER

I, EDWARD REIFER, make the following Affidavit under oath:

1. I am over the age of eighteen years.

2. I am competent to testify and have personal knowledge regarding the facts contained herein.

3. For all times material herein, I was employed as the Pastor of the Unity Center of Christianity ("Unity Center") and served on its Board of Directors. In that capacity, I am duly authorized by the Unity Center to testify as to matters within the knowledge of the corporation as to claims in this suit when I was pastor.


4. The late Mr. Charles D. Anderson was employed by the Unity Center as a janitor at the time of the occurrence in this suit.

5. At no time was Mr. Anderson assigned supervisory duties by either the Unity Center, its Board of Directors or by me individually as to the Plaintiff Anthony N. Wojloh nor was Mr. Anderson directed, either expressly or implicitly, to monitor or report on any incidents or conduct involving Anthony N. Wojloh or any other employees of the Unity Center.

6. Neither the Unity Center, its Board of Directors nor I individually did at any time authorize, approve, or acquiesce in Mr. Anderson's statements to Anthony N. Wojloh (assuming but not conceding that they occurred) as alleged in the Complaint in this case.

7. I never personally employed Charles Anderson as either an employee or agent on my behalf nor was he employed as an employee or agent of Viola Green, a Board member, or Rubie Hostetler, Church secretary.

I, EDWARD REIFER, am the Pastor of the Unity Center of Christianity 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 and correct.


EDWARD REIFER

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 the Motion for Summary Judgment of defendants Edward Reifer, Rubie Hostetler, Viola Green, and the Unity Center of Christianity and any opposition thereto filed, it is this ____ day of _____, 1995,

ORDERED that Defendants' Motion for Summary Judgment be and the same is hereby GRANTED; and it is further

ORDERED that no genuine dispute of material fact exists such that a trial on the merits is warranted; and it is further

ORDERED that judgment be entered in favor of Defendants inasmuch as the action against Charles Anderson has abated and no actionable wrong can be asserted against him; therefore, the remaining defendants cannot be vicariously liable under the doctrine of respondeat superior as a matter of law; and it is further

ORDERED that judgment be entered in favor of Defendants inasmuch as the statements alleged to have been made by Mr. Anderson were made outside the scope of his employment as a matter of law.

JUDGE

210

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL.

Defendants

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO. 94143054/CL181082


* * * * *

REQUEST FOR CONSOLIDATED HEARING ON
MOTION FOR SUMMARY JUDGMENT
AND
MOTION TO DISMISS WITH PREJUDICE

Defendants Edward Reifer, et al., by and through their attorneys, Larry J. Albert, Howard A. Wolf-Rodda, and Niles, Barton & Wilmer, respectfully request a consolidated hearing on their motion for summary judgment and motion to dismiss with prejudice.

Respectfully submitted,


LARRY J. ALBERT


HOWARD A. WOLF-RODDA
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21202
(410) 783-6382

Attorneys for Defendants

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CIRCUIT COURT FOR
BALTIMORE CITY
CIVIL DIVISION
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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 DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

COMES NOW, the Plaintiff, Anthony N. Wojloh, and in op-
position to Defendants' Motion for Summary Judgment asks the
Honorable Court for an Order denying said Motion, on grounds
and for reasons as follows:

1. The Motion for Summary Judgment by Defendants is in-
appropriate, presumptuous, inventive, misleading, and designed
to circumvent justice, as there exists a genuine issue of
material facts demonstrated in the Complaint.

2. All Motions, including this Motion for Summary Judg-
ment had long been settled and disposed of by the Circuit
Court Judges on numerous occasions.

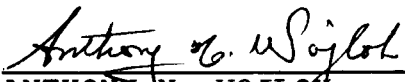
3. Defendants' belated Motion for Summary Judgment was
suggested and advised by the Honorable Judge, Thomas E. Noel
on May 26, 1995 at a hearing on discovery Motion of Plaintiff

34-

before the Judge. This was in the absence of motion by the said Defendants prior to and during the hearing.

4. The Defendants are not entitled to judgment under any circumstances as a matter of law.

5. WHEREFORE, in all things considered, Summary judgment is inappropriate for the reasons set forth and to be developed in the Plaintiff's Memorandum of Points and Authorities in support thereof, hence, the same should be denied.

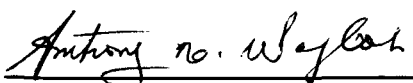


ANTHONY N. WOJLOH
Plaintiff, Pro se
3700 West Rogers Avenue
Baltimore, Maryland 21215

Telephone: (410) 664-4587

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 30th day of June, 1995, copies of the above were personally hand delivered to: Larry J. Albert, Esquire, Niles, Barton & Wilmer, Legg Mason Tower, 14th Floor, 111 South Calvert Street, Baltimore, Maryland 21202, Counsel for Defendants.



ANTHONY N. WOJLOH
Plaintiff, Pro se

PLAINTIFF'S MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF OPPOSITION

HISTORICAL BACKGROUND OF PLAINTIFF'S CASE

In about early Summer, 1990, through June 14, 1993, the Plaintiff was employed by the Unity Center of Christianity, Inc., in Baltimore, Maryland, as a Part-time Security Guard at an hourly rate of \$11.00. Plaintiff worked in the beginning, 12 days, plus or minus, and 70 hours, plus or minus, bi-weekly.

At a later date, between 1991 and 1992, after all efforts to have Plaintiff dismissed failed, the Defendant Edward Reifer unilaterally reduced Plaintiff's regular number of days of work from 12 to about 8, and hours from 70 to about 35, bi-weekly. No substantive reason was given.

On or about February 17, 1993, the Board of Directors, consisting partly of new Members, wrote to Plaintiff advising him of a further reduction of his number of days of work from 8 to 3 and number of hours of work from 35 to 6, bi-weekly. "Reviewing the financial situation" at the Center was the basis. No clarification regarding the Center's "financial situation" was stated.

During the period of Plaintiff's employment at the Center as aforementioned, Plaintiff held a Part-time Faculty position at Morgan State University in Baltimore, Maryland, and another at the Baltimore City Community College.

Sometime between 1991 and 1993, Defendant Andersen was

initially employed as a Janitor for the Center. Later, he was promoted to the Position of Secretary on a full-time basis, replacing Ruth Hostetler, who was either dismissed by Reifer, or resigned because she could not get along with him. Like his predecessor Hostetler, Defendant Andersen had a supervisory authority over Plaintiff. The deceased Defendant had no personal hostility or ill-feeling toward Plaintiff, or vis-a-vis.

Sometime in about mid-May, 1993, while the deceased Defendant, Charley Andersen and Plaintiff were at work serving the interest of their employer, the Co-Defendant, Unity Center of Christianity, Inc., during their normal working day and hours, the Defendant falsely accused Plaintiff of using office equipment and reported the said accusation to Sandee Falls, the then Board President, un-bekownst to Plaintiff.

In about mid-May, 1993, during the same period of time, Sandee Falls wrote Plaintiff advising him not to ever use the office equipment; instead, to concentrate on the security of the building for which Plaintiff was employed.

On May 25, 1993, while the deceased Defendant, Charley Andersen and Plaintiff were at work protecting the business of and serving the interest of their employer, Unity Center, upon Plaintiff's attempt to ask said Defendant about the alleged use of office equipment by Plaintiff as was told Miss Falls, the Defendant furiously and adamantly indicated to Plaintiff in words substantially to wit: "You are a liar, a thief and dishonest," in the presence of Plaintiff's daughter.

On June 14, 1993, the Board of Directors of the Unity Center of Christianity wrote Plaintiff informing him that his position as a Security Guard has been "abolish(ed)" No kind of reason was given, and Plaintiff was not given a hearing.

On May 23, 1993, Plaintiff filed the instant civil lawsuit. Naming in the lawsuit as Defendants were initially, the Unity Center of Christianity, Inc., the Board of Directors, Edward Reifer, Rubie Hostetler, Charley Andersen, and Viola Greene. As a direct consequence of the reductions of Plaintiff's number of days and hours of work bi-weekly, he suffered a financial injury of \$49,000.00 in salary compensation, let aside a gigantic loss of income brought about by the dismissal.

STATEMENT OF MATERIAL FACTS NOT
SUBJECT TO GENUINE DISPUTE

On May 23, 1993, Anthony N. Wojloh, Plaintiff, filed a 4-Count civil lawsuit against the Unity Center of Christianity, Inc., the Board of Directors, and numerous other Defendants for Libel, Slander, Harassment, and Conspiracy. Thereupon, Defendants filed separate Motions respectively, to dismiss based on insufficiency of process and service of process.

On July 19, 1994, the Honorable Judge, Ellen L. Hollander denied the Motions without prejudice. See Attachment A.

In about July, 1994 during the same period of time, the Defendants again filed two separate Motions to Dismiss. Statute of Limitations and Doctrine of Respondeat were the basis.

On August 31, 1994, the Honorable Judge, Clifton J.

Gordy granted Defendants' Motions to Dismiss only as regards to Count I, (Libel), Count 3 (Harassment) and Count 4 (Conspiracy), 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, on one hand. On the other, Judge Gordy denied the Motions as to Count 2 (Slander) against Defendants, Edward Reifer, Rubie Hostetler, Charley Andersen, Viola Greene, and the Unity Center of Christianity, Inc., in Baltimore, Maryland. See Attachment B.

In about late December, 1994, for the third time, Defendants again persistently without accepting or acknowledging their defeat filed a forth Motion for Summary Judgment in an attempt to have the remaining Count II, (Slander) dismissed.

On or about February 10, 1995, the Honorable Judge, Marvin B. Steinberg denied the Motion. See Attachment C.

In February, 1995, immediately after a few days of the February 10, 1995 Ruling of Judge Steinberg, Defendants filed a Motion for Reconsideration along with a very, very lengthy letter addressed to the Judge. On March 13, 1995, Judge Steinberg denied the Motion. See Attachment D. See Attachment E.

On May 26, 1995, a hearing on Plaintiff's Motion to Compel was had before the Honorable Judge, Thomas E. Noel. The Judge, without attempting to avoiding any and all signs and all elements of judicial error or unfairness, or partiality, or prejudicing the Plaintiff's case, began to advise or counsel Mr. Larry Albert, Esquire, a legally trained member of the Bar

of Maryland, specifically, not to answer the Interrogatories propounded and addressed to Defendant, Edward Reifer. Instead, the Judge advised defense counsel to file a Motion to dismiss and wait for the outcome before filing answers to the Interrogatories. After Plaintiff had informed Judge Noel that the instant case was scheduled for jury trial on July 31, 1995, he responded that there was nothing else he could do, and that the case was out of his hand.

Thereupon, on May 26, 1995, reluctantly, Judge Noel began the discovery proceeding. In the process of so doing, the Judge denied 20, of the 28 Interrogatories. Of the 8 he granted, 4 Interrogatories were to be answered "(in part)," and the other 4 to be answered completely.

Defendants did not file any motion with the Court, after the denial by Judge Steinberg their Motions for Reconsideration on March 13, 1995, nor did they move during the course of the hearing on discovery Motion by Plaintiff, nor ask for leave to defer Answers to Interrogatories so as to file a motion to dismiss. Based upon Judge Noel's advice to defense counsel, the latter now belatedly filed this Motion for Summary Judgment.

STATEMENT OF MATERIAL FACTS

SUBJECT TO GENUINE DISPUTE

SUMMARY JUDGMENT IS INAPPROPRIATE

AS A MATTER OF LAW

ARGUMENT

Summary Judgment is inappropriate, and hence, Defendants

are not entitled to judgment as a matter of law. In four or more instances, the Circuit Court Judges emphatically rejected Defendants' repeated argument on limitations and respondeat doctrine. See Attachments A, B, C, and D, Orders of Judges, the Honorable Hollander, Gordy, and Judge Steinberg's two Orders.

Another matter the Circuit Court Judges, above, found in reaching their factual determinations, is the continued deliberate and sensational misrepresentation of the issues by Defendants which evidences very clearly Defendants' desperation to put on a case when they have none, in an attempts to rebuke the claims. This and the over-whelming evidence, Plaintiff had advanced compelled the Judges to dismiss Defendants' Motions. Denial of Defendants' assisted Motion for Summary Judgment is therefore appropriate to advance the justice which Defendants desperately persevere to circumvent.

Summary judgment 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. ad 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, the Defendants' slanderous statements are predicated on motives, intent and subjective feelings, in an attempt to serving and

protecting the interest and business of their employer, the Unity Center of Christianity.

In the instant case, Plaintiff contends that he has a right to recover under the circumstances, on one hand. On the other, Defendants stand on the proposition that Unity Center, nor any of the remaining individual Defendants expressly or implicitly direct or authorize the Co-Defendant, Charley Andersen to make the alleged slanderous statements to Plaintiff. The remaining Defendants also contend that the deceased Co-Defendant, Andersen had no explicit or implicit duty or report on any conduct or incidents involving Plaintiff or any other employees of the Center. This is a genuine dispute, which 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, 300 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.

"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). Without attempting to catalog the vast number of cases on summary judgment, it is quite appropriate to call the attention of this Court to Fowler, J., Prime Mfg. Co. v. A.

F. Gallan & Sons, Corp., 281 N.W. 697, 229 Wis. 348, (1938), the Court stated:

The power of the courts under the summary judgment statute should be exercised with care. The statute does not authorize the trial of contested issues on affidavits. No more does it authorize trial of such issues on adverse examination. The court does not try the facts upon affidavits but merely decides whether the case presents facts to be tried by a jury. The summary judgment statute is drastic and should be applied only where it is perfectly plain that there is no substantial issue to be tried. The use made of the statute may be a perversion of justice and abuse of it.

In the case at bar, there is a conflict both between the position of Defendants and that of the Plaintiff. Similarly, there are issues of material facts and there are different reasonable inferences, as to, (1) whether the slanderous statements were ever made by the deceased Defendant, Charley Andersen, and, if so, did such statements fall within the scope of his employment, (2) whether Andersen should have had any explicit or implicit duty to monitor or report on any incidents or conduct involving Plaintiff or any other employees of the Unity Center of Christianity, Inc. , (3) whether Andersen had any supervisory authority over Plaintiff to invoke the applicability of the doctrine respondeat superior, (4) whether Andersen should have been authorized and directed by the remaining Defendants to make the alleged slanderous remarks to the Plaintiff, etc. and (5) whether the Statute of Limitation is applicable, simply because Plaintiff has erroneously stated at his deposition that the slanderous statements by Andersen took place on May 25, 1993, the same date on which the 1993 Preakness took place, although the issue had been decided by the Honorable Judge Steinberg on two occasions.

In Chapman, J., v. Stoddard, 189 So. 138, 400 Fla. 458, (1939), 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.

It can not be over-emphasized that the degree to which the evidence is conflicting demands a trial by a jury, and inevitably renders the issue a question of fact and not a question of law.

Whiteaker v. Chicago, R. I. & P. R. Co., 252, Mo. 432, quoted by Speer, J., in Century Indemnity Co. v. Carnes, 138 S. W. 2d 555, (Tex. 1940) and in People v. Hanisch, 361, Ill. 465, quoted in Russell v. Richardson, 24 N. E. 2d 185, 302 Ill. App. 589, (1939), the Court stated:

We firmly adhere (Illinois and most states) to our often asserted belief that it is the province of the jury, alone, to determine the weight of the evidence and the credibility of witnesses. If it were not so there would be little use for the jury system. The jury, as a fact-finding body, is of such importance that an abridgment of its functions in this regard and an appropriation of them by the judges would mean the foresaking of a valued tradition in our system of jurisprudence, (EMphasis added).

Thus, if Plaintiff tells a highly unlikely but possible story in the complaint, the lower court can not dismiss the complaint even though it does not believe the allegations or think that the Plaintiff will not be able to prove the tale.

Count II, (Slander) of Plaintiff's Complaint, by whatever civil rule the same may be governed, whether by a code-pleading provision, or any other legal procedural standard, contains sufficient material facts to show that Plaintiff has a right to

relief. This genuine issue of material facts is a subject of dispute in the case at bar.

MD. Rule 2-501 - Motion for Summary Judgment: Standard for grant or denial. Thus, a trial court may grant a summary judgment, when there is no genuine dispute as to any material fact, and the moving party is entitled to judgment as a matter of law. Southland Corp. v. Griffith, 332 MD. 704, 533 A 2d 84 (1993). In the instant case, there exists a genuine issue of material facts which is highly controvertible.

Deferral or denial of summary judgment. Where the material facts are genuinely disputed, summary judgment must be denied; where they are not, the trial court in its discretion may still defer or deny a summary judgment motion. Presbyterian University Hospital v. Wilson, 99 MD. App. 305, 637 A 2d 483 (1994).

Although Judge Gordy granted Defendants' Motions to Dismiss as to Counts I, (Libel), III (Harassment) and IV (Conspiracy), based upon insufficient service of process and improper parties and dismissed charges against certain members of the Board, he let remain, Defendants Reifer, Hostetler, Andersen, Greene, and the Unity Center of Christianity. These Defendants cannot be dismissed from the suit by reason of the death of one Defendant, Charley Andersen.

While summary judgment may serve the purpose for determining whether there exists sufficient evidence, or any genuine dispute of material facts to go forward, or whether a trial is necessary to resolve a factual dispute material to the disposition of a cause of action, it is not an expeditious judicial

device for getting rid of civil actions. Foy v. Prudential, Ins. Co., 316 Md. 418-559 A. 2d 371 (1989). The movant has failed to shift the burden. Also see Willis v. Allstate, Ins. Co., 88 Md. 21-25 591 A. 2d 896 (1991).

Defendants contend that Plaintiff's remaining Count, II (Slander) should be dismissed by reason of Defendant Andersen's death, although the rest of the Defendants are alive. The Doctrine Respondeat superior is not therefore applicable, they argued. Plaintiff contends that the Doctrine is applicable, even if all Defendants were to die instantaneously. If that had happened, Defendants' executors or survivals would be liable. Respondeat superior doctrine makes no provision in the event of one death, nor is inapplicable, where the employer or superior does not "expressly or implicitly direct or authorize" its agent, a subordinate employee to engage in a wrongful act. Lastly but not least, the Doctrine does not stipulate the kind of job title a subordinate employee who engages in a wrong-doing must hold for the Doctrine to apply. It is argued, therefore, that Defendants' argument does not hold.

Under the law of the State of Maryland, an employer is vicariously liable for the intentional tortious acts of her employee, where (1) the tortfeasor was indeed an employee of the person against whom the vicarious liability is asserted, (2) the assertedly tortious act he committed falls within the scope of the tortfeasor's employment, and (3) the tortious act caused the harm alleged. See Globe Indemnity Co. v. Victill Corp., 208 Md. 573, 584, 119 A. 2d 423 (1955) and Rosalyn B. Bell, Maryland

Civil Jury Instructions and Commentary 8.02, at 109-11 (1993). Plaintiff has shown a loss of \$49,000.00 in salary compensation and a loss of employment, as a direct consequence of the insidiously tortious act by Defendant(s).

The tortious acts of Defendant(s) complained of, occurred at the time and place of Defendants' employment and were in furtherance of the employer's business and interest. Therefore, it is not necessary that the aforesaid slanderous statements be authorized by the employer, as long as the acts were performed with the purpose of serving the employer. See Sawyer v. Humphries, 322 Md. 247, 255, 587 A. 2d 467 (1991), (quoting Hophins C. Co. v. Read Drug & Co., 124 Md. 210, 214, 92 A. 478 (1914)).

The deceased Defendant, was a Full-time employee of the Defendant, Unity Center, had a supervisory jurisdiction or authority over Plaintiff who was a part-time employee. Mr. Andersen had no personal hostility toward Plaintiff, but was rather serving and protecting the interest and property of his employer. In pursuit of protecting this interest and property, the Defendant Andersen slandered Plaintiff.

CONCLUSION

For the reasons stated and ^{For} the Attached Memorandum of Points and Authorities, and for the prejudice Judge Thomas E. Noel has caused in advising and counseling defense counsel when and how to plead, Plaintiff respectfully prays to have Defendants' Motion for Summary Judgment denied.

Respectfully submitted,

Anthony M. Wojcik
3700 W. Rogers Ave

Baltimore, MD 21215

Tel: 410-664-4587

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, et al.

Defendants

* * * * *

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

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

Attachment A

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.

JUDGE ELLEN LIPTON HOLLANDER

Judge Ellen L. Hollander

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

Attachment A

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AB

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

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

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, JR.
THE JUDGE'S SIGNATURE APPEARS
ON THE ORIGINAL DOCUMENT

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

TRUE COPY

Sandra E. Banks

SANDRA E. BANKS, CLERK

Attachment B

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

(23) ADW

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, et. al.

Defendants

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CASE NO. 94143054/CL181082

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* * * * *

ORDER

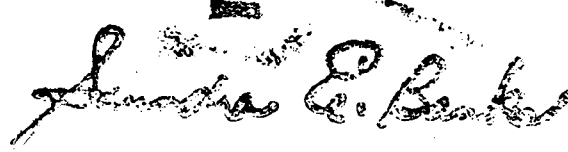
Upon Consideration of the Plaintiff's Opposition to the Original and/or Amended Motion For Summary Judgment of Defendant Charley Andersen, and after hearing argument on behalf of all the parties concerned, it is by the Court, this 10th day of February, 1995,

ORDERED, that the Defendant's Motion be and the same is hereby DENIED.

MARVIN B. STEINBERG
JUDGE

The Judge's signature appears on the original document

~~BLUE COPY~~



SANDRA E. BANKER, CLERK

Attachment c

29 ASDW

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH
Plaintiff

v.

EDWARD REIFER, et. al.
Defendants

CASE NO. 94143054/CL181082

* * *

Samuel E. Block
[Signature]

O R D E R

Upon Consideration of Plaintiff's Opposition To Defendant's Motion For Reconsideration, Or In The Alternative, Motion To Rescind Defendant's Motion, and after hearing argument on behalf of all parties, it is by the Court, this 13 th day of March, 1995,

ORDERED, that the Defendant's Motion be and the same is hereby DENIED.

*No extension of time to plead requested of court
therefore, no
extension was
granted. No request for a hearing; therefore,
that was no hearing. MAR 17 1995*

Attachment

MARVIN B. STEINBERG
JUDGE

The Judge's signature appears on the original document

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 ____th 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. E'

368

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
Affiant

Subscribed to and sworn before me
this ___ day of February, 1995.

Notary Public

My Commission Expires: _____

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, et. al.

Defendants

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CASE NO. 94143054/CL181082

AFFIDAVIT

STATE OF MARYLAND

CITY OF BALTIMORE

)

)

to wit:

I HEREBY CERTIFY, that on this ___th day of February, 1995, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, appeared Bonyonoh B. Wojloh, 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 mistake at my Deposition on the 20th of October, 1994, when I indicated that the 1993 Preakness was on May 25, 1993; that my mistake derived from mis-information obtained from Anthony N. Wojloh, who informed me that the 1993 Preakness was on May 25, 1993, upon asking him what the date of the Unity Center incident was, since I forgot the date; that upon checking the 1993 Calendar, I realized that

Ex. 8 = Attachment E

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 Ma_ 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
Affiant

Subscribed to and sworn before me
this ____th day of February, 1995.

Notary Public

Ex. 5² = Attachment Ⓢ - 2 -

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHCNY 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 ____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

364

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 ___th day of February, 1995

Notary Public

My Commission Expires: _____

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 Motion for Summary Judgment by Defendants, and having heard argument on behalf of all parties concerned, it is by the COURT, this ___th day of _____, 1995,

ORDERED, that the Defendants' Motion be and the same is hereby DENIED.

JUDGE

117

ANTHONY N. WOJLOH

Plaintiff

v.

EDWARD REIFER, ET AL

Defendants

RECEIVED
CIRCUIT COURT FOR THE
BALTIMORE CITY

1995 JUL -6 A 7:48
*
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* FOR

CIVIL DIVISION

* CIRCUIT COURT

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

* * * * *

DEFENDANTS' RESPONSE TO PLAINTIFF'S OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, EDWARD REIFER, et al, by Larry J. Albert, their attorney, respectfully submit the following response to Plaintiff's Opposition to their Motion for Summary Judgment:

1. Defendants incorporate, by reference, their Motion to Dismiss, which Plaintiff has not opposed, and Motion for Summary Judgment, including legal memorandum and Affidavit of Edward Reifer, copy attached hereto.

2. Section 6-410, Courts & Judicial Proceedings Article, is dispositive of Plaintiff's action for slander, Count II of the Complaint, against Defendant Charles Anderson who died on April 19, 1995.

3. The only remaining issue in the case is whether or not a genuine dispute of material fact exists as to Plaintiff's allegation, under Count II, that Defendants Reifer, et al are vicariously liable for the alleged slanderous remarks made by Anderson, a janitor employed by Unity Center of Christianity, to Plaintiff, a security guard employed by Unity Center, on or about May 25, 1993.

4. The standard of review for a motion for summary judgment under Maryland Rule 2-501, as set forth in Seaboard Surety Company v. Klein, 91 Md.App. 236, 603 A.2d 1357 (1992), and precisely summarized in Niemeyer & Richard, Maryland Rules Commentary, pp 333-334 (1992), is as follows:

The response must contain specific facts which controvert facts contained in the motion. Both the facts of the motion and the response must be admissible in evidence as if at trial. Thus a response must be supported by the same type and quality of evidence as is necessary to support a judgment after trial. Examples of evidence upon which a party may rely include admissions in the pleadings, answers to request for admissions, answers to interrogatories, answers to deposition questions otherwise admissible, and affidavits on personal knowledge. A response that simply denies or argues that the facts are in dispute without inclusion of an affidavit or other admissible evidence is insufficient. The court cannot treat bald allegations in a response as creating a disputed fact, any more than it can assume that contentions made in opening statement or closing argument dispute evidence introduced at trial.

5. Edward Reifer, pastor of Unity Center and a member of its Board of Directors at all times relevant to this matter, in his affidavit, based on personal knowledge, has testified under oath that (a) Anderson was employed as a janitor; (b) Anderson was assigned no supervisory duties; (c) Anderson was not directed, expressly or implicitly, to report on any incidents or conduct involving any other employee, including Plaintiff; (d) that neither Reifer nor any of the other defendants authorized, approved or acquiesced in Anderson's alleged slanderous remarks to Plaintiff; and (e) that Anderson was never a personal employee or agent of any

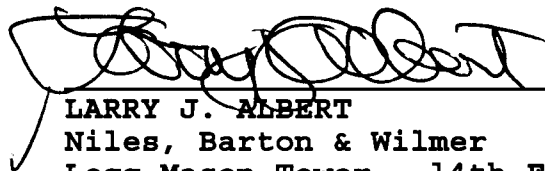
defendant.

6. Plaintiff's Opposition contains no affidavit or other evidence to rebut Rev. Reifer's testimony under oath.

7. Plaintiff, in his opposition, merely asserts that Anderson "had a supervisory jurisdiction or authority" over him, curiously adding that Anderson "had no personal hostility toward Plaintiff" (Opposition, p. 14).

8. Bald averments that a material dispute exists, without any evidentiary support, "amount to no more than mere surmise, possibility or conjecture." Arshack v. Carl M. Freeman Associates, 260 Md. 269, 272 A.2d 30 (1971).

WHEREFORE, Defendants pray this Honorable Court to grant their motion to dismiss and motion for summary judgment.



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 5th day of July, 1995, a copy of the foregoing Response 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

AFFIDAVIT OF EDWARD REIFER

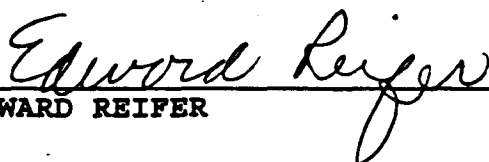
I, EDWARD REIFER, make the following Affidavit under oath:

1. I am over the age of eighteen years.
2. I am competent to testify and have personal knowledge regarding the facts contained herein.
3. For all times material herein, I was employed as the Pastor of the Unity Center of Christianity ("Unity Center") and served on its Board of Directors. In that capacity, I am duly authorized by the Unity Center to testify as to matters within the knowledge of the corporation as to claims in this suit when I was pastor.
4. The late Mr. Charles D. Anderson was employed by the Unity Center as a janitor at the time of the occurrence in this suit.
5. At no time was Mr. Anderson assigned supervisory duties by either the Unity Center, its Board of Directors or by me individually as to the Plaintiff Anthony N. Wojloh nor was Mr. Anderson directed, either expressly or implicitly, to monitor or report on any incidents or conduct involving Anthony N. Wojloh or any other employees of the Unity Center.

6. Neither the Unity Center, its Board of Directors nor I individually did at any time authorize, approve, or acquiesce in Mr. Anderson's statements to Anthony N. Wojloh (assuming but not conceding that they occurred) as alleged in the Complaint in this case.

7. I never personally employed Charles Anderson as either an employee or agent on my behalf nor was he employed as an employee or agent of Viola Green, a Board member, or Rubie Hostetler, Church secretary.

I, EDWARD REIFER, am the Pastor of the Unity Center of Christianity 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 and correct.


EDWARD REIFER

39/ANW

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

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

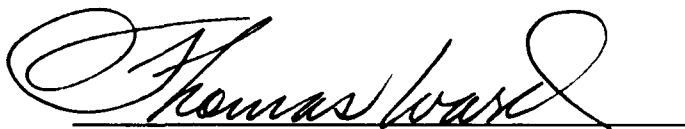
* * * * *

O R D E R

Upon consideration of the Motion for Summary Judgment of Defendants Edward Reifer, Rubie Hostetler, Viola Green, the Unity Center of Christianity and its Board of Directors and Plaintiff's Opposition thereto, it is this 14 day of July, 1995,

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

ORDERED that judgment be and is hereby entered in favor of all Defendants against Plaintiff for the sole remaining count, Count II - Slander, in this action.



THOMAS WARD, Judge
 Circuit Court for Baltimore City

JUL 17 1995

374

58-81-6
7-18-95

(40) ADW

ANTHONY N. WOJLOH

Plaintiff

V.

EDWARD REIFER, ET AL

Defendants

* IN THE
* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO. 94143054/CL181082

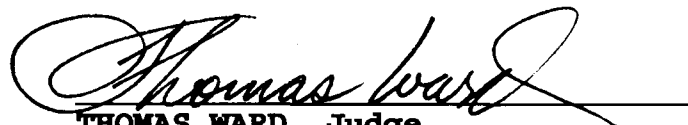
* * * * *

O R D E R

Upon consideration of the Motion to Dismiss with Prejudice of Defendants Edward Reifer, et al and Plaintiff's Opposition thereto, it is this 14 day of July, 1995,

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

ORDERED that Plaintiff's remaining Court 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. & Jud. Proc. Art.


THOMAS WARD, Judge
Circuit Court for Baltimore City

JUL 17 1995

2011
7-18-93 -

FILED

AUG 14 1995

41 P.R.

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH

*

Plaintiff

*

*

v.

*

Docket No. 94143054/CL181082

EDWARD REIFER, et. al.

*

Defendants

*

*

* * * * *

NOTICE OF APPEAL

A Notice is hereby given that Anthony N. Wojloh, Pro se Plaintiff, appeals to the Court of Special Appeals of Maryland, from the Judgment or Order of the Circuit Court for Baltimore City, Civil Division entered on the 14th day of July, 1995, by the Honorable Thomas Ward, Judge. No Court reporter was present.

THAT, the Judgment or Order emanated from Defendants' Motion for Summary Judgment and from the Motion to Dismiss of the deceased Defendant, Charley Andersen.

ISSUES TO BE PRESENTED

1. Whether or not Plaintiff's Case was prejudiced by Judge Thomas E. Noel, when he advised defense counsel, Larry J. Albert, Esquire, not to answer certain Interrogatories addressed to Defendant Reifer; instead, to file a motion to dismiss and await the outcome before responding.
2. Whether or not Judge Thomas Ward erred, when he dismissed the Plaintiff's Claims and exonerated the remaining Defendants from liability because of the death of one Defendant. Or in the alter-

PAC: memo given 8/14/95 to A.W.W.

native, may a Co-Defendant employer be exonerated from charges or suit, simply because his employee also a Defendant, accused of making some slanderous statements has died.

THAT, the portion(s) of the transcript(s) needed on appeal is/are as follow:

1). The portion of the transcript concerning the May 26, 1995 Hearing on Plaintiff's Motion to Compel held before Judge Thomas E. Noel, at which time, the Judge advised defense counsel how and when to plead against Plaintiff.

2). The entire transcript concerning the August 31st, 1994 Hearing on Defendants' Motion for Summary Judgment and the Motion to Dismiss held before Judge Clifton J. Gordy, Jr., and that said transcripts, or the portion thereof as applicable, were requested on August 14, 1995.

THAT, the name(s) and address(es) of the parties or counsel to be served is/are: Larry J. Albert, Esquire, Niles, Barton and Wilmer, Attorneys-At-Law, 1400 Legg Mason Tower, 111 S. Calvert Street, Baltimore, Maryland 21202.

THAT, this Notice of Appeal has been filed by the Plaintiff Anthony N. Wojloh.

Respectfully submitted,

Anthony N. Wojloh

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

Telephone: (410) 664-4587

FILED *Harts*

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42

CSA/PHC Form No. 2

OCT 4 '95

Mailed: 10/3/95

IN THE COURT OF SPECIAL APPEALS
CIRCUIT COURT FOR BALTIMORE CITY

APP
S-14-95

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:* 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

27

HORTMAN

H3

AMP
8-14-95

1995 OCT 16 A 7 26

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: Wojloh v. Reifer, et. al.
CA. NO. 94143054/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. Wojloh
Anthony N. Wojloh
Plaintiff/Appellant

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

379

| | | |
|------------------------|---|------------------------------|
| ANTHONY N. WOJLOH | * | In the |
| Appellant | * | Court of Special Appeals |
| v. | * | <i>PHC</i> |
| | * | No. <u>805</u> |
| EDWARD REIFER, et. al. | * | September Term, 199 <u>5</u> |
| Appellee | * | |

ORDER

Upon consideration of the foregoing request to waive filing fees, it is this 23rd day of January, 1996, by the Court of Special Appeals,

ORDERED, that the prescribed fee of this Court for filing the record and the fee payable to the Clerk of the Circuit Court for Baltimore City ~~county~~ for preparation of the record on appeal be, and they are hereby, waived. Maryland Rule 1-325.

Alan M. Wilner
Chief Judge



LESLIE D. GRADET
CLERK

HARRISMAN
Court of Special Appeals

Courts of Appeal Building
Annapolis, Md. 21401-1699

FILED

JAN 25 1996

*APP
8-14-95*

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

KATHARINE M. KNIGHT
CHIEF DEPUTY

CIRCUIT COURT FOR
BALTIMORE CITY

January 23, 1996

94143054/CL-181082

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

Re: Anthony N. Wojloh vs. Edward Reifer et al.
PHC No. 805, September Term, 1995

Dear Mr. Wojloh:

Enclosed find a copy of an Order of this Court dated January 23, 1996, granting Appellant's request to waive fees filed in the captioned case. The filing fee of this Court and that of the Circuit Court for Baltimore City are waived pursuant to Maryland Rule 1-325.

This is not to be construed in any way as a waiver of other costs such as transcript of testimony and briefs to be filed with this Court pursuant to Maryland Rule 8-502.

The original request and Order are being sent to the Clerk of the Circuit Court for Baltimore City for docketing and inclusion in the record.

Very truly yours,

Leslie D. Gradet

Leslie D. Gradet
Clerk

LDG:ls

Enclosure

cc: Larry J. Albert, Esquire
Saundra E. Banks, Clerk
Circuit Court for Baltimore City

RECEIVED
COURT OF SPECIAL APPEALS OF MD

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CLERK

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

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

RE: Wojloh v. Reifer, et. al.
PHC NO. 805, Sept. Term, 1995

Dear Mrs. Gradet:

ENCLOSED herewith for filing, the Forms you have sent me, upon completing the same.

In short, I thank you for your continued understanding and cooperation.

Very truly yours,

Anthony N. Wojloh
Anthony N. Wojloh

ENCLOSURES: Affidavit
Certificate of Service
Order

cc: Albert, Larry J., Esquire

ANTHONY N. WOJLOH *
Appellant * In the
v. * Court of Special Appeals
EDWARD REIFER, et. al. * NO. 805, Sept. Term, 1995
Appellee *

**AFFIDAVIT
IN SUPPORT OF MOTION
TO WAIVE FEES**

I, ANTHONY N. WOJLOH, am the petitioner in the above entitled case. In support of my motion to proceed without being required to prepay fees or costs or give security thereof, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security thereof; that I believe I am entitled to redress.

I declare that the responses which I have made below are true.

1. Are you presently employed? Yes [] No []
a. If the answer is YES, state the amount of your salary per month and give the name and address of your employer.

N/A

b. If the answer is NO, state the date of last employment and the amount of the salary per month which you received.

June 19, 1993; Salary, \$262.00 per month, then reduced to \$176.00, and finally to \$66.00.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession, or form of self-employment Yes [] No []
b. Rent payments, interest or dividends Yes [] No []

- c. Pensions, annuities, or life insurance payments Yes [] No [x]
- d. Gifts or inheritances Yes [] No [x]
- e. Any other sources Yes [] No [x]

If the answer to any of the above is YES, describe each source of money and state the amount received from each during the past twelve months.

N/A

3. Do you have any cash or money in a checking account?
Yes [] No [x]

If the answer is YES, state the total value owned.

N/A

4. Do you own, or are you buying any real estate stocks, bonds, vehicles, or other valuable property (excluding ordinary household furnishings)? No.

If the answer is YES, describe the property and state its approximate value.

N/A

5. List the persons who are dependent upon you for support; state your relationship to those persons; and indicate how much you contribute toward their support.

Bonyonoh Wojloh, I contribute nothing at present to her support. She is my daughter. Shelia Kasey Wojloh, wife, also nothing is contributed to her support at present

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true and correct.

Anthony M. Wojloh
Applicant's Signature

Signed this 30th day of November, 1985.

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D. SPADEN, CLERK

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH *

Plaintiff *

v. *

PWC 805/95
Docket No. 94143054/CL181082

EDWARD REIFER, et. al. *

Defendants *

* * * * *

MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

The Plaintiff-Appellant, Anthony N. Wojloh, Pro se, respectfully moves the Honorable Court for leave to appeal his Case to the Court of Special Appeals of Maryland without payment of costs or fees or security therefore.

Respectfully submitted,

Anthony N. Wojloh

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

Telephone: (410) 664-4587

IN THE CIRCUIT COURT FOR BALTIMORE CITY

Civil Division

ANTHONY N. WOJLOH

*

Plaintiff

*

v.

*

*

EDWARD REIFER, et. al.

*

Docket No. 94143054/CL181082

Defendants

*

* * * * *

AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED ON

APPEAL IN FORMA PAURIS

I, Anthony N. Wojloh, being first duly sworn according to law, depose and say that I am the Plaintiff/Appellant in the above-entitled case; that in support of my Motion for Leave to Appeal in Forma Pauperis respectfully asks the Court to proceed without payment of fees, costs or give security therefor, on ground of indigency, and that because of said indigency, I am unable to pay the costs, fees, or security; and that I believe I am entitled to redress.

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

QUESTIONS

1. Are you presently employed?

No, and have been so unemployed gainfully, for more than a year.

2. Have you received within the past twelve months any

income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends or other source?

No. I have neither received within the past twelve months any income from a business, profession nor other form of self-employment, nor in the form of rent payments, interest, dividends nor other source.

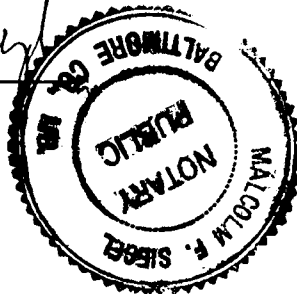
WITNESS my hand and Notarial Seal.

Malcolm F. Siegel

Notary Public

8-14-95

Date



Anthony B. Wojcik

Affiant

8-17-95

Date

My Commission Expires

7-97

IN THE CIRCUIT COURT FOR BALTIMORE CITY
Civil Division

ANTHONY N. WOJLOH

*

Plaintiff

*

*

v.

*

CASE NO. 94143054CL181082

EDWARD REIFER, et. al.

*

Defendants

*

* * * * *

O R D E R

Upon Consideration of Plaintiff/Appellant's Motion to file his Appeal to the Court of Special Appeals of Maryland in Forma Pauris, it is this ___th day of _____, 1885,

ORDERED that the Motion be and the same is hereby GRANTED, and that the payment of costs, fees, or security is hereby waived.

JUDGE

CERTIFICATE OF SERVICE

I certify that on this 1st day of Dec. , 1995, I mailed a copy of this Affidavit to Larry J. Albert, Esquire, Niles, Barton & Wilmer, Legg Mason Tower, 14th Floor, 111 South Calvert Street, Baltimore, Maryland 21202, Attorneys for Appellees

Anthony B. Wojcik
Appellant's Signature

3700 West Rogers Avenue, Balto.
Address

Address

1994

F.L.
2-5-10
169 Images

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]-####

F.L.
2-5-10
169 Images

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