

Mr. Carney Deposition 8-25-11 - Rebuttal

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Rev. 8/12/14

13 Carney: I looked at all the discovery that had taken place.

Senez: There was no discovery other than the interrogatories.

13 Carney: I was advised by prior council that the case was in a settlement posture.

Senez: Carney never told me he met with or communicated with Judy Ensor. There is also nothing in his billings or Judy Ensor's billings that indicate he ever contacted her or that they spoke or communicated with one another. See Judy Ensor's letter to Mediator Betty Stemley, the case wasn't in settlement posture. If that was the case I may have stayed with Whiteford, Taylor & Preston! Mr. Carney also said in Judge Bollinger's hearing, page 11, line 13, that the case was scheduled for trial in a couple days of him coming onboard. So which one is it?

Even if this was the case and Mr. Carney had to get a trial date postponed in a couple days of taking on a new case, does that mean Mr. Carney and the attorneys of Royston, Mueller, McLean & Reid, LLP, are so delicate that they can no longer function at a trial rescheduled for a year later?

13 Carney: I made the determination as to what I needed to do from a discovery perspective, if anything and I needed to take the deposition in order to establish the 20 year period of time.

Senez: I asked Carney for nine months, from day one, to get Mr. Myers deposition. I can document 20 requests. He coordinated it with his vacation in South Carolina. Carney sent Mr. Bergen an email that he didn't even think he needed Mr. Myers deposition. The 20 year period wasn't the only issue. I wanted Mr. Myers deposition to show it wasn't a cooperative effort between Mr. Cook and Mr. Myers for a co-owned boat ramp as the Collins had said in the original complaint and interrogatories. I also wanted it because Mr. Myers was in his late 70's or early 80's and I didn't want to wait too long.

14 Carney: I had to meet with Linda on a relatively frequent basis

Senez: Look at Mr. Carney's billings. I met Mr. Carney 4 times in eleven months! January, 13, 2006 Mr. Carney and Mr. Bergen met me at my house. April 26, 2006, I went to Mr. Carney's office unannounced because he hadn't returned Mr. Bergen's or my emails and phone calls. December 5th, I dropped off the pictures and GIS maps I had blown up and the white binder with all the documents. December 7th, the day before trial. That day most of the time Mr. Carney spent running around trying to strike the Collins Motion for adverse possession for the property in the back. In the first two and a

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half months Mr. Carney spent less than five hours on my case. Total time Carney and Quinn spent on my case prior to trial was less than 49 hours.

14 Carney: Non-jury trial so I had to educate a judge as to what the issues were.

Senez: Mr. Carney certainly didn't do a good job of that since Judge Souder didn't understand hostility in adverse possession and she made a totally erroneous ruling by giving the Collins full access to my side of the boat ramp.

14 Carney: So we had to dig out some blowups made of the properties at issue.

Senez: Those were blow ups of pictures that I took and I had enlarged and mounted and GIS maps that I had made and had mounted on poster board. Carney didn't even know I had done that or was going to do that until I emailed him on 12/4/06 and delivered them to his office on 12/5/06.

17 Carney: I got in not to terribly long before trial started.

Senez: No trial date was set when Mr. Carney got in. I met with Mr. Carney on 1/13/06 and the trial date was set on 7/21/06 for 12/08/06. The Collins hadn't even been deposed yet. Is Mr. Carney and Royston, Mueller, McLean & Reid's attorneys that delicate that they can no longer function at a trial rescheduled for a year later? Page 13 of this deposition Mr. Carney said the case was in settlement posture.

22 Carney: It was my understanding that this case was in the settlement posture. It really was not going to go forward from a litigation perspective.

Senez: I don't know where Mr. Carney got that from! I kept telling him no more settlement agreements. I have to pay to have them written up and Collins reject them, I had been down that road numerous times. See my response to this on page 13. We had a mediation hearing on June 2, 2005 with Betty Stemley in Whiteford, Taylor, Preston's office, I agreed to everything the Collins wanted and they rejected the offer.

23 Carney: took my case on the condition he could get it postponed.

Senez: There was no case scheduled when Carney got involved! I met with Mr. Carney on 1/13/06; he didn't even file his appearance until 7/13/06 so how could he have gotten a case postponed in January or even February 2006. The first court date set after Carney came on board was set because he sent the court a letter 5/25/06 asking for a court date. The court gave him a date of 7/19/06, which he had to have postponed on 7/13/06 because he wasn't prepared and we didn't have Mr. Myers deposition. Page 13 of this deposition Mr. Carney said the case was in settlement posture. I didn't even know about the court date until 7/11/06 when I called his office about the PowerPoint.

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23 Carney: So I got it postponed.

Senez: There was nothing to postpone when Mr. Carney came aboard in January 2006. There wasn't a schedule court date. Carney didn't even file his entry of appearance until 7/13/06. The first court date set after Carney came on board was set because he sent the court house a letter 5/25/06 asking for a court date. Which he later had to have postponed on 7/13/06 because he wasn't prepared and didn't have Mr. Myers deposition. He billed me for both of those gaffes!

24 Carney: Don't know when the first trial date is. It was somewhere close to that.

Senez: There wasn't a schedule date. See above responses.

26 Carney: I believe that it had trial dates

Senez: Mr. Carney is making this up. Shouldn't Mr. Carney know If there was an actual date or not? He keeps going back and forth between it was in settlement and there was a trial date.

30 Carney: Because of the age of the case, it was my belief that the discovery had been concluded by the various parties involved.

Senez: Shouldn't Mr. Carney know if the entire discovery was done or not! Wouldn't that be the information he would review for trial? It wasn't concluded!

30 & Carney: In order to nail down element, I had to get his under oath testimony. So,
31 Carney: I took his deposition.

Senez: From day one, nine months after I continuously begged him to get the deposition and made 20 requests.

32 Carney: Mr. Myers deposition favorable.

Senez: Yes it was except that I told Mr. Carney before the deposition was finished that I was concerned about Mr. Myers saying he put a survey in the sales material. I explained to Mr. Carney that the house wasn't on the market when I had the realtor approach Mr. Myers. I gave Mr. Carney the names of the realtors so that they could verify that there wasn't a survey. I emailed Mr. Carney On 10/30/06 and again restated that the property wasn't on the market. I advised him again on 12/4/06. Mr. Carney should have asked what kind of survey he had done and if he had a copy of it to give to us. Mr. Myers doesn't say in his deposition that he gave me a copy or showed me the survey see Myers deposition pages 32 & 33. The Court of Special Appeals agrees in their Opinion filed 10/3/08, page 17.

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Mr. Carney never asked me in court if I had seen a survey!

33 Carney: I considered talking to various different people. And after reading through other documents, reading through pleadings, talking with opposing counsel, talking with Linda, I decided I didn't need to take anybody's deposition.

Senez: Mr. Carney should have considered a little harder. He didn't discuss with me his decision. I told him I was concerned about Mr. Myers statement, see answer above. Judge Souder grabbed onto that statement and Rob Thompson made a point of that statement. Why is Mr. Carney listening to opposing counsel and not me? Mr. Carney never discussed with me that he wasn't going to talk to my witnesses. I emailed Mr. Bergen on 11/13/06 & 11/20/06 stating my concerns. If he had done all that he would have known that the Collins story of a co-owned boat ramp was a lie but he never pointed that out in court.

33 Carney: survey, we were all going to live with it.

Senez: Who's we? Live with what? This sounds like Carney is saying we are going to live with the property lines on the Dietz survey and not go into the elements of adverse possession.

35 Carney: more than the average lawyer (he was talking about adverse possession)

Senez: Mr. Carney didn't cite one adverse possession case in court in front of a Judge who he states is relatively new but he knows more than the average lawyer. This comment by Carney makes the horrendous ruling of Judge Souder worse since he should have been able to explain the law!

36 Carney: as the judge thought it did

36 Carney: I believe that Linda knew that the wall was not on her property because there was a prior survey.

Senez: This is a lie. I explained all of this to Carney several times. I never saw a survey prior to the one I had done in June 2004. I told Mr. Carney that on 10/25/06 during Mr. Myers deposition and I emailed him on 10/30/06 and 12/04/06. The only thing I had was the title survey which doesn't show anything, I emailed Mr. Carney a copy on 10/30/06. It's all in our emails. My side of the wall extended out further there was no reason for me to believe otherwise. Mr. Myers never said anything when I asked him if I could put up the fence he was still living there. Mr. Myers said he thought the property and ramp was his so why would I think different?

38 Carney: and it did show that the wall ran right down the property line. But toward the end

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of the property ending at the water, it veered a little bit over onto the Collins.

Senez: The wall did not run right down the property line. In the back of our properties the wall is inside "my" property line. The Collins are on my property in the back by 347 sq. ft. I'm on their property by 291 sq. ft. Mr. Carney never asked the Collins why they were on my property in the back. He never asked why the concrete slab their shed sits on, on my property. The Collins kept exaggerating their adverse square footage in the back as less.

38 Carney: He never saw Mr. Myers survey

Senez: Well he should have asked to see it. He should have asked what kind of survey it was.

38 Carney: Brian Dietz had his survey. Therefore we're not even going to put him on the witness stand.

Senez: Mr. Carney faxed Brian Dietz a subpoena and then didn't call him. It would have been important to show the difference between location and boundary surveys. Mr. Carney also billed me for this. Mr. Dietz could have obtained the Collins survey and explained the differences between location and boundary surveys since obviously Mr. Carney doesn't know. I have since obtained copies of the Collins surveys and they are on the website. Brian Dietz was amazed that I didn't win my Adverse Possession case. Mr. Dietz could have disputed all of the erroneous measurements the Collins gave in court while they were trying to justify their made up story.

39 Carney: No other witnesses, to prove hostility.

Senez: How does Mr. Carney know that? He did absolutely nothing to find out anything about my case including asking me questions.

40 Carney: there was a trial judge who was a relatively new trial judge, who was difficult at best

Senez: I'm sure Mr. Carney knew this before we walked into the court room. He should have helped Judge Souder on the elements of adverse possession. Judge Souder passed the bar in 1981 and was appointed to the bench July 2002. I think she could have understood if it were explained.

40 Carney: It was apparent to me that she was not well-schooled in the law of adverse Possession.

Senez: Isn't that Mr. Carney's job to explain the law if the judge isn't up on it! Isn't that one of the reasons you hire a lawyer.

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40 & 41 Carney: The only thing that gave me concern at the trial, and I knew this going in, was Linda's conversation with Mrs. Collins at some point in time about the erection of the fence

Senez: Mr. Carney never told me about any concern! He never asked me about the conversation. If it was a major concern he should have explained it to me and what it all meant. During the trial was the first time I heard Ann Collins say that. It's not in the complaint, Answer to Counterclaim, interrogatories, or Mr. Myers deposition. It also wasn't known by prior counsel, Covahey or Ensor. How did Mr. Carney know this?

42 Carney: Good neighbors towards one another until she had to rebuild her house.

Senez: I didn't have to rebuild my house. I had a lot of damage in my basement from Hurricane Isabel. I had to rebuild the creosote railroad tie retaining wall outside, in the front of my property because the flooding caused the ground to wash away behind the wall making it unstable. If you believe the Collins they had access to the boat ramp and said it was co-owned, why would I all of a sudden, four years later, during the construction stop them from using the ramp?

42 Carney: became aware judge not schooled in adverse possession -- just the nature of her rulings and demeanor.

Senez: Again this why you hire a lawyer! Carney says on page 35 that he knows more about adverse possession than most lawyers so why didn't he help her along?.

42 Carney: in part just as a trial lawyer, you get a feel for what a judge knows or what a judge doesn't know.

Senez: If he got a "feel" why didn't Mr. Carney step up his game? As a lawyer I think you should be ready to deal with a situation when the judge doesn't get it!

43 Carney: Alter in any way? No. I presented the case as I deemed I needed to present it. I had to educate the judge.

Senez: This is the dumbest statement! Exactly what did he educate Judge Souder on? He never reviewed the elements of adverse possession and pointed out that I met all of the elements. Carney never sited one adverse possession case in court. She didn't understand hostility and she made a totally erroneous legal ruling which had to be amended. Carney filed a Motion to Amend and Alter on 1/2/07 and he billed me for it but all of this should have been resolved in the trial court.

44 Carney: opening argument and closing argument

Senez: There was no opening argument! Mr. Carney's closing argument had nothing of

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any substantive value! He didn't even dispute the lies Mr. Thompson was telling during closing argument.

44 Carney: The testimony that concerned me was the testimony that exactly was seized upon by the court of special appeals

Senez: Then Carney should have asked me about the conversation, if any. I would have told him why that would have been a dumbest question ever. See response below page 47. If that was the case and it concerned him why did we even go to court?

47 Carney: Mrs. Collins testified she had a conversation with Linda, which we all knew about.....but asked her permission

Senez: This question is not in the complaint, answer to the counter complaint, interrogatories or Mr. Myers deposition. I never knew about it! My prior counsel never knew about it! Who is we? That conversation never happened the way Ann Collins said it did! I put the fence up when Mr. Myers was still living there and he still owned the property, Collins never said anything to him or the contractor putting up the fence.

Mr. Carney is now just making this up because he knows it was a screw up on his part. He should have know what the Collinses were going to say by taking their depositions.

This would have been the dumbest question I ever could have asked. Why would I ask to put up a fence on their property, and then put up the fence, so they could tell me to take it down? Also the Collins could cross the fence line and they, their family, grandchildren, friends and dogs would have full access to my yard. I didn't even know the Collins at that time. I had Labrador Retrievers, I wouldn't want people and their pets just coming on my property. That would be a huge liability issue. If I had known about the property line that would have been a deal breaker on buying the house.

48 Carney: I have no idea what Linda thought when she bought the property.

Senez: This is so ridiculous. Mr. Carney knew! I couldn't have been any clearer, just look at the emails and PowerPoint presentation. Shouldn't Carney know what I thought when I bought the property? Isn't that part of building the defense? Mr. Carney says he knew the Collins position on page 151! So he knows the Collins position but not mine. Who is he representing?

48 Carney: I don't know what she thought when she bought the property

Senez: It was all outlined in my emails and PowerPoint.

49 Carney: I don't recall specifically ever having a conversation one way or the other with Linda about that, what her substantive beliefs were.

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Senez: How can he represent me if he doesn't know anything! Mr. Carney should have. I was very clear in the emails and PowerPoint presentation. Isn't that part of how he should prepare for defending me?

This was in reference to the wall being the property line

50 Carney: Her subjective belief has nothing to do with proving the element of adverse possession

Senez: Non sense, it would determine my actions with regards to the property to show hostility. It would have shown that if I thought it was mine, I wouldn't have asked permission. Which I didn't!

50 Carney: It is right on the line for much of its length, but it veers off toward the water.

Senez: Not true! Collinses are on my property in the back by 341 sq. ft. Mr. Carney had the survey and this was all outlined in the PowerPoint with pictures. On 7/19/06 Mr. Carney sent me an email that the Collinses certainly know about their adverse possession count because it's in their complaint. 7/20/06, I sent Mr. Carney an email explaining that the Collins had not filed for adverse possession. I had also put that in an email that I had sent to Mr. Carney on 6/7/06 & 6/30/06. Elsewhere Mr. Carney says that he always knew the Collins were going to file for adverse possession that Rob Thompson told him, see page 229. So how could the property be right on the line for much of its length? Collins stated it was 221 sq. ft but in fact it was 347 sq. ft. larger than my 291 sq. ft.

52 & 53 Carney: letter Carney wrote stating wall collapsing

Senez: The collapsed wall would cause my property to erode. See our email exchange on 6/29/06, 7/7/06, 8/30/06, 8/31/06 and Mr. Carney wrote Rob Thompson a letter addressing this on 8/30/06. We also had a conversation about the wall on 7/21/06. I advised him that because the wall was no longer there my property was eroding and would continue to erode.

I had to file a separate lawsuit against Collins for the damage to my property. The suit was filed in 6/26/09 in District Court, on 12/18/09 a Motion to stay was filed awaiting the Court of Special Appeals Rulings, on 8/21/12 it was reopened in Circuit Court, trial was scheduled for 1/3/14 and the suit was closed on 1/24/14 because the Collins corrected the problem on 11/22/13. The corrected the erosion problem by slopping their side up to the height of my side, which just proves there never was a drainage problem.

53 Linda's property and the Collins's property were demarked and separated by a wall.

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Senez: Correct, that's why I thought that was the property line. In addition my side of the wall the land extends out a lot further. Mr. Carney didn't elaborate on this in court. He didn't elaborate on Mr. Myers beliefs either. Mr. Myers believed the property was his and the boat ramp was his.

54 Carney: That's what anybody would think when they first go out there and look at the two properties

Senez: Exactly! And that's what I thought!

54 Carney: Didn't recall receiving email where I sent Carney the Myers zoning variance

Senez: The zoning variance was mentioned in Mr. Myers deposition by opposing counsel on pages 65 & 90. It was from 2/10/84. I emailed it to him right after Mr. Myers deposition on 10/30/06. And it was in the white binder sitting on the court room table.

55 Carney: Carney confused about which variance

Senez: This was Mr. Myers zoning variance

55 Carney: she refers to a site plan that she received at settlement. No I don't recall whether I ever saw the site plan and I don't know whether she's referring to the survey that Mr. Myers had

Senez: I emailed Carney the site plan on 10/30/06 and it was in the PowerPoint and also in the white binder that I delivered to his office on 12/5/06 and he carried into court with him. I was not referring to Mr. Myers survey and had told Mr. Carney I never received or saw a survey for Mr. Myers or anyone else.

56 Carney: property was not on the market when she first met with Mr. Myers and put in a bid..... who cares

Senez: I care! I never received a prospective buyer packet with a survey. HSA doesn't have and never had a copy of a survey. The Realtors could have testified about this.

58 Carney: You have to understand....my representation had nothing to do with Linda's zoning dispute.

Senez: This was Mr. Myers zoning variance, Mr. Dowell was talking about. However Mr. Carney billed me for several conversations with John Gontrum and several with Neil Lanzi on the zoning issues. See his billings.

60 Carney: reads variance....property being bordered on each side by a retaining wall

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Senez: Mr. Myers variance says the walls were there when Myers bought the house. This also fits in with the one foot difference Mr. Myers is talking about in the deposition.

61 Carney: It did discuss the wall, It makes no never mind because we had a survey and that showed what we needed it to show

Senez: It does make a difference! It shows the Collins where lying and that the wall was there when Mr. Myers purchased. There was no co-owned boat ramp between Mr. Myers and Mr. Cook. And the jog in the wall had nothing to do with boats being backed down to the ramp. Ann Collins talks about this on pages 55 & 56 of the court transcript and Steve Collins talks about this on pages 103, 104, 105 & 107 of the court transcript. Rob Thompson talks about this on pages 169 & 170.

Mr. Myers says the wall was there when he purchased the property on pages 23, 24, 37 and 55, therefore it was not a cooperative effort for a co-owned boat ramp and Collins story is a lie!

Mr. Myers on pages 40 & 61 that he installed the railroad tie wall, in the 80's when first purchased. No other type of wall there before Myers did the railroad tie wall; page 61. Page 66, Mr. Myers built the railroad tie wall so that's after the property line wall was already there.

63 Carney: In the exercise of my trial strategy I did not think it was necessary because his de bene esse deposition was entered in its entirety

Senez: Mr. Carney emailed me on 5/23/06 that he was going to note the video tape deposition of Mr. Myers for opposing counsel. On 7/10/06 Mr. Carney emailed he was going to have a reader playing the part of Mr. Myers in court. None of this happened!

How does Carney know whether or not Judge Souder read the deposition? She certainly didn't put a lot of it together and thought it was confusing. She didn't know I never say Mr. Myers survey and that I installed the fence before I settled on the property.

It is significant if further proves that the Collins where lying. Mr. Carney let the Collins ramble on about a co-owned boat ramp and never made the critical connection that the Collins story couldn't possibly be true since the wall was there when Mr. Myers purchased the property. He didn't see the elephant in the room! Judge Souder believed it was co-owned as evidenced by her closing remarks and ridiculous ruling.

Judge Souder page 192, "Unless the parties reach an agreement, both parties have A right to use the boat ramp just as they have done."

Judgment on Count IV (possession of property) is hereby entered in favor of Plaintiffs and against Defendant in that Defendant is hereby ORDERED, absent an agreement to the contrary, to remove any gate or fence blocking mutual access by the parties for the mutual enjoyment and use of the entire boat ramp by all parties, presently located on the east side of No. 341 Worton Rd.

63 Carney: the wall was there when Mr. Myers bought the property. There's no question that that testimony was elicited

Senez: Then why did you let the Collins sit there and say it was a cooperative effort for a boat ramp? And that the jog was necessary to for the boats to be backed down to the ramp and it mirrored the jog in the terrace wall on my property? Ann Collins talks about this on pages 55 & 56 of the court transcript and Steve Collins talks about this on pages 104, 105 & 107 of the court transcript. Rob Thompson talks about this on pages 169 & 170. Mr. Myers said on pages 40 & 60 that he put the terrace wall in, so that's after the property line wall was already there.

64 Carney: There's no question..... that the wall had been there for over 20 years

Senez: Mr. Carney should have tacked onto Mr. Myers predecessor, Mr. Roy Jones and or cited Tamburo and other cases on existing barriers. It would have been important to establish how long the wall was there, I have documentation that it was at least 25 years. Who put it there and why? I have since gotten nine signed affidavits from people that have personal knowledge of the property and people that lived there. This could have all been done prior to trial but Mr. Carney never spent any time on my case. If Mr. Carney had proved it was there for more than the 20 years and Mr. Myers believed it was his property I wouldn't have lost my case.

Judge Souder doesn't seem to know, page 171, 173 of the trial transcript. However she also believes it was a cooperative effort since this was never disputed.

64 Carney: The court was seizing on something that it was really unnecessary to seize
Senez: Then Carney should have made sure Judge Souder understood. That's what he's there for!

65 Carney: I can't tell you if the court was confused

Senez: Just read Judge Souder's ruling and you'll know the court was confused. She didn't know what hostility meant in adverse possession and she made a totally erroneous first ruling, which I had to file a Motion to Amend and Alter, by giving the Collins access to my side of the boat ramp.

She also says she didn't know how long the wall was there.

Judge Souder didn't know that the fence was put up prior to my settlement on the property; Mr. Myers still owned the property. She still didn't understand that in the remanded hearing. page 18 & 36 Ann Collins states the fence was there before I moved in. Steve Collins page 65 & 66 – states the fence was up before she settled. Trial transcript Senez pages 99, 100 & 148 – I stated that I had the fence built before I settled on the property. Page 299 Mr. Carney said the fence was up before I moved in. The Court of Special Appeals Opinion 10/3/08 , said it on page 12.

She thought Mr. Myers gave me a copy of the survey, which he didn't, and is in his deposition pages 32 & 33. Page 17 the Court of Special Appeals says, "Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular." Carney had witnesses to also show that I never saw a survey and he never contacted them.

Judge Souder thought it was a co-owned boat ramp that's why her ruling says for mutual access by the parties for the mutual enjoyment and use of the entire boat ramp and on page 192 Judge Souder says," just as they have done!" Collins never shared the boat ramp or used it without permission.

Mr. Myers deposition:

Pages 38, 59, 60, 70, 71, 89 and 90. The boat ramp was used with permissive use only.

Pages 62, 71, 72 and 88. Collins didn't use boat ramp;

Page 71, Myers intention was that he was selling the boat ramp with the house.

Page 72, Mrs. Collins used the boat ramp. "I don't remember Mrs. Collins using the boat ramp."

Pages 88 Myers didn't recall Collins ever launching a boat

This is all Mr. Carney's fault! The judge should have had all the facts!

It was never questioned why the Collins are on my property in the back or the concrete slab Collins shed sits on is on my property.

65 Carney: It is obvious that the court was confused regarding at least one, if not more, of the elements of adverse possession, as Judge Hollanders opinion painfully described

Senez: Exactly! See above page. Judge Hollander is the only one that seemed to get it! Page 65 above Carney says he can't tell you if the court was confused or not.

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66 Carney: The court wasn't on top of its game regarding its proper understanding of the elements of adverse possession, sure

Senez: It's Mr. Carney's job to explain to the court if the court is confused.

67 Carney: establishing the wall was there prior to 1980.....I had done that, I had done that during the course of the trial through the testimony, through the testimony of Linda,.....

Senez: Carney never asked me in court about how long the wall was there or why there was a jog in the property line wall or in the terrace retaining wall. I would have told him the jog in the terrace retaining wall supported the front porch of my house as evidenced by the construction pictures I gave Mr. Carney. Or why Mr. Myers and Baltimore County said the walls were there. The wall on the other side of Collins property is not on the property line. I believe that's why Rob Thompson wanted to use my survey. Mr. Dietz could have pointed that out in court.

I did give him witnesses that could testify as to how long the wall was there but he never pursued them. The wall was there in the early mid 70's. 25 years prior to me buying the property. I would have tracked down the nine witnesses I now have and gotten signed affidavits. Two of Mr. Cook's children who said the family knew the wall wasn't on the property line and decided to let it go.

68 Carney: We had advised the court, the mouths of multiple witnesses and through the deposition testimony of Mr. Myers as to how long the wall had been

Senez: What multiple witnesses? There weren't any witnesses thanks to Mr. Carney! It was just me and the Collins. And if Mr. Carney had used Mr. Myers testimony he could have pointed out the wall had nothing to do with a boat ramp.

68 Carney: I can't change what a judge doesn't get. That's why we have the appellate court

Senez: Isn't this why you hire an attorney! You can explain to a judge and present all the facts. Earlier Mr. Page 14 Mr. Carney said he had to educate the Judge!

69 Carney: Myers deposition..... I know what was said. I was there. I lived it. I took it

Senez: Exactly and that's why Carney should have pointed out that the Collins were lying about it being a cooperative effort for a boat ramp. Mr. Carney however didn't understand it! He didn't put the pieces together and the elephant just stood there. The property wall wasn't put in to support the higher elevation for a boat ramp as Mr. Collins had said.

75 Carney: Mr. Dowell, in the heat of a closing argument and the heat of the trial, which was very contentious at least from Linda's perspective, the lawyers were respectful to one

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another because we're all pros

Senez: Mr. Carney is not a pro! In fact Judge Souder kept looking down at something and they jumped and said she had to take a break, when she came back Carney basically said he was done and sat down. Pros don't lie. Pros don't have to lie to cover for their mistakes. Mr. Carney has done nothing but lie in our suits against one another. There was no heat in closing arguments; Carney was like a lame duck! Mr. Thompson made more points and they were all lies! Mr. Carney never even challenged the false accusations made by Thompson.

76 Carney: no.....Because first of all the testimony was that the wall was there prior to Mr. Myers buying the property

Senez: Then why didn't you tell the Collins it was impossible to be a cooperative effort for a co-owned boat ramp as they said in the interrogatories over and over. That the jog in the property line wall had nothing to do with the boat ramp and neither did the jog in the terrace / retaining wall since Mr. Myers put that in after he bought the property. That would have certainly taken the wind out of the Collins sail. It was not a shared boat ramp as evidenced by Mr. Myers other statements in his deposition.

76 Carney: I know her decision was erroneous. The court of special appeals said it was erroneous and reversed it.

Senez: No, they remanded the case back to the trial court. And if it was erroneous why didn't I win on remand? I didn't win because Mr. Carney didn't dispute the allegations against me and Judge Souder decided I had no credibility even though the Collins were lying. If Mr. Carney is such an expert at adverse possession, my case should have been a piece of cake.

The Collins were allowed to drone on and on about permits which I had prior to their filing the lawsuit, drainage that was never a problem, lights and camera's that were never directed towards the Collins property. Signs that aren't illegal. Measurements that were all incorrect, supporting their made up position. My terrace / retaining wall that didn't block their view and the ground level being the same height as the old wall.

Mr. Carney never had control of the court room and Collins testimony.

The Collins had 176 pages of testimony and I only had 66 pages. The Collins where asked to describe 34 exhibits. I was asked to describe 5 exhibits. In addition to the Collins own exhibits each one of them were asked to review and describe more of my (defendants') exhibits than I was.

The most talked about item in my trial transcript was my lights. But I wasn't asked to point out where the lights were and why they didn't interfere with the Collins. The

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second was Collins view which has no legal remedy.

In court I was not asked about the same issues the Collins were asked about:

Shared or co-owned boat ramp why this would be acceptable

Settlement negotiations because of survey

If Mr. Myers showed me a survey, I wasn't even asked!

About the ladder ramp

About the height of my terrace / retaining wall or elevation

Any property measurements

Backing a boat down to the ramp

Jog in property line wall and terrace / retaining wall

How long the boat house has been there. If you take it down can't put back up

Fence extensions that Mr. Collins called spite fence

About walls being there when Myers purchased the property

About signs on other side of my house

About the Collins not having access to my side because of the property line wall

Citations/ violations

The disputed area

If ever a case screamed out to have a Motion for Summary Judgment filed to take all this bogus junk off the table it was mine.

- 77 Carney: Souder says here, " I don't know when the wall was built I don't know what her confusion was, but it had nothing to do with the outcome of the case.

Senez: It had everything to do with the outcome. Judge Souder made that part of her closing and the ruling! She said she didn't know how long the wall was there. That the wall ran down to Cooks bulkhead and blocked access to my side. Didn't know Mr. Myers never said he conclusively showed me the survey. Judge Souder didn't know that the boat ramp was used with permissive use only.

- 78 Carney: Her ruling was wrong as a matter of law as expressed by the court of Special Appeals

Senez: Carney should have taken care of this in the trial. See my response on page 76 above.

- 78 Carney: When I learned about the wall, She (Senez) certainly learned about it in this litigation. When she first learned about it, I don't know.

Senez: Mr. Carney is a liar; he knew when I learned about the wall. It was all outlined in my emails and PowerPoint! I learned about the property line the first time on May9th, 2004. There was no reason for me to think otherwise and is evidenced by the signed affidavits I now have. The Collins also didn't know any different until they

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discovered an aerial photo in April or May of 2004.

78 Mr. Dowell: Have you read the trial transcript.....
Mr. Carney: I have not.

79 Mr. Carney: I didn't handle the appeal

Senez: He read the Court of Special Appeals Opinion! He couldn't wait to get the ruling to file the lawsuit for his fees. No that's right he dropped me and left me hanging to get an appeal filed in time. I asked him to get the trial transcript but he wouldn't. He should have handled the appeal since he was so convinced the trial court was wrong, that would have proven he was right!

79 & 80 Dowell: Is there anything else that specifically concerned you about that? (fence conversation)
Carney: Without reading the trial transcript of Mrs. Collins testimony, I can't answer that specifically.

80 Carney: Mrs. Collins... She was cross examined adequately, and I felt as though I elicited whatever points I wanted to elicit from the woman you know you can Monday morning quarterback any trial

Senez: The transcript reads like a bad comedy. The Collins had Carney all in a tizzy! He never had them under control. What points was he trying to elicit because it certainly wasn't to dispute anything they said. See the website document, "Outline of Collins inconsistencies."

80 & 81 Carney: you can second guess yourself until the cows come home

Senez: Childish!

81 Carney: cross examination devastating.....I felt that I was able to shake their testimony

Senez: Carney didn't shake anything! There was nothing devastating about his cross examination, the Collins made Carney look like a fool. Just read the trial transcript! The Collins told the same lies they told in their complaint and interrogatories! They were allowed to make it look like I did the things I was accused of. They were all bogus accusations.

83 & 84 Carney: I recall that there was some testimony about the movement of one or more vehicles down the property to the water.
(This is direct testimony from Mr. Thompson of his own client.)

Senez: Yes but it was Mr. Myers property, he built the boat ramp. The jog in the

property line wall and retaining terrace wall had nothing to do with one another. The jog in the property line wall was only 19 inches and 10 of those inches are on my property. The property line wall was there when Mr. Myers purchased the home and he then put up the retaining terrace wall and he put the jog in the wall which was only about a foot. Not three feet as the Collins said for both of the jogs..

- 84 Carney: I don't recall testimony to the effect that the reason that the wall was built was to accommodate vehicular traffic down to the water. I don't ever recall that and again it would have been completely irrelevant and immaterial. Who cared?

Senez: Not immaterial! How did Carney think a boat was getting to the boat ramp? Collins said the wall was built by the Cooks and Mr. Myers to support, Mr. Myers higher property side for backing a boat down to the ramp. It was the basis for Collins testimony! It was all in the Collins interrogatories! It was what Judge Souder based her erroneous ruling on. It would have proven the Collins were lying. It would have given me credibility.

Ann Collins talks about this on pages 55 & 56 of the court transcript and Steve Collins talks about this on pages 103, 104, 105 & 107 of the court transcript. Rob Thompson talks about this on pages 169 & 170.

According to Mr. Carney nothing seems to be material.

- 85 Carney: At the time and as I sit here right now, why Mr. Cook built the wall, whether it was an accommodation to neighbors or because he wanted to practice his mason skills was completely immaterial and irrelevant to the issues to be adjudicated by Judge Souder. It made no difference.

Senez: It is material! Collins is on my property in the back. Their shed sits on a concrete slab that's on my property. Why is the Cooks and now the Collins property on my side in the back? Why didn't the Cooks leave access to the boat ramp from their side? Mr. Carney never spent 5 minutes thinking about my case. Maybe it was just easier to run the wall to his bulkhead and he didn't care about the sliver of property. Maybe it was just to correct for the property line in the back, or give back some property. Mr. Thompson sure made a lot of assumptions in closing arguments about everything without any validity.

Maybe Mr. Cook just didn't know and when he discovered the discrepancy he let it go which is what really happened according to the signed affidavits I have.

- 86 Carney: Mr. Thompson telling the court that Mr. Myers said he showed Ms. Senez the property line one foot in from the wall.

Senez: Mr. Myers never said this! He was talking about the other side, south side. Mr.

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Mr. Myers never says conclusively that he showed me a survey. The Court of Special Appeals Opinion 10/3/08 confirmed this on page 17, "Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular."

Mr. Myers was also talking about the wall on the other side of his property the south side. Carney kept getting things confused and Mr. Myers kept trying to correct him but Carney wasn't listening, big surprise there!

Mr. Myers Deposition:

Page 9, line 2-7 Myers said he had property surveyed in 2000

Page 9, line 19-20, I had it done for the fence, I didn't know where to put the fence

Page 31, line 11-14 Myers is talking about what the surveyor told him, there was a foot difference between the wall and where he put a marker.

Page 31, line 20-22, Myers says he was about a foot back from the property line

Page 33, line 12-15, Myers says he was interested in the fact fence was illegal

Page 34, line 9-11, Myers says he got the survey because he was concerned about the fence

Page 34, line 14- end, Question that it was inside of 339's property line? Myers says no, no, no. Let's just say I had the property surveyed to sell it.

Page 34&35, line 24-25, Dowell says, Myers isn't talking about the 339 property line
Myers says I'm talking about the other side of the property

Page 35, line 5-7, I mean, no, no, no, the other side, the south side of the property where I built the fence, a wooden fence.

Page 38 no complaints the ramp encroached onto 339's property

Page 55 Mr. Myers not aware of property line that's going through both properties

Page 71, Myers intention was that he was selling the boat ramp with the house.

87 Carney: Did I have every page of Mr. Myers deposition memorized so that I could stand up and say no, he didn't say that on page 32 and 33? No

Senez: It was crucial testimony to dispute Collins claim of a co-owned boat ramp. Steve Collins says on page 71 of the court transcript that he believed the entire boat ramp was his.

Judge Souder and Judge Stringer both latched onto that thinking I had seen the survey. If you read pages 32 and 33 Mr. Myers does not say that I saw a survey.

The dialogue from Mr. Myers deposition on the survey is on pages 32 and 33.

Mr. Carney asks Mr. Myers, When you were made aware of this situation by your surveyor, what if anything did you do at that time?

Mr. Myers responded, "Basically, I put it in the sales thing.

Mr. Carney: Tell me what you mean.

Mr. Myers: Basically I showed it to the prospective buyer.

Mr. Carney: As being---Let me be clear for the record what did you show to your

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prospective buyers?

Mr. Myers: the survey.

Mr. Carney: and specifically, you pointed out to the prospective buyers that the wall was about a foot inside the property line of 339?

Mr. Meyers: Did I ever point that out to you. (Mr. Myers was asking me!)

Ms. Senez: (No response)

87 Carney: Even if he said that, that would have been just fine.
You know, it would have helped in this case, not hurt it.

Senez: I don't understand his ridiculous statement at all. How would this help? It certainly didn't help my case, as far as Judge Souder and Judge Stringer were concerned they said I knew the property line and that's basically why I supposedly asked permission to put the fence against the wall instead of the property line. Mr. Carney does a lot of double talking!

88 Carney: It was helpful, not hurtful

Senez: I don't understand his statement. How would this help? Then why did the court seize upon this as a negative?

89 Carney: I can't say what questions Mr. Myers had in his mind, what went through the gentleman's head. I don't even know who's asking this question. Is it me?

Senez: Mr. Carney should have kept Mr. Myers questions more focused. Read Mr. Myers deposition.

90 Carney: Difference between a boundary survey and location survey.....Costs, costs, costs.

Senez: This is significant but Carney's not going to admit it!

91 Carney: boundary surveys.....And that's what establishes the actual lot lines.

Senez: Carney says in other places he's seen it where location surveys show property lines and he also says the difference is cost, cost, cost. One minute there's no difference and the next there is.

92 Carney: If she had seen a survey when she bought it?.....that would have assisted us in our case

Senez: Carney said earlier he thought I had seen a survey. How would this have assisted our case? Why did the court seize on it as a negative? More double talk and lying! Judge Souder and Judge Stringer didn't think it helped my case!

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93 & 94 Carney: It was my understanding that Ms. Senez dealt directly with Mr. Myers. And so, if she would have seen any surveys, it would have been as a consequence of her discussions and/or negotiations with Mr. Myers

Senez: I don't know where Carney got this from. I dealt with Mr. Myers only with regards to the fence because I wanted it up before I moved in. I had to ask his permission. Mr. Myers recommended the contractor. Mr. Myers was still living there, we hadn't gone to settlement.

94 Carney: This is based on my overall understanding.

Senez: From who, from where? Not from me! Who is Mr. Carney representing?

94 Carney: And so, who she dealt with, whether it was directly or through an agent I wasn't there. So, I don't know.

Senez: He knows I dealt thru an agent I gave him their names. This is ridiculous, don't make statements like the one above if you don't know.

94 Carney: I believe that she had at least one discussion with Mr. Myers one on one

Senez: Only to ask permission about the fence. Mr. Carney should know for sure before he speaks. All Mr. Carney had to do was ask me and I would have given him the answer. I had nothing to hide!

95 Carney: I decided after considering whether or not to use these people and put them on the witness stand in the exercise of my judgment as her lawyer and the trial strategy that I employed that they were not needed, and I, therefore, didn't call them.

Senez: Pretty poor judgment since Carney lost my case. They were absolutely positively needed! What would it have hurt to put them on the stand, a couple more minutes of Mr. Carney's time? There is no trial strategy in not presenting witnesses, evidence and information you have sitting right on the court room table. Mr. Carney's agreement that we both signed said, "I will take all steps which I deem to be both reasonable and appropriate to both defend the complaint filed by Ann and Steve Collins against you and to prosecute your Counter-Complaint." What steps did he take?

96 Carney: I don't recall whether she did or she didn't. She probably did because Ms. Senez had a lot to say about most everybody's knowledge.

Senez: And I backed it all up! I researched everything and documented it with evidence and witnesses and I gave it to Mr. Carney. Mr. Carney is the one that has a lot to say about everything without substantiating it! Read Mr. Carney and my email exchanges. Carney's emails of 5/1/06, 5/12/06, 5/9/06, 7/19/06 and 8/31/06.

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96 Carney: I wouldn't change my strategy if all Linda saw was a location survey

Senez: Because he had no strategy. Mr. Carney thought this was a slam dunk case and therefore never prepared.

Why did Judge Souder and Judge Stringer hang on that statement as a negative? Rob Thompson pushed it as a negative. The only Judge that didn't was Judge Hollander in the Court of Special Appeals ruling. That was because she realized Mr. Myers never said conclusively he showed or gave me the survey. Mr. Carney never asked me in trial court if I had seen a survey, if Mr. Myers had shown me a survey.

96 Carney: A location survey if it's done by a good surveyor many times will locate an encroachment

Senez: If this is the case then that's why Carney should have asked Mr. Myers about what type of survey he had and who did the survey and could he get a copy. He should have had Brian Dietz testify.

97 Carney: location survey..... That wouldn't have any significance at all

Senez: It would have made a difference if it didn't show the boundaries.

97 Carney: From my trial strategy perspective, it would not have made a difference in my ability to prove the elements of adverse possession and to defeat the

Senez: There was no trial strategy! Read the transcript it's like a bad comedy! He didn't prove the elements of adverse possession because if he had, I would have won. Judge Souder didn't understand the elements. The other counts against me weren't material to the adverse possession and should have been taken off the table with a Motion for Summary Judgment. If he wasn't going to do that then he should have defended me in court so I didn't look like I was terrorizing the Collins, when in fact it was the other way around! Read our email exchange. I also have emails from prior counsel which will support this.

98 Carney: Mr. Myers thought he had made surveys available to prospective buyers, but he wasn't sure. He wasn't sure whether.....I think he said that he wasn't sure whether or not Ms. Senez had been given a copy of the survey that he had commissioned or that she had viewed it.

Senez: Earlier Carney said he thought I saw it because he thought I had a one on one conversation with Mr. Myers. Now he's saying he doesn't know if I saw one or not, so why wasn't that brought out in court? Mr. Carney never said in court that Mr. Myers doesn't say I saw a survey.

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99 Carney: This is Mr. Thompson questioning of his client?
Dowell: Yes, Mrs. Collins testified that Ms. Senez asked can my fence follow the wall instead of the property line, correct.
Carney: That's what the transcript says.

100 Carney: Sure. If believed, it would defeat the hostility claim. Little did I know that the judge had no understanding what hostility meant in the context of adverse possession.

Senez: Isn't Mr. Carney contradicting himself here? If believed it would defeat hostility but judge had no understanding of what hostility meant?

Then Carney should have been prepared; Carney says he knows more than most attorneys on adverse possession, page 35 of this deposition.

100 & Cross examining Mrs. Collins.....Nothing surprises me. I have no idea what it says. I
101 haven't read it. I know what Linda's testimony was. I don't know what Linda told me.

Senez: Have no idea what he's saying!

101 Carney: I'm not going to second guess my trial strategy regarding cross examination in the heat of a trial four or five years ago.

Senez: There was no trial strategy, just read the transcript. There were a number of blunders made by Mr. Carney in court.

101 Carney: I offered Ms. Senez's testimony in its entirety

Senez: I don't understand this statement! But Carney certainly never asked me any questions or asked me to explain anything. The Collins had 176 pages of testimony and I only had 66 pages. The Collins where asked to describe 34 exhibits. I was asked to describe 5 exhibits. In addition to the Collins own exhibits each one of them were asked to review and describe more of my (defendants') exhibits than I was. I wasn't given a chance in court! Mr. Carney never asked me in court if Mr. Myers gave me or showed me a survey!

102 Carney: How in the world could a document disprove what somebody says took place in a conversation?

Senez: The witnesses with prior knowledge of the wall would prove something. The wall being there for 25 years would mean something! Mr. Myers garage zoning variance 2/10/84 says walls on both sides of the property so that disproves the Collins cooperative effort for a boat ramp story.

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102 & Carney: There's nobody. So maybe Ms. Senez sent her a memo or maybe Ms. Collins sent
103 her a memo, a self-serving memo confirming a conversation after the fact.

Senez: Collins never said I asked the question in the complaint, Answer to Counterclaim, interrogatories or Mr. Myers deposition, prior counsel wasn't aware of this supposed question. Mr. Carney never told me about the question! This was something they made up along the way as they learned more about adverse possession!

103 Carney: You have to understand Ms. Senez deluged this office with documents, pictures.

Senez: This is such a lie! Just look at Carney's billings and our email exchange. From 1/12/06 to 12/8/06 (day of trial) Carney spent about 40 hours and Quinn spent about 10 hours on my case, eleven months. That includes meetings, emails and phone calls. Carney sent me about 35 emails prior to the day of trial and this is all over an 11 month period.

I gave him a PowerPoint presentation on a USB drive in July, so he would have all the information because he never asked me any questions. On 12/5/06 I dropped off some blow up pictures that I had done and mounted and a white binder with documents. Mr. Carney took all of this to court. The day I dropped off the stuff he asked me if I wanted a job because I was so organized.

103 Carney: Mr. Myers deposition.... She'll tell you that it was hers, but it was mine.

Senez: This is a lie! I was the one that tracked Mr. Myers down in South Carolina and I had Mr. Bergen call Mr. Myers on 4/11/06. Judge Judy Ensor talked to Mr. Myers on 6/1/05. Bruce Covahey talked to Mr. Myers on 3/2/05. The story from all three was exactly the same Mr. Myers said it was not a co-owned boat ramp. It can all be verified. I can document 20 requests to Mr. Carney to get Mr. Myers deposition. Read Mr. Carney and my email exchanges.

104 Carney: She says we agreed that Mr. Myers deposition is of key importance..... Document also talks about the failed settlement negotiations.

Senez: So why does Mr. Carney talk about all these settlement negotiations that I wasn't privy to and are in his billings?

Mr. Carney Deposition 8-25-11 - Rebuttal

105 Carney: it was represented to me by prior counsel that this case was going to settle So I was looking at the case from a settlement perspective initially

Senez: Carney never talked to Judge Judy Ensor! No one told him this was going to settle. No conversations between Carney or Ensor are on my billings from either one of them.

In Judge Bollinger's hearing both Mr. Carney and Mr. McDonough say that the case was scheduled for trial when Mr. Carney came on board pages 11 & page 31.

Pages 17, 23 & 24 of this deposition Mr. Carney says that my case was scheduled for trial when he took it on.

Pages 13 & 22 of this deposition he says it was in settlement posture.

If either of these two situations were the case it would have been easier to stay with Whiteford, Preston & Taylor. Mr. Carney just can't figure out which lie suits his purposes the best.

105 Carney: As of May 23rd, 06 going forward with deposing Mr. Myers....yes

Senez: On 7/21/06 I called Mr. Carney and he advised that there was a trial date set for 12/8/06. I found out from Mr. Gontrum that Lanzi was trying to schedule the Mr. Myers deposition. Carney didn't start working on scheduling the deposition until the middle of September 2006 and according to Carney's billings that was because Mr. Lanzi called Carney. The deposition was scheduled for 10/25/06. I didn't get confirmation of the deposition date until 10/10/06.

106 Carney: this document talks about failed settlement negotiations.... To move them off the dime, I'm going to note his deposition.

Senez: Mr. Carney had a letter hand delivered to the Circuit Court dated 5/25/06, requesting a trial date be assigned after a conference call. Mr. Carney was given a date of 7/19/06. He emailed me on 5/23/06 that he was going to do that, to move them off the dime. Which he then had to have postponed on 7/13/06. I never knew about the 7/19/06 trial date until I called Mr. Carney at 6:00 on 7/11/06, to see if he got the PowerPoint email. That's when he told me he got the date postponed.

107 Carney: I mean part of my trial strategy and the failed settlement were appearing to be failed settlement discussions

Senez: There was no trial strategy and I kept telling him no more settlements.

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107 Carney: Linda at times would say, hey how about Mr. Myers. What's going on. What's the status of it. But it was in context, you have to understand Mr. Dowell, of these ongoing settlements negotiations

Senez: This is a lie! I was very specific in my emails about getting Mr. Myers deposition. You can read it all in our email exchanges. The day I met Mr. Carney I said I wanted Mr. Myers deposition. In nine months I can document 20 requests.

107 & 108 Carney: but the fact of the matter is there were ongoing settlement discussions

Senez: By who and with whom? They are not outlined in his billings or our email exchange. I'm not aware of and wasn't privy to. Instead of ongoing settlements Carney should have been filing a Motion for Summary Judgment.

109 I don't think it had anything to do with the case. (email from Rusty to Brad about getting Mr. Myers deposition dated August 30th, 2006.)

Senez: That's the problem Mr. Carney doesn't think!

109 & 110 Carney: What happened was is that Mr. Bergen was getting his ears beaten down by Linda and stuff rolls downhill. And so, that's why he contacted me, because Linda was all over him.

Senez: I contacted Mr. Bergen because absolutely nothing was happening. I emailed Mr. Bergen on 11/13/06 & 11/20/06. Look at Mr. Carney's billings! Between Mr. Myers deposition on 10/25/06 and the trial date 12/8/06, six weeks, Mr. Carney and Jim Quinn spent less than 14 hours on my case. This also included my so called trial preparation which was spent on Mr. Carney running around trying to get the Collins adverse possession amended claim struck from the trial that they filed late Wednesday afternoon 12/06/06.

110 Carney: I'm sure she was prodding him, and then, he in turn contacted me. He was not privy to the settlement negotiations, the ongoing settlement negotiations, and the long drawn out settlement negotiations.

Senez: Apparently neither was I privy to these so called settlement negotiations. I was getting very worried. From the day after Mr. Myers deposition on 10/26/06 to 12/05/06 when I went to Carney's office to drop off exhibits, nothing was happening. What long drawn out settlement negotiations, this is such a joke? Check Mr. Carney's billings, he spent less than 2 hrs on my case during that time. And that's at six minute intervals!

110 Carney: I frankly, harbored hopes that this case would settle all the way up until right before trial. Nip Jenkins and I fundamentally agreed on parameters of a settlement here.

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Senez: From 8/24/06 to the trial date there are no billings to indicate any kind of settlement negotiations or conversations with Nip Jenkins. And what did Mr. Carney think that settlement option was going to be? I agreed to everything the Collins wanted in a mediation hearing on 6/2/06 in Ms. Ensor's office and the Collins came back and rejected it.

I have no idea why Mr. Carney, had a settlement discussion with John Gontrum, my zoning attorney, on 11/1/06.

111 Carney: Linda Senez's e-mail to me of July 7th. She says I tracked you down in your office on 4/26/06 and we agreed no more negotiations.

Senez: From 1/12/06 to 4/25/06 Mr. Carney spent 7.18 hours on my case, that's in three and a half months and includes the trip to my house so there's driving time. And we also bill in six minute intervals. Carney also wasn't responding to me or Mr. Bergen's emails and phone calls. See email exchange between me and Mr. Bergen.

112 Carney: This case in particular screamed out to be settled for lots of different reasons

Senez: I have no idea on what basis Mr. Carney makes this statement. What reasons? I agreed to everything the Collins wanted in a mediation hearing on 6/2/05 and the Collins came back and rejected it.

No this case screamed out for a Motion for Summary Judgment and the Collins depositions!

112 Carney: purpose of taking Myers deposition.....to establish the element of tacking

Senez: That was only one piece of it, then why didn't Mr. Carney ever mention looking into tacking on to Mr. Jones or contacting him to check on the wall? Or contacting the family of Mr. George Cook. We had the verification from Bruce Covahey, Judy Ensor and Rusty Bergen who all talked to Mr. Myers and the story never changed. We needed to also establish how long the wall was there. To show the Collins statements of a cooperative effort for a boat ramp was a lie. Steve Collins says on page 71 of the court transcript that he believed the entire boat ramp was his. Ann Collins talks about this on pages 55 & 56 of the court transcript and Steve Collins talks about this on pages 103, 104, 105 & 107 of the court transcript. Rob Thompson talks about this on pages 169 & 170. And to get Mr. Myers deposition before anything happened to him.

113 Carney: His trial testimony, his deposition testimony in its totality was important

Senez: Exactly!

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114 Carney: The most critical portion of his testimony dealt with his period of ownership

Senez: And also to establish that it was not a cooperative, co-owned boat ramp! It does make a difference! It shows the Collins where lying and that the wall was there when Mr. Myers purchased the property. The Collins talk about the shared, cooperative co-owned boat ramp in the complaint and interrogatories. There was no cooperative boat ramp between Mr. Myers and Mr. Cook. And the jog in the wall had nothing to do with boats being backed down to the ramp and to maintain the higher level for the boat ramp. Ann Collins talks about this on pages 55 & 56 of the court transcript and Steve Collins talks about this on pages 103, 104, 105 & 107 of the court transcript. Rob Thompson talks about this on pages 169 & 170. Mr. Myers said on pages 40 & 60 that he put the terrace wall in, so that's after the property line wall was already there.

117 Carney, No, I never Tell them exactly what questions I'm going to ask, never.

Senez: How would you know what your client was going to say? He said earlier he had no idea what I thought or what I believed! I don't believe him and I'd like to be able to verify this.

Mr. Carney wanted to talk to Mr. Myers so there wouldn't be any surprises in the deposition. I pointed this out in the response on page 162. I've since learned that lawyers normally let the client know what they are going to be asked.

119 Carney: After doing this for 34 years, I can take a deposition in my sleep. I don't write out most of my questions in the past ten years or so.

Senez: Maybe Mr. Carney should stay awake!

121 Dowell: Did you know that Mr. Myers was going to say that the surveyor he hired pointed out to him that there was a foot difference between the wall and the boundary?

Senez: No he didn't because I sure didn't know! Mr. Carney asked me in an email for Mr. Myers phone number so he could call and not have any surprises!

121 Carney: I think it helped my clients' case.

Senez: How did it help my case, I lost!! Why does this keep coming up as a negative issue with Judge Souder and Judge Stringer!!!

123 Carney: I said she was not on top of her game as I would have liked her to have been regarding her understanding of adverse possession.

Senez: Then it's my attorney's job to help the Judge understand the legal issues. Otherwise why would you need an attorney?

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124 Carney: I don't know that to be the case. There were other lawyers in the room. They were all there. (This was Carney questioning Myers about the survey.)

Senez: This was in reference to a question Mr. Carney asked Mr. Myers in the deposition about the survey. The only other attorney was Neil Lanzi. Neil Lanzi was the one that took Mr. Myers deposition for the Collins.

125 Carney: I wasn't sure whether this was going to be entered into evidence or not until after the was completed.

Senez: How stupid for him to say this, I don't know why he's saying this and I'm sure the Collins side would want to use Mr. Myers deposition. Earlier he said it was needed to establish tacking, 20 years and Mr. Myers ownership. Then why didn't we look into tacking onto the prior owner Mr. Roy Jones? And since Mr. Myers has told the same story all along why didn't Mr. Carney suggest we track down the Cook family just as I have now done.

125 Carney: It was neutral.

Senez: I don't know why he's saying this, since the court sees it as a negative.

127 Carney: There was a significant amount of Jim Quinn time.
Quinn's salary no more than \$140. \$100 or \$120. or as little as \$90

Senez: Quinn spent 3.3 hrs on my case up until the day before the trial, which includes just dropping of a USB drive with the PowerPoint on it because Carney said he didn't get the email I sent with the PowerPoint. The day before trial he spent 7 hours. The day of trial he was in the court room and billed 7 hours but I don't even know why he was there. I'm the one that I numbered the plaintiff's exhibit, that's "my" handwriting on those exhibits.

In court Quinn tells me he's there because I had a lot of facial expressions and he was there to keep me in line! I have never been told before or after that day that I had a lot of facial expressions. I guess this is just another lie or maybe Carney was anticipating the outcome of the case.

127 Carney: Quinn's salary no more than \$140. \$100 or \$120. or as little as \$90

Senez: After trial Mr. Quinn spent 34.3 hrs on the Motion to Amend and Alter. Mr. Carney says he knows more than most attorneys on adverse possession so it would probably have been cheaper for Mr. Carney to do the Motion even at this higher hourly amount.

128 Dowell: Well, it's joint and several.

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131 Carney: e-mail I commented on saying I never saw a survey and that the house wasn't even on the market when she bought it.

Senez: Exactly!

132 Carney: The fact that the house was not on the market when Linda first saw it was of no consequence to me.

Senez: Not true! I never saw a sales buyer's packet! The only thing I was given was the sales listing from when the house "was" on the market. The realtor and HSA didn't have and never had a survey.

133 Carney: Again, the only survey that I cared about that was going to be introduced into evidence that everybody agreed upon was the Dietz survey.

Senez: Mr. Myers survey and the Collins survey prior to June 2004 where all important. The Collins survey in June 2004 was also important because the wall on the other side of the Collins is also not on the property line.

133 Carney: You have to understand we did that for a reason, so that we wouldn't have the battle of the experts.

Senez: There was no battle of the experts. The survey "experts" agreed on the property line between me and the Collins. I'm sure the opposition didn't want to use Collins survey because it showed that the wall on the other side of Collins property wasn't on the property line; the lines between Collins 339 and Rodgers 337 properties. The wall wasn't on the property line on either side of the Collins property!

133& Carney: Given his testimony that the only reason that he had a survey done was to confirm
134 the southern boundary, it has nothing to do with the northern boundary.

Senez: And this should have been made clearer in court. Mr. Carney should have pointed this out, he was the one that made the deposition confusing.

135 Carney: I don't know whether I talked to Chris Barkley or not. He was one of the realtors that she talked about. You know, she's talking about no bridge and no survey. Again, it's so what? I don't need him. I don't need him to testify. Same thing with Joan Bowerman. No bridge, no survey. Added nothing to our case.

Senez: Carney never talked to Ms. Chris Barkley. She could testify that the things the Collins said in the complaint and interrogatories were not true. The Realtors and the Realty Company would have added a lot. No survey and no bridge and the property line wall was assumed to be the property line.

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135 Carney: How long the wall was there, Tony Lhotsky, we never had any dispute as to How long the wall was there.

Senez: We needed to establish how long the wall was there to show it was not a cooperative effort between Mr. Cook and Mr. Myers as the Collins stated in the interrogatories and stated in the trial. Mr. Myers ownership was 19 years 7 months. It was more than 20 years. I've been able to establish that it's probably 25 years.

135 Carney: Counsel and I agreed the wall was there all through Linda's ownership and and all through Myers ownership.

Senez: It would have been important to establish why the walls were there and who put them there. Mr. Myers and Baltimore County said for drainage. The walls were there in the early – mid 70's.

136 Carney: Same thing with Dennis Duke.

Senez: Mr. Duke would have said the walls were there in the early mid seventies. That's about six years before Mr. Myers purchased.

136 Carney: None of these people had anything material to add it was six counts, I think it was six counts, against Linda and to prosecute her counter claim

Senez: Not one of those six counts was true! I gave Carney the documentation to dispute those accusations. I didn't do the things I was accused of in those six counts except for some signs over a year after the suit was filed. I was the one who had to get the peace order against the Collins for vandalizing my property.

Mr. Carney always said those six counts were bogus. Just read our email exchange especially 5/1/06, 5/9/06, 5/12/06, 7/19/06 and 8/31/06 . He could have established credibility by showing I didn't do the things I was accused of, the higher wall, loss of view, light pollution, not getting permits.

How can Mr. Carney say that these people didn't add anything material if he never talked to them! This all had to do with my credibility. I lost because of credibility and it was the Collins who were lying. Baltimore County inspectors were willing to testify with regards to the drainage, permits and citations. Mr. Carney had copies of Baltimore County's files. The wall contractor and landscaper were willing to testify the wall wasn't any higher.

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137 Carney: I can't tell you what the trial Judge could have concluded. The trial Judge concluded whatever she concluded.

Senez: The trial judge concluded I had no credibility because Mr. Carney didn't dispute anything I was accused of. Judge Souder believed I did the things I was accused of. This is, degrading, humiliating and embarrassing, it makes me look like a fool and has caused severe emotional stress.

137 Dowell: Where you aware that Mr. Myers had the property on the market and took it off, and after he took it off was the time Linda Senez bought it?

137 Carney: No.

Senez: This is a lie! I told him the day of the deposition during a break and followed up with an email on 10/30/06 and 12/4/06 and gave Mr. Carney the realtor's names.

137 Carney: I've seen hundreds and hundreds of location surveys that absolutely trace the proper boundary line.

Senez: I believe this is a lie and that a professional surveyor should be asked.

138 Carney: Depending on the land survey and who stamps the drawing, I've seen it on many, many location surveys. I have not seen it on many too. So it depends on the surveyor.

Senez: I don't believe this is true. Again a professional land survey should be asked. If Mr. Carney has seen it both ways shouldn't he find out what type Mr. Myers had done? Double talk!

139 Dowell: Do you recall whether there had been any boundary surveys done on the property other than the Mathis and Dietz boundary surveys?

Carney: Those are the two that stick out in my mind. There may have been others but those two I certainly recall. I don't recall. I had the Dietz survey in hand. I didn't need his survey. (Meyers)

Senez: I believe it would have been important to see what type of survey Mr. Myers had done.

139 Carney: And no it did not. It was essential to my clients claim.

Senez: I'm not sure what Carney is saying here.

140 Mr. Dowell: Do you agree that there was no evidence in the case that Mr. Myers ever gave Linda Senez a boundary survey?

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140 & Carney: No, I don't agree with that at all. The testimony from Mr. Myers was that he may
141 have given her a boundary survey, I believe. He couldn't recall. (meaning Myers)

Senez: No, Mr. Myers didn't say that, the house wasn't on the market, so it was out of the norm. The Court of Special Appeals Opinion, Page 17 says "Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular." I know Mr. Carney read the Opinion because as soon as he received it he filed a law suit for the fees.

141 Carney: I can't tell you whether or not she told me. I don't have a recollection one way or the other.

Senez: Mr. Carney should have a recollection. I told Mr. Carney the day of Myers deposition during a break that I never saw a survey and I followed up with an email, 10/30/06 & 12/4/06. I also sent him a copy of the only survey I had which was from the title company.

142 Dowell: Did you ever ask Linda Senez for a copy of the survey she received at settlement?

142 Carney: I may have. I don't recall.

Senez: No! Mr. Carney never asked me for anything. I did however email him a copy on 10/30/06.

142 Carney: I have no idea what her expertise is in reading location surveys.

Senez: Exactly and Mr. Carney should have asked me and I would have said I've never really read one other that what you get at settlement.

143 Carney: I never argue such a thing. It would torpedo the case. I'm not about to say that she really didn't know whether the property was hers or not hers. I wasn't about to be wishy - washy.

Senez: I didn't know where the property line wall was. Since the wall went all the way down to the Collins bulkhead with no access to my side, the only logical conclusion was my property went to the wall. My side of the wall the land also extended out farther. The wall at the bulkhead was 24 + inches high. I thought it went to the wall because there was a decorative wall on both sides of the Collins property, so I assumed they were the Collins walls. The whole transcript between Mr. Carney and the Collins was wishy-washy!

Mr. Carney is wishy-washy, he knows so much about adverse possession what about Tamburo?

Tamburo, 203 Md. 329. The Court Of Appeals followed what it called the "modern trend" and held that "where visible boundaries have existed for the period set forth in

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the Statue of Limitations, title will vest in the adverse possessor where there is evidence of unequivocal acts of ownership.” The Court also held that “the fact that the possession was due to inadvertence, ignorance, or mistake is entirely immaterial.” The Collins and I both acted in a manner which indicated we didn’t know where the property line was before 2004.

144 Mr. Dowell: that there might be an area to attack Mrs. Collins on cross examination

144 Carney: No.

Senez: Because Mr. Carney never thought about my case for 10 seconds!

145 Carney: Did it occur to me? I don't know whether it occurred to me or not at the time. It probably did.

145&146 Carney: Linda testified that she never asked Ms. Collins for permission, that they had a discussion about where the fence would be placed, but in no way was she asking for Mrs. Collins permission to put the fence up.

Senez: Exactly! So why didn’t Mr. Carney go into this deeper with Mrs. Collins? It would have been a deal breaker on buying the house and It would have been a dumb question to ask. I asked Mr. Myers about putting up the fence since he still owned the property. Collins never complained to Mr. Myers or the contractor while Mr. Myers was still living there. And the Collins never said anything to me.

This would have been the dumbest question I ever could have asked. Why would I ask to put up a fence on their property, and then put up the fence, so they could tell me to take it down? Also the Collins could cross the fence line and they, their family, friends and dogs would have full access to my yard. I didn’t even know the Collins at that time. I had Labrador Retrievers, I wouldn’t want people and their pets just coming on my property. That would be a huge liability issue. If I had known about the property line that would have been a deal breaker on buying the house.

146 Carney: The answer is that, yes, if a trial judge believed that, it could defeat the element of hostility?

Senez: Then this should have been discussed with me and it never was! I never knew Ann Collins was going to say that until the day of the trial. It wasn’t in the complaint, answer to the counter claim, interrogatories or Mr. Myers deposition. It wasn’t known by my prior counsel.

If the Collins could lie and make up a story that the boat ramp was a cooperative effort for a co-owned boat ramp, which is contradictory to Mr. Myers deposition I certainly

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think they could make up a story that I asked if my fence could follow the wall instead of the property line.

147 Carney: But the trial judge didn't have any idea what hostility was.

Senez: That's why I hired a lawyer to make sure the Judge understands the case and the law.

147 Carney: I did not put on testimony about whether my client knew where the property line was. I put Linda on the witness stand to rebut that testimony.

Senez: My part of the trial transcript is 66 pages. The Collins had 176 pages. I was asked to describe 5 exhibits and the Collins were asked to discuss 34. In addition to the Collins own exhibits they were asked to review and describe more of my (defendants') exhibits than I was.

One of the most talked about item in my trial transcript was my lights. But I wasn't asked to point out where the lights were and why they didn't interfere with the Collins. The second was Collins view which has no legal remedy.

In court I was not asked about the same issues the Collins were asked about:

Shared or co-owned boat ramp why this would be acceptable

Settlement negotiations because of survey

If Mr. Myers showed me a survey

About the ladder ramp

About the height of my terrace / retaining wall or elevation

Any property measurements

Backing a boat down to the ramp

Jog in property line wall and terrace / retaining wall

How long the boat house has been there. If you take it down can't put back up

Fence extensions that Mr. Collins called spite fence

About walls being there when Myers purchased the property

About signs on other side of my house

About the Collins not having access to my side because of the property line wall

Citations/ violations

The disputed area

I wasn't given a chance in court! It's like Mr. Carney deliberately threw my case.

147 Carney: The testimony that came out of her mouth is the evidence that was put before the court.

Senez: Again, my part of the trial transcript is 66 pages. The Collins had 176 pages.

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The Collins where asked to describe 34 exhibits on 44 pages of the transcript. I was asked to describe 5 exhibits on 3 pages of the transcript. I gave Mr. Carney as evidence a 23 x 40 inch GIS map to show the area and the properties drainage issues. Mr. Thompson used it to let Steve Collins color in blue the disputed area. It was never used as I had intended it.

148 Carney: I didn't want the court to know that Linda didn't know where the property line was.

Senez: Tamburo, 203 Md. 329. The Court Of Appeals followed what it called the "modern trend" and held that "where visible boundaries have existed for the period set forth in the Statue of Limitations, title will vest in the adverse possessor where there is evidence of unequivocal acts of ownership." The Court also held that "the fact that the possession was due to inadvertence, ignorance, or mistake is entirely immaterial." The Collins and I both acted in a manner which indicated we didn't know where the property line was before 2004.

148 Carney: If Linda didn't know where the property line was, and I don't have any indication that that's the case, but if she did not know where the property line was, I didn't necessarily want the court to know that.

Senez: See Tamburo, 203 Md. 329 that I cited above. It was immaterial!

149 Mr. Dowell: would that not prove to the court that she could not have asked the question?

149 Mr. Carney: No. Absolutely not. The court could very easily believe from such a question that the woman was asking permission to put the fence on somebody else's property because she could very easily have just been asking her to put the fence on the Collins property since she didn't know where the property line was.

Senez: This is ridiculous on its face and makes no sense! However see case law Tamburo, The Court held that "the fact that the possession was due to inadvertence, ignorance, or mistake is entirely immaterial."

I would ask to put the fence on anyone else's property because of the same issues I outlined in the dumbest question ever page 145 above.

149 Carney: Your argument makes no sense it would have defeated her claim.

Senez: I don't think so.

Carney: I have no idea. I had dozens and dozens of conversations with Linda about multiple topics.

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Senez: Not true! Check the billings. Prior to trial Mr. Carney spent less than 40 hours on my case including meetings, emails and phone calls with me and others over an eleven month period. I tracked him down on 4/26/06 because he wasn't responding to my emails or Mr. Bergen's emails. I emailed Carney on 6/29/06 and on 7/13/06 and asked if he was too busy to handle my case because I couldn't get a response from him after the property line wall fell. This is all in our email exchange.

150&151 Carney: Carneys decision to not depose the Collins Because I knew what the law was with respect to the tort claims that had been asserted. I knew what the law was regarding nuisance.

Senez: That's right I didn't do anything wrong. The fallacy is that because Mr. Carney didn't defend me and use the evidence I prepared I didn't have any credibility. Mr. Carney created this situation. He should have filed summary judgment on those issues and just dealt with the adverse possession, the only real issue. Either defend or get it off the table!

151 Carney: I felt there was no way in God's green earth that they could ever prevail, and they didn't.

Senez: They did prevail, I lost the only real issue in the case!

151 Carney: And it was a waste of her money to depose them when I know what they're going to say.

Senez: Mr. Carney never told me what they were going to say. I could have explained to Mr. Carney why I would never have asked that question. And now I've lost and spent far more on appeals. The billable hours for the Motion to Amend and Alter are more than the original trial and that doesn't count appeals. And how did Mr. Carney know what they were going to say, opposing counsel? Who is Mr. Carney representing me or the Collins? Did Mr. Carney have another agenda?

151 Carney: And I had spoken to Nip Jenkins until I'm blue in the face and Rob Thompson until I'm blue in the face about these settlement negotiations.

Senez: This is a lie! Carney's billings show this isn't true. From 8/24/06 to the trial date there are no billings to indicate any kind of settlement negotiations or conversations with Nip Jenkins. And I told Mr. Carney no more negotiations on 4/26/06.

151 Carney: I knew what their positions were. I knew exactly what they were going to say because Nip Jenkins and Rob Thompson told me what they were going to say.

Senez: Why is Mr. Carney taking his information from opposing counsel and not discussing with me? Who is Carney representing or is there something else going on

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here?

151 Mr. Dowell: Did you know in advance that Ann Collins was going to say that Linda asked could my fence follow the wall instead of the property line?

152 Carney: I can't say for sure. I think I did, but I can't say for sure as I'm sitting here years after the fact.

Senez: I would think that since it would destroy my adverse possession case and we are suing one another he would remember! He says on page 151 that he knew what they were going to say. He certainly didn't tell me.

152 Carney: People's deposition testimony varies from their trial testimony all the time.

Senez: But then you can point that out in court and discredit them.

153 Carney: I don't know what I would have asked. I have no idea what I would have asked her.

Senez: Again, since the question would destroy my adverse possession case and we were suing one another I think he would remember!

154 Dowell: You apparently attended a meeting on February 9th, 06 at her house; is that right?"
Carney: It says attend meeting. I don't know where the meeting was.

Senez: I understand that meeting was at the Elks Club, in Towson. Carney was only at my house once and that was on 1/13/06. Carney's office is in Towson. According to MapQuest it's, .13 miles and 3 minutes walking time.

155 No. I know it took me two and a half hours to get there, attend the meeting and get back to my office.

Senez: The meeting of 2/9/06 was with Rusty Bergen and supposedly opposing counsel. I understand the meeting was at the Elks Club, in Towson, located on 4 West Pennsylvania Avenue. According to MapQuest, .13 miles and 3 minutes walking time.

155 Mr. Dowell: 4/26/06 meeting

156 Mr. Carney: When I say conference, most of the time it means face to face. This could have been on the telephone.

Senez: 4/26/06 I went to his office because he wasn't responding to Mr. Bergen or my phone calls and emails. See the email exchanges between Mr. Bergen and me.

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158 Carney: Linda had created a PowerPoint presentation which she had on a memory stick which she gave to us and she wanted us to use during the course of the trial.

Senez: I never intended for the PowerPoint to be used in court! If I had I would have certainly done it differently. Nor did I ever tell Mr. Carney I wanted it used during trial. The PowerPoint was done so Mr. Carney could address the allegations against me. I had emailed the PowerPoint on 7/11/06 but Carney said he didn't get it. I said I would deliver on a USB drive. There's an email on 7/13/06 from Carney basically asking me where the PowerPoint is. There's an email from Mr. Bergen on 7/12/06, he received his emailed copy, he thought I did a good job and said it was very fact laden.

159 Carney: We made the decision strategically to not use it. (PowerPoint)

Senez: Who's we? I never said I wanted him to use the PowerPoint. I was trying to outline everything for him so he would understand the situation.

159 Carney: I don't know whether we used parts of it or not, to be honest with you. (PowerPoint)

Senez: Mr. Carney pulled out eleven pictures from the PowerPoint to be entered into exhibit.

159 Carney: It was Linda's thoughts and point of view regarding what the picture showed and why it was there. (PowerPoint)

Senez: The PowerPoint was factual, not just my thoughts and point of view. Earlier in the deposition Carney said he didn't know what I believed or thought.

159&160 Carney: And then there were so many of them, I probably said this is absurd.

Senez: Everything was in order by category in the PowerPoint. The white binder was in alphabetical order. Carney took everything into court with him!

160 Carney: We had a bunch of exhibits at trial.

Senez: Everything Carney had for the trial came from me. Mr. Carney presented 16 exhibits on my behalf. Eleven of the pictures came from the PowerPoint. There were 4 picture enlargements and the peace order. However he only used 10 of the 16 exhibits. The Collins entered 29 exhibits! Ann Collins used 22 exhibits in her testimony and Steve Collins used 28 exhibits in his testimony, including some of mine. I wasn't asked about any of the Collins exhibits.

160 Carney: I didn't say that. I put into evidence what I believed would be of assistance to the court in understanding the nature of the dispute, the location of the properties and where

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the lot line was.

Senez: I don't believe Mr. Carney accomplished that at all! Carney didn't put into court evidence that the drainage, loss of view, camera's, lights, permits, higher terrace / retaining wall and other accusations were just a smoke screen and a lie. I didn't have any reason to make the terrace / retaining wall higher.

The most talked about item in my trial transcript was my lights. But I wasn't asked to point out where the lights were and why they didn't interfere with the Collins. The second was Collins view which has no legal remedy.

In court I was not asked about the same issues the Collins were asked about:

Shared or co-owned boat ramp why this would be acceptable

Settlement negotiations because of survey

If Mr. Myers showed me a survey

About the ladder ramp

About the height of my terrace / retaining wall or elevation

Any property measurements

Backing a boat down to the ramp

Jog in property line wall and terrace / retaining wall

How long the boat house has been there. If you take it down can't put back up

Fence extensions that Mr. Collins called spite fence

About walls being there when Myers purchased the property

About signs on other side of my house

About the Collins not having access to my side because of the property line wall

Citations/ violations

The disputed area

Carney never asks Collins or me why I supposedly didn't allow the Collins on the ramp anymore!

Carney never asked me about the caution tape. The implication was that I did it to harass the Collins

Carney says my father is 70 which isn't really that old but he never asks me about my fathers health. I took care of my father.

Didn't ask why I thought the wall was Collins?

Didn't ask how long the boat house was there?

Didn't ask if I repaired boat house

Didn't ask if boat house was an asset

Didn't ask about coast guard requirement for light on boat house?

Damage to Collins bulkhead

Didn't ask me about grading of my property

Jumping the wall

Timeline

Topography Map that Collins got to color on

Weep holes

Did they ask what day the pictures were taken????

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**Carney never asked me why the fence was started in the front first!
Never asked me about what I thought of Collins exhibits before or during court.**

However Mr. Carney asked me 39 questions about lights, 43 questions about permits and zoning and 37 questions about drainage.

162 Mr. Dowell: You don't recall anything about either of those conversations? (Myers)
Carney: No I already testified.

Senez: Mr. Carney is calling Mr. Myers and he doesn't recall the conversations. The most critical piece of my case! On 9/12/06 Mr. Carney wrote me a letter that he would like to speak to Mr. Myers in advance so that he doesn't have to deal with any surprises during the course of testimony. This is the same reason Mr. Carney should have deposed the Collins. The same reason he should have prepared me for court.

163 Carney: I was on vacation in Hilton Head.

&164

Senez: Mr. Myers deposition, Carney's vacation, Edisto Island, Deposition only 2 hrs 10 min.

165 Carney: It was not Ellis Island it was Edisto Island. It took me two hours each way to get there.

Senez: Mr. Carney's billing said Ellis Island. Total billed for the day was 8 hours.

165 Carney: No. I generally don't do that. It's all part of taking the deposition. I've got to Prepare for it in order to take it.

Senez: Page 119 Carney said he's been doing this so long he could do in his sleep.

165&166 Mr. Carney: Well in advance, I mean how far in advance do you have to prepare for a deposition. I can do 15 minutes and I'm ready to go in many instances.

166 Mr. Dowell: I'm going to ask you about your entry of 12/7/06, the one for four and a half hours.

167 Carney: Everything about the case. We spent.... It was four and a half hours. We spent four and a half hours in the conference room; I believe the conference room on the fifth floor downstairs, preparing for trial.

Senez: No we didn't! I got there at 10:00 and left at 2:00 when Mr. Thompson came in. We had lunch during that time but mostly Carney ran around trying to get the Collins Adverse possession amendment thrown out. Carney looked thru the PowerPoint pictures Mr. Quinn had printed off earlier. Carney would pull out pages and tell Mr.

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Quinn to re print without my notes. There was no discussion about how the trial would go except he asked if I thought he would make Mrs. Collins cry. We didn't discuss the case and how it would go and he didn't prepare me for trial. Page 117, Mr. Carney says he never tells them exactly what he's going to ask.

167 Carney: If anybody was present, they were in and out. That would have been Jim Quinn.

167 & Mr. Dowell: Do you recall that Ms. Senez on that day simply dropped off some documents
168 to you? (12/5/06)

Carney: No I don't recall that at all.

Senez: That was the day I dropped off the picture enlargements, GIS maps and white binder. Carney wanted to know if I wanted a job there because I was so organized.

169 Carney: It's all going to be part of the billing. If I'm walking back from the courthouse with the client to my office, that's all part of the time I'm spending on that matter, whatever that matter may be.

Senez: I'm sure he does. Carney billed me before the date of our contract.

169 & Carney: If I'm talking to the client about issues pertinent to the matter that I'm before the
170 court on and I'm having a continuous dialog about testimony exhibits, strategy, you're darn right I'm going to bill for it. That's a working lunch

Carney: If I'm walking and we're talking about the trial and strategizing and talking about the testimony, I'm going to bill for it, sure.

Senez: I'm sure he does! Except in this case the trial was over and I lost!

170 Carney: Linda and I were in constant communication. Linda and Jim Quinn were in constant communication.

Senez: Not true! Just look at Carney's billings. From 1/12/06 to 12/8/06 (day of trial) Carney spent about 40 hours and Quinn spent about 10 hours on my case, eleven months. That includes meetings, emails and phone calls. Of course after the trial Carney spent 17 hours and Quinn 34 hours on my case. The 2 days of trial and the bills after trial are what make up the outstanding bill. More time was spent after trial on the Motion to Amend and Alter.

171 Carney: On the telephone or in person. Linda was on the phone a lot. She was in here frequently. She was kept abreast of exactly what was going on.

Senez: Not true! In the eleven months, prior to trial, Carney and I had four meetings and one was just to drop off the blow up exhibits for trial. Carney and I had 5 phone

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calls and he sent me about 35 emails. Prior to trial Quinn and I met twice and once was when I dropped off the PowerPoint, there were 6 emails. Just look at his billings and he's already admitted he bills for everything.

171 Carney: Linda wanted to orchestrate and sort of dictate how the trial was going to be run, and that wasn't going to be the case with me at the helm. And she knew exactly what we were going to be doing. She was kept abreast of all developments.

Senez: This is a lie I didn't try to orchestrate anything. I just wanted Carney to understand the issues and know that the Collins were lying. This can be confirmed based on Carney's billings and the amount of time we communicated. See my answer above. It's all in our email exchanges. I never knew what was going on and expressed the same to Mr. Carney and Mr. Bergen. That was the problem, that's why I contacted Mr. Bergen.

171 Carney: The tail is not going to wag the dog in my world.

Senez: I just wanted the dog to do his job!

172 Dowell: Did you go over her testimony before trial?

172 Carney: Absolutely, that's part of the four and a half hours I spent with the woman.

Senez: Absolutely not true! No we did not! I got there at 10:00 and left at 2:00, we had lunch and Mr. Carney ran around trying to get the Collins Adverse possession amendment thrown out. Which makes no sense since Mr. Carney said he knew they were always going to file. Carney looked thru the PowerPoint pictures Mr. Quinn had printed off earlier. Carney would pull out pages and tell Mr. Quinn to re print without my notes. There was no discussion about how the trial would go, except that he asked me if he would make Mrs. Collins cry. And then Mr. Thompson showed up.

172 Dowell: Did you have any of that testimony written out?

Carney: Never, I don't think I've ever done that in 34 years.

Senez: I would like to know if this can be verified.

174 Dowell: First time you read Myers deposition would have been 12/6 - 12/7

174 & Carney: because I may have skimmed his deposition when I first got it. Many times I don't
175 bill for that. I bill for the time I sit down and I really read it and think about it and study it. I do bill that.

Senez: If he bills for walking back to his office and thru lunch, I'm sure he bills for skimming.

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175 Carney: She's the one that got the break

Senez: I seriously doubt I got a break, if Carney bills for walking back from the court house after we lost! The only reason we walked back to Carneys office was because I had to leave my cell phone there. Court procedures at the time didn't allow for cell phones. He also billed me for the day before he met with me 1/12/06 because he supposedly reviewed emails Mr. Bergen sent him.

175 & Dowell: But you don't know whether you skimmed the deposition?

176 Carney: I think I did because it's my custom habit. I'm sure I did.

Dowell: But you didn't bill for it?

Carney: Then I guess I didn't bill for it, or it's built into one of the entries about Mr. Myers deposition.

Senez: I don't believe he skimmed the deposition. I don't believe a lawyer is supposed to bill for things by adding into other entries. And it's obvious he had no understanding of Mr. Myers deposition as outline on other pages in this deposition.

177 Carney: I don't need to read a treatise and I don't' need to read a case to know what the elements are.

Senez: Mr. Carney should have read a "treatise" because Judge Souder made the worst possible ruling and a ruling that was not based on law.

177 Carney: Because I was preparing for trial and you do everything when you prepare for a trial.

Senez: I think you should prepare for trial a little earlier so that you can explore all options and get witnesses.

177 Dowell: Entry 12/11/06 seven hours

179 Carney: First of all, when I'm in trial, I'm probably in here at 7:00 O'clock If I've got major documents, if I've got a civil trial that requires the kind of things that Linda's trial required.

Senez: The morning of trial is a little late. Day 2 the trial was from 9:30 to 3:00, 5 ½ hours. I'd like to know what that required since he didn't use Mr. Myers deposition to the fullest extent, didn't cite any adverse possession cases, didn't question Mrs. Collins more on the supposed fence conversation, didn't have an opening argument and said nothing of substance in closing argument and didn't dispute the things Rob Thompson said in closing, which were all lies.

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180 Carney: Can I specifically tell you that 12/2/06 I went to the bathroom or I had .. What for lunch? Of course not.

Senez: The arrogance!

181 Carney: At the conclusion of the second day, I remember him walking back to the office here with Linda and I remember the three of us sitting down in a.. I believe the little round conference room table that we used to have downstairs on the fifth floor and talking generally about the case.

Senez: Not true! Ask Mr. Kastendike, we never sat down that day after the trial. Mr. Carney had just ruined my life. I wanted my phone and to get out of there. But I did tell him before I left that he gave the Collins a patio in my front yard!

182 Dowell: So you do remember sitting around that table on the fifth floor?

182 Carney: Yeah sure I do.

Senez: Not true! Didn't happen. Ask Mr. Kastendike, we never sat down that day after the trial. I picked up my phone and left.

182 Dowell: Do you recall what you talked about?

Carney: the trial generally

183 Carney: Because the trial was document intensive. The client was a difficult client. I wanted him there to both manage the documents, manage the exhibits as they went in, to record them in the order in which they went in, to make sure that they were properly marked and to make sure that Linda did not go off the reservation by gesticulating or by doing anything that would otherwise be inappropriate at trial.

Senez: Mr. Carney is only saying this to make me look bad. Mr. Quinn wasn't involved he did nothing in court and the most he did prior to court was print off pictures that I emailed and the PowerPoint. I have no idea what he was billing for on 2/6/06. Document intensive? The Collins had 26 picture exhibits and their deed. Mr. Carney only introduced 14 picture exhibits and the temporary peace order and the final peace order that I obtained against Collins. There were 5 joint exhibits; One GIS map, 3 surveys and Mr. Myers deposition. Total of 21 exhibits on our side including the joint exhibits, 31 on Collins side including joint exhibits. I numbered the plaintiff's exhibit, that's "my" handwriting on those exhibits. Mr. Carney had no reason to think I would go off the reservation this is what he's saying now to make me look like the bad guy. My emails don't represent someone who would go off the reservation. I'm a business person, I know how to act, which is more than I can say for Mr. Carney. I've never been accused of being inappropriate. This is degrading and humiliating and a lie! If Mr. Carney thought this was document intensive maybe he should have prepared more. I

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did all the work he did nothing!

183 Carney: I don't think that a client wants to be paying an hourly rate to put stickers on documents

Senez: Carney asked me to number the plaintiff's exhibits. That's "my" handwriting on the plaintiff's exhibits! I also had to hand Mr. Carney some of the exhibits as the trial started, before he called Jim Quinn up to the table.

184 Carney: I don't recall. I don't recall. Hundreds of things happen, half of which are unexpected in trials.

Senez: That's why you shouldn't wait till the last moment to prepare, you should always prepare for the worst.

184 Carney: You need some last minute research.

Senez: Last minute for something's but not to do research or contact witnesses. Carney had Quinn prepare a subpoena for Brian Dietz my surveyor but he never called him in.

185 Carney: Only in the sense that Linda was very needy. She was the type of client who called a lot. The type of client who wanted to manage her case in the sense that she wanted to say how the case should be set up and how her case should run, what exhibits should be introduced, what witnesses should go on the witness stand, as opposed to the kind of client who simply gives you information, and then you

Senez: Again this is all an absolute lie and can be proven based on Mr. Carney's billings and our email exchange. I've address all of this in my other responses. Up to the day of trial, eleven months, Mr. Carney billed me for 40 hours, that's less than an hour a week. Quinn billed 10 hours in eleven months.

185 Carney: Linda is a smart woman. Linda was involved in conduct that was unfortunate that got her sued. I had to play the cards that I was dealt with.

Senez: Mr. Carney loves to twist things around. Carney didn't have to play any cards! He could have refused but he sent me a contract the first day we met. I was the one that had to get the peace order against Collins. The peace order hearing was on 6/26/04; Collins sued me 9/28/04. The conduct he's talking about wasn't in the complaint or interrogatories so obviously that's not why the Collins sued. The Collins sued because they wanted me to take down the boat house that had been there since the 1930's. The Collins wanted a view across my front yard. Mr. Carney knows this, it's all in our emails. When they discovered the property line was skewed they thought they had an Achilles heel. The Collins continually harassed me from the time they made the discovery and still do. The signs were an attempt at getting them to leave me alone. I didn't put up

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signs or do anything for over a year after the Collins filed suit.

185 Carney: When I first went down to the property, I saw certain things that formed in part the basis of the Collins's suit against her and some of the counts.

Senez: Mr. Carney came to my house on 1/13/06 and sent me an agreement the same day. There was no hesitation on Mr. Carney's part about taking my case. In fact he said he enjoyed meeting me. On pages 150, 221 & 225 Mr. Carney said they weren't tortuous. Now he's trying to use those things to hide behind because he did such a horrible job on my case. Mr. Carney's agreement said, "I will take all steps which I deem to be both reasonable and appropriate to both defend the complaint filed by Ann and Steve Collins against you and to prosecute your Counter-Complaint." DEFEND THE COMPLAINT; Mr. Carney did nothing to defend the complaint!

186 Carney: it's not the average client that paints Mick Jagger's tongue in hot pink and nails it to the side of the boathouse toward the neighbor's property.

Senez: None of the signs were mentioned in the original complaint or the interrogatories except for the no trespassing sign and that was taken down right after the peace order hearing on June 26, 2004. Collins didn't file suit until September 28, 2004, the sign was already down. The other signs, etc., were put up afterwards to try and get the Collins to leave me alone. The picture of the boat house was printed by two local newspapers. The nosey neighbor sign and tongue were put up afterwards to try and get the Collins to leave me alone.

186 Dowell: Do you know how long it was there?
Carney: No idea.

Senez: The nosey neighbor sign was put up on 10/20/05. The Mick Jagger tongue was put up 11/02/05. It was not in the original complaint or the interrogatories and I'm sure they would have put it in, if they were up.

186 & Carney: There were a multitude of things,....a large sign on poles in the ground. And it had
187 the words nosy neighbor zone on it facing the Collins.

Senez: That's where Mr. Collins would stand. He would stand behind his garage and harass me, my family, our friends and guests. Mr. Collins would stand there and stare at me, mumbling things, when I was doing yard work, watching everything I did. Mrs. Collins was always taking pictures. It sure didn't stop Mr. Carney from sending me an agreement the day we met and saying he enjoyed meeting me.

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187 Dowell: Are you aware that she had some problems with vandalism to a boat and some serious damage at her property?

Carney: Linda and I never, that I recall, ever had such a discussion>

Senez: Not true! Mr. Carney knew it he brought it up in court. I gave him a copy of the police report and a copy of the vet bill for the dog. They were both in the white binder.

187 **Senez: Carney immediately changes the subject by saying:**

Carney: Also the video tapes. There were also spotlights all down the northern side of her house, which were alleged by the Collins's to be turned on at nighttime, that light up their back yard like Camden yards.

Senez: This is such a lie! There are no spotlights down the northern side of my house nor have there ever been! The northern side of my house is Collins front yard. I gave Carney pictures of my lights on at night. I gave him the distance of my lights from the Collins house, and the fact that my house sits lower. The closest light to the Collins house is 87 feet away and is a 100 watt maximum bulb coach light fixture. Same lights are still here today, see for yourself. I even gave Mr. Carney the bills for the lights that were installed after I moved in. The boat house light was there when I purchase my home; it's a Coast Guard Requirement. It's 210 feet from the closest corner of the Collins house which sits a lot higher than the light. The boat house has a north wall which also blocks the light. The lights across the river illuminate the river more than my light. The lights Collins complained about in their complaint filed September 2004, were installed in 2001. They never presented a problem until the Collins discovered the disputed property line in April or May of 2004.

187 Carney: Video tapes which Linda indicated that were there for her own personal security.

Senez: Exactly! I could care less what two elderly retired people do, as long as they leave me alone. I work full time, I own my own business, I was dealing with the damage from Hurricane Isabel, I was taking care of my sick elderly father and renovating my house during all that time. Do you really think I would waste my spare time on watching the Collins?

188 Carney: and that I believe it was Rob Thompson or Nip Jenkins who indicated to me that it would light it up like Camden Yards.

Senez: Why is Mr. Carney continuously taking information from opposing counsel and not discussing it with me? Why didn't Mr. Carney ask me or come see for himself? I gave him nighttime pictures of my house.

189 Carney: If believed, if she had these spotlights and if she turned them on at nighttime and pointed them towards the Collins's property sure. That's the conduct that got her sued.

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Senez: Carney is a liar! The Collins only made this stuff up to try and intimidate me. Nothing was pointed or directed at the Collins. It's all a lie, I have pictures and the same lights are here to this day. It was all in the PowerPoint. There was no purpose in doing that.

The most talked about item in my trial transcript was my lights. But I wasn't asked to point out where the lights were and why they didn't interfere with the Collins.

189 Carney: I won.

Senez: Carney didn't win anything. Prior to trial all I heard was how the Collins claims were bogus, after trial when he losses the adverse possession, he says he won, it was document intensive, I was difficult and needy. See Mr. Carneys 5/1/06, 5/9/06, 5/12/06, 7/19/06 and 8/31/06 emails to me.

190 Carney: Linda is a very demonstrative person. And I did not want her rolling her eyes. As part of the trial preparation, I'm sure I told her these things. I didn't want her gesturing.

Senez: This is all a lie. I have never and would never act inappropriate in court. I met Carney a total of four times before trial; he had no idea of what I do or how I would behave. We met 1/13/06, 4/26/06, 12/5/06 and 12/7/06. On 12/5/06 he asked if I wanted a job because I was so organized. I own my own business! This was just said to demean me and make me look like I was the problem.

191 Carney: That's why I have him. (Quinn) So, if, if she would have engaged in that conduct that he could bring it to an end.

Senez: And just what was Mr. Quinn going to do? I was seated at the table between Carney and Quinn.

191 Carney: She's a non-lawyer. I don't expect her to know the rules.

Senez: Lawyer or no lawyer, I know how to act in court. I also know not to lie in court. Lawyers shouldn't lie in court, either in their briefs or to the Judge in the hearings but that didn't stop Mr. Carney. It hasn't stopped him in this deposition.

192 Carney: And I tell my clients how I want them to conduct themselves.

Senez: Mr. Carney never said a word to me about how to act in court.

192 Carney: I think there were times when Jim told me that he thought that Linda was acting inappropriate. And I think he said something to her. I don't know whether it was day one. Or day two..... I can't be positive.

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Senez: This is a lie! Carney is just saying this to make me look bad. I never acted inappropriate and Quinn never said anything to me. I was seated at the table between Carney and Quinn, so Carney would have known if I was acting up. In fact if I didn't act up at the ludicrous ruling Judge Souder made, there wouldn't be anything I would ever act up about.

193 Carney: Ms. Senez wanted me to prosecute.....file a motion to amend or alter which I did.

Senez: Yes because Carney did such a horrible job in court I not only lost but Judge Souder gave the Collins my property. The Collins are the ones that lied in court!

194 Carney: Linda was critical of how I conducted the trial..... And I was not about to continue on with a client who was dissatisfied, critical and owed me money Because a motion to amend or alter has got to be filed in such a short period of time, I agreed to prepare and file.....

Senez: I didn't owe Carney anything up to this point. Mr. Carney was paid up to the date of the trial. And the next bill wasn't sent until 1/5/07. He sent letters terminating our agreement on 2/26/07 and 2/27/07.

196 Carney: I made certain demands on Linda regarding the payment of her fees. She indicated that she wasn't going to pay them.

Senez: Mr. Carney didn't dispute any of the bogus accusations the Collins made. Judge Souder believed that I pointed the lights, cameras and drainage towards the Collins property. What would be the purpose of doing that? The accusations are all a lie. The drain the Collins keep talking about is one that runs to my wall; On my property and is approximately 12 inches inside my property line. Now that the Collins have removed the fallen wall and slopped their property up to my property it proves the drainage was all a lie. Before there were only 10 weep holes now everything that runs on my side will run down to the Collins. So there never was a drainage problem. That's why I lost the property! I didn't feel that I owed Carney for the horrible job he did. It was obvious he didn't prepare and he didn't present any evidence to dispute the Collins claims. He didn't even use Mr. Myers deposition to its fullest extent and I paid for that!

197 Carney: I mean, it was within....it might have been the day of the trial. I agreed to file the motion to amend or alter.

197 Carney: But it was right....it was close to the end of the trial because I know I agreed and I told her I would prepare the motion, the memo and I would argue it and then I'm out.

198 Carney: It would have been within days of the conclusion of the trial.

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198 Probably both. I know I sent her ultimately sent her a five-day letter.

199 Dowell: Is there any proof that you have other than what your own testimony that she discharged you rather than you discharging her?

199 Carney: As I sit here today, I can't recall any, no.

Senez: Carney discharged me and sent two separate letters, one on 2/26/07 and another on 2/27/07 he then filed to withdraw his appearance on 4/11/07. This would mean that I would have to start over with another attorney, bring them up to date and fix Carney's mess. I couldn't even use all the information I had prepared because as Mr. Carney knows you can't introduce new evidence on appeal. Mr. Carney didn't care if he lost the trial he thought I was just going to continue to pay him and he could make more on Motions and Appeals.

199 Carney: I do recall that. (Mr. Collins testifying that he plugged the weep holes.)

200 Carney: So, we all knew that. And that probably caused the wall to fall down. There was not expert testimony to say that caused the wall to fall down

Senez: I had two engineers inspect, both engineers gave me letters. Both engineers would have testified as to why the wall fell. I gave those letters and information to Mr. Carney. Baltimore County also said the same thing and would testify. Mr. Carney wrote me an email on 07/19/06 that the engineer's testimony wouldn't prove the proximate cause of the walls collapse. That is just ridiculous!

201 Carney: But frankly nobody cared.

Senez: I cared, my property was eroding! And the property that I was trying to acquire by adverse possession was eroding. It's in our email exchange of 6/29/06, 7/07/06, 8/30/06, 8/31/06 and Mr. Carney wrote Rob Thompson a letter addressing this on 8/30/06. Mr. Carney billed me for all of this!

201 Carney: He could do whatever he pleases to his own wall.

Senez: The Collins can't intentionally do something that will damage my property.

202 Carney: First of all, no, she cannot recover for my failure to introduce testimony regarding the cost of repairing the wall. Two, I did through the examination of Mr. Collins elicit at trial that he was the one who plugged the weep holes.

Senez: I was the one that discovered that the holes were plugged and I had Baltimore County come out and verify. You cannot do something that will intentionally damage someone else's property. I asked Mr. Carney to include the fallen wall in the trial since I

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was trying to gain that property by adverse possession and it was damaging my property. My suit should have been amended to include the repairing of the wall. On 7/21/06 we had a conversation about the wall. Our email exchange of 6/29/06, 7/07/06, 8/30/06 and 8/31/06. Mr. Carney sent Rob Thompson a letter on the wall on 8/30/06. I asked about the wall in my 12/04/06 email.

I had to file a separate lawsuit against the Collins for the damage to my property. The suit was filed on 6/26/09 in District Court, on 12/18/09 a Motion to stay was filed awaiting the Court of Special Appeals Ruling, on 8/21/12 it was reopened in Circuit Court, trial was scheduled for 1/3/14 and the suit was closed on 1/24/14 because the Collins corrected the problem on 11/22/13.

The interesting part is that the Collins removed the fallen wall on 11/22/13 and slopped their property up to the height of my property and planted regular grass. This once again proves there never was a drainage problem. The old wall had 10 weep holes and a whole row of ornamental grass, trees and shrubs along the wall and the Collins were complaining that massive amounts of water were flowing from my property to theirs.

202 Carney: But the fact of the matter is the wall was on his property, and if he wanted to stand on the wall and knock it down. He had every right to do so. It's his wall.

Senez: This is not true! An individual can't just legally damage your property. Even Baltimore County said Collins can't do something to intentionally cause damage to my property.

202&203 Carney: First of all, we never even had that discussion because that's absurd on its face. There was no reason to have that discussion.

Senez: On 7/21/06 we had a conversation about the wall. Our emails of 6/29/06, 7/07/06, and 8/30/06 I sent Mr. Carney an email and he responded on 8/31/06. Mr. Carney sent Rob Thompson a letter on the wall on 8/30/06. I asked about the wall in my 12/04/06 email.

204 Carney: I never took a position at trial that Linda should be reimbursed

206 Carney: whether or not yes, whether or not Mr. and Mrs. Collins planned to repair or replace the wall.

206 Carney: Absolutely. Settlement negotiations. These are all part of settlement negotiations.

Senez: They were my negotiations because I knew Collins weren't going to put the wall back up. In fact Collins finally removed the old wall on 11/22/13 and slopped their side up to mine, proving that there never was a drainage problem from my side damaging

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the Collins property. The slope would certainly allow more water to flow on Collins property than 10, 2 inch weep holes.

206 Carney: you may know that they're inadmissible.

207 Carney: Why would Linda pay for somebody else's wall to be repaired unless it was part of a settlement negotiation and a compromise?

Senez: This was my suggestion /offer because I knew the Collins weren't going to repair the wall. I had to file a separate lawsuit against them for the damage to my property. The suit was filed in 6/26/09 in District Court, on 12/18/09 a Motion to stay was filed awaiting the Court of Special Appeals Rulings, on 8/21/12 it was reopened in Circuit Court, trial was scheduled for 1/3/14 and the suit was closed on 1/24/14 because the Collins corrected the problem on 11/22/13.

208 Carney: This was all part of our settlement discussions.

209 Carney: I don't know what letter you're reading but I'm telling you I never took the position that Ms. Senez was responsible for repairing or replacing the wall in whole or in part. This letter if you weren't listening earlier was part of a settlement negotiation.

Senez: Not true! I emailed Carney on 7/13/06 and said if the Collins give me the property and the wall I'll have a new wall put in. The wall fell June, 27 2006. The fallen wall was causing my property to erode as well as their property. I needed to do something to help support my side which is much higher. It was my offer so my property wouldn't continue to erode. It created more of a problem for me than the Collins. Letters flying everywhere from the Collins side but I couldn't find Carney and his secretary couldn't even call me back.

I had earlier emailed Carney on 6/7/06, "no more settlement negotiations." This was a self preservation offer.

211 Dowell: and a reader playing the part of Mr. Myers; correct?

211 Carney: I think at the time we had not agreed, that is to say, Nip Jenkins and Rob Thompson and I had not agreed to stipulate to the authenticity and accuracy of the survey prepared by Brian Dietz

Senez: 7/19/06 Mr. Carney emailed that he was going to have a reader play Mr. Myers in court, didn't happen. (Mr. Carney had also emailed me on 5/23/06 that he was going to have Mr. Myers deposition videotaped, never happened!)

211 Carney: I misspoke

212 Carney: The methodology that he employed, any questions that the court would have, because the survey frame is central issue of the case obviously. It's the sole issue of an

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adverse possession case.

Senez: I disagree it's not the sole issue. What about the length of time the wall was there, why it was put there, who maintained the property for the 20 plus years. There's case law stating existing barriers, Tamburo. I'm sure there are probably other cases as well. Tamburo, 203 Md. 329. The Court Of Appeals held that "where visible boundaries have existed for the period set forth in the Statue of Limitations, title will vest in the adverse possessor where there is evidence of unequivocal acts of ownership." The Court also held that "the fact that the possession was due to inadvertence, ignorance, or mistake is entirely immaterial." I thought Carney said he knew more than most attorneys about adverse possession.

212 Carney: sophistication of the trial judge

212 Dowell: What about the difference between a boundary and location survey?

213 Carney: No, why should I have to do that?

Senez: Because there's a big difference between the two surveys and Mr. Carney is an idiot if he thinks there isn't.

213 Carney: No, I don't believe so.

213 Carney: and in this case, the judge said I don't want to do that.

Senez: Not true! This is not in the court transcript and I never heard it discussed before trial.

213&214 Carney: I'm quite certain that the judge said just give me the transcript and I'll read it.

Senez: Not true! Not in the transcript, I was there I never heard anyone say that.

214 & Dowell: May 13th 2009

215 Carney: That's a puppy farm

Senez: This is what he called David Whitworth my expert attorney in Judge Bollinger's hearing on 5/13/09. I addressed this already in Judge Bollinger's hearing where Carney, page 18 says Whitworth handled 800 malpractice cases in 30 years and is a legal malpractice puppy mill. However, Carney claims page 22 & 23 that he handled 1,000 real property settlements through to conclusion before he passed the bar.

216 Carney: The guy is a professional witness. That's what I meant by this.

216 Hearing before Judge Bollinger

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217 Dowell: Can you tell me why you would represent to the court that the case became Ms. Senez's life's work, she's unmarried, she doesn't have kids,.....

218&219 Carney: This was part of my oral argument to set the stage for the court so as to what had been going on in this matter and that Ms. Senez was, as I pointed out to the court, obsessed with this case. She made it her ...she appeared to make it the focus of her daily actives. She was consumed by the matter.

Senez: This is demeaning, derogatory and insulting. It has nothing to do with Mr. Carney's case against me or mine against him. This further exacerbates the humiliation and anxiety I've suffered over the original case and it continues. If Mr. Carney had done his job, I wouldn't be in this position. What he did to me was unconscionable. He wasn't worried about me or my reputation; he didn't live up to his agreement. I don't even know who he was representing!

I wanted this case over and gave Mr. Carney the information to do so. I gave him information that proved everything the Collins said in the complaint and interrogatories was a lie and Mr. Carney didn't present that information. Isn't that what you do in a case, you gather and present information to dispute the accusations? Since when doesn't someone want to win their lawsuit? I don't need this aggravation! Set the stage for what? To blame me for his inadequacies? It's all in Carney's billings and our email exchange. With all of the things the Collins did to me he never once said anything like this to them! Where was Carney's oral argument in my case?

219 Carney: That she's got the resources to be able to fight this case because she is unmarried and has no children. Therefore she doesn't have a drain on her resources that that would involve.

Senez: Mr. Carney has no idea of my resources and this is totally uncalled for. This has cost me a lot financially and emotionally and continually does. Continuous harassment from the Collins for the past 10 years and Carney's demeaning, derogatory comments and name calling in the court room, briefs and this deposition. Constant awareness that this information is out there in cyberspace and available to the insurance carriers and clients I represent. I replaced my four foot fence with a six foot fence to block out the Collins. I had the garage windows tinted so the Collins couldn't stand there and stare at my father and me whenever we went in the garage. I planted bamboo down a 40 foot section to block out the Collins. I don't use that side of my house because of the Collins.

219 Carney: and that she is obsessed with this case. She's got the money to fund it. That's why I said what I said.

Senez: I'm not obsessed its principal, I didn't do the things Collins said I did! They deliberately slandered me because they want a better water view! There like the people that move next to the airport and want the airport to shut down. This is totally uncalled

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for. I wanted this case over quick and I did everything I could to make sure Mr. Carney had information to dispute the Collins. Who wants to spend their money on lawyers, no matter how much they have? Mr. Carney has no idea what my finances are. This has cost me a lot financially and emotionally. Embarrassment, humiliation, and concern that this will affect my insurance licenses with the various states I'm licensed in.

221&222 Carney: I don't recall the exact number of counts. I think there were six or seven. Linda received either a defendant's verdict on those counts I consider and every one of my colleagues.... would consider that to be a win on a particular count.

Senez: Before trial Carney said they were all bogus. See Carney's emails of 5/1/06, 5/12/06, 5/9/06, 7/19/06 and 8/31/06. Read Mr. Carney's other emails, he has now twisted this all up to try and benefit himself and to blame me for his incompetency. Mr. Carney already said he knew those other counts were not torturous. See page 150 and 225 in this deposition. But now they're a win?

222 Carney: The only account that went against her was the adverse possession count. That she should not have lost that claim based on Souder's, Judge Souder's logic and reasoning and understanding of the law. That's what I meant.

Senez: The only issue as far as I was concerned was the adverse possession. He should have filed a Motion for Summary Judgment to get this garbage off the table.

222&223 Carney: She lost the adverse possession claim because Judge Souder made a factual finding that Ms. Collins testimony apparently was more believable

Senez: Because Mr. Carney didn't present any information that all the accusations the Collins were making were lies. I gave him documents, pictures and witnesses. He didn't use the information; he didn't even use Mr. Myers deposition to its full extent. He never pointed out that the Collins and their counsel were making statements that were basically lies. The property line wall was there when Mr. Myers purchased the house. There was no cooperative effort for a boat ramp. That one statement would have taken the wind out of the Collins sails.

223 Carney: The court made a factual finding.

Senez: Because Mr. Carney's didn't present the evidence I provided that the Collins were lying. Everything I gave him was factual.

223 Carney: Which is bulletproof on appeal, as I'm sure you know

224 Carney: I adopted my prior answers in their entirety. And the answer to your question is, you know what, there's a winner and loser in every case. The judge believes somebody or they don't believe somebody.

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Senez: If Mr. Carney knows that he should have done what he said he was going to do in the agreement, "I will take all steps which I deem to be both reasonable and appropriate to both defend the complaint filed by Ann and Steve Collins against you and to prosecute your Counter-Complaint." Mr. Carney said in his emails he was going to have someone read and role play the deposition of Mr. Myers.

224 Carney: Linda Senez walked into the courtroom with a lot of baggage to deal with and we dealt with it and we won.

Senez: Carney never said I had baggage the whole time he represented me. This is insulting and degrading. Carney didn't have to take my case. Nothing that I did was illegal by Carney's own admission and should have been taken out of the trial by summary judgment. I gave him everything to prove the Collins were lying. There was no baggage on my part. See Carney's emails of 5/1/06, 5/9/06, 5/12/06, 7/19/06 and 8/31/06. If he thought I had baggage he should have filed a Motion for Summary Judgment, nothing I did was tortious or illegal. Meanwhile the Collins vandalized my property, harassed me and my family and committed perjury!

224 Carney: The spotlights that they used. Just the constant

Senez: I never had spotlights and the lights are normal lights, with 60 or 100 watt bulbs. They were never pointed at the Collins. The closest light to Collins house is 87 feet away. There is only one light on the north side of my property the Collins side.

225 Carney: She was in a war with her neighbors. We all know that. And the court knew it. It wasn't the Collins's who put up the signs. It wasn't the Collins's who shined lights allegedly on the neighbors property

Senez: Your right about allegedly, I never did that and Carney knows it. I didn't start the war. The Collins did. I was the one that had to get the peace order not the Collins. The Collins filed the lawsuit three months later. See Carneys emails 5/1/06, 5/09/06, 5/12/06, 7/19/06 and 8/31/06. I did nothing to the Collins except put up a few signs up so they would hopefully leave me alone and that was almost a year after they filed the lawsuit. The Collins stalked and harassed me, my family and friends, and still do. The lights in my yard can't be shined at their property, even if I wanted to. I even changed one light prior to trial, which really wasn't necessary since it didn't affect them but I wanted to try and accommodate the Collins. They allowed their grass to fall all over my vehicles leaving spots that have to be buffed out. Constantly turned the sprinklers on so that it would water our cars, in the summer that leaves water spots that have to be buffed out. They put boards along the wall on their side so more drainage would come on my property in the back. Plugging the weep holes so the wall would fall and damage my property.

Mr. Carney Deposition 8-25-11 - Rebuttal

225 Carney: We were able to prove that they didn't rise to the level of compensatory torts.

Senez: That's right because I didn't do anything wrong. The fallacy is that because Mr. Carney didn't defend me and use the evidence I prepared, I didn't have any credibility. Mr. Carney created this situation. He should have filed summary judgment on those issues and just dealt with the adverse possession. Mr. Carney sure knows how to file summary judgment on his own behalf.

225 Carney: From the credibility perspective the court is going to decide whether a person is believable or not believable based on the totality of the circumstances.

Senez: But that's because Mr. Carney never presented evidence. Mr. Carney didn't even use Mr. Myers deposition to the fullest extent and Mr. Carney took the deposition. Things like the wall being there having nothing to do with the jog and the Collins story was impossible. The drainage issues Mr. Myers talked about. The permissive use Mr. Myers talks about. That Mr. Myers doesn't say he showed me the survey. The Collins just made up stories about shared and co-owned boat ramps which is a total lie. I have nine signed affidavits to show the Collins are liars.

227 Carney: I cannot speak to the issue of what the Collins know. Yes, I see that.
Dowell: Did the Collins actually have an adverse possession count in their complaint as of that time? (July 19th of 06 email to Rusty that Collins never filed for adverse possession)

227 Dowell: Do you remember if it was in existence as of July 19th of 06?
Carney: I have no idea.

Senez: This was an email exchange between me and Mr. Bergen and I cc'd, Mr. Carney, that as of that day the Collins had not filed for adverse possession of the property in the back, 7/19/06. (I had also emailed Mr. Carney that on 6/7/06 & 6/30/06) Mr. Carney wrote me back on 7/19/06 saying it was in their complaint. I emailed him back on 7/20/06 letting him know there was no adverse possession claim in the complaint. I outlined the complaint and added my remarks. You would think that if Mr. Carney had been handling my case for six months, since 1/12/06, and supposedly doing all this negotiation he would know what's in the complaint. That email also talks about Mr. Carney not responding to my urgent emails when the property line wall fell.

228 Dowell: Wasn't it in December they put that in there
Carney: I don't recall that.

228 Carney: as a matter of fact, I do recall when they put it in, because I filed a motion to strike it because it was within days of the trial itself.

Senez: Yes it was filed late Wednesday, December 06, 2006. So why did Carney waste

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my time and money and his time to strike the motion because he said on page 229 that Rob Thompson either sent him a draft or told him he was going to file. Carney never advised me and this wasn't in his billings. .

228 Carney: that was a preliminary matter that Judge Souder heard before the trial commenced and she denied the motion to strike.

229 Carney: Because I know Rob Thompson, he had either sent me a draft that he was going to file or he told me that they were going to file it. (adverse possession)

Senez: Mr. Carney never advised me that he received such a letter, it's not in Carney's billings

229 Carney: He always told me that they were going to file an adverse possession claim.

Senez: Mr. Carney never advised me that he received such a letter, it's not in Carney's billings