

I. Introduction

Page 4 The claims of negligence against Bradford G.Y. Carney and his law firm by Counter – Plaintiff, Linda Senez, generally stem from here unhappiness about losing at trial. She has made numerous complaints against Carney for his conduct at trial in the underlying case, which simply are criticisms of the trial tactics and strategy Carney decided to employ in the litigation.

Senez: Not true! My criticism of Mr. Carney is that he did nothing to win my case!

- 1- I provided evidence showing that every accusation the Collins made in the complaint and interrogatories were lies. I didn't want to be accused of things I didn't do! I had gathered documents and witness that would support my case. I put together the 150 page PowerPoint to make sure he had a good idea of the situation. Mr. Bergen thought the PowerPoint was pretty good and fact laden! I put a lot of time and work into gathering and providing this information. It was important to me!**
- 2- Mr. Carney didn't file for Summary Judgment to get those bogus accusations off the table. Even though that's what he called them. Most of what was talked about in court should have never been part of the case. Mr. Carney wasted a lot of time in court talking about drainage, permits, signs, lights, cameras, party decorations, etc. but not the real issues. The Collins were allowed to drone on and on about things that had no relevance, done in accordance with guidelines or where already resolved.**
- 3- Mr. Carney didn't file summary judgment even on the replacement terrace/retaining wall on my property that the Collins wanted me to take down. It was Thompson who told Judge Souder in closing on page 187, that this wasn't properly before the court. Carney never said peep!**
- 4- Mr. Carney didn't depose the Collins to know what they were going to say. That question about the fence following the wall instead of the property line had never been mentioned to me before the trial. It wasn't in the original complaint, answer to counter claim, interrogatories or Mr. Myers deposition. It wasn't known by my prior counsel Mr. Bruce Covahey or Now Judge Judy Ensor and Mr. Carney never told me. Carney never explained what it would mean to my case. If that would defeat the adverse possession claim why did we go to court? Why didn't Mr. Mr. Carney question Mrs. Collins more about that supposed conversation? If Carney knew he should have asked me and I would have explained why that was the dumbest question ever and why I would never have asked in addition to the fact that I believed my property went to the wall.**
- 5- Mr. Carney didn't talk to the witnesses I provided that could verify how long the wall was there? Maybe we could have tacked on to Mr. Roy Jones's ownership. I**

have proof the wall was there for 25 years. I could have tracked down more people to testify as I have now done.

- 6- Mr. Myers testimony and position never changed when questioned by my prior counsel Bruce Covahey, Rusty Bergen or now Judge Judy Ensor, Mr. Carney or in his deposition. Based on that Mr. Carney could have located the Cook family just as I have now done. Mr. Carney should have suggested that after he hear Mr. Myers testimony.
- 7- Every measurement or height the Collins gave in court was wrong, all in their favor. Those measurements were in the PowerPoint, Survey and Mr. Myers Deposition, which Mr. Carney had. I've documented the Collins inconsistencies on my website. They had 347 sq ft. of my property in the back not 221, as they stated, I had 291 sq. ft. Carney never asked me about any of this in court.
- 8- Mr. Carney never questioned why the Collinses were on my property in the back and the concrete slab Collinses shed sits on is on my property. If Thompson can say the wall created an easement then maybe the jog in the property line wall just corrected the already skewed line and was a trade off!
- 9- I had documents and witnesses from Baltimore County that would have testified to the allegations of drainage and damage to Collins property caused by the drainage from my property. There was no evidence of any kind on either side of the wall during the course of the litigation, two and half years! Not even to this day. This wasn't made clear in court. Collins knew there wasn't a drainage problem that's why they didn't replace the wall that was there.
- 10- Baltimore County would testify that there was no evidence that runoff from my property was damaging the Collins bulkhead. That most of damage is on the side that is opposite my yard, Collins north side. Collins just threw that in as a bonus probably hoping I would have to pay for their failing bulkhead repair.
- 11- I had documents and witnesses from Baltimore County that would have testified to the allegations of not having permits, which were all done in accordance with the Baltimore County guidelines at the time. The permits were all in the white binder sitting on the court room table. Mr. Carney continuously allowed the Collins to talk about the permits, like I had done something wrong. Mr. Carney asked me 43 questions in court on permits and zoning, the implication that I had done something wrong. This could have been resolved in half the time if he had called on Baltimore County.

- 12- I had documents and witnesses from Baltimore County that would have testified to the issue of citations. One was rescinded and the other I had to file for a variance and that was only because the Collins complained so much.**
- 13- I had the realtors or HSA realty company that could have testified that I never saw a survey. That it was assumed the property went to the wall. HSA never had a survey. The natural flow and physical characteristics of the property made it look like it was my property.**
- 14- I told Mr. Carney that I never saw a survey during a break in Mr. Myers deposition. He never followed up with Mr. Myers, when the deposition continued. He never followed up with me. I emailed him twice about it, 10/30/06 & 12/4/06. And then he so cavalierly says in his deposition “oh that would have helped her case!” The Judges have latched on to that as a negative even though Mr. Myers does not conclusively say he showed me a survey and Mr. Carney never brought that out. Nor did Mr. Carney ask me in court if I ever saw a survey. Page 17, in the Court of Special Appeals Opinion says, Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular.” Pages 32 and 33 of Mr. Mr. Myers deposition does not say he conclusively showed me a survey.**
- 15- I’ve heard over and over how confusing Mr. Myers deposition was, that’s Mr. Carney’s fault. He took the deposition. Some of the confusion came from Mr. Carney, interchanging his usage of fence and wall and giving the wrong addresses on the side of my property and jumping around! He didn’t prepare for the Mr. Myers deposition see Mr. Carney’s billings and deposition responses on pages 119 & 166. Page 119 - “After doing this for 34 years, I can take a deposition in my sleep.” Page 166 – “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.”**
- 16- Mr. Carney took Mr. Myers deposition, which I paid for and Mr. Carney never pointed out that since the wall and jog were already there when Mr. Myers bought the property the Collins claim of a cooperative boat ramp were impossible. Mr. Carney never asked me about this in court.**
- 17- Mr. Carney took Mr. Myers deposition, which I paid, for and he didn’t use it to its fullest extent regarding, permissive use, construction, ownership, reason he thought property wall was there, drainage when he lived here, terrace retaining wall height, measurements. Collins Inconsistencies are documented on the website.**
- 18- Mr. Carney never pointed out that the wall on the other side of the Collins isn’t on the property line either, it’s inside the line. That’s probably why opposing counsel didn’t want to use Collins survey.**
- 19- Mr. Carney never pointed out that there was no light pollution. The closest light to the Collins house is 87 feet away and is 100 watt maximum bulb coach light. That is the only light on the north side of my house, the Collins side. I could have diagramed**

the lights on my house and the ones I added to show they don't interfere with the Collins. Then in Carney's deposition he said my yard was lit up like Camden Yards, page 187! He said he got that information from Rob Thompson or Nip Jenkins, (opposing counsel) page 188 of his deposition. Low and behold Judge Souder doesn't like lights! What a coincidence. I would not and have never had my yard lit up like Camden Yards! I wasn't asked to point out where my lights were on the survey and Carney didn't present the nighttime pictures I had taken to show they didn't interfere with the Collins. 13 of my 66 pages in the Circuit Court trial were about lights. Between Mr. Carney and Mr. Jenkins I was asked 46 questions about lights.

20- Mr. Carney never asked me a question or anything about the case, except when Mr. Collins threatened me, he said, I have his attention now.

21- The second question Mr. Carney asked was the day before trial, he wanted to know if he was going to make Mrs. Collins cry.

22- Mr. Carney never challenged the accusation of the retaining /terrace wall on my property being no higher. I realize that there's no law against building my wall higher but it sent a negative impression to Judge Souder because she thought I did. I had witnesses and pictures proving five different ways it wasn't any higher. And there was no reason for me to make it higher. He never asked me in court about the terrace / retaining wall height.

23- Collins kept complaining about the fence on my terrace / retaining wall impeding their view. The wall is five to six feet high; I think that needs a fence! The Collinses have fence around their deck and it's probably less than three feet high. Look at the picture its ridiculous and the fence insignificant. That's why I had the blow up pictures done! I was never asked in court why I had the fence put up on the terrace/ retaining wall. Which I never got back because Mr. Thompson picked up the enlargements and GIS maps and won't return them.

24- Even though there's no law in Maryland protecting someone's view I documented the Collins house in winter and summer and across the creek to show why they didn't have a view, it was blocked by their own trees! Which they finally trimmed the summer of 2007. Their view is in front of their house just like everyone else on the water.

25- Mr. Carney never prepared me for court; I didn't know what he was going to ask me. I wasn't informed about what he was planning. He never talked to me about trial strategy and tactics. He had never met the Collinses. There was no trial preparation! It was obvious the Collins had every word memorized.

26- Mr. Carney didn't cite existing barrier law cases, there are quite a few cited in the court of special appeal opinion, just review exhibit "O" in this motion for summary judgment. There are plenty and some similar to mine, these aren't new cases. He

said he knows more than most attorneys on adverse possession, page 35 of his deposition but didn't present any legal argument. Is there a motive?

- 27- The Collins had 176 pages of testimony, I had 66 pages. 13 of my 66 pages talked about lights! I was asked 46 questions about lights. The Collins where asked to discuss 34 exhibits. I was asked to describe 5 exhibits. The Collinses each was asked to review / describe more of my exhibits than I was. I wasn't given a chance in court!
- 28- The Collins where introducing my party decorations from a Memorial Day party in 2004, and another in July 2006 as being directed at them and somehow offensive but they're more credible than I am? Those things weren't in the complaint or interrogatories. The giraffe that had been there since 6/8/03, all of a sudden is offensive to the Collins. This is a permanent record in the courts!
- 29- It was obvious in the closing arguments that Judge Souder was very confused. That's why she made such a horrendous ruling; she thought the ramp was co-owned! Page 192 of the Circuit Court trial transcript, Judge Souder says," just as they have done!" Her ruling wasn't even a legal ruling. She gave the Collins a patio in my front yard. The signed affidavits prove this was never co-owned. Mr. Carney could have contacted or had me contact George and Madeline Cooks children to verify Mr. Myers statements.
- 30- The Collins lied about so many things in court but I'm not credible! I have the Court of Special Appeals saying I'm not credible! This is out there for everyone to read! I pointed the Collins lies out in their interrogatories. Carney should have known they would continue to lie. Read Mr. Carney and my email exchanges. I don't want people reading this stuff for years to come. Future adverse possession legal cases based on lies. Even with Mr. Myers deposition entered into evidence directly contradicting the Collins story of a shared and co-owned boat ramp the Collins continued to lie! If they could lie about that they could lie and say I asked if the fence could follow the wall instead of the property line.
- 31- Judge Souder believed that I committed all the accusations Collins claimed against me, she had no reason not to and therefore I had no credibility! This has been depressing, embarrassing, humiliating and debilitating! It is forever out there and I want it gone from the records. Mr. Carney has done nothing but exacerbate the problem with his pompous posturing, derogatory remarks and name calling.
- 32- According to Mr. Carney's deposition, page 151, there was no way on God's green earth the Collins could prevail! That was his attitude towards my case and therefore he did nothing to prepare. He referred to the accusations as bogus in his emails but I still gathered and documented everything because I wanted to show they were lying and it I wasn't doing those things. Mr. Carney based his whole argument on the fact that it had been twenty years. That's why he didn't do anything else he didn't think it was necessary. He didn't know Ann Collins was going to say I asked that ridiculous question.

33- I tell Mr. Carney no more settlements and why I didn't want any more settlements and he keeps talking about settlements p until the end. He wasn't however discussing it with me. He's using that as an excuse. The Collins kept saying they were willing to settle to make me look like the bad guy. They never offered one settlement option they always wanted me to make an offer. I would pay to have them drawn up and they would reject the offers. In a mediation hearing in June 2005, I agreed to everything they wanted to make this go away and the Collinses turned it down. Why should I settle, I knew everything they said was a lie and proved it. Just what exactly did Mr. Carney think that settlement option was going to be?

34- Mr. Carney never told me before or after the trial what his trial strategy and tactics where. He never discussed anything with me. Just look at his emails, letters and billings. Afterwards, he says the record will speak for itself. It sure did!

35- I counter sued Mr. Carney on 4/2/09 to this day Mr. Carney hasn't had me deposed because he doesn't want anything I would say being admitted into the various motions for summary judgment and appeal hearings and brief's that he's created. Now that's a trial tactic and strategy! Mr. Carney talked more about getting information from opposing counsel in his deposition then all the documents I gave him. Who was he representing? Did he owe someone a favor?

36- To say Mr. Carney put together an extensive Post Trial Memorandum means nothing to me! That should have been done before trial so I wouldn't be in this position eight years later.

37- This whole experience is horrendous, appalling, dehumanizing and unnecessary and is exacerbated by Carney's lying, derogatory remarks and name calling to protect his sorry self!

II. MATERIAL FACTS NOT IN DISPUTE

Exhibit A Carney deposition of 8/25/11 pages 2 to 5; 6-9; 10-13

Page 5 II 1 Mr. Dowell: When did you become Linda Senez's lawyer?

Mr. Carney: Sometime in 2004, I think it was 2004. And I want to say it was late summer-

Senez: The agreement was dated January 13, 2006. The day we met! However his first billing was dated January 12, 2006.

Mr. Dowell: And how did it come to be in the summer of 2004 that you became her lawyer?

Mr. Carney: I got a phone call from a lawyer named Rusty Bergen, who generally described to me the nature of the litigation that Linda was involved in, and he wanted to know if I was interested because her then lawyer, Judy Ensor, had been appointed to the Circuit Court bench

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for Baltimore County, and obviously had to get out of the case, and she had to find new legal counsel.

Senez: No, I could have stayed with another attorney at Whiteford, Taylor & Preston. They have very good attorneys there and in hindsight I would have been better off.

Page 5 # 3 Retainer agreement. Exhibit B Carney agreement dated 1/13/06

Senez: Mr. Carney came to my house on 1/13/06. You will notice in other documents how Mr. Carney now describes that day. Mr. Carney sent me a contract the same day no hesitation what so ever and I didn't have to twist his arm. Carney said in the letter he enjoyed meeting me. He actually started billing me for 1/12/06 because he reviewed some documents that were sent to him by Mr. Bergen. 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." Mr. Carney did nothing to defend the complaint filed against me or defend the counterclaim.

Page 5 #4 Collins suit against Ms. Senez consisted of seven counts. Exhibit C

Senez: Every one of those counts was bogus. Mr. Carney acknowledged the same in various emails. See his emails of 5/9/06, 5/12/06, 7/19/06, 8/31/06 and other emails. See my Rebuttal to Collins complaint it outlines all seven of the complaints.

Page 5 #6 Judge Souder Final judgment 12/19/06 Exhibit E

Judgment on Count IV (possession of property) is hereby entered in favor of Plaintiffs and against Defendant in that Defendant is hereby ORDERED 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

Senez: The wording, "absent an agreement to the contrary" was missing.

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Page 6 #7 Judge Souder amended final judgment 12/20/06 Exhibit F

The following day, on December 20, 2006, the court issued an Amended Judgment that primarily omitted language regarding the ownership interests that were originally included in Count IV.

Senez: I don't know why Carney is saying that like it's an accomplishment. This ruling didn't omit language regarding ownership interest it added language. It says: Judgment on Count IV (possession of property) is hereby entered in favor of Plaintiffs and against

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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. This wasn't an improvement as far as I was concerned.

Opposing counsel wrote the final agreement. The only wording that changed is what I underlined above and that wording was in Judge Souder's original trial transcript on 12/11/06. Neither judgment for mutual enjoyment is based on law. Neither judgment was an option as far as I was concerned. There would be too many legal issues sharing a boat ramp, especially with people who are so puerile. There never was any mutual enjoyment of the boat ramp. I would have to worry that the Collins their friends, family, grandchildren and dogs coming on my side of the fence and have free access to my entire yard any time day or night. This wasn't an option for many reasons, additionally I have dogs.

Page 6 # 8 Motion to alter or amend 1/2/07 Exhibit G

Carney then filed a Motion to Alter or Amend Judgment, including reconsideration of the Court's ruling on the adverse possession claim.

Page 6 #9 Exhibit H

A second final judgment issued on February 23, 2007 reinserted language regarding the ownership interests that were originally included in Count IV. The Court did not revise its ruling as to the adverse possession claim.

Senez: There was no language reinserted, rather language was omitted. The language was changed as follows; Defendant is hereby ORDERED, absent an agreement by the parties to the contrary, to remove any gate or fence blocking access by the parties for the enjoyment and use of the boat ramp presently located on the east side of 339 and 341 Worton Road at Norman Creek. Plaintiffs own approximately fifteen (15%) percent of the boat ramp on the side closest to their property; Defendant owns the remaining eighty-five (85%) percent. The wording was changed because Judge Souder had no legal basis for her ruling of granting mutual benefit! The fence never blocked Collins access it was the property line wall that blocked their access. Collins never used the boat ramp freely, it was never considered co-owned. If it was as co-owned as the Collinses indicated in court, why did I supposedly all of a sudden stop them from using the boat ramp?

Exhibit I Carney & Bergen Motion to withdraw appearance 3/20/07

Letter from Carney 2/27/07 he filed the motion

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Letter from Bergen 3/1/07 he filed the motion
Order for Motion

Page 6 #11. Ms. Senez then appealed the Courts decision regarding her adverse possession claim to the Court of Special Appeals. Judge Hollander reversed and remanded the matter for further proceedings.

Senez: The remanded hearing with Judge Souder was not an evidentiary hearing! In fact it wasn't a hearing at all. Judge Souder walked in and said in about the first three sentences that, "The Court does find the testimony of Ann Collins more credible". Mr. Covahey asked to be heard and Judge Souder reluctantly agreed.

Discussion of when I built the fence:

Page 9 Judge Souder was not aware that I built the fence in 2000 before I settled on the property. That at the time I had the conversation I didn't have title.

Page 10 Judge Souder again says she doesn't know that's a fact on the record.

However in the Circuit Court trial transcript: Ann Collins states this on page 18 and 36, Steve Collins states this on pages 65 and 66. Page 99, 100 & 148 I stated it.

The Court of Special Appeals stated it on page 12 of the Opinion. Page 2 of Mr. Covahey's Remanded Hearing brief says, "Prior to Ms. Senez taking title to her property."

Obviously Judge Souder didn't review the trial transcript, the Court of Special Appeals Opinion or Mr. Covahey's brief.

Discussion on whether I saw a survey or not:

Judge Souder page 20 says that Mr. Myers provided the property survey which showed where the line was. The Court of Special Appeals page 17 says; "Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular."

Judge Souder says and it's undisputed testimony that he did provide the actual property survey showing the property line to be where it was on Ms. Senez's side of the wall. Mr. Covahey page 21 says but the testimony isn't really flat out that Mr. Myers said, I provided the survey to Ms. Senez. Mr. Myers deposition pages 32 & 33 do not say he conclusively showed me a copy of the survey.

I had explained this to Mr. Carney the day of the deposition and again latter in emails on 10/30/06 and 12/04/06 and that the property wasn't on the market when I had the realtor

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approach Mr. Myers. I never saw a survey and had witnesses to verify I never saw a survey. HSA Realty company doesn't have and never had a survey in their files.

Page 25 Judge Souder says, "All right. Well, I issued my ruling and then heard argument. So, (inaudible) already taken care of the argument, of the ruling." The ruling was already issued!

Page 7 #15 Exhibit K Senez counterclaim 4/2/09. Request for hearing by RMMR on Defendant's motion to vacate order of default, Senez amended counterclaim 6/7/11

The amended counterclaim makes numerous allegations concerning Carney's trial strategies including that he failed to conduct pre-trial discovery.

Senez: See my response to Introduction page 4, above.

Page 7 #16 Ms. Senez claims she has sustained damages including emotional pain and suffering.

Senez: This has been emotionally draining, in many ways. None of which I care to express here. I've been humiliated, embarrassed and made to look like a fool. At times it's debilitating. I've been subject to the Collins continuous harassment and their empowerment of winning when it was all lies. I've had to listen to Mr. Carney tell lies make derogatory remarks and call me names in court hearings and briefs. I've had to hear over and over by Mr. Carney and Ms. Lippincott that I have no credibility. I've had to worry that this in some way would affect my licensing as an insurance agent or my book of business. Those documents are out there and they say I have no credibility! Whatever is put on the internet can be there forever! I've lost part of the property that I believed I owned and Mr. Myers believed he owned and we did own by adverse possession. And as evidenced by the affidavits I've obtained from Mr. George Cook, III, Sharon Cook and Iris Wallis who lived with their parents on 339 Worton Rd and Mr. John Rodgers whose family owned 337 Worton Rd. I have twelve signed affidavits.

Page 7 III Summary Judgment Standard

Senez: 1.) I have an agreement which proves employment 2.) the attorney's neglect of a reasonable duty. Mr. Carney didn't defend me against the allegations to assert my credibility and the Collins lies. Mr. Carney never followed through or had me follow through with how long the existing walls were there and additional tacking available. Mr.

Carney should have suggested tracking down the George and Madeline Cooks children to support Mr. Myers testimony. That's neglect of a reasonable duty. 3.) that such negligence was the proximate cause of the loss to the client. I have heard over and over and over that I lost based on credibility. The Court of Special appeals ruling after the remand said I didn't have any credibility. Ms. Lippincott can't say a sentence without saying, no credibility. The Collins lied about everything in court. The boat ramp, the jog, permits, every measurement was wrong in their favor, the lights, view, higher wall, drainage, re-grading, all of this is documented.

The best of all is the lie that I asked that ridiculous question, "Can my fence follow the wall instead of the property line." This would have been the dumbest question I could have asked. In addition that question wasn't in Collins Complaint, Answer to the Counterclaim, Interrogatories or Mr. Myers deposition.

- 1- If Collins came back and said "no," I would have to take the fence down, after I just put it up.
- 2- Collins would have full access to my entire yard and boat ramp, once they crossed the fence line. I didn't even know the Collins at the time.
- 3- I've had Labrador Retrievers for the last 30 years. I had two Labrador Retrievers at the time. I couldn't have people coming into my yard, wandering around whenever they felt like it. The Collins, their family, friends and pets coming over at all times of the day and night.
- 4- 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. And I'm sure it would be for others as well.

In Addition:

- 5- Collins never said anything to Mr. Myers about the fence being on there property. This is evidenced by the fact that it wasn't in their Complaint, Answer to the Counterclaim, interrogatories or Mr. Myers deposition.
- 6- Mr. Myers never said anything to me, he was still living there. He recommended the contractor.
- 7- Mr. Covahey and Ms. Judy Ensor, now Judge Ensor never knew about the question. It's not in any documentation.
- 8- Mr. Carney never discussed or told me about the "supposed" question and what it would mean to my case.
- 9- Why did the Collinses make up so many other accusations if they knew the property line and I asked permission? Why didn't they say it earlier? Why didn't they tell their attorneys?

Mr. Carney didn't present the evidence or witnesses showing that I didn't do the things I was accused of, that's proximate cause! By his own admission Mr. Carney was taking information from opposing counsel and then never discussing it with me. Who is he representing? Is there a motive I'm missing?

One of the most talked about item in my trial transcript was my lights. My testimony consisted of 66 pages and 13 of those pages were about lights. I was asked 46 questions by Mr. Carney and Mr. Jenkins. I wasn't however 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 Maryland.

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

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

About walls being there when Myers purchased the property

Settlement negotiations because of Myers survey

If Mr. Myers showed even me a survey, Carney didn't even ask!

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 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

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

The Collins timeline all wrong

Topography Map that Collins got to color on

Weep holes

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. Collins obviously reviewed my exhibits before court.

Page 7& 8 Neither was there a neglect of a duty by the Counter-Defendants, nor was there negligence by the Counter-Defendants that caused and loss to Ms. Senez.

Senez: See my answer above.

Page 11 2. Testimony of realtor

Senez: As far as I'm concerned, Mr. Carney had a responsibility to contact the realtors to see that what I was telling him was accurate and use that information for my case. Mr. Carney may have learned a few other things that would have helped my case if he had taken the time to look into this and the other witnesses. Mr. Carney should have suggested tracking down Mr. Roy Jones, Mr. Myers predecessor or George and Madeline Cooks children.

Page 12 #3 Mr. Whitworth states there's no new change in the law. Exhibit L Affidavit of David Whitworth 5/6/09

Senez: There didn't need to be a change in the law for Carney to argue my adverse possession claim. There are plenty of documented cases on adverse possession and some that emulate my situation closely and would have helped my case. Mr. Carney didn't even give Judge Souder a clear understanding of what adverse possession was and the elements of adverse possession. He never cited one case in the Circuit Court trial hearing. Mr. Carney never gave Judge Souder a clear picture of the properties.

**Exhibit M Whitworth deposition pages 1-4; 5-8 9-12; 13-16; 17-20;
Highlighted 8, 10, 13-16, 22, 62-63, 65, 68, 69-72, 73-81, etc**

**Exhibit N Trial pages day 1 15-18; 19-22;
Day 2 99-102;**

Exhibit O West Law Next 21pages, All based on 1st COSA ruling

Page 12 #4 Exhibit P

Ms. Senez alleges that Carney failed to conduct any pretrial discover. This bald assertion is simply not true. Specifically, Ms. Senez alleges that because Carney did not depose the Collinses, he did not learn prior to trial that Mrs. Collins claimed that Ms. Senez asked her for permission to erect a fence on the property at issue.

Senez: This is intentional misrepresentation by Mr. Carney and Ms. Lippincott! They have defrauded the Court. Exhibit P, is an email to Mr. Carney dated 10/17/06 for the trip to South Carolina to obtain Mr. Myers deposition. The attachment I sent of course isn't attached. Pages 14 and 15 from Steve Collins interrogatories are attached. Part of the page

is cut off with my handwritten note. It did say, "I didn't but so what if I did I can change my mind." (They were talking about their view which they have no legal right to.) What it says now is, "Didn't t so what. I did an change my mind." There are other copies of that page, that show what my note originally said.

The wall being discusses in interrogatory #22 is the retaining/ terrace wall on "my" property. This is the wall that I had to replace because of Hurricane Isabel. I replaced the creosote railroad tie wall that Mr. Myers built after he purchased the property. Just look at the court exhibits and you'll see what the Collins are talking about is my retaining / terrace wall. Mr. Collins says "new" wall. The only wall that was constructed during the time the Collins and I lived here was the retaining / terrace wall on "my" property. There was never a fence on top the property line wall.

The property line wall didn't block the Collins view. The date is May 10, 2004. The fence that I put up "along" the property line wall was put up in November 2000, prior to settlement.

This is my retaining / terrace wall, it's six feet high. The wall is the same height it was prior to the new wall. Why in the world would I tell the Collins I'm going to install an 18-inch high railing to prevent the dogs from falling off the new retaining wall and the spindles would be spaced apart so they could see through them easier? An 18 inch high fence would be a tripping hazard for an adult or child. The dogs could still jump the 18 inch fence and really get hurt. The dogs could also squeeze thru the wider spaced spindles.

This whole law suit was just about the Collins getting a better water view and forcing me to take down the boat house.

Since I never knew about the property line, I wouldn't have known where the boundary pin was, nor would I have known at that time what a boundary pin was. And if I knew where the property line was, why would I have the property "resurveyed?"

That boat house has been there since the 1930's and it was there when Collins purchased their home. I hardly believe they purchased their property to have a view across my property. They did however want to sit on their porch and have the privacy of all their trees and plants. All they had to do was trim the lower branches off their trees to have a better view. They did trim the lower branches off of the evergreen before their house was completed. They also finally trimmed the lower branches off another tree after the trial. Correct, I wasn't going to be blackmailed. And Steve Collins never demanded me to remove the fence from the property that day or any day. The Collins never freely used the boat ramp.

Interrogatory Question #23, I had the fence installed when Mr. Myers was still living there, November 2000. The interrogatory even says that. I didn't go to settlement on the house for several weeks. Mr. Myers recommended the contractor because I really didn't know one in the area. Collins never said anything to anyone including Mr. Myers about the fence being on their property. This is evidenced by the fact that, it's not in the Complaint, Answer to the Counterclaim, Interrogatories or Mr. Myers deposition, which was done on 10/25/06, two years after they filed suit. This is something they learned along the way.

The Collins answer to the interrogatory goes on to say, November 2003 through May 2004 during the removal and installation of the retaining / terrace wall. The only wall that was removed and replaced was the retaining/terrace wall which is totally on "my" property.

I don't know how Art Myers would have known about the construction of the replacement retaining wall or the removal of the property line pin. The wall wasn't rebuilt until December 2003.

Ann Collins had ample opportunity to say that I asked if the fence could follow the wall instead of the property line, and wasn't given permission, in the interrogatory questions #4, 7, 8, 12, 17 & 22. She never said it!

Steve Collins had ample opportunity to say that I asked if the fence could follow the wall instead of the property line and wasn't given permission, in the interrogatory questions in #4, 12 & 13. He never said it!

Senez: Carney didn't depose the Collins or even talk to them before court. See my response to #4 above. Carney didn't do anything prior to trial.

Page 2 foot note The parties also exchanged written discovery prior to withdrawal of Ms. Senez's previous counsel.

Senez: Who exchanged written discovery and exactly what was that written discovery? There is no documentation that Mr. Carney ever talked to Judy Ensor. There's nothing in Mr. Carney's billings or in Judy Ensor's billings. Nor did he talk or communicate with Mr. Covahey.

Page 13: Carney: I looked at all the discovery that had taken place. Virtually all the discovery had taken place before I got involved in the case.

Senez: There was no discovery other than the interrogatories.

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

Senez: Carney never told me or sent any documentation that he met with or communicated with now Judge Ensor. There is 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 on 6/2/05, the case wasn't in settlement posture. Nor did he communicate with Mr. Covahey. I advised Mr. Carney right up front, no more negotiations. I pay to have them drawn up and the Collins reject them. I even agreed to everything they wanted in the mediation hearing with Betty Stemley. The Collins came back and wanted one more inch on my side of the wall. If the case was in settlement posture I probably would have stayed with Whiteford, Taylor & Preston! Mr. Carney drew up a settlement agreement in May 2006, the Collins rejected it, and then they wanted me to draw up another agreement. Rob Thompson wrote Mr. Carney a letter on 8/15/06 and said, "I realize the last volley came from your side of the net and while I don't expect your client to negotiate against herself, I do want to remind you that my clients continue to be amenable to settling the case if presented with a reasonable global settlement offer." Collins never once said what a reasonable global settlement offer was, however they did say in the mediation hearing with Betty Stemley that they wanted everything in their letter dated 4/5/05 and \$30,000.

Page 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 if time.

Senez: I asked Carney for nine months, from the first day, 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 was also concerned that Mr. Myers was in his late 70's early 80's and I didn't want to wait until it was too late.

Page 13 Will Fail as Matter of Law. **Exhibit Q** Dietz survey dated 6/8/04 Showing area of dispute. Ms Senez's claim fails as a matter of law because the retaining wall was not located on her property.

Senez: Correct the property line retaining wall is not on my property but it was causing damage to the property I was trying to obtain by adverse possession and causing damage to my property. Mr. Carney always leaves that part out to justify why he didn't include it in the case. I emailed Mr. Carney about the erosion issue on 6/29/06, 7/07/06, 8/30/06 and he

emailed me back 8/31/06 about same. Mr. Carney sent Rob Thompson a letter about the wall on 8/30/06. Obviously Mr. Carney knew and understood the problem. He certainly billed me for his time doing this.

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.

The interesting part is that the Collins removed the fallen wall 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.

I believe the reason Thompson and Jenkins didn't want to use the Collins survey is because it shows that the wall on the other side of Collins isn't on the property line either. What about the 341 sq. ft in the back where the Collins are on my property? The concrete slab that the Collins shed sits on is on my property.

Page 13 Expert says the same, wall not on her property.

Senez: Again correct it's not on my property but it was causing damage to my property and the property I was trying to acquire by adverse possession. Carney always leaves that part out to justify why he didn't include in the case. See above.

Page 14 Ms. Senez further alleges that Mr. Carney reached the standard of care by not filing a motion for summary judgment

Senez: The only real issue was the adverse possession everything else was insignificant. See Mr. Carney's emails to me. See emails, 5/9/06 and 8/31/06 along with other emails.

Page 14 Expert said he cannot say for certainty that Summary Judgment would have made case more favorable

Senez: Be real, what lawyer would say that, especially at this point in the case.

Page 14 D Ms. Senez's Allegations Regarding Excess Fees. **Exhibit J**

Senez: I agree, however my perspective may be somewhat different than Mr. Whitworth's.

Page 15 IV Conclusion

Ms. Senez's Amended Counterclaim is based on allegations that are purely speculative and clearly relate to the trial tactics used and strategies employed by Carney

Senez: There is no trial tactic or strategy in not introducing evidence to dispute the allegations against me. And then if I lost, I could use that evidence on appeal. Mr. Carney took all the documents to court, both days. He never used them to dispute the Collins accusations against me. Therefore I had no credibility. I hardly think this is speculative.

Exhibit P Email to Carney dated 10/17/06 for trip to South Carolina to obtain Mr. Myers deposition.

Senez: This is an egregious misrepresentation of the facts. The wall being discussed in the questions is the retaining / terrace wall on my property. See my response above Page 12 #4 Exhibit P, on page 13 of this rebuttal.

Exhibit R Senez expert witness designation

Mr. Carney claims I can't win as a matter of law.

Senez: David Whitworth is my expert witness. In Judge Bollinger's hearing, pages Page 28, line 8 thru 12, Mr. Carney referred to Mr. Whitworth as "A puppy farm". Carney claims he handled a 1,000 adverse possession claims before he passed the bar!

Judge Bollinger's hearing on 5/13/09, Page 18, line 22, Mr. Carney says, they hire this gentleman from Crofton and he says he's been practicing for thirty years and that he has handled over eight hundred legal malpractice cases so he's got a legal malpractice puppy farm, puppy mill going on down in Crofton and he says that I'm a real bad guy.

Of course Mr. Carney also claims in the hearing before Judge Bollinger, page 22, line 23 - 24, page 23, line 1-4, that he taught real property for twenty years, that he grew up cutting his teeth in a real property law firm and he put over a thousand real property settlements, through to conclusion, before he even took the bar exam,

Mr. Carney's deposition, pages 214 & 215, he supports his earlier statement about Mr. Whitworth being a puppy mill.