Rev. 8/4/14

#### Lies & Derogatory remarks Carney made in Judge Bollinger's Court room

Most of what Mr. Carney said was full of lies and irrelevant to the Motion to vacate the judgment of default. It was purely derogatory and unprofessional. If Mr. Carney were so sure of himself and his trial strategy and tactics this wouldn't be necessary.

Page 10, line 24 Carney claimed was a three day trial and how difficult it was to prepare for.

Senez: This is a lie! In fact it was 7 hours over two days. The trial was  $1\frac{1}{2}$  hours Friday, December  $8^{th}$ , 2006 and  $5\frac{1}{2}$  hours Monday, December  $11^{th}$ , 2006. Mr. Carney did very little preparation as evidenced by his billings. I gathered all the documents, witnesses and evidence and organized it for Mr. Carney. Mr. Carney makes this same statement on page 26, line 24 in this hearing.

**Page 11, line 13** Carney said he took the case only on the condition that he could get it postponed because it was set for trial within a couple weeks of him coming aboard. Discovery to the extent that it had been done was done.

Senez: Carney came aboard January 13, 2006. The case was "not" scheduled for trial. Mr. McDonough also says the case was scheduled for trial when Mr. Carney came aboard, page 31 of this hearing. Check the Court records. If there was a pending trial date I could have and probably would have stayed with Whiteford, Taylor & Preston. Last I heard there were a lot of good lawyers there. I certainly would have been better off!

#### Mr. Carney's deposition pages:

- 13 I was advised by prior council that the case was in a settlement posture
- 17 I got in not to terribly long before trial started.
- 22 It was my understanding that this case was in the <u>settlement</u> posture. It really was not going to go forward from a litigation perspective.
- 23 took case on the condition he could get it postponed, (trial). He got it postponed
- 24 The case was scheduled for trial when he took it on.
- 105 it was represented to me by prior counsel that this case was going to settle

Mr. Carney can't make up his mind on which lie makes him look better. Neither one is true!!!!

Carney wrote a letter on May 25, 2006, asking for an expedited trial date but had to postpone that because he wasn't ready. In fact we didn't go to trial until December 8<sup>th</sup>, 2006. In other places Mr. Carney says he was told by Judy Ensor that the case was ready

to settle, which was also a lie based on Mr. Carney and now Judge Ensor's billings. They never communicated.

Page 14, line 15 thru 20 Carney says that when he got this case, there were allegations of nuisance, intentional inflation of emotional distress, trespass, Mick Jaggers tongue being painted in hot pink on an eight by four piece of plywood that was nailed to Ms. Senez's boathouse facing the Collins.

Senez: I didn't twist Mr. Carney's arm to take my case. All of the things he mentions were being handled by Judy Ensor, now Judge Ensor at Whiteford, Taylor and Preston until she became a Judge. I didn't do anything to the Collins for over a year after they sued me. They however just wouldn't leave me alone, not even to this day! All of this was conveyed to Mr. Carney in our email exchange. See Mr. Carney's emails dated 5/1/06, 5/12/06, 5/9/06, 7/19/06 and 8/31/06. There are also other emails!

**Page 15, line 13 thru 18** Carney said when he pulled in my driveway there where two bamboo poles with a couple of bed sheets sewn together there was a big, huge block sign that said nosey neighbor zone. It was alleged that she put cameras on her property and spotlights facing the Collins' property that lit up their yard at nighttime like the infield at Camden Yards.

Senez: This is all a lie! There was a sign but it was done by a sign specialty company. I did put up lights in 2001 and cameras in 2005 but nothing faced the Collins property. It did not light up their yard, that wouldn't serve the purpose of protecting my property. We were friends up until April 2004. The cameras were put up since "someone" was vandalizing my property. I gave Carney nighttime pictures and distances my lights were from the Collins property. The basement door light is a coach light with a 100 maximum watt bulb that is 87 feet from the closest corner of the Collins house. Collins house also sits much higher. That is the only light on the north side of my house. The boat house light is 210 feet from the closest corner of the Collins house and is a Coast Guard Requirement. It's a 70 watt sodium vapor yellow light and is blocked by a north wall on the boat house. The lights across the river illuminate the river more than my light. Mr. Carney had pictures.

All of what Mr. Carney said was untrue and said by Carney derogatorily to make me look bad. Our first meeting was on 1/13/06 at my house. Carney went back to his office and sent me a contract the same day; apparently he had no hesitation in representing me.

**Page 16, line 8** Carney says, "it became her life's work. She's unmarried, doesn't have any kids and she has the ability to focus n this case, come to my office with hundreds of pictures that she wanted me to burden Judge Souder with, blow ups, power point presentation.

Senez: Mr. Carney's statement isn't true however I don't know of anyone that would go into litigation and not want to win. Isn't that the goal? I also didn't realize that it was a burden to present evidence to a Judge deciding your ultimate fate!

I gave Carney information that would show the Collins accusations in the complaint, interrogatories and Answer to Counterclaim were untrue. That's all I had to work with since Mr. Carney didn't depose the Collins. Most of the pictures were in a power point presentation and I had some pictures blown up and mounted on Styrofoam board. The documents were all in one binder and alphabetized.

His statement however has nothing to do with my lawsuit against him. 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!

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 was asked to review and describe more of my (defendants') exhibits than I was. 12/5/06 was the day I dropped off the binder and pictures Mr. Carney asked if I wanted a job because I was so organized.

How dare Mr. Carney now try to blame me for his sorry self!

Page 16, line 23 Carney says, "it's a nine count complaint, I won seven of them."

It was a seven count complaint however it wasn't really seven as shown below!

Count I Trespass to Land - Really the same as Count II, IV, V,

Count II Continuing trespass – Really the same as Count I, IV, V

Count III Private Action for Nuisance – Bogus see my response below.

Count IV Possession of Property – Really the same as Count I, II, V

Count V Quiet Title - Really the same as Count I, II, IV

Count VI Invasion of Privacy – Bogus see my response below.

Count VII Permanent Injunction. – This really isn't a Count against me! And this is about Construction on my property!

Carney didn't win the only real issue which was my counter claim for adverse possession.

Page 16, line 21, 23,25 & Page 17, line 1, 15, Page 18, line 6 Carney said he won.

Senez: The only issue that was of any significance according to our conversations and Mr. Carney's emails was the adverse possession, which he lost! See Mr. Carney's emails of

5/1/06, 5/12/06, 5/9/06, 7/19/06 and 8/31/06. All of those bogus issues should have been removed by filing a Motion for Summary Judgment especially since Mr. Carney wasn't planning on presenting evidence to dispute the accusations.

**Page 18, line 12** Carney said I never peeped, never said a word about Malpractice until after he filed a suit for fees.

Senez: This is a lie! The trial was Friday 12/8/06 and continued on Monday 12/11/06. I sent Mr. Carney an email 12/19/06, that I gave him a battleship & arsenal. He responded that I may have given him a battleship and arsenal but what he decided to use was based on his 29 years of trial experience. I sent Robert Handzo at Royston, Mueller, McLean & Reid, LLP, a letter on 12/28/06 requesting an appointment. On 01/04/07 I called at 11:24 am and left a message at 3:39 pm I emailed Mr. Handzo requesting to schedule an appointment. On 01/08/07 at 4:48 I emailed Mr. Handzo again requesting an appointment. When I finally reached Mr. Handzo on the phone he wanted to just handle my complaint by phone. We finally met on 01/16/07 and I followed up by email the same day about how poorly my case was handled. Mr. Handzo sent me a letter dated 01/19/07 that, "He thoroughly reviewed the handling of the referenced matter by Bradford Carney of this office." However Mr. Handzo only had Carney's word, he did not have a copy of the trial transcript.

Carney and I also had a number of letters and emails that went back and forth regarding my feelings. Carney didn't file suit until 10/16/08, right after the Court of Special Appeals Opinion was issued remanding the case back to the trial court.

**Page 18, line 22,** 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.

Senez: Mr. Carney is very unprofessional! Mr. Carney 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! What does that make him?

Page 35 of Carney's deposition, he says he knows more than most attorneys on adverse possession. He sure blew my case!

**Page 20, line 2 thru 6** Carney says he traveled to Myrtle Beach, S.C. to take the de bene esse deposition of Arthur Myers. That's discovery beyond, above and beyond. It was a very expensive trip. ....

They say later I adequately failed to review Mr. Myers deposition. They don't say what I did wrong, how I did it wrong.

Senez: Mr. Carney coordinated that trip with his vacation and he was paid for his time. How silly for him to say it was very expensive since he was just going to bill me. He probably wrote off part of his vacation expenses since he was taking Myers deposition. I begged him for nine months to get Mr. Myers deposition and can document 20 requests.

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!

Mr. Carney didn't adequately review Mr. Myers deposition because if he had he would have pointed out in court that the story the Collins were telling about a cooperative effort for a co-owned boat ramp was impossible. The property line wall and jog were there before Mr. Myers purchased the home. See Mr. Myers deposition pages 23, 24, 37, 55. Mr. Carney is lying since this has been explained to him numerous times.

#### Mr. Carney could have pointed out things in Mr. Myers deposition like:

- Page 38 no complaints that the ramp encroached onto 339's property
- Pages 38, 59, 60, 70, 71, 89, 90, Boat ramp used with permissive use only
- Page 71, Myers intention was that he was selling the boat ramp with the house.
- Pages 62, 71, 72, 88, Collins didn't use boat ramp;
- Pages 88 Myers didn't recall Collins ever launching a boat
- Page 72, Mr. Myers didn't remember Mrs. Collins using the boat ramp.
- Page 55 Mr. Myers not aware of property line that's going through both properties
- Pages 23, 32, and 38Wall there 20 years;. And Adverse Possession is 20 years.
- Page 49 Mr. Cook not involved in any way. Collins said Mr. Myers said, Myers and Cook put in for a co-owned boat ramp.
- Page 55, Mr. Myers said no idea who put wall in. Collins said Mr. Myers said, Myers and Cook put in for a co-owned boat ramp.
- Page 72, Myers didn't discuss with Collins why wall was built! Collins said Mr. Myers said, Myers and Cook put in for a co-owned boat ramp.
- Page 25, 62, 67, 91 Wall for the runoff and erosion. Not for a boat ramp.

I explained to Mr. Carney during a break in Mr. Myers deposition that I never saw a survey and I had two real estate people that could verify that. The property wasn't on the market when I had the realtor approach Mr. Myers. When Mr. Carney continued Mr. Myers deposition he should have clarified this.

Mr. Carney could have brought up Mr. Myers deposition regarding the survey :

Pages 32 and 33, Shows no specific assertion that I was shown a survey.

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

prospective buyers? Mr. Myers: the survey.

Mr. Carney: and specifically, you pointed out to the prospective buyers that the wall was

about a food 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)

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 could have disputed all the erroneous statements Mr. Thompson was making during closing arguments in the trial before Judge Souder from page 166 to 176.

**Page 21, line 5** Carney says the wall was on Collins property.

Senez: Mr. Carney leaves out the part that it was causing my property to erode and that's the property I was trying to obtain by adverse possession. On 7/21/06 we had a conversation about the wall. We had email exchanges on 6/29/06, 7/07/06, 8/30/06 and 8/31/06 and Mr. Carney sent Rob Thompson a letter on 8/30/06. Mr. Carney billed me for all of this!

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.

**Page 22, line 1 thru 4** Carney says Mr. Collins intentionally filled the weep holes and he probably did it because he hates Linda Senez like everybody else in this case on the Collins side of the fence.

Senez: Mr. Carney is the most unprofessional person I have ever met! This has nothing to do with Mr. Carney's case against me or mine against Mr. Carney! Exactly what does Mr.

Carney know about everybody else on the Collins side of the fence? Did Mr. Carney have an ulterior motive for not presenting evidence?

Page 22, line 23 thru 24 & Page 23, line 1 thru 4 Mr. Carney claims he taught real property for twenty years. Mr. Carney grew up cutting his teeth in a real property law firm where he put over a thousand real property settlements through to conclusion before he even took the bar exam.

Senez: And Mr. Carney thinks Mr. Whitworth is a puppy mill! Mr. Carney should have tacked on to Mr. Myers predecessor in title, Roy Jones, the minute Mr. Myers said in his deposition that the wall was there when he purchased the property. I had also given Mr. Carney the names of three people that could testify as to how long the wall was there, but he showed no interest in establishing how long the wall was actually there, which is evidenced in our email exchange and Mr. Carney's billings. Mr. Carney could have cited existing barrier legal cases. I've since obtained twelve signed affidavits that attest to the length of time the wall was there and circumstances from people that have personal knowledge.

Page 23, line 23 thru 25 & Page 24, line 1 thru 6. Mr. Carney claims that because of him Judge Souder was convinced of his argument and he won half the Motion of Adverse Possession. That as he walked into the courtroom on the Motion, Judge Souder said, "I give up." You convinced me. You convinced me. And that's why we had the second amended judgment from the court.

Senez: This is a lie! First final judgment on 12/19/06 left out wording. 12/20/06 the final judgment wording was amended to include the wording, "absent an agreement to the contrary." This was in the original trial transcript. Carney filed the Motion to Amend and Alter on 1/2/07. The Motion hearing was held on 2/7/07. Judge Souder issued her final ruling on 2/23/07, taking out the mutual enjoyment and ownership of the boat ramp.

Judge Souder was totally wrong in her ruling and had no matter of law for her easement ruling and that should have been made clear in the trial on December 11, 2006. Court transcript page 192 Judge Souder says, "Unless the parties reach an agreement, both parties have a right to use the boat ramp <u>just as they have done</u>." The boat ramp was never shared and there was never an agreement. I blame Mr. Carney for not pointing out that the wall was there prior to Mr. Myers purchasing the home and was never a cooperative effort for a co-owned boat ramp.

Pages 23, 24, 37 and 55 of Mr. Myers deposition says the wall was there before Myers purchased the property. Proving it was not a cooperative effort for a co-owned boat ramp!

#### **Additional pages:**

- 38 no complaints the ramp encroached onto 339's property.
- 49 Myers went from south to north to inside boat ramp. He had pile driver come back and put one on the other side to help the Cooks from losing property.
- 49 Mr. Cook never objected
- 49 Mr. Cook not involved in any way. (So not a cooperative effort for a boat ramp)
- 38, 59, 60, 70, 71, 89, 90. The boat ramp was used with permissive use only.
- 55 Mr. Myers not aware of property line that's going through both properties.
- 71 Myers intention was that he was selling the boat ramp with the house.

**Page 25, line 6** Mr. Carney claims he got fired and I went to see Bruce Covahey and we go to the Court of Special Appeals.

Senez: In fact Mr. Carney sent me two letters stating he would not represent me on appeal prior to me retaining Mr. Covahey. Mr. Carney sent one on 2/26/07 and another on 2/27/07, he then filed to withdraw his appearance on 4/11/07. Mr. Carney terminated me and left me hanging on filing a timely appeal for the adverse possession, after he made a mess of my case by not presenting information and now I couldn't use on appeal. Mr. Covahey had represented me in the very beginning but I changed so that all of the zoning issues Collins kept bringing up could be handled by one law firm. Mr. Carney knew all that.

If Mr. Carney was so sure that Judge Souder made the mistake he should have proven that by not firing me!

Page 26, line 24 Mr. Carney again claims the original trial was three days.

Senez: Mr. Carney makes this same statement on page 10, line 24. This is a lie! In fact if was 7 hours over two days. The trial was  $1\frac{1}{2}$  hours Friday, December  $8^{th}$ , 2006 and  $5\frac{1}{2}$  hours Monday, December  $11^{th}$ , 2006. Mr. Carney did very little preparation as evidenced by his billings. I gathered all the documents, witnesses and evidence and organized it for Mr. Carney.

Page 27, line 13 thru 16 Mr. Carney claims that every point he needed to make was made because the transcript of the Court of Special Appeals convinced the Court of Special Appeals that he was right.

Senez: Mr. Carney has jumped the gun a little, I didn't win and I didn't win because he didn't present evidence that would have given me credibility. Evidence that would have

proven the Collins accusations were bogus and they were lying about the co-owned boat ramp and they were lying about knowing where the property line was from their location surveys. The case was remanded back to the trial court and Judge Souder said Mrs. Collins was more credible than Ms. Senez. The remanded hearing was on 11/18/09 which was after the hearing with Judge Bollinger.

The Collins sat in court and gave every measurement incorrect to support their position for a co-owned boat ramp. They made up the story that the boat ramp was a cooperative effort for a co-owned boat ramp. They did that with Mr. Myers testimony and the survey contradicting their every word, right in front of the court.

I certainly think they would have no problem making up a story that I asked if my fence could follow the wall instead of the property line!

**Page 27, line 20** Mr. Carney said. "I'm two lawyers after early on in the litigation and if a case was ever full of disputed material facts, Lord knows, this one was."

Senez: This is a derogatory remark made to make me look bad and is unnecessary. None of this deterred Mr. Carney from sending me an agreement letter the same day we met. In fact he said he enjoyed meeting me. Mr. Carney is also twisting the facts now. See our email exchanges, 5/1/06, 5/12/06, 5/9/06, 7/19/06 and 8/31/06 in particular. This case wasn't full of disputed material facts. The Collins had no facts whatsoever! If this case was too tough for Mr. Carney he should have said so in the beginning.

Mr. Carney just missed the elephant in the room. There wasn't a cooperative effort for a co-owned boat ramp since the property line wall and jog were there when Mr. Myers purchased the property. Mr. Cook ran the wall all the way down to the end of his bulkhead. Mr. Cook didn't leave an opening to access the boat ramp side. Why is the wall in the back of our properties not on the property line and the Collins are on my property? Why is the Concrete slab Collins shed sits on, on my property?

I was able to prove all the facts; everything was in the white binder, PowerPoint and Mr. Myers deposition. And now that I have the signed affidavits, its undisputable the Collins are liars!

These signed affidavits should have been obtained prior to the Circuit Court trial in 2006 but Mr. Carney showed no interest in the three names I had given him or anything else I gave him. This however would be key evidence in establishing Adverse Possession since there are a number of legal cases citing existing barriers such as; 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."

Mr. Carney said in his deposition page 35, that he knows more than most lawyers about Adverse Possession, so why didn't he do anything in my case? Did he have another motive?

Page 28, line 8 thru 12 Mr. Carney claims I can't win as a matter of law.

Senez: Pages 214 & 215 in Mr. Carney's deposition. Mr. Carney criticized Mr. David Whitworth my expert attorney because he handled over eight hundred legal malpractice cases in thirty years. Of course Mr. Carney claims in this hearing before Judge Bollinger, page 22, line 23 -24, page 23, line 1-4, that he handled over a thousand real property settlements, through to conclusion, before he even took the bar exam!

**Page 29, line 7 thru 9** Mr. Carney says that the opposing counsel, in my case, are going to be the experts to say what a good job he did.

Senez: This is ridiculous and I'm not sure it's even ethical! Of course they weren't used and another Expert was entered.

Page 31, line 19 thru 21 Mr. McDonough makes statement that Mr. Carney got this case a few days before trial.

Senez: I don't see where this has anything to do with this hearing. Mr. McDonough however should research things Mr. Carney tells him before he says them in court. If this was the case I would have stayed with Whiteford, Taylor & Preston. Just check the court records, there wasn't a trial date scheduled!

The first trial date after Mr. Carney came aboard was scheduled for 7/19/06 because he wrote the court a letter on May 26, 2006, asking for an expedited trial date. However he had to run around and try to have it postponed on 7/13/06 because he wasn't prepared. We didn't even have Mr. Myers deposition. Of course he billed me for all of this mess. On 7/21/06 the trial date was set for 12/08/06.

Page 11, line 13 in this hearing Carney said he took the case only on the condition that he could get it postponed because it was set for <u>trial</u> within a couple weeks of him coming aboard. Discovery to the extent that it had been done was done. This is all a lie!

Even if this was the case and 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?

#### Mr. Carney's deposition pages:

- 13 I was advised by prior council that the case was in a settlement posture
- 17 I got in not to terribly long before trial started.
- 22 It was my understanding that this case was in the <u>settlement</u> posture. It really was not going to go forward from a litigation perspective.
- 23 took the case on the condition he could get it postponed, (<u>trial</u>). He got it postponed, there was nothing to postpone since there wasn't a trial scheduled.
- 24 The case was scheduled for trial when he took it on.
- 105 it was represented to me by prior counsel that this case was going to settle

Which one is it, trial or settlement? Neither, Mr. Carney makes this stuff up to try and blame me for his appalling representation of my case.

Maybe Mr. Carney and Mr. McDonough wanted Judge Bollinger to think that Carney took the case a few days before trial and we went to trial. That would be purposely misleading Judge Bollinger wouldn't it!

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

Mr. McDonough makes further comment that we were throwing things up against the wall hoping the Court will not pay sufficient attention to what is being actually said here, what

is being competently said, what is admissible and will simply say, well, it's equitable to let this go. Mr. McDonough should realize that this is not about paying Mr. Carney this is about Mr. Carney's horrendous representation of my case. I lost property that I never should have lost! I was made to look like a fool. None of Collins accusations had substance and I disproved all of them.