

IN THE MATTER OF

*

BEFORE

JUDGE PAMELA J. WHITE

*

THE COMMISSION

CJD 2014-114

*

ON JUDICIAL DISABILITIES



* * * * *

ANSWER TO CHARGES

I am Judge Pamela J. White, sitting on the Circuit Court for Baltimore City. I received Notice of Charges on March 31, 2016, reviewed applicable rules, and prepared this Answer for timely filing on May 2, 2016. With assistance of counsel, I also demand dismissal of the Charges pursuant to points and authorities set out in my contemporaneous Motion to Dismiss.

Response to First Paragraph

On April 30, 2015, I received “notice,” by certified mail (letter dated April 17, 2015) from Investigative Counsel. The notice “advised that Rev. Rickey Nelson Jones, Esquire, filed two complaints,” enclosing copies of Jones’ letter complaints dated October 16, 2014 and November 13, 2014, with Jones’ selected attachments, and an audio CD of three hearings conducted in my courtroom in *Joyner v. Veolia Transportation Services Inc. et al.*, Case No. 24 C 14 000589. Investigative Counsel reported conducting preliminary investigation “focused on your demeanor toward Mr. Jones during the hearings [on May 5 and October 15], particularly your using profane language and otherwise insulting him, and your failure to recuse yourself from the October 31 hearing....”

I was “requested to provide a response to this notice,” and I did so, with counsel, by letter dated May 18, 2015, with attachments. I identified and focused on my written orders and stated grounds for my decisions at those three hearings, comprehensively demonstrating the absence of reasonable grounds for investigation, let alone sanctionable conduct.¹ Now, with this response to the still-pending and unspecified claim of sanctionable conduct,² I will rely primarily on the *Joyner* case record³, and describe my actions as ADR supervisory judge, to detail the findings, conclusions, and applicable law underlying my decisions on the bench and my written Orders in the case, all so as to demonstrate the utter absence of clear and convincing evidence of any violation of the Code of Judicial Conduct.

¹I am familiar with and closely abide the ethics rules that apply to judges and to lawyers; over many years, I have worked with multiple bench-bar commissions and committees focused on articulating and applying ethical standards and principles of professionalism. At no point, while I undertook my judicial duties in the *Joyner* case, did I engage in “misconduct,” or “persistent failure to perform my duties,” or engage in “conduct prejudicial to the proper administration of justice,” or otherwise violate the Code of Judicial Conduct.

²According to Investigative Counsel’s statement of Charges (dated March 31, 2016, at Section 4): “The investigation revealed sanctionable conduct by Judge White with regard to her failure to recuse herself from the October 31, 2014 hearing.”

³I rely on photocopies of record documents, rather than the actual Court file which remains with the Court of Special Appeals pending Plaintiff Joyner’s appeal of a defense verdict in her tort action. Joyner (or Jones) also has appealed my finding of Jones’ violation of court orders in the *Joyner* case, according to my Order of Contempt following the October 31, 2014 Show Cause hearing.

Response to Second Paragraph

Investigative Counsel's recitation of investigatory process, reports, recommendations, and findings for the Commission belie the jurisdiction and authority of the Commission. I challenge the jurisdiction of the Commission essentially to act as an appellate authority in the *Joyner* litigation on any question of recusal. I challenge the authority of Investigative Counsel to question a presiding judge's "failure to recuse herself from the October 31, 2014 hearing". I challenge the jurisdiction of the Commission to review and second-guess my decision (on October 15, 2014) not to disqualify myself from the pending Show Cause proceedings and the October 31, 2014 contempt hearing. I challenge the authority of Investigative Counsel even to have considered Jones' October 16 complaint for "Special Emergency Consideration" of my recusal decisions on October 15.⁴

I challenge the jurisdiction of the Commission to characterize issues and opine as to my identification of issues for decision,⁵ or to criticize my attention to the inapt citation of case authority by Jones, or to question my decision-making and grounds for finding Jones in contempt of court at the October 31 hearing. I challenge the jurisdiction of the Commission to pursue Charges premised on my "behavior" in finding Jones in contempt⁶ of the Court's Scheduling Order and pretrial conference procedures—allegedly because I should have recused myself from the October 31 hearing. I challenge the jurisdiction of the Commission to pursue Charges concerning court Orders that are the subject of still-pending appellate review by the Court of Special Appeals.

Most fundamentally, I challenge the jurisdiction of the Commission to consider, determine, or demand that I should have disqualified myself from presiding over any particular proceedings in the *Joyner* case.⁷ Along a tortuous path to "a finding by the Commission of probable cause to believe that Judge White had committed sanctionable conduct", relating to a failure to recuse from a contempt hearing on October 31, Investigative Counsel also ignored or skirted procedural due process, as set out in my Motion to Dismiss accompanying this Answer.

⁴ Jones stated the crux of his complaint and demand for relief to the Commission on October 16, 2014: "On October 31, 2014, Judge White will seek to hold my client and me in 'Contempt of Court' based on unquestionable incorrect information [sic]...She refuses to recuse herself from the Show Cause Hearing she issued [sic] despite stating in open court and on the record that she is prejudiced against me and does not know if she can avoid such in future dealings with me...."

⁵Investigative Counsel's Charges assert (at pp. 7-8) and opine: "On October 31, 2014, Judge White presided over the Show Cause hearing as scheduled. Judge White took particular issue with Mr. Jones' failure to file the proper motion to request his client's absence from the pretrial conference...."

⁶ Investigative Counsel's Charges assert (at pp. 8-9): "Judge White found Rev. Jones in contempt for his failure and refusal to comply with the Scheduling Order and pretrial conference procedures. She stated that Mr. Jones' argument that he complied with said order and procedures was 'shocking' and was 'soundly and roundly rejected.'" "Judge White's behavior provides evidence that Judge White engaged in conduct that was prejudicial to the proper administration of justice. . . ."

⁷ Investigative Counsel appeared to act to inject Jones' complaints, and their prolonged investigation, into the pending *Joyner* case. My Order dated April 10, 2015 (Docket 61) ordered Jones to appear on May 4, 2015, to address whether and how he had purged himself of the constructive civil contempt identified in my Order of Contempt (Docket 60, dated November 12, 2014). Jones responded by filing his third complaint with the Commission. When Investigative Counsel offered notice of Jones' first two complaints (received on April 30) I was compelled to cancel the May 4th hearing.

Response to Third Paragraph

The Charges articulated for the Commission consist largely of unsupportable opinions or perceptions not reasonably drawn from the actual court record of the *Joyner* case. The Charges appear to be drawn from complaints by Rickey Nelson Jones having no evidentiary value or legal basis. If a public hearing is to be conducted—if the Commission has jurisdiction to conduct such a hearing—I will provide step by step testimony tracing the course of my preparations, considerations, and conduct at each contested hearing, memorialized by my meticulous court orders, with relevant analysis detailing the process and substance of my decision-making at each hearing.

At the public hearing, the following facts and circumstances, among others appearing in the complete hearing transcripts and court file and drawn from applicable rules, will describe my judicial decisions, the reasons for my decisions, and legal authorities relevant to those decisions--all serving to overtake the Commission's baseless probable cause determination.

Response to Section 1

1.1 I have served as a Judge of the Circuit Court for Baltimore City since February 8, 2007. In 2014, I was assigned primarily to the civil docket. I tried over two dozen civil cases during ten months of that year. For two months of the year, I heard oral arguments and decided dozens of substantive civil motions every week as I was assigned as "Chambers" judge. For two months of the year, I was assigned to address hundreds of substantive civil motions for which no hearings had been requested. Throughout 2014, I continued to be specially assigned to "Business and Technology" cases; I continued to serve as the judge responsible for addressing Bail Forfeitures; I was one of the three judges serving on the Sentence Review Committee; I served on the Personnel Committee of our court; I was designated for five or six cases on the Court of Special Appeals; and I was the ADR supervising judge. Certain of my additional courtroom duties as 'ADR judge' included, for example, hearing motions to enforce settlement agreements; motions to stay court proceedings pending arbitration; motions to approve settlements with minors or disabled adults; approving settlement agreements and signing settlement and dismissal orders; and conducting pretrial conferences.

1.2 Beginning in 2009 and through 2015, I served as supervisory judge for Civil Docket ADR programs. Our Alternative Dispute Resolution programs (mediation and pretrial settlement conferences) are funded by the State Judiciary through MACRO, and I was responsible for timely and substantive submissions to MACRO in our annual grant funding requests and in our quarterly reporting. Especially during 2013, 2014, and 2015 (while I was assigned primarily to try cases in the civil docket), I bore significant responsibility to expand and improve the ADR programs. Among other duties, I worked closely with Deputy Director Jeff Trueman to expand and improve litigants' experiences to resolve cases in mandatory pretrial settlement conferences. With a large Circuit Court caseload, effective administration and management of the ADR programs also was important to administration of the civil assignment office and assigning unresolved cases to trial judges on scheduled trial dates. I worked with retired judges regularly assigned to conduct our pretrial settlement conferences (each Monday, Tuesday, Wednesday) and with volunteer settlement officers, lawyer members of the City's bar association who

conducted conferences on Thursdays and Fridays. I worked closely with the civil assignment office to remove cases from the trial docket when settled and resolved short of trial.

1.3 Given the Circuit Court's caseload, the efficient and effective functioning of the ADR program is an essential part of its operation. An effective ADR program also depends on the full compliance and cooperation of the attorneys who appear in the Circuit Court; attorney compliance with scheduling orders and mandatory attendance of their clients at pretrial settlement conferences is vital for the court-sponsored ADR program to succeed in its mission to provide effective opportunities to resolve disputes by means other than trial. *See* Title 17 of the Maryland Rules.

1.4 Scheduling Orders are issued in all civil cases and set out important deadlines and trial dates, according to the Differentiated Case Management (DCM) plan of the Circuit Court for Baltimore City. Pretrial settlement conferences typically are scheduled to occur thirty days before trial. Scheduling orders require parties to file pretrial conference statements pursuant to Rule 2-504.2 and require that parties and all persons with authority to settle must attend the conferences. Administrative Judge W. Michel Pierson has noted: "Experience with ADR programs demonstrates that presence of parties is essential to the conduct of meaningful ADR." Judge Pierson's Scheduling Orders clearly admonish lawyers and litigants that a party's failure to attend pretrial settlement conferences, without prior approval or order to participate by telephone in certain cases, will expose parties and counsel to court-ordered sanctions.

1.5 In 2014, Jeff Trueman administered the Circuit Court's pretrial settlement conference program under my supervision, consulting with me almost daily about consequences for noncompliance with the pretrial conference procedures. I variously determined, from case to case, to order postponements of pretrial settlement conferences for completion before trial dates, or continuing pretrial settlement conferences to the date of trial by requiring parties and counsel to appear before me at 8:30 a.m. on the morning of trial. My letters to counsel might require explanations for absences or other lapses to satisfy pretrial procedures. My Show Cause Orders, compliant with the Maryland Rules of Procedure governing contempt proceedings, required litigants and/or counsel to show cause why their absence or other violation of court orders did not warrant a contempt finding. During the relevant first quarter of FY15 (third quarter of calendar 2014), the ADR Office responded to 41 requests by attorneys to have their insurance adjuster or a party appear by telephone. I signed and sent twelve letters seeking responses from attorneys regarding why their clients were absent from the conference. In three cases, I issued Show Cause Orders for attorneys and parties' failure to attend the settlement conference as ordered.

Response to Section 2

2.1 The "Standard Short Track Scheduling Order" was generated in *Louise V. Joyner vs. Veolia Transportation Services Inc.*, Case Number 24-C-14-000589 (Docket 7, dated March 19, 2014). The trial date was set for October 15, 2014. Paragraph 2 addressed parties' preparation and attendance at pretrial conferences:

2. (a) That all parties shall appear before the court for a conference before trial on 09/17/14.

(b) The parties shall prepare in advance and bring to the conference a pretrial memorandum covering in full each of items (1) through (10) in Sec. (b) of Rule 2-504.2.

(c) All counsel, their clients and insurance representatives must attend the pretrial conference in person. Failure to attend without prior approval from the court can result in sanctions.

Paragraph 9 and closing instructions of the Order stated:

9. This order is subject to modification, including the scheduling of the pretrial conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a hearing at 1:45 p.m. on a daily basis in Room 231, Courthouse [sic] East, 111 North Calvert Street.

Counsel for all parties and any pro se parties must attend these hearings. An ‘exigent circumstance’ means an unforeseen development occurring within 30 days of the pretrial conference or trial date which prevents compliance with this order.

Any request for accommodation under the Americans with Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore city at (410) 396-5188 or TTY for hearing impaired: (410) 396-4930.

2.2 On September 16, 2014, Jeff Trueman reviewed files to prepare for pretrial conferences scheduled for Wednesday, September 17, with Judge Paul Alpert. He called Jones and defense counsel Stephenson to request faxed copies of the parties’ pretrial memoranda. Stephenson inquired whether Plaintiff Joyner had been excused from attending. Trueman responded that I had not excused the Plaintiff. Stephenson complained that Plaintiff had failed to appear for deposition on three occasions; for that reason, he wanted his client representative to be excused from attending on September 17. Trueman advised that I would not likely grant that request.

2.3 On the morning of September 17, Trueman received a faxed copy of Jones’ pretrial memorandum, with a letter, from Jones, dated September 16, 2014 addressed to both ‘Jeffrey Truman’ and “Mr. Leon Clerk to the Honorable Judge Alfred Nance.” The letter was not copied to defense counsel. Two substantive paragraphs are repeated below:

“Attached is Plaintiff’s PCS [Pretrial Conference Statement]. It was filed in court on September 5, 2014. In the section, “Other Matters,” part 4, Plaintiff moves/requests that her counsel attend the Pretrial Conference alone due to her medical condition. Plaintiff has had both of her legs amputated and is bedridden under doctor’s Orders. She is also still recovering from her medical procedures and prohibited from travel [i] unless there is special (e.g., nurse) assistance, [ii] reservation of an ambulance for transportation (she must remain in her hospital bed), and [iii] notification of her doctor in advance to secure guidance. Plaintiff filed her PCS in early September to assure at least two days advance notice if she

was forced to attend despite her medical complications. Today's notification rendered obtaining the preliminaries for travel impossible."

"Plaintiff's extends her heartfelt apology to the court for any inconvenience since her desire to actively participate in all aspects of her case is gravely undermined by the challenges in her body. Nonetheless, she assures the court that her attorney acts 100% on her behalf, with no possibility of uncertainty or conflict. She and her family have communicated about the pretrial conference with her attorney, understand that settlement discussions are expected, and wholeheartedly empower her attorney to act on her behalf. Her attorney has full settlement authority, as well as access to her family members swiftly (via telephone) if necessary."

Much of Jones' September 16 letter simply makes no procedural sense.⁸ Nothing in Jones' letter relates or finds any logical connection to his responsibilities according to the Scheduling Order. Jones cited no rules nor could offer any authorities to justify his assertion that he had given adequate notice to explain his client's absence, or that the court was somehow accountable for late 'notification' that she was required to attend. Jones offered no explanation—and had no procedural reason-- for copying Judge Nance's chambers or for failing to copy defense counsel. Jones offered no information about efforts to secure special assistance to transport his client, or copies of doctors' orders, or requests for ADA accommodation, or any request for court teleconferencing. Jones did not identify any guardianship information or authority for family members to communicate on Joyner's behalf—or to authorize Jones to negotiate on Joyner's behalf.

2.4 Plaintiff Joyner did not appear for the pretrial conference as scheduled to proceed before retired Judge Paul Alpert. When Jones observed Judge Alpert warmly greeting defense counsel, Jones demanded that the judge should be disqualified.⁹ Jeff Trueman agreed to meet with the parties, instead. Defense counsel Stephenson demanded formal sanctions for Joyner's failure to attend. Trueman thereafter reported the events and circumstances to me. Upon considering all of the circumstances, I necessarily determined to order Jones and his client to show cause why they should not be held in contempt for a party's failure to appear for the pretrial conference, and otherwise failing to conform to the instructions of the Scheduling Order.

2.5 My Show Cause Order, dated October 2, 2014 (Docket 44), instructed that Joyner and Jones should appear, personally, at 8:30 a.m. on October 31,

and show cause, if any, why this Court should not hold [them] in civil contempt for failing to appear at the scheduled Pre-Trial Settlement Conference on September 17, 2014, failing to comply with this Court's Order dated March 25, 2014 and failing to comply with the Court's procedures for pre-trial settlement conferences.

⁸ Jones persistently refused to comply with established rules of procedure and ethical conduct, e.g., he repeatedly engaging in ex parte communications with the court.

⁹ See October 31 hearing Transcript (T2 pp. 7-8); see October 15 Transcript (T1 p. 44).

The Show Cause Order instructed that any answer to the Order (*see* Rule 15-206(c)(2)(A)) “should be filed on or after Monday, October 20, 2014,” that is, after the scheduled trial date on October 15. In order to avoid any conflict or confusion with the looming trial date in the case on October 15, I had invited and expected any answer to the Show Cause Order on or after October 20, and set the contempt hearing date for October 31.

2.6 Among the points and circumstances for consideration to generate my Show Cause Order, especially those relating to the Administrative Judge’s Scheduling Order, I had in mind at least the following:

- All parties were obliged to appear as ordered on September 17. Plaintiff Joyner did not show. Joyner had never made a personal appearance in the case. Jones had not raised the question of Joyner’s appearance on September 17 with defense counsel.
- According to the Scheduling Order, absence from the pretrial conference requires “prior court approval.” There was no such approval of Joyner’s absence, and no request for such approval was offered in advance of the conference. According to express language in the Scheduling Order, Jones and Joyner were advised that they were subject to sanctions for failing to appear.
- Formal and informal options had been available to Jones to address his client’s participation by phone, in advance of September 17. The Circuit Court’s website posted helpful notices and protocols to request telephone participation 21 days in advance of the pretrial settlement conference.
- Parties were to bring copies of their pretrial memoranda with them to the conference. No provision in the Scheduling Order instructed or anticipated court attention to the memoranda any sooner than during the pretrial conference. Neither Judge Alpert nor I reasonably expected to read or react to anything in the Jones’ memorandum until just prior to the pretrial conference. Trueman’s calls for convenience copies of statements would follow examination of court files, and looking for statements on the eve of conferences.
- Rule 2-504.2 (b)(1)-(10) addressed the contents of pretrial memoranda and anticipated ‘matters that may be considered at a pretrial conference,’ not in advance of the conference.
- Jones stated in the last three lines of his pretrial memorandum:

“Plaintiff requests that her attorney attend the Pretrial Conference alone due to her poor health and doctor recommendation that she not travel without ambulance assistance. Plaintiff will be available via telephone.”
(emphasis in original).

Jones offered no hint or suggestion that he had communicated with defense counsel about his request,¹⁰ or that he had made any effort to seek prior court approval of his request, or that he was prepared to offer any doctor's affidavit, or that he was preparing to seek ADA accommodation for his client.

- The statement of facts in Jones' memorandum identifies Joyner as "a handicapped senior" and in "poor health" for some period of time. No unforeseen developments or exigent circumstances appeared to excuse the absence of any written motion to modify the scheduling of the pretrial conference, with or without good cause, as instructed by the Scheduling Order.
- Jones' memorandum offers "Details of Damages Claimed," including "Attorney's Costs & Fees (i.e. Unjustified Defense) (25 ½ hrs. @ \$225.00 per hr.)." I was concerned that Jones' apparent demand did not follow any known legal authority and might reflect a competition with his own client for recovery of any damages, especially if she was absent from the conference.
- No contents or attachments to the memorandum referred to any specific reason or excuse why Joyner might have been unable to attend on September 17. Rather, the Jones memorandum reported continued intransigence about making Joyner available for deposition (Paragraph [2] of "Other Matters" on last unnumbered page):

"Plaintiff believes that her Motion for Summary Judgment¹¹ renders deposing Plaintiff moot due to the absence of any issue of material fact in dispute. However, if the court delays ruling on the motion, Plaintiff respectfully requests reconsideration of the court's denial of Plaintiff's motion to stop deposition of Plaintiff. The court seems to have ruled on the motion [to stop the deposition] without the benefit of Plaintiff's Response/Reply to Defendant's Response... Further, Plaintiff requests denial of any motions by Defendant concerning Plaintiff not attending noted depositions by Defendant AFTER the close of discovery and BEFORE Plaintiff received notice of the court's initial denial of her motion to stop the deposition..."

Although Joyner was listed as a prospective trial witness, Jones apparently did not intend that his client would appear for deposition¹².

¹⁰ In context, defense counsel was contemporaneously pursuing sanctions against Plaintiff for her failure to appear for deposition (Docket 34). Jones' pretrial memorandum did not refer to that pending motion.

¹¹ Plaintiff's Motion for Summary Judgment (Docket 31) was denied by Judge Copeland's Order (Docket 31/2, entered September 11, 2014). Jones then complained that the court did not consider his reply memo (not countenanced by the rules) before the Judge Copeland Order; Jones filed "Plaintiff's Motion for Reconsideration Due to an Apparent Innocent Oversight by the Court ruling Relating to Procedure and Facts." (Docket 35).

¹² Jones argued that his undisputable or "unquestionable" facts in the case warranted summary judgment for Plaintiff Joyner, whose deposition, he insisted, was not necessary. Jones repeatedly argued that the discovery judge's order (Judge Sfekas' Order (Docket 30/2)) was in error as it denied Jones' "Emergency Motion to Stop Deposition" (Docket 30, 30/4).

- Nothing appeared in the court file, no request or inquiry was made to the Administrative Office, and no submission by Jones reflected that he had any appreciation for the requirements and allowances of the Americans with Disabilities Act for his client, or had acted in any fashion to request or secure ADA accommodation for his client in the courthouses. *See* Rule 1-332.
- The Show Cause proceeding would focus on Jones' conduct with and for the benefit of his client, relating to the pretrial settlement conference. The Settlement Conference program was an important ingredient to the Circuit Court's commitment to provide parties with "meaningful access to the justice system by the timely, efficient, and fair processing" of their cases. As reflected in Title 17 of the Maryland Rules (effective January 1, 2013) applicable to court-ordered ADR, parties and attorneys will value a negotiated solution that empowers those directly involved in the dispute—the parties. Litigants benefit from ADR because they are provided meaningful access to the justice system by processing civil cases in a cost-effective, orderly forum for the resolution of disputes short of expensive trials.
- The Circuit Court for Baltimore City manages the highest volume of civil cases filed in the State of Maryland. It was my responsibility, as ADR supervisory judge, to handle all issues arising out of the pretrial settlement conferences set in substantially all of those cases set for trial. Like many other such hearings, the Joyner Show Cause hearing was scheduled to proceed, on October 31, early in the morning so as minimize any delay of other, ongoing courtroom proceedings. I was mindful of my responsibility to hear all matters assigned to me absent a valid reason for recusal. (*See* Rule 2.7.) Given the magnitude of the civil docket workload of each judge, including each of our "extra" duty assignments (individual judges were assigned, for example, to discovery motions, non-hearing motions, bail forfeiture appeals from district court, Business and Technology cases, asbestos cases), reassignment of any case to suit my convenience or scheduling preferences was not an option.

2.7 Six days after I had signed the Show Cause Order, Jones apparently ignored my instruction to respond on or after October 20, in anticipation of the hearing on October 31. On October 8, Jones filed "PLAINTIFF & PLAINTIFF'S COUNSEL FORMAL RESPONSE TO THE COURT'S 10/2/14 SHOW CAUSE ORDER AND REQUEST THAT THE COURT VACATE THE ORDER IN LIGHT OF OVERLOOKED FACTS AND MEDICAL NECESSITY" (Dockets 44/2, 45). I became aware of the existence of this document on or about October 15, and later read it in preparation for the October 31 Show Cause hearing. The Response is largely incomprehensible and an extraordinary document for what it says without a hint of rational appreciation for the Scheduling Order's requirements and allowances. Nevertheless, while preparing for the October 31 hearing, I would distill and evaluate the document and its attachments, to its essential points, especially as Jones demanded that I vacate the Show Cause Order because I "overlooked" his facts:

- Jones noted that the Scheduling Order had provided that "good cause" would be considered to modify that Order. However, Jones did not identify or explain the absence

of any motion for modification that was contemporaneous or prior to September 17—and with or without good cause for his client to skip the pretrial conference.

- Jones elaborated on “Plaintiff’s poor health” and offered three documents and a reference to “Dr. Faize Naiz” to explain that Joyner was “medically prohibited from participating in anything legal.” Jones offered no affidavit by Dr. Naiz, or any medical information with evidentiary value, relevant to Joyner’s circumstances as of September 17, 2014.
- Exhibit A to the Jones Response was a copy of a “physician’s certification,” dated August 1, 2014, and signed by a licensed social worker addressing Joyner's need for ambulance transport to “home hospice.” Exhibit B was a list of Joyner's medications as of August 1, 2014 and her discharge from Johns Hopkins Bayview Medical Center. Exhibit C was a memo from a “Social Service Manager,” dated July 3, 2014, advising that Joyner “would not be able to participate in any legal matters at this time.” The Social Service Manager’s memo informed, as of July 3, 2014, that Joyner was then “currently a Patient at Brinton Woods Post Acute Center and is under the care of Dr. Faiza Naiz.” Jones had not presented even this woefully inadequate documentation in connection with any request to have Joyner's presence at the pretrial conference excused.
- Jones informed that his pretrial memorandum, filed on September 5, had included his request that Jones “attend the Pretrial Conference alone due to her poor health.” Nothing on the face of the memorandum, or in the outdated documents appended to his October 8 response, referred or even hinted of any request or allowance or accommodation properly afforded to Joyner pursuant to the Americans with Disabilities Act, 42 U.S.C. §12101 et seq. Jones apparently did not comprehend his responsibilities or his client’s rights under applicable law, e.g., Rule 1-332 (“A person requesting an accommodation . . . for an attorney, a party, or a witness shall notify the court promptly.”). Nor did Jones pursue any such request at least 30 days before the September 17 pretrial conference, as instructed by the Rule.¹³
- Jones complained that because his request was “overlooked” and not ruled on by the court, there was a “great difficulty”, “a difficult situation had arisen, making Plaintiff’s attendance impossible.” Jones' request (buried on the last page of the pretrial memorandum that he was to bring with him to the pretrial conference), was unaccompanied by any motion or medical affidavit supporting his request, and had not addressed any response by defendant. Jones appeared to assume that the court should have promptly made a decision to excuse the Plaintiff without offering any evidence and affording Defendant any timely opportunity to weigh in on that request.
- Jones suggested that he had relied on past practice of the court to excuse Joyner’s presence; Jones told Trueman that “when he last made such a request over ten years ago, no problem with the court arose”, to which Trueman “stated that the court does things differently now.” Jones seemed oblivious to Title 17 and the authority of the Court to

¹³ Jones could have gained all the information he needed to advance his client’s interests and allowances for participation in the settlement conference simply by accessing the circuit court website or the judiciary’s website for FAQ’s and request forms for ADA accommodation.

order Joyner and her counsel to fully participate in the settlement conference. See, e.g., Rules 17-201, 17-102(l). If Jones was confused about the express requirements of the Scheduling Order, or ignorant as to the applicability and allowances of the Rules, it was Jones who had failed to conduct any legal research; nor was Jones conversant with or any of the useful protocols published on the Circuit Court’s website for making requests for telephone participation.

- Jones complained about consequence, for him, from the court’s “oversight in not ruling on the critical request made by the Plaintiff” in the pretrial memorandum. I found it disconcerting that an experienced practitioner apparently relied on his recollection of “a request over ten years ago” to contend that I must have “overlooked” his request to appear “alone.” Rather than addressing compliance—or good cause for noncompliance—with applicable rules of procedure and evidence, Jones chose to blame the court for his own default.
- Jones appeared to urge that Plaintiff should not have been expected to participate even by telephone, that the court should have understood the medical necessity for Plaintiff to participate by telephone, through other family members. I became increasingly concerned that Jones unilaterally would determine whether his client was competent, and he had concluded that Joyner could not make decisions for herself. Then, I was astonished to read that Jones actually and unilaterally had determined that Plaintiff’s presence was not necessary for negotiations: “Due to Plaintiff’s poor health it was her counsel’s intention to settle the case for nearly any reasonable amount....”
- Jones expanded his role to conclude that Joyner’s presence was not necessary—because settlement negotiations had proceeded, in any event, at the pretrial conference, due to Trueman’s efforts to work with counsel. Jones blamed a “defiant” defendant for inadequate negotiations by refusing “to make any meaningful offers.” Jones did not put Joyner’s problematic failure to appear into proper context; any meaningful discussions were likely forestalled by the fact that defense counsel reportedly had never seen the Plaintiff, had not deposed her, had not agreed to any request to excuse her attendance, and had demanded sanctions consequent to her failure to appear.
- Jones cited several cases that were inapt to the circumstances and the reasons for my Show Cause Order. Jones apparently relied on those citations to conclude that Plaintiff’s failure to attend the Pretrial conference did not “embarrass the administration of justice” and “did not deprive Defendant of any benefits.” Sanctions were not warranted, according to Jones, because he “did not despise the authority of the court nor prevent the administration of justice”—because he was prepared to settle the case for Plaintiff but “Defendant was defiant and unwilling to offer much beyond the costs of Plaintiff’s medical bills.”
- Jones offered to engage in further negotiations for or by Plaintiff: “if her case goes to trial (as it seems), she will willingly and honestly participate in settlement negotiations before trial, especially since great medical accommodation and expense will have to be made for her to be at court that day.” Plaintiff’s family was “very upset about having to . . . transport her to court on October 15, 2014 for her trial” (emphasis in

original). With hindsight, after October 15, Jones probably did not intend or expect his client to appear for trial or for the pretrial settlement conference.

2.8 The “upset” of Plaintiff’s family, offered by Jones without apparent legal purpose, nor by affidavit, would prove to be a reason, perhaps a primary reason, for Jones’ motion, on October 15, that I must recuse myself from the October 31 Show Cause hearing--and for Jones’ immediate complaint to the Commission on October 16. Had I read Jones’ October 8 submission before October 15, I might have anticipated Jones’ looming motion demanding my recusal, and his contemporaneous complaints to the Commission, challenging my Show Cause Order and then demanding that the Commission should accomplish my recusal upon “emergency consideration.” Jones stated the following at Paragraph 12 of his response to the Show Cause Order and demand that I “VACATE THE ORDER IN LIGHT OF OVERLOOKED FACTS & MEDICAL NECESSITY”:

“When Plaintiff’s counsel discussed this Show Cause Order with Plaintiff’s family, they were **extremely, extremely**, upset and vowed to show up in court as-a-family to appeal, complain, file formal complaints, file motions, etc. since they believe the Court does not understand the life-threatening nature of their mother’s medical condition, and does not care!”(emphasis in original).

2.9 On Friday, October 10, Mr. Jones began to make *ex parte* calls¹⁴ to my chambers.¹⁵ My staff had been routinely instructed to decline to take or respond to any *ex parte* calls, and to invite persistent callers to communicate in writing. On the next business day, Tuesday, October 14, Jones called again, then delivered a letter addressed to me, complaining that he had asked a court clerk about “accommodations for Plaintiff” but

was informed that the trial had been cancelled due to the pending Show Cause Hearing on October 31, 2014. . . .This morning . . . I contacted assignment to be sure they were also informed. Assignment stated that the case was NOT cancelled, and I should communicate with Judge White’s chambers! . . . Plaintiff respectfully requests that the trial be postponed until after this month.

In the middle of a busy day on the bench, I directed a letter to Jones, copying defense counsel,¹⁶ and repeating the instructions of the Scheduling Order for seeking trial postponement:

Your letter is received in Chambers. Your request for postponement cannot and will not be addressed by me. Any exigent postponement request must be directed to the Postponement Court at 1:45 p.m. . . . This case remains scheduled

¹⁴ Jones repeatedly violated the ethical prohibition on *ex parte* communications with a judge about an adversarial proceeding. See Rule 3.5(a)(7).

¹⁵ At this time, I was unaware of the October 8 filing and demand by Jones to “vacate” my show cause order. The Clerk of Court had no reason to send the court file to my chambers.

¹⁶ I took pains to direct this letter to Jones and Stephenson because it appeared Jones’ calls, letter, and demand for postponement were intended to be *ex parte* communications, excluding and denying information to defense counsel.

for trial tomorrow, October 15, 2014. The Show Cause hearing scheduled for October 31, 2014 does not affect the trial date. . . The Civil Assignment office will communicate with you and Mr. Stephenson when a trial judge is identified.

2.10 On Wednesday, October 15, among other duties, I was assigned to serve as Acting Judge in Charge of Civil and responsible, in that capacity, to make sure that trial judges were assigned to all cases still scheduled for trial after completion of pretrial settlement conferences. I communicated with the Assignment Office for that purpose. When my prior trial proceeding concluded late in the day on October 14, I became available for a new trial assignment—and was the last judge available to start the *Joyner* trial scheduled on October 15. When I called the case for trial (at 9:19 a.m., T1 p.1), Jones appeared without his client, insisted that the trial must be postponed in light of misinformation that he had received from a clerk the prior week (T1 pp. 3-4), and he was unprepared to address pretrial motions¹⁷ before proceeding to postponement court. Jones insisted that he would not address pending motions because of his just-filed Motion to Recuse as well as his demand for postponement of the trial. (T1 pp. 13-16.)

2.11 Jones handed up a date-stamped copy (filed early on October 15, 2014) of “Plaintiff’s Motion for the Honorable Judge Pamela J. White to Recuse Herself from Serving as Trial Judge In Case.” See Docket No. 53. While seated on the bench, I read the ten-page document, engaged in limited research and reviewed potentially applicable rules, e.g., Md. Rule 16-813, and Rule 2.11 of the Code of Judicial Conduct, with several case authorities, invited and heard argument from Jones, and then announced my decisions on the record. (T1 pp. 19-20.)

2.12 Jones’ primary reason¹⁸ for seeking to recuse me as trial judge was the October 2 Show Cause Order¹⁹ and his answered demand that I must vacate that Order. Jones argued in his Motion:

¹⁷ Immediately upon learning of my trial assignment, I had located and reviewed the court file to identify pending motions, and I listed those motions on the record. (T1 pp. 5-7). Jones was unprepared to address any of the following motions: Defendant Veolia’s Motion for Sanctions for Plaintiff’s Failure to Appear for Deposition (Docket 34), opposed by Plaintiff (Docket 34/1); Plaintiff’s Motion for Reconsideration [of Judge Copeland’s denial of Plaintiff’s Summary Judgment Motion] Due to an Apparent Innocent Oversight by the Court Ruling Relating to Procedure and Facts (Docket 35); Defendant Veolia’s Motion for Summary Judgment (Docket 36), opposed by Plaintiff (Docket 36/2), to which Defendant replied (Docket 36/3), and Plaintiff responded (Docket 36/4); Defendant’s Motion in Limine to Preclude Plaintiff from Testifying at Trial (Docket 37), opposed by Plaintiff (Docket 37/1); Defendant’s Motion in Limine to Preclude Evidence Regarding Driver’s Background (Docket 38); Defendant’s Motion in Limine to Exclude any Expert Evidence offered by Plaintiff as untimely (Docket 39), opposed by Plaintiff (Docket 39/1); Plaintiff’s Motion in Limine #1 (Docket 40); Plaintiff’s Motion in Limine #2 (Docket 41).

¹⁸ **Error! Main Document Only.** Jones’ motion labeled his grounds for my recusal as “Partial Act #1” (p. 1), “Partial Act #2” (p. 2), and “Partial Act #3” (p. 4). “Partial Act #1” complained that I “improperly insulted” Jones’ argument on a previous motion in the case (in May 2014), when I “dismissed Plaintiff’s punitive damages claim,” and “still upheld her dismissal” on Plaintiff’s motion for reconsideration. See Docket Nos. 8, 8/2, and 8/3; see also Docket Nos. 18, 18/1, 18/2, and 18/3. “Partial Act #3” complained of a “major ‘disconnect’ between the Clerk of Court and Assignment” when counsel was led to believe by a clerk, “Mr. Tommy,” that the trial had been cancelled, but the assignment office then “informed Plaintiff’s counsel that trial was scheduled to proceed on 10/15/14!

¹⁹ Jones labeled his attack on my Show Cause Order in his motion for recusal as “Partial Act #2.”

- “Judge White's Show Cause Order was based on unquestionable [sic] incorrect information.”
- “Jones did make a timely request to excuse his client's personal attendance due to her severely handicapped, 'Home Hospice,' status,” but “The Court failed to see and/or address the request.”
- “Plaintiff and her family . . . have expressed outrage at Judge White's unfairness and do not believe the Plaintiff can get a fair trial with her.”
- “Judge White did not, nor has, vacated the [Show Cause] Order despite its factual inaccuracy.”²⁰

When I invited Mr. Jones' oral argument, he repeated (T1 p. 21):

[T]he Show Cause Order is unquestionably based on incorrect information, unquestionably. I put in writing what that incorrect information is and according to even the fax that the Court sent me yesterday indicating that the trial has nothing to do with the Show Cause Order and to the 31st. Basically, we're going forward with it even though I had put in writing about the errors upon which is states [sic].

Jones demanded my recusal because, seven days after he had responded to the Show Cause Order, I had insisted on “going forward” with the Show Cause Order hearing on October 31st after being informed “in writing about the errors upon which it [was based].” (T1 p. 21.)

2.13 I expressly rejected Jones' demand for recusal based on his objections to the Show Cause Order and the circumstances of that Order; the Show Cause hearing had been set for October 31, and would proceed on that date. I repeated, three times while addressing the recusal motion on the bench, that I would proceed to conduct the Show Cause hearing as scheduled on October 31, and that I would be reviewing Jones' response to the Show Cause Order in due course. My contemporaneous written Order (Docket 52, filed October 15, 2014) memorialized that decision not to disqualify myself from the Show Cause pending proceedings, and repeated that I “expressly denied the motion for reasons asserted in “Partial Act #1”²¹ and “Partial Act #2” of the recusal motion.” Recusal from the scheduled contempt hearing was not appropriate; I was

²⁰ I learned of Jones' objections to the Show Cause Order while reading his recusal motion on the bench.

²¹ As I read about “Partial Act #1” in the recusal motion, I briefly read file notes and my Orders (Docket 8/3, 18/3), then recalled (T1 pp.20-21): “All right. I've reviewed the written [recusal] Motion. As soon as Counsel confirmed that I had heard a Motion relating to the demand for punitive damages, I found my chambers notes, I located my Order, Docket 8-03, which -- 'Ordered that the punitive damages claim of Plaintiff's Complaint be dismissed with prejudice for reasons stated on the record at the May 5th hearing.' I also located the Motion for Reconsideration, Docket Number 18, and my ensuing four-page Order, Docket Number 18-03, dated June 9th, 2014 denying Plaintiff's Motion for Reconsideration and providing an Opinion in painstaking detail as to what the Complaint alleged about malice and punitive damages, what the current case authorities require with specificity as to a demand for punitive damages, what the Plaintiff's Counsel missed and argued instead to oppose the Motion to Dismiss Punitive Damages and essentially that the Plaintiff's arguments by Counsel's drafting utterly failed to allege grounds

mindful of my responsibilities as ADR supervisory judge (e.g. Rule 2.7: “[a] judge shall hear and decide matters assigned to the judge unless recusal is appropriate”). I had already generated the Show Cause Order, and that proceeding was well underway. I now understood that Jones had filed his response, I reasonably expected Jones to address Joyner’s absence from the pretrial conference, and I would address the circumstances relevant to the September 17 conference at the Show Cause hearing on October 31. The Show Cause proceedings did not affect the pending trial date on October 15. Regardless of the identity of the trial judge, it remained my responsibility to address and “to enforce the court's requirements for pretrial conferences, including the imposition of sanctions in appropriate instances, as authorized by rule and court order.” See August 6, 2015 Memorandum of Judge W. Michel Pierson.

2.14 I prepared for the Show Cause hearing on October 31 by reviewing applicable contempt rules, the Scheduling Order in the *Joyner* case, Jones’ memo and limited attachments filed on October 8, and protocols for requesting ADA accommodations as well as telephone participation. When I called the case at 8:36 am on October 31²², I announced the clear purpose and focus of the hearing:

“Now, the Show Cause Order that I signed, it’s dated October 2nd, required both the Plaintiff, Louise V. Joyner and Plaintiff’s Counsel, Rickey Nelson Jones, to personally appear and show cause, if any, why this Court should not hold Ms. Joyner and Mr. Jones in civil contempt for failing to appear at the pretrial settlement conference on September 17th, 2014, and otherwise failing to comply with the Court’s Scheduling Order dated March 25th, especially as to the Court’s procedures and the instructions of the Scheduling Order for compliance . . . to attend pretrial settlement conferences.” (T2 pp. 3-4.)

However, nothing offered by Jones in argument on October 31 constituted good cause to excuse his repeated non-compliance with the instructions and allowances of the Court’s Scheduling Order, especially as he failed properly to seek or secure his client’s absence on September 17, and nothing in his October 8 submission properly served to excuse her absence on September 17.

- Jones responded to my first inquiry (“where is Ms. Joyner”) with a rude description of his client: “Ms. Joyner is basically a torso in a hospital bed in her room, suffering with various other ailments like strokes and high blood pressure and diabetes.” (T2 p. 4, repeated at T2 p. 18). Jones offered her affidavit “explaining why she could not be here” (id.), but without offering any admissible medical opinion or documentation to excuse Joyner’s absence either on October 31 or on September 17, 2014.
- Next, I asked Jones for his response to the Show Cause Order and he said: “I want you to center on the filing I filed on October the 8th,” when he had “requested the Court to vacate the Order in light of the facts and medical necessity. The overlooked facts that the Court’s Show Cause Order apparently

²² I called and conducted the *Joyner* matter just in advance of continuing a lead paint damages trial.

did not see was, number one, I was present for the settlement conference. I did participate in the settlement conference....” (T2 pp. 4-5). Jones did not reconcile or address the mandate of the Scheduling Order that “all clients...must attend the pretrial conference in person.”

- Jones repeated that he “had submitted a request that Ms. Joyner be excused from attending physically because of her health conditions” in the text of the “Plaintiff’s Pretrial Conference Statement dated September the 5th” (T2 p. 5.) Jones “assume[d] that the court would read the Pretrial Statement before we actually had the conference” (T2 p. 7), but did not reconcile that assumption with the allowances of Rules 1-332, 2-311(a), 2-504.2(a), 2-504(b)(12), or Paragraph 2(b) of the Scheduling Order, or court protocols for requesting teleconference participation. Jones acknowledged that he had not checked the court’s website or “research[ed] the procedures that are available to counsel and litigants to request telephonic participation in pretrial settlement conferences.” (T2 p. 22.)
- Jones offered no question, concern, or misunderstanding about the applicability of any pertinent provisions of the Scheduling Order, as he responded to my pointed questions about those terms. However, he repeatedly cited *Attorney Grievance Commission v. Kemp* (T2. pp. 5, 11, 12, 15, 18, 20) to justify his “application for an order from the Court” (his “request” in the body of his pretrial memorandum to attend the conference without his client), and his “belief” that he was excused from filing a written Motion. I had read and reread the *Kemp* case; Jones’ inapt and inept reliance on *Kemp* warranted no wasted time for discussion.
- Jones offered no argument of diligence, or hint of “diligent” communication with defense counsel, to address Joyner’s incapacity or to accommodate her absence on September 17. (T2 pp. 16-17). Jones conceded that he had not communicated with opposing counsel because he lacked documentation from doctors. Jones never did submit such medical documentation, admissible or otherwise, addressing Joyner’s circumstances on September 17.
- Jones’ disdain or disregard for his responsibilities and his client’s rights under the ADA prompted my very basic concern for Joyner’s lack of meaningful access to our court-sponsored alternative dispute resolution. (T2 pp. 19-20). Jones unilaterally determined that any request for accommodation by the Americans with Disabilities Act “does not apply here.” (T2 p. 19). In the face of Rule 1-332, Jones had ignored his responsibility that an attorney “shall notify the court promptly” of any request for accommodation, on an approved form, at least 30 days in advance of the pretrial conference.

2.15 At the conclusion of the half-hour hearing on October 31, my oral ruling from the bench focused on Jones' conduct relating to the pretrial conference (T2 pp. 22-24):

THE COURT: All right. My determination is and will be and I will find the time to generate an Order as I must explaining the reasons for my

determination to find Mr. Jones in contempt of this Court, specifically upon his failure, indeed, his refusal to comply with the Court's Scheduling Order and, otherwise, to comply with the pretrial conference procedures, instructed by the Scheduling Order and informed by procedures available to him and his client for participation in the pretrial conference by telephone upon appropriate motion.

The suggestion by Mr. Jones that the request made in the last paragraph of the pretrial statement that he submitted on September 5th as complying in any way, shape or form with the Scheduling Order or with the mandate of Rule 2-311 is shocking and is soundly and roundly rejected by this Court as reflecting (A) any diligent effort on the part of Mr. Jones; (B) any good cause effort by Mr. Jones on behalf of his client, either to comply with the Scheduling Order, to conform to the Rules or otherwise show respect for the process and procedures of this Court.

The utter absence of respect by Mr. Jones to the procedures and process of this Court are disappointing at least, contemptuous at worst. I will be suggesting, as I must, under Title [15], whether and how Mr. Jones can purge himself of his contemptuous behavior. I will suggest, Mr. Jones, that you could begin that process by forming an apology to Judge Alpert for your conduct and failure to address the Court respectfully at the pretrial conference on September the 17th. I'm going to suggest that you could begin the process of purging your contempt by apologizing to all of the Court officials and Court personnel with whom you've had any contact over the last month and a half showing utter disregard and disrespect for the Rules of Procedure, the respectful conduct of process before this Court.

2.16 On November 12, my written Contempt Order noted, and I had found, that there was good cause for Plaintiff Joyner not to appear in person; despite Jones' aversion to evidentiary obligations, I did not hold Joyner in contempt. My contempt finding was limited to Jones' failure to comply with the Court's Scheduling Order, especially by not properly seeking to have his client's appearance excused:

Despite good cause later disclosed and appearing from Plaintiff's difficult medical circumstances, and reasonably excusing Plaintiff's personal appearance on September 17, Plaintiff's attorney Jones was contemptuous of the express instructions of the Court's Scheduling Order. Jones refused or ignored the procedures described on the face of the Order to modify its requirements in the circumstances. Jones also, and abjectly, neglected the Rules of this Court applicable and available for him to pursue an apt motion to address his client's disabilities, and Jones failed or refused to engage in relevant and diligent communications with opposing counsel on manifestly urgent subjects concerning his client's availability and participation in her own case.

Jones perpetuates his disrespect for basic court procedures by recharacterizing--and blaming the court for skipping--his "overlooked Plaintiff's Pre-Trial Conference Statement Request," as a formal Motion. Maryland Rule 2-311(a) is clear on its face: "An application to the court for an order shall be by motion which . . . shall be made in writing, and shall set forth the relief or order sought." Jones' "request" did not comply with this or any other instruction of the

rule, nor did Jones' "request" allow for a 15-day period for Defendant's response in advance of the pretrial conference.

Upon consideration of the Court file, the Court's Order (7), and Rickey Nelson Jones' failure to comply with that Order and basic court procedures, and for reasons otherwise appearing on the record on October 31, 2014, it is on this 12th day of November, 2014, hereby

ORDERED that Rickey Nelson Jones is in constructive civil contempt, pursuant to Maryland Rule 15-206, for his failure to comply with this Court's Order (7), upon failing timely to address and/or secure the Court's waiver of his client's attendance in person or by telephone on September 17, 2014, or otherwise to modify the requirements of the Court's Scheduling Order (7) by its terms and pursuant to applicable rules of procedure. It is further

ORDERED that Rickey Nelson Jones may purge his civil contempt by satisfying the following conditions in their entirety:

(1) Inquiring of defense counsel and promptly paying to Defendant a sum equivalent to defense counsel's fees for appearing at the September 17, 2014 Pre-Trial Conference.

(2) Inquiring of defense counsel and promptly paying to Defendant a sum equivalent to defense counsel's fees for appearing at the October 31, 2014 Show Cause hearing.

(3) Writing a letter of apology to both ADR program director Jeff Trueman and the Honorable Judge Paul Alpert, for Attorney Jones' rude and uncivil behaviors on September 17, 2014.

Order of Contempt (Docket No. 60).

Response to Section 3

3.1 Investigative Counsel apparently charges that my non-recusal decision and "behavior" in conducting the Show Cause hearing on October 31, 2014 constitutes conduct prejudicial to the proper administration of justice (see Paragraph 7). Investigative Counsel offers two brief paragraphs (at pages 7-8) to criticize my identification of issues and findings on October 31—based on Jones' complaints and arguments in his "subsequent submissions," and selected portions of a video disk of the hearing, without even noting the contents of my docketed, enforceable Order of Contempt²³ (Docket 60). Section 3 of the "Charges" admits the limited scope of investigation by Investigative Counsel, and reliance primarily on the unsworn submissions by Jones, and review of audio/video records of court hearings in May and October 2014.²⁴ No mention is made, nor investigation undertaken of the official case record, court orders, applicable rules and authorities, ADR procedures, judges' civil dockets and trial assignments, or mandated allowances and procedures for requesting ADA accommodation. In the absence of appreciable or relevant factual, procedural or legal research—or proffer of admissible evidence--any charge of "sanctionable conduct" is wholly unjustifiable.

²³ See Rule 2.15 (a), (c). My Show Cause Order served to initiate corrective measures, and my Order of Contempt constituted action to take corrective measures, with respect to the unprofessional conduct of a Maryland lawyer.

²⁴ I have made available to Investigative Counsel copies of certified transcripts of the October 15 and October 31 hearings. Each transcript is a "true and accurate record . . . and constitutes the official transcript thereof."

3.2 On April 30, 2015, immediately upon receiving “the two initial complaints filed by Rev. Jones” with notice by Investigative Counsel, I researched JIS (“Judicial Information System”) docket information, retrieved the *Joyner* case file and found it incomplete and awaiting Judge Ausby’s post trial decisions. I moved urgently to work with the Court Clerk to assemble the file, and to review it, in view of my Order (Docket 61) setting the May 4, 2015 hearing date for Jones to address his purge of the Contempt Order,²⁵ and in view of Jones’ pending notice of appeal. Any investigation was incomplete without review of the entire Record, attention to all relevant court orders and enforcement of my Order of Contempt (Docket 60).

3.3 The relevance of the Court Record—and my actual court orders—to investigation of Jones’ complaints is apparent upon addressing Jones’ appeal of the defense verdict in the *Joyner* case. His appellate brief, filed in November 2015, identifies his second issue: he complains of my error to hold him in contempt, as I sanctioned Jones for failing to comply with Court’s Scheduling Order. Jones specifically urges that the contents of my Show Cause Order (dated October 2, 2014, Docket 44) were incorrect and the Show Cause Order should have been vacated on his motion for that purpose (Docket 44/2, 45). I allegedly erred by overlooking his request in his pretrial conference statement (Docket 32) that counsel, alone, would attend the pretrial settlement conference; that request constituted a Rule 2-311 motion disregarded by the Court. Then, the Order of Contempt was issued even though Jones had provided documentation in his paper: “Plaintiff and Plaintiff’s Counsel Formal Response To The Court’s 10/2/14 Show Cause Order And Request That The Court Vacate The Order In Light Of Overlooked Facts & Medical Necessity” (Docket 44/2, 45).

3.4 Upon review of the trial court record (now sent to the Court of Special Appeals), it becomes obvious that Jones had made successive efforts to contest the Show Cause Order, to challenge my ‘foundation’ to issue that Order, and to disqualify me from conducting the Show Cause hearing set by that Order to proceed on October 31, 2014. In addition to his request to vacate the Show Cause Order (Docket 44/2, 45, filed October 8, 2014), Jones had demanded my recusal by his motion (Docket 53, dated October 15), primarily because the Show Cause Order was “based on unquestionable [sic] incorrect information” and I had not vacated my Show Cause Order before the case was called for trial on October 15. Jones also had filed an “emergency motion” with Administrative Judge Pierson (Docket 55, dated October 22) demanding Judge Pierson’s “special assignment” of another judge for the October 31 hearing.²⁶ A number of Court Orders and Notices address or relate to these matters, but were unexamined by Investigative Counsel, at least including the following:

- Administrative Judge Pierson’s Scheduling Order (Docket 7), setting Pretrial and Trial dates
- Notices of Pretrial Conference and Trial Dates (Dockets 15, 23, 16, 24)

²⁵ My Order dated April 10, 2015 called for Jones to produce evidence or information of his successful purge of contempt, and reflected another attempt to take corrective measures before I was obliged to inform the Attorney Grievance Commission. I certainly expected that each of my Orders was absolutely privileged from attack by Jones’ complaints, let alone by the Commission. Rule 2.15(d).

²⁶ Among other confusion about the contents of the record and nature of proceedings in the case file, Investigative Counsel mischaracterizes or misapprehends Jones’ “emergency” motion for “special assignment” (in Section 6), as another Jones “motion requesting Judge White’s recusal from the Show Cause hearing.” Once again, Jones’ motion was not countenanced by any rule or the court’s protocol for requesting special assignment of judges.

- Show Cause Order (October 2, Docket 44), setting Show Cause hearing on October 31
- Notices of Show Cause hearing date (Dockets 42, 54)
- Orders on Recusal (Docket 46, open court proceeding; Docket 52), granting recusal as to trial proceedings on October 15, denying demand for recusal for Show Cause hearing scheduled for October 31
- Administrative Judge Pierson's Order (Docket 55/1), denying special assignment for 10/31 Show Cause hearing
- Order of Contempt (November 12, Docket 60)
- Order to set purge hearing (Docket 61)
- Notices of purge hearing set for May 4, 2015 (Docket 61)

Response to Section 4.

4.1. The conclusion of Investigative Counsel, that her “investigation revealed sanctionable conduct by Judge White with regard to her failure to recuse herself from the October 31, 2014 hearing,” is premised on incomplete research of the *Joyner* case record,²⁷ and inaccurate and incomplete observations of pretrial proceedings on October 15. The Charges warrant an accurate transcription and complete review of Jones’ arguments, my conduct of pretrial proceedings, and the points and authorities for each of my decisions on October 15. One of my decisions was to recuse myself from actually trying the *Joyner* case because of Jones’ bizarre remarks and incredible assertions to support his demand for trial postponement. Jones’ Motion had demanded my recusal as trial judge, and I granted that Motion only to recuse myself as trial judge, for reasons and in circumstances “with regard to” trial and trial postponement—and not “with regard to” the Show Cause proceedings on October 31.

4.2. When I called the case for trial on October 15, Jones first advised that he would be taking documentation to Postponement Court to explain “why we cancelled all the arrangements we made for my handicapped client last week when we were informed that this trial had been canceled.” (T1 p. 4.) I assured that any such a motion for postponement could be made in the Postponement Court, but I made clear that I had no authority to address a postponement request. (T1 pp. 5, 11.) I identified Jones' October 14 correspondence with chambers as relevant to his concern or confusion about the trial date, hastening to set both letters into the court file as “Court Exhibits” in view of my concern about Jones’ *ex parte* communications with Chambers. (T1 pp.5, 8-11.) Jones ignored my repeated admonishment that I lacked any authority to postpone the trial, and he proceeded to demand my recusal for not having addressed his postponement request. When I reiterated that “I can’t address the postponement,” and I instructed Jones that “we’re focusing on recusal now” (T1 p. 22), Jones argued that my “harsh” letter response to his “request in writing,” for postponement, was unacceptable to his client. Jones referred to the Court's letter dated October 14 and exclaimed: “To me, for the Court to say, you know, don't

²⁷Investigative Counsel appears to presume that I knew or should have known and acted on Jones’ “emergency” demand to Administrative Judge Pierson (for a specially assigned judge on October 31), as if Jones had filed another recusal motion.

contact my chambers and I'm not going to address that, Your Honor, that is a harshness toward the Plaintiff that I believe is unwarranted."²⁸ (T1 p. 22.)

4.3 Undeterred by his procedural confusion and ethical lapse, Jones elaborated on his demand for trial postponement "because of the various circumstances and consequences of being informed by the Clerk of Court . . . it was cancelled, the whole nine yards." Jones proceeded at length (T1 pp. 22 et seq.):

We were ready for trial until the Clerk of the Court less than a week before trial gives me a judge's initials and says that the trial is cancelled. They can't make that mistake less than a week before trial.

THE COURT: No judge told you that. You just said the judge told you -- a Clerk.

MR. JONES: Gave me the judge's initials who canceled the trial.

THE COURT: Somebody named Mr. Tommy.

MR. JONES: More than that, Your Honor. The manager of Civil, Douglas Gillis [sic], he reviewed this with me as well, yesterday because I need to find out what's going on because it's a serious business and he went back and basically said that the person made a mistake. But based on what's here, it is not outside the realm of possibility of how the mistake could be made. But me as an attorney, calling and making the last preparations for trial to hear something like that less than a week before trial, Your Honor, is serious business in light of the unique circumstances I'm dealing with, a severely handicapped double-amputee. It has to affect decisions that I make less than a week before trial.

So I have doctors come in here. This is expensive. We're talking thousands of dollars. So I have to -- upon hearing it, I said wait minute, just confirm it and you get multiple times the Clerk of Court confirmed that with me.

* * *

THE COURT: But you also received notice of the trial date in June -- June 18th -- when you also got notice of the pretrial conference. And the Scheduling Order was never amended, was it?

MR. JONES: There's no question about me knowing when the trial was, which is today. It's not the question.

THE COURT: Okay.

MR. JONES: There's no question about that.

THE COURT: But you're now -- I need some help connecting my refusal to address your request for postponement, according to your letter of October 14th, knowing I have no authority to do that now,

MR. JONES: Yes. Yes. Yes.

THE COURT: -- and some error on the part of the Clerk in April and May of 2014. So help me out here.

MR. JONES: I will you out, Your Honor.

²⁸ Jones clearly missed the significance of the fact and contents of my letter on October 14. Mr. Jones did not seem to grasp the basic ethical concept that I would not accept and could not engage in *ex parte* communications with him, especially as to a postponement request which I clearly had no authority to consider—and as to which Jones had not communicated with defense counsel.

MR. JONES: Less than a week from trial, I'm in communication with the Court to make sure my client can be accommodated once she arrives here by ambulance.²⁹ I'm directed to the Clerk of the Court. I need to know about the accommodations. The Clerk of the Court, not one time, not two times but three times, assured me that this trial on this date has been cancelled. I said I need to know more than that. When the Clerk of Court gave me the M-B-N initials of the judge that canceled -

THE COURT: There is no judge by the initials of M-B-N, by the way. I don't know who M-B-N is, but it's not a judge.³⁰

* * *

MR. JONES: I'm going to make a connection, Your Honor, if you give me a minute.

THE COURT: There's another gap here that I'm struggling with--

MR. JONES: Yes.

THE COURT: -- and maybe you should have this in mind when you try to make the connection. The Scheduling Order in the very last line -

MR. JONES: Yes.

THE COURT: -- when it talks about accommodation concerns -

MR. JONES: Yes.

THE COURT: -- of the sort that you've just highlighted, it says specifically and Judge Pierson, our Administrative Judge, signs the Scheduling Order and says specifically, "Any request for accommodation should be directed to the Administrative Office of the Court."

MR. JONES: Yes.

THE COURT: And he gives a telephone number.

MR. JONES: That's the number I called.

THE COURT: 396-5188.

MR. JONES: That's the number I called.

THE COURT: Yeah, but you didn't -- you're talking to the Clerk of Court. You're not talking to the Administrative Office of the Circuit Court.

MR. JONES: Because I was referred to the Clerk.

THE COURT: Oh.

MR. JONES: When I called that number -

THE COURT: So you totally ignored or blew by the Scheduling Order to talk to Mr. Tommy and the Clerk of Court.³¹

MR. JONES: . . . The connection that I'm trying to draw, Your Honor, is that when I brought to the Court's attention the severe ramifications of these directions to me by the Clerk less than a week out of trial, minimally, Your Honor, that called for some consideration.

²⁹ Record evidence establishes that Jones made no inquiry or request, at any time, for ADA accommodation for Joyner.

³⁰ Record evidence establishes that the DCM Coordinator ("MBN") had both vacated the trial and pretrial conference dates (April 25, 2014) and reinstated (May 8, 2014) the docketed trial and pretrial dates, all as recorded, administratively, on the Docket. The adjustment had occurred when Defendant MTA was dismissed after having been improvidently sued by Joyner.

³¹ Jones also blew by the mandate of Rule 1-332.

When I brought this to my client's family, they were in an outrage about this matter. They did not see how they could have a fair trial here when something this serious -- this woman is on home hospice -- she's literally dying. And so, for me not to be able to get some consideration from the Court regardless of the mistake made by the Clerk, it was made --people make mistakes, they make mistakes every day. I've had trials canceled within a week. Judges get sick. Things happen. That's not bizarre to have a trial cancelled.

So there's no reason for me to say, Clerk, you don't know what you're talking about. So for the Court not to give this any consideration, we consider that to be unfair and biased, Your Honor, and my clients, the magnitude of their disgust with the entire Court and this Judge in particular, I cannot calculate, they are very upset about this.

And so the final thing, Your Honor, I want to point out the reason why I had to file this recusal, is in October the 15th. We know we have trial October the 15th, but I'm relaying to you circumstances that warrant us at least getting a brief postponement. We were ready for trial. We're not trying to get no postponement until next year. We're simply asking for a brief postponement, some consideration, some understanding. We'll come back here after I make the accommodations, talking about getting everybody back on schedule again.

A Clerk cannot make that mistake less than a week before trial. That's an error that cannot be made under the circumstances that I'm dealing with. It's unique. I've never dealt with a circumstance like this, a double amputee on home hospice. So there's quite a bit I have to do in order to get her here to do what we need to do, Your Honor. It's too much to have these type of errors less than a week out from trial.

So the Court's letter was unusually harsh. My clients are unhappy about it. They're very upset. They want to file a Complaint, the whole nine yards.

And so I'm trying to relate to you, no matter what happens in this trial you're presiding, my clients, they're going to view this as biased and unfair simply because of the way she has been treated. We haven't asked for anything bizarre. We've asked for some reasonable accommodation. That's all. Not one time in this case.

Now, we have about nine or ten motions pending and now the Court is saying we want to deal with that. Your Honor, we didn't come here to deal with that. I have all my documents, my papers to counter everything opposing counsel has said. I didn't bring that with me today. **I came here to deal with the postponement and let the Court know that these are real circumstances. We need some reasonable accommodations. We're not asking for no long delay, even as recently, even as fast as next month.** We'll be ready --I'm ready for trial now, but as fast as next month, I believe I can get all the accommodations back together, get the doctors on board. It's a task getting doctors to come out here to court. And so it's just too much for a Court to make this type of error.

My clients do not trust this Court to handle this case. I have very strong reservations after being insulted by this Court. Your Honor, I believe for the peace of my client and the fairness and to remove any perception of

partiality, I believe a new judge should handle this case and also handle these preliminary motions because these are significant preliminary motions and we believe our summary judgment should be granted based on their own (inaudible) procedures and my clients do not believe they will be provided by this Court. This is just because the way things have proceeded so far.

So this is this connection. The Court has not shown my client the consideration, the help, mental and physical ailments and a handicap at least warrant some consideration. My clients haven't seen any of that. I haven't seen that.

So the reason why we're asking for recusal is to get another judge in here whose unfamiliar with the history of the case and can simply look at the pleadings and rule accordingly.

(T1 pp. 23-31, bold emphasis added). Mr. Jones concluded (T1 p. 32):

So Your Honor, this is just not a situation in which my clients or I believe we can have a fair trial because we don't see the Court as being impartial here because of the decisions that it made and a little accommodation and consideration for a woman who's on home hospice, meaning she's chronically or terminally ill.³²

Jones repeated, emphatically, that his “clients are outraged” because Joyner was “not getting the accommodation and consideration and they do not believe this Court can be impartial going forward....” (T1 p. 34.)

4.4 Jones completed his argument, clear and unequivocal that his client would not appear and that he was unprepared to address pending motions. I read Rule 2.11(a)(1) aloud, from the bench, and observed that Rule 2.11(a)(1) “would appear to be the only subpart of the Rule that might pertain or apply.” I read Comment Number 1 for its cautionary instruction: “Under the Rule, a judge is disqualified whenever the judge’s impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (a)(1) through (a)(5) may apply.” (T1 p. 35.)

THE COURT: ...[L]ooking at Exhibit No. 1, yesterday's letter [from Jones]³³, looking at the arguments of Mr. Jones presented in response to the Show

³²Jones said he had pointed out to Ms. Joyner and her family (his “clients”) that my decisions—allegedly insulting him upon dismissing the punitive damages claim and issuing the show cause order—“showed anti-Plaintiff [and] Counsel decisions and pro-Defendant decisions.” (T1 p. 32.) I expressly rejected these two grounds for my recusal. (T1 pp. 5, 36.)

³³ Jones effectively withdrew one of his arguments when he was attempting to make a connection between his recusal demand and my refusal to address his postponement demand (T1 p. 24):

THE COURT: I'm looking at your letter yesterday and it refers to --you say, “I was informed that the trial had been canceled due to the pending Show Cause hearing on October 31st.”

MR. JONES: Yes, that's what -

THE COURT: You now know that that's not correct.

MR. JONES: Based on my communication with the manager in Civil, I know it's not correct.

Cause Order which still is alive and which I still expect to hear on October 31, looking at the plethora of excuses made by Mr. Jones from apparent compliance with the Court's pretrial Scheduling Order, the proper procedures of this Court, and finding myself in disbelief that he would rely on and stretch a functional clerk's instruction that the trial date was cancelled into an allegation that the Court has failed or refused to honor or consider any accommodation of his client's disability [–] because I am incredulous, because I am [in] disbelief, because I find myself incapable of believing virtually anything that Mr. Jones has just told me, I'm in unfamiliar territory of finding that I must recuse myself from any further proceedings in this case because I cannot believe anything that the Reverend Rickey Nelson Jones,³⁴ Esquire, and I'm reading off of the letterhead, tells me.

I think that 99 percent of what Mr. Jones has told me about his conduct on behalf of his client is pure bullshit, so I'm forced to recuse myself, and I can't get [] past the idea that I cannot believe a darn thing that Mr. Jones tells me now.

So I am compelled under Rule 16-813, rule 2.11³⁵ to disqualify myself in any further proceedings in this case because I now believe, based on Mr. Jones' conduct and representations in this case, in his discussion and exploration of “who struck John” in recent days about his request for accommodation, all without filing precise instructions and procedures of the Scheduling Order and the website resources available to him.

I find that I cannot be impartial. I am personally biased or prejudiced concerning Mr. Jones and his conduct. So I'm going to recuse myself.

(T1 pp. 35-37).

4.5 My decision to disqualify myself from presiding over the jury trial or attending to pretrial motions followed directly after Jones' diatribe (T1 pp. 34-37), expressly because of Jones' elaborated remarks and incredible explanations for his demand for postponement, and his bizarre explanation of my “connection” and alleged insensitivity to his demand for “accommodation” without any reference to the ADA or applicable rules. (T1 p. 34.) Immediately upon hearing and considering Jones' speech about a clerk's error and his consequent demand for postponement of the trial (T1 pp. 22-30), and his complaint about my “harsh” letter (T1 p. 29), I read from the bench and applied Rule 2.11(a) to disqualify myself from trying the case or hearing pretrial motions—and not from the Show Cause proceeding already underway.

4.6 Because I had just disqualified myself from conducting the trial and pretrial motions, I took pains to assure that the next assigned trial judge (Judge Ausby conducted motions arguments on October 20 and trial, to a defense verdict, on October 27-28) would not be informed of the reasons for my recusal from conducting the trial. (T1 pp. 37-42). I also tried, in vain, to reiterate the process available for seeking ADA accommodations for Plaintiff Joyner (T1 p. 41):

³⁴ I referred to “Mr. Jones” in all hearings at which he appeared. On July 9, 2015 (Docket 67), Judge Shar inquired of Jones' preference, whether to be called “Reverend” or “Mr.,” and Jones identified himself as “Mr.”

³⁵ I relied on the instruction of Rules 2.7 and 2.11 and comments to those rules. While reviewing Mr. Jones' recusal motion on the bench, I also pulled and reviewed several case authorities (e.g., T1 p. 19), including the opinion in *Karanikas v. Carthwright*, 209 Md. App. 571, 579-80 (2013).

I will tell you that the Administrative Office of the Courts and our Court Administrator, Frank Broccolina, located on the second floor of Courthouse East takes our responsibilities to accommodate under the ADA very seriously, and our Administrative Judge, Judge Pierson, takes our responsibilities under the ADA very seriously.

Judges are involved on a not-infrequent basis to accommodate and make sure that a particular assigned courtroom in Mitchell Courthouse which is ADA challenged on a not-infrequent basis [sic]. Courthouse East may be easier to accommodate disabilities of this sort anticipated by Mr. Jones [than] Mitchell Courthouse. There are more accessible courtrooms than others and our Administrative Office of the Courts and Judge Pierson and our judges work diligently and very hard upon proper notice consistent with the request made, invited by the Scheduling Order to make sure that parties' disabilities are accommodated....

I am going to urge that when you go to Postponement Court today that you make it known that there is going to be need for accommodation of a rather drastic and dramatic nature. Just because of the late notice in that regard by Mr. Jones doesn't mean that the Court will take those requests any less seriously, and I urge all Counsel to be proactive to address those accommodations.

4.7 As I reminded Jones of procedures for seeking trial postponement based on "emergency" or exigent circumstances, I was "dumbfounded" to learn that Jones had not informed defense counsel of his recent visit(s) to the chambers of Judge Ausby, whom he identified as the Postponement Court judge. (T1 pp. 38-39):

THE COURT: ... I'm curious, who is the Postponement Court Judge?

MR. JONES: Yesterday it was Judge Asby.

THE COURT: Okay. Ausby. Did you inform Counsel of your travels to Postponement Court? Did you all know about the efforts to go to Postponement Court yesterday?

MR. STEPHENSON: We were not invited to attend Postponement Court or notified that an attempt would be made to go to Postponement Court.

I responded, immediately, to admonish Jones, once again, and as dramatically and harshly as I could, to stop his *ex parte* communications (T1 p. 39):

THE COURT: Do not engage in any further *ex parte* communications with judges or judges' chambers. You must, you will communicate with Counsel anytime you want to communicate with a judge or judge's chambers. Counsel, look at me. Do you understand that you are not to communicate *ex parte* with a judge of this Court as to an active case?

* * * * *

THE COURT: I am dumbfounded at your irresponsible behavior Mr. Jones. All the more reason why I am compelled by your dumbfounding behavior to recuse myself because I cannot believe a single word you say. And what I am compelled to do now because the Rules of Professional Conduct and the Judicial Code compel me to do so is to reexamine what I just said and heard and report it on the record—whether I must report to the Attorney Grievance Commission.

I acknowledged, on the record: “I am so very frustrated with [Jones’] failure to attend to basic rules of procedure.” (T1 p. 40).

4.8 I concluded the hearing by repeating and expressly limiting the reach and consequence of my recusal as trial judge in the *Joyner* case, by reiterating that “I am not recusing myself from a Show Cause hearing on October the 31st” (T1 pp. 42-44):

As for you, Mr. Jones, I have no way of knowing whether my [pique and] my frustration with your performance of recent days will warrant my recusal in any further future cases pending before this Court. I take each case as it comes. The fact that I didn't have any recollection of the hearing or the orders back in May on the occasion of this Court's attention to the Motion relating to punitive damages should essentially assure you that I do take each case, each motion, each day as it comes.

The busyness of this Court's docket, the fact that our civil judges are on the bench all day every day should give you some pause to accuse this court of bias or prejudice based on your performance from one case to another.

I will hasten to add and to close with this. While I am shocked, frustrated, appalled and consequently don't believe anything Mr. Jones has told me about the conduct of his office and himself in this case and I don't believe that he's honored the Court's Orders in this case, I don't understand or believe that necessarily will carry over to any future other cases. I will take each case as it comes.

We do have a date. I am not recusing myself from a Show Cause hearing on October the 31st. It is my responsibility to address the Show Cause hearing on October 31st and I will address . . . the Show Cause Order. I'll address that in due course. I haven't seen your Answer, Mr. Jones, and I'll address it in due course.

Jones handed up a convenience copy of his response to the Show Cause Order for my reference as the pretrial proceedings were adjourned and after I had been on the bench for more than an hour and fifteen minutes.³⁶

4.9 My written Order followed immediately on October 15, 2014. (Docket 52.) My Order repeated that the motion for recusal was granted only “in pertinent part”, and that I had “disqualified myself from trying the captioned case.” The Order accurately stated my decisions that I denied the motion to the extent it was based upon the grounds Jones had asserted in “Partial Act #1” and “Partial Act #2” of the recusal motion, but granted it

³⁶ Investigative Counsel’s selective (and inaccurate) quotations from my findings on the bench (pp. 5-7 of the Charges) are offered without context as to Jones’ arguments and without reference to my written Order (Docket 52, granting recusal motion only “in pertinent part”).

based upon the grounds he set forth in “Partial Act #3” of the motion, for reasons and in the circumstances developed during Mr. Jones’ representations and arguments in open court, and for reasons stated on the record by Judge White upon consideration of Mr. Jones’ conduct and Maryland Rule 16-813, Code of Judicial Conduct Rule 2.11(a)(1).”

I have attached a copy of this Order, and each relevant Court Order in the *Joyner* case, to this Answer. Indeed, my Orders in the case, alone, should be read as fully responsive to the baseless Charges.

Response to Section 5

5.1 I expressly deny that my recusal and non-recusal decisions on October 15, 2014, and my decision to proceed to conduct the Show Cause hearing on October 31, 2014, and my conduct at that hearing, and my contempt findings and Order of Contempt, constitute any violation of the Code of Judicial Conduct. With this Answer, my contemporaneous Motion to Dismiss also identifies grounds and authorities on which I rely to challenge the Commission’s jurisdiction to pursue the Charges.

Response to Sections 6 and 7

6.1 Investigative Counsel declares: “At issue in this investigation was Judge White’s conduct during the May 5, 2014, October 15, 2014 and October 31, 2014 hearings.” The investigated “facts upon which the charges are based” include Investigative Counsel’s description of arguments from Jones, for his recusal motion on October 15: “Rev. Jones argued that the court [a] had exhibited ‘harshness’ toward his client, [b] had not shown his client consideration for her disabilities, and [c] had ‘insulted’ him at the May 5, 2014 hearing.” The remaining “facts” consist of several incomplete and misapprehended bench rulings on October 15 and 31, with Investigative Counsel’s opinions about Jones’ arguments and certain bench statements, all without context in the court record and all without reference to my actual orders and applicable authorities.

Such assertions by Jones, such “facts” and opinions offered by Investigative Counsel, provide absolutely no evidentiary basis that I engaged in any conduct prejudicial to Plaintiff Joyner, let alone the proper administration of justice in the Circuit Court for Baltimore City.

5/2/16

Judge Pamela J. White

ATTACHMENTS

CIRCUIT COURT FOR BALTIMORE CITY
Lavinia Alexander
Clerk of the Circuit Court
Courthouse East
111 North Calvert Street
Room 462
Baltimore, MD 21202-
(410)-333-3722, TTY for Deaf: (410)-333-4389

05/01/15

Case Number: 24-C-14-000589 MT
Date Filed: 02/03/2014
Status: Reopened/Active
Judge Assigned: To Be Assigned,
Location :
CTS Start : 02/03/14 Target : 08/02/15

Louise V Joyner vs Veolia Transportation Services Inc., et al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
-----	-----
Case Folder ID	C14000589V02

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PLT	001 Joyner, Louise V			02/03/14
		Party ID: 4876914		
	Mail: 4330 Parkside Drive A-1 Baltimore, MD 21206	02/03/14		02/04/14 LAC
	Attorney: 0023201 Jones, Rickey Nelson Law Offices Of Rickey Nelson Jones Esq 1701 Madison Avenue 3rd Fl Ste 5 Baltimore, MD 21217 (410)462-5800	Appear: 01/31/2014		02/04/14
DEF	001 Veolia Transportation Services Inc.			02/03/14
		Party ID: 4876916		

Mail: 2100 Huntington Ave 02/04/14 02/19/14 DG 02/04/14 LAC
 Baltimore, MD 21211

Mail: R/A The Corp. Trust Inc. 02/03/14 02/19/14 DG 02/04/14 LAC
 351 West Camden Street
 Baltimore, MD 21201

Attorney: 0804652 Stephenson, Andrew T Appear: 05/06/2014 05/06/14
 Franklin & Prokopik, P.C.
 Two North Charles Street
 Suite 600
 Baltimore, MD 21201
 (410)752-8700

0819968 Patel, Archita N Appear: 03/18/2014 03/20/14
 Franklin & Prokopik, P.C.
 Two North Charles Street
 Suite 600
 Baltimore, MD 21201
 (410)752-8700

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 002	Maryland Transit Administration		BA SS 05/08/14	02/03/14
		Party ID: 4876919		
	Mail: 6 St. Paul Street	02/03/14 02/19/14	02/19/14 DG	02/04/14 LAC
	Baltimore, MD 21202			
	Mail: S/o Douglas Gansler Md Atty General	02/03/14	02/19/14 DG	02/04/14 LAC
	200 St. Paul Place			
	Baltimore, MD 21202			
	Attorney: 0008458 Scheiner, Richard W	Appear: 03/11/2014		03/18/14
	Semmes, Bowen & Semmes			
	25 South Charles Street			
	Suite 1400			
	Baltimore, MD 21201-2425			
	(410)539-5040			

CALENDAR EVENTS

Date	Time	Fac	Event Description	Text SA	Jdg Day	Df Notice	User ID
Result			ResultDt By Result Judge	Rec			
05/05/14	02:00P	428	Motion Hearing (Civil)	Y	PJW	01 /01	05/01/14 DLI ASJ
			Cancelled/Vacated 05/08/14 C				

24-C-14-000589 Date: 05/01/15 Time: 08:35

Page: 3

Date	Time	Fac	Event Description	Text SA	Jdg Day	Df Notice	User ID
Result			ResultDt By Result Judge	.Rec			
05/05/14	02:00P		Motion Hearing (Civil)		PJW	01 /01 04/23/14	ST DLI
	Cancelled/Vacated		04/25/14 Z				
09/17/14	08:00A	403C	Pre-Trial Conference	Y	TBA	01 /01 05/01/14	DLI ASJ
	Cancelled/Vacated		05/08/14 Z				
09/17/14	10:00A	511	Pre-Trial Conference	Y	TBA	01 /01 06/18/14	DLI
	Held/Concluded		09/26/14 C M.Mediator	N			
09/17/14	08:00A		Pre-Trial Conference		TBA	01 /01	MBN DLI
	Cancelled/Vacated		04/25/14 Z				
10/15/14	09:30A	403T	Civil Trial	Y	TBA	01 /01 06/18/14	DLI ST
	Postponed		10/15/14 C K.Ausby				
10/15/14	09:30A		Civil Trial	Y	TBA	01 /01 05/01/14	DLI DLI
	Cancelled/Vacated		05/08/14 Z				
10/15/14	09:30A		Civil Trial		TBA	01 /01	MBN DLI
	Cancelled/Vacated		04/25/14 Z				
10/20/14	02:00P	430	Motion Hearing (Civil)		KYA	01 /01 10/15/14	ST DLI
	Cancelled/Vacated		04/10/15 C				
10/27/14	09:00A	430	Civil Trial	Y	KYA	01 /01 10/16/14	ST
	Held/Concluded		04/13/15 C K.Ausby	N			
10/31/14	08:30A	428	Show Cause Hearing	Y	PJW	01 /01 10/21/14	DLI
	Held/Concluded		11/18/14 C P.White	N			
05/04/15	09:00A	428	Hearing	Y	PJW	01 /01 04/21/15	DLI KFS

DISPOSITION HISTORY

Disp Date	Disp Code	Disp Description	Stage Code	Stage Description	Activity User	Activity Date
04/23/14	SS	Stipulation Df Dismissal	DS	Disposed	LAC	04/25/14
05/05/14	DC	Dismissed by Court	BT	BEFORE TRIAL	ASJ	05/08/14
05/05/14	DC	Dismissed by Court	BT	BEFORE TRIAL	ASJ	05/08/14

JUDGE HISTORY

JUDGE ASSIGNED Type Assign Date Removal RSN

 TBA To Be Assigned. J 02/04/14

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00001000	Complaint with Request for Jury Trial	02/03/14	02/04/14	PLT001	TBA Moot	04/23/14	LAC LAC
00001001	Answer to Complaint	03/11/14	03/18/14	DEF002	TBA Moot	04/23/14	MST LAC
00001002	Answer to Complaint	03/18/14	03/20/14	DEF001	TBA Moot	04/23/14	RD LAC
00002000	Return of Service - Served WRIT OF SUMMONS served 02/20/14	02/24/14	02/25/14	DEF001	TBA Moot	02/25/14	TP TP
00003000	Return of Service - Served WRIT OF SUMMONS served 02/11/14	02/24/14	02/25/14	DEF002	TBA Moot	02/25/14	TP TP
00004000	Return of Service - Served WRIT OF SUMMONS served 02/20/14	03/04/14	03/04/14	DEF001	TBA Moot	03/04/14	TP
00005000	Notice of Service of Discovery Material	03/18/14	03/20/14	DEF001	TBA Moot	04/23/14	TP LAC
00006000	Notice of Service of Discovery Material	03/18/14	03/20/14	DEF001	TBA Moot	04/23/14	TP LAC
00007000	Standard Short Track Scheduling Order Se	03/25/14	03/25/14	000	TBA Moot	03/25/14	M8N
00008000	Motion To Dismiss Plaintiff's Claim For Punitive Damages With Memorandum, Exhibits And Proposed Order Attached	03/18/14	03/26/14	DEF001	PJW Granted	05/05/14	MST ASJ
00008001	Request for Hearing on Selected Motion	03/18/14	03/26/14	DEF001	TBA Moot	04/23/14	MST LAC
00008002	Response/Opposition to Motion	03/24/14	04/01/14	PLT001	TBA Moot	04/23/14	BLB LAC
00008003	Order of Court Upon Consideration of Defendant, Veolia Transportation Services, Inc.'s Motion to Dismiss Plaintiff's Claim for Punitive Damages B and the accompanying Memorandum of Law and Polint of Authorities in support thereof, and Responses in Opposition thereto (8/2), for reasons stated on the record at the Hearing thereon, It is ORDERED that the punitive damages claim of Plaintiff's Complaint be, and is hereby, DISMISSED WITH PREJUDICE on this 5th day of May, 2014, and the Motion (8) is GRANTED. (White.J)	05/08/14	05/08/14	000	PJW Moot	05/05/14	ASJ ASJ
00008004	Copies Mailed	05/08/14	05/08/14	000	TBA Moot	05/05/14	ASJ ASJ
00009000	Notice Motion Hearing Sent	03/27/14	03/27/14	000	TBA Moot	03/27/14	ST

Event: MDTN Block Date: 05/05/14 Facility: 428
 PARTIES :
 Patel, Archita Two North Charles Street Suite 600, Baltimore, MD,
 21201
 Scheiner, Richard 25 South Charles Street Suite 1400, Baltimore,
 MD, 212012425
 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD,
 21217

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00010000	MOTION TO DISMISS	04/15/14	04/17/14	DEF002	TBA Moot	04/23/14	8LB LAC
00011000	Notice Motion Hearing Sent Event: MDTN Block Date: 05/05/14 Facility: 428 PARTIES : Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Scheiner, Richard 25 South Charles Street Suite 1400, Baltimore, MD, 212012425 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	04/23/14	04/23/14	000	TBA Moot	04/23/14	TLW
00012000	Plaintiff's Notice of Voluntary Dismissal Without Prejudice As To Defendant Maryland Transit Administration.	04/23/14	04/25/14	000	TBA Moot	04/23/14	LAC LAC
00013000	Reopen Case	05/01/14	05/01/14	000	TBA Moot	05/05/14	LAC ASJ
00014000	Notice Motion Hearing Sent Event: MDTN Block Date: 05/05/14 Facility: 428 PARTIES : Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Scheiner, Richard 25 South Charles Street Suite 1400, Baltimore, MD, 212012425 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	05/01/14	05/01/14	000	TBA Moot	05/01/14	DLI
00015000	Hearing/Trial Notice Sent Event: PTC Block Date: 09/17/14 Facility: 403C PARTIES : Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Scheiner, Richard 25 South Charles Street Suite 1400, Baltimore, MD, 212012425 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	05/01/14	05/01/14	000	TBA Moot	05/01/14	DLI
00016000	Batch Hearing Notice Sent Event: CIVI Block Date: 10/15/14 Facility: 403T PARTIES : Patel, Archita Two North Charles Street Suite 600, Baltimore, MD,	05/01/14	05/01/14	000	TBA Moot	05/01/14	DLI

21201
 Scheiner, Richard 25 South Charles Street Suite 1400, Baltimore.
 MD, 212012425
 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD,
 21217

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00017000	Notice of Service of Discovery Material (4)	05/02/14	05/06/14	DEF001	TBA Moot	05/05/14	BS ASJ
00018000	Plaintiff's Motion for Reconsideration With Proposed Order Filed by Attorney: Rickey Nelson Jones	05/08/14	05/09/14	PLT001	PJW Denied	06/09/14	PMR PMR
00018001	Defendant, Veolia Transportation Services, Inc. Response In Opposition To Plt.'s Motion For Recosideration	05/23/14	05/27/14	DEF001	TBA		ASJ
00018002	Plaintiff's Reply to Defendant Veiolia Transportation Services Inc's Response in Opposition to Plaintiff's Motion for Reconsideration	06/04/14	06/05/14	PLT001	TBA		DB
00018003	Order of Court ORDERED THAT PLAINTIFF'S MOTION IS DENIED; AND ORDERED THAT DEFENDANT'S REQUEST FOR ATTORNEY'S FEES IS DENIED(JUDGE WHITE)	06/11/14	06/11/14	000	PJW		PMR
00018004	Copies Mailed	06/11/14	06/11/14	000	TBA		PMR
00019000	Amended Complaint with Request For Jury Trial	05/09/14	05/12/14	PLT001	TBA		TP
00019001	Answer To Amended Complaint	06/06/14	06/10/14	DEF001	TBA		MST MST
00020000	Amended Complaint (Comparative Version)	05/20/14	05/20/14	PLT001	TBA		ASJ ASJ
00021000	Notice of Service of Discovery Material	06/04/14	06/05/14	DEF001	TBA		BS
00022000	Notice of Service of Discovery Material	06/17/14	06/18/14	DEF001	TBA		BS
00023000	Hearing/Trial Notice Sent Event: PTC Block Date: 09/17/14 Facility: 511 PARTIES : Pate], Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201 Maryland Transit Administration, S/o Douglas Gansler Md Atty General 200 St. Paul Place, Baltimore, MD, 21202 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	06/18/14	06/18/14	000	TBA Moot	06/18/14	DLI

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00024000	Batch Hearing Notice Sent Event: CIVI Block Date: 10/15/14 Facility: 403T PARTIES : Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201 Maryland Transit Administration, S/o Douglas Gansler Md Atty General 200 St. Paul Place, Baltimore, MD, 21202 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	06/18/14	06/18/14	000	TBA Moot	06/18/14	DLI
00025000	Notice of Service of Discovery Material	06/26/14	06/27/14	DEF001	TBA		BS
00026000	Notice of Service of Discovery Material	07/21/14	07/22/14	DEF001	TBA		BS
00027000	Notice of Service of Discovery Material	07/28/14	07/29/14	DEF001	TBA		BS
00028000	Notice of Service of Discovery Material	07/30/14	08/01/14	DEF001	TBA		BS
00029000	Second Amended Complaint (and Demand For Jury Trial) Filed by PLT001-Joyner, DEF001-Veolia Transportation Services Inc.. DEF002-Maryland Transit Administration	08/01/14	08/04/14	PLT001	TBA		ASJ
00030000	Plaintiff's Emergency Motion to Stop Deposition of Plaintiff Due to [1] Unreasonableness and [2] Close of Discovery, with Exhibits and Proposed Order Attached	08/06/14	08/07/14	PLT001	SJS Denied	08/18/14	RM RM
00030001	Defendant Veolia Transportation Services, Inc'S Response/Opposition to Plaintiff Motion To Stop Deposition of Plaintiff.	08/15/14	08/18/14	DEF001	TBA		LAC
00030002	Order of Court -ORDERED that Plaintiff's Emergency Motion to Stop Deposition of Plaintiff Due to (1) Unreasonableness and (2) Close of Discovery is hereby DENIED on this 18th day of August, 2014. (Judge Sfekas)	08/18/14	08/19/14	000	SJS		RM RM
00030003	Copies Mailed Rickey Nelson Jones, Esq; Andrew T Stephenson, Esq; Archita N Patel, Esq; Richard W Scheiner, Esq	08/19/14	08/19/14	000	TBA		RM
00030004	Plaintiff's Brief Response To Defendant Veolia Transportation Services Inc's Response In Opposition To Plaintiff's Motion To Stop Deposition Of Plaintiff	08/18/14	08/19/14	PLT001	TBA		TP
00031000	Motion for Summary Judgment with proposed order, and Exhibits attached	08/18/14	08/19/14	PLT001	MKC Denied	09/10/14	TP DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00031001	Defendant, Veolia Transportation Services, Inc.'s Response in Opposition to Plaintiff's Motion for Summary Judgment, with Exhibits and Proposed Order Attached	09/05/14	09/08/14	DEF001	TBA		RM RM
00031002	Order of Court ORDERED that Pltff's Motion for Summary Judgment shall be & is hereby DENIED; and it is further ORDERED that this case shall proceed to the next scheduled hearing. Copeland J	09/11/14	09/11/14	000	MKC		DG
00031003	Copies Mailed	09/11/14	09/11/14	000	TBA		DG
00031004	Plaintiff's Reply to "Defendant Veolia Transportation Services, Inc.'s Response in Opposition to Plaintiff's Motion for Summary Judgment," with Exhibits Attached	09/09/14	09/11/14	PLT001	TBA		RM
00032000	Plaintiff's Pre-Trial Conference Statement	09/05/14	09/08/14	PLT001	TBA		LAC
00033000	Pre-Trial Statement	09/12/14	09/16/14	DEF001	TBA		TP
00034000	Defendant, Veolia Transportation Services Inc's Motion for Sanctions for Plaintiff's Failure to Appear for Deposition or in the Alternative, Motion in Limine to Preclude the Plaintiff from Testifying at Trial and Exhibits	09/12/14	09/16/14	DEF001	TBA		DB TP
00034001	Plaintiff's Response To defendant Veolia Transportation Services Inc's Motion For Sanctions For plaintiff's failure To Appear for Deposition Or In The Alternative motion In Limine to Preclude The Plaintiff From Testifying At Trial with exhibits attached	09/12/14	09/16/14	PLT001	TBA		TP
00035000	Plaintiff's Motion for Reconsideration Due to an Apparent Innocent Oversight by the Court Ruling Relating to Procedure and Facts	08/16/14	09/18/14	PLT001	TBA		DB DB
00036000	Defendant, Veolia Transportation Services, Inc.'s, Motion for Summary Judgment, with Memorandum, Exhibits, and Proposed Order Attached	09/18/14	09/19/14	DEF001	TBA		RM RM
00036001	Request for Hearing on Selected Motion	09/18/14	09/19/14	DEF001	TBA		RM RM
00036002	Pltff's opposition to deft Veolia Transportation Services, Inc's Motion for Summary Judgment due to its filing 30 days pass the deadline.	09/23/14	09/24/14	PLT001	TBA		VB

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00036003	Defendant, Veolia Transportation Services, Inc.'s Reply to Plaintiff's Opposition to Motion for Summary Judgment	09/30/14	10/01/14	DEF001	TBA		RM RM
00036004	Plaintiff's Response To The 9/29/14 Defendant Veolia Transportation Services Inc's Reply To Plaintiff's Opposition To Motion For Summary Judgment	10/02/14	10/07/14	PLT001	TBA		MST
00037000	Defendant's Motion in Limine To Preclude Plaintiff From Testifying At Trial	09/30/14	10/01/14	DEF002	TBA		LAC
00037001	Response/Opposition to Motion	10/06/14	10/08/14	PLT001	TBA		TK
00038000	Motion in Limine to Preclude Evidence Regrding Driver's Background with Proposed order	09/30/14	10/01/14	DEF001	TBA		TP
00039000	Motion in Limine to Exclude any Expert Evidence/Expert testimony offered by plaintiff for failure to identify Any such Evidence in Accordance with the scheduling Order with proposed Order and exhibits attached	09/30/14	10/01/14	DEF001	TBA		TP
00039001	Response/Opposition to Motion	10/06/14	10/08/14	PLT001	TBA		TK
00040000	Motion in Limine #1	09/30/14	10/01/14	PLT001	TBA		TP
00041000	Motion in Limine #2	09/30/14	10/01/14	PLT001	TBA		TP
00042000	Hearing/Trial Notice Sent Event: SHOC Block Date: 10/31/14 Facility: 428 PARTIES : Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201 Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Maryland Transit Administration, S/o Douglas Gansler Md Atty General 200 St. Paul Place, Baltimore, MD, 21202 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	10/02/14	10/02/14	000	TBA Moot	10/02/14	DLI
00043000	Notice of Substitution of Counsel	10/02/14	10/06/14	000	TBA		LAC
00044000	Show Cause Order Ordered That Plaintiff Louise V. Joyner And Plaintiff's Counsel Rickey Nelson Jones Shall Personally Appear On Friday, October 31, 2014 At 8:30 a.m. In Courtroom 428M At The Circuit Court For Baltimore City, Maryland (WHITE,J) See Order For More Details	10/09/14	10/09/14	000	TBA		MST VB
00044001	Copies Mailed	10/09/14	10/09/14	000	TBA		MST

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00044002	Plaintiff Plaintiff's Counsel Formal Response to the Court's 10/2/14 Show Cause Order, with Exhibits Attached	10/08/14	10/09/14	PLT001	TBA		RM
00045000	Request That the Court Vacate the Order in Light of Overlooked Facts & Medical Necessity (See entry 44002 for complete filing)	10/08/14	10/09/14	PLT001	TBA		RM RM
00046000	Open Court Proceeding Louise Joyner Vs. Veolia Transportation Services Inc., et al. 10/15/14 Plaintiff's motion for recusal is heard and "GRANTED". (White, J.) 10/15/14 Exhibits filed in this hearing and placed in court file. (White, J.)	10/15/14	10/15/14	000	TBA		JWI
00047000	Batch Hearing Notice Sent Event: CIVI Block Date: 10/27/14 Facility: 403T PARTIES : Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201 Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	10/15/14	10/15/14	000	TBA Moot	10/15/14	ST
00048000	Notice Motion Hearing Sent Event: MOTN Block Date: 10/20/14 Facility: 509 PARTIES : Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201 Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	10/15/14	10/15/14	000	TBA Moot	10/15/14	ST
00049000	Notice Motion Hearing Sent Event: MOTN Block Date: 10/20/14 Facility: 329 PARTIES : Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201 Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	10/15/14	10/15/14	000	TBA Moot	10/15/14	ST
00050000	Hearing/Trial Notice Sent Event: CIVI Block Date: 10/27/14 Facility: 430 PARTIES : Stephenson, Andrew Two North Charles Street Suite 600, Baltimore,	10/16/14	10/16/14	000	TBA Moot	10/16/14	DLI

MD, 21201
 Patel, Archita Two North Charles Street Suite 600, Baltimore, MD,
 21201
 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD,
 21217

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00051000	Civil Postponement Approved	10/15/14	10/16/14	000	KYA Approved	10/15/14	DG
00052000	Order of Court Ordered plaintiff motion for recusal (filed October 15, 2014 is granted in pertinent part, and Judge White	10/16/14	10/16/14	000	PJW Quashed	10/15/14	LAC
00053000	Plaintiff's Motion for the Honorable Judge Pamela J. White to Recuse Herself from Serving as Trial Judge in Case	10/15/14	10/17/14	PLT001	TBA		DB VB
00054000	Batch Hearing Notice Sent Event: SHOC Block Date: 10/31/14 Facility: 42B PARTIES : Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201 Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	10/21/14	10/21/14	000	TBA Moot	10/21/14	TLW
00055000	Plaintiff's Emergency Motion to Administrative Judge W. Michael Pierson for Special Assignment of 10/31/14 Show Cause Hearing, with Proposed Orders Attached	10/22/14	10/23/14	PLT001	WMP Denied	11/26/14	RM VT
00055001	Order of Court It is this 26th day of November 2014, Ordered that the motion is denied Pierson, J	12/04/14	12/04/14	000	WMP		VT
00055002	Copies Mailed	12/04/14	12/04/14	000	TBA		VT
00056000	Open Court Proceeding Loiuse V. Joyner Vs Veolia Transportation Services Inc. et al 10/27/14- Jury sworn on Voir Dire. Ausby, J 10/27/14- At the close of the Plaintiff's case, Defendant's motion for Judgement heard and "Denied". Ausby, J 10/27/14- Case continued to 10/28/14 Pt.24 @ 9 A.M. Ausby, J 10/28/14- At the close of the entire case, motion for judgment reoffered and "Denied". Ausby, J 10/28/14- Judgment on verdict in favor of the defendant for costs. Judgment order filed.	10/28/14	10/28/14	000	TBA		JWI JWI

Ausby, J
10/28/14- Exhibits filed. (1 envelope) TH

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00057000	Line 10/30/14-file returned back to Judge white's chamber/file given to law for hearing on 10/31/14/Law clerk instructed to frwd file back to BDH because case was not edited or scanned in/BDH/TH	10/30/14	10/30/14	000	TBA Moot	10/30/14	BH JWI
00058000	Line 10/31/14 File has not been forwarded to Clerk's office pending Judge White's order. File is in judge's chambers. JW	10/31/14	10/31/14	000	TBA Moot	10/31/14	JWI
00059000	Motion for Judgment NOV	10/31/14	11/03/14	PLT001	TBA		VB VB
00059001	Opposition to Motion for Judgment Notwithstanding the Verdict	11/10/14	11/14/14	DEF001	TBA		DB
00060000	Order of Contempt Ordered that Rickey Nelson Jones is in constructive civil contempt, pursuant to Md rule 15-206 for his failure to comply with this court's Order (7) Ordered that Rickey Nelson Jones may purgehis civil contempt by satisfying the following conditions in their entirety. (see order for details) Judge White	11/18/14	11/18/14	000	PJW		VB
00060001	Copies Mailed	11/18/14	11/18/14	000	TBA		VB
00061000	Order of Court (To Set Purge Hearing Date) ORDERED that Rickey Nelson Jones shall appear at a hearing of the Court, to be held on May 4, 2015 at 9:00am, Courtroom 428 Mitchell Courthouse, and offer evidence and/or argument that the Court should determine that Rickey Nelson Jones has purged himself of the civil contempt.	04/10/15	04/10/15	000	PJW Granted	04/06/15	WZ WZ
00061001	Copies Mailed	04/10/15	04/10/15	000	TBA		WZ
00062000	Hearing/Trial Notice Sent Event: HEAR Block Date: 05/04/15 Facility: 428 PARTIES : Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201 Patel, Archita Two North Charles Street Suite 600, Baltimore, MD, 21201 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD, 21217	04/13/15	04/13/15	000	TBA Moot	04/13/15	DLI
00063000	Batch Hearing Notice Sent Event: HEAR Block Date: 05/04/15 Facility: 428 PARTIES : Stephenson, Andrew Two North Charles Street Suite 600, Baltimore, MD, 21201	04/21/15	04/21/15	000	TBA Moot	04/21/15	KFS

Patel, Archita Two North Charles Street Suite 600, Baltimore, MD.
 21201
 Jones, Rickey 1701 Madison Avenue 3rd Fl Ste 5, Baltimore, MD.
 21217

SERVICE

Form Name	Issued	Response Served	Returned	Agency
WRIT OF SUMMONS DEF001 Veolia Transportation Services In Served Stephanie B Butterfield	02/04/14	03/22/14	02/20/14	Baltimore City Sheriff
WRIT OF SUMMONS DEF001 Veolia Transportation Services In	02/19/14	03/22/14	02/20/14	Baltimore City Sheriff
WRIT OF SUMMONS DEF002 Maryland Transit Administration.	02/04/14	03/13/14	02/11/14	Baltimore City Sheriff
WRIT OF SUMMONS DEF002 Maryland Transit Administration.	02/19/14			Private Process

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	CLOSED	03/11/14	0	no	no	DANS	0	1	001
1ANS	1st Answer Tickle	OPEN	06/06/14	0	no	no	DAAC	D	19	001
DCML	DCM Information List	CANCEL	03/11/14	0	no	no	1ANS	T	1	001
DCML	DCM Information List	CANCEL	06/06/14	0	no	no	1ANS	T	19	001
LSRV	120 Days Lack Of Jur	CANCEL	06/10/14	126	no	no	SERV		0	000
LSRV	120 Days Lack Of Jur	CANCEL	06/10/14	126	no	no	SUMM	F	0	000
SLDR	Set List - Discovery	CANCEL	08/27/14	21	no	no	MMOT	D	30	000
SLDR	Set List - Discovery	CANCEL	10/03/14	21	no	no	MSAN	D	34	000
SLJR	Set List - JIC Rulin	CANCEL	08/27/14	21	no	no	MMOT	D	30	000
SLMH	Set List For Motions	CANCEL	03/23/14	5	no	no	DHRR	D	8	001
SLMH	Set List For Motions	CANCEL	09/23/14	5	no	no	DHRR	D	36	001
SLMR	Set List For Motions	CANCEL	04/08/14	21	yes	no	DHRR	T	8	000

Code Tickle Name	Status Expires	#Days AutoExpire	GoAhead	From Type	Num Seq
SLMR Set List For Motions	CLOSED 05/06/14	21 yes	no	DMTN D	10 000
SLMR Set List For Motions	CANCEL 05/29/14	21 yes	no	MFRC D	18 000
SLMR Set List For Motions	CANCEL 08/27/14	21 yes	no	MMOT D	30 000
SLMR Set List For Motions	CANCEL 09/06/14	21 yes	no	MFRC D	35 000
SLMR Set List For Motions	CANCEL 09/08/14	21 yes	no	MJSM D	31 000
SLMR Set List For Motions	CANCEL 10/09/14	21 yes	no	DHRR T	36 000
SLMR Set List For Motions	CANCEL 10/29/14	21 yes	no	MJVA D	45 000
SLMR Set List For Motions	CANCEL 11/05/14	21 yes	no	MREC D	53 000
SLMR Set List For Motions	CANCEL 11/21/14	21 yes	no	MJNV D	59 000
TIME Motion To Extend/Sho	CANCEL 10/23/14	1 yes	no	DSPC D	55 000

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : BS Description: STANDARD SHORT TRACK Custom: No
 Assign Date: 03/19/14 Order Date : 03/19/14
 Start Date : 03/19/14 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Plaintiff(s) shall designate experts by		05/03/14	04/23/14	CLOSED
Defendant(s) shall designate experts by		06/17/14	04/23/14	CLOSED
Any additional parties must be joined by		06/19/14	04/23/14	CLOSED
All discovery must be completed by		07/19/14	04/23/14	CLOSED
Any Motion for Summary Judgment must be		08/18/14	04/23/14	CLOSED
Alternate dispute resolution process com		08/18/14	04/23/14	CLOSED
Pretrial Conference Oate	09/17/14	09/15/14	04/23/14	CLOSED
Any Motions in Limine shall be filed by		09/30/14	04/23/14	CLOSED
TRIAL OATE is	10/15/14	10/18/14	04/23/14	CLOSED

PUBLIC NOTE TITLES

- 1) 2/4/14 \$80.00 Check sent to baltimore city sheriff check# 129
- 2) ENTRY #18/2 SENT TO JUDGE WHITE ON RED CARD 6-6-14
- 3) Clerk Notes:10/7/14,Pleading #36/4 Sent To Judge White
- 4) Case Notes 10/8/14 - # 44/2 & #45 sent to J. White
- 5) 10/23/14 #55 SENT TO JUDGE PIERSON. WITHOUT FILE

- 6) 10/31/14 loose pleading#43.51.53 J. White N/PU
- 7) 4/30/15 Loose pleadings sent to Jdg White

CASE FOLDER HISTORY

Date	Time	Type	User	Location	Clerk	Reason
----	----	----	----	-----	-----	-----
04/30/15	2:18 PM	Transfer	PAW	Room 426 Courthouse West	P43	check in
04/30/15	2:17 PM	Transfer	PAW	Room 426 Courthouse West	P43	check in
10/30/14	4:27 PM	Transfer	BH	Courtroom Clerk, Room 334 East	KP	delivered to crt clerk 10/28
10/30/14	4:27 PM	Transfer	BH	Courtroom Clerk, Room 334 East	KP	delivered to crt clerk 10/28
10/16/14	2:58 PM	Transfer	KA	Room 329 Courthouse East	KP	received for motions hearing

LOUISE V. JOYNER

Plaintiff,

v.

VEOLIA TRANSPORTATION
SERVICES, INC., et al.

Defendants.

* * * * *

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-14000589
*

ORDER

UPON CONSIDERATION of Defendant, Veolia Transportation Services, Inc.'s Motion to Dismiss Plaintiff's Claim for Punitive Damages ⁽⁸⁾ and the accompanying Memorandum of Law and Points of Authorities in support thereof, any Response in Opposition thereto ^(8/2), for ~~reasons stated on the record at the~~ ~~and any~~ Hearing thereon, it is **ORDERED** that the punitive damages claim of Plaintiff's Complaint be and is hereby, **DISMISSED WITH PREJUDICE** on this 5th day of May, 2014, and the Motion (8) is **GRANTED**.

Judge, Baltimore City Circuit Court



LOUISE V. JOYNER

Plaintiff

v.

**VEOLIA TRANSPORTATION
SERVICES, INC., et al.**

Defendant

*

IN THE

*

CIRCUIT COURT

*

FOR

*

BALTIMORE CITY

*

CASE NO.: 24-C-14-000589

* * * * *

ORDER

Pending before this Court is Plaintiff's Motion for Reconsideration (18), along with Defendant's Opposition (18/1) and Plaintiff's Reply (18/2). On May 5, 2014, this matter came before this Court for a hearing on Defendant's Motion to Dismiss (8) Plaintiff's punitive damages claims. This Court heard arguments of counsel and ultimately granted Defendant's Motion, dismissing the punitive damages claim in the Complaint with prejudice. On May 8, 2014, Plaintiff filed a Motion for Reconsideration (18). For the reasons that follow, this Court will deny Plaintiff's Motion.

In Plaintiff's Original Complaint (1), Plaintiff asserted a single count of negligence, alleging that Plaintiff sustained injuries while attempting to board a van operated by Defendant, resulting from Defendant's negligent care in assisting Plaintiff to board the van. Plaintiff also alleged the following:

17. While Plaintiff was in pain, a representative of Defendants contacted her about the accident. When the Plaintiff informed the representative that she was not feeling well and did not want to talk to her, the representative ignored the Plaintiff and continued calling the Plaintiff's home, harassing her.

18. Following the harassment, the representative of the Defendants used information from her brief conversation with the Plaintiff to undermine, dishonestly, what happened and the results thereof.

Compl. at ¶¶ 17-18. Plaintiff sought \$50,000.00 in compensatory damages, \$25,000.00 in

punitive damages “for the harassment of her while in an injured state and the dishonest use of information to undermine what actually happened.”

Defendant moved to dismiss the claim for punitive damages, asserting that Plaintiff had not sufficiently pled malicious conduct on the part of Plaintiff, and thus the claims for punitive damages must be dismissed. *See French v. Hines*, 182 Md. App. 201, 248-50 (2008) (“as a matter of Maryland law, punitive damages may only be awarded on the basis of ‘actual malice.’”). After considering the arguments of counsel at the May 5, 2014 hearing, this Court granted the motion and dismissed the punitive damages claims, finding that Plaintiff had failed to allege facts that would support a finding of actual malice.

On May 8, 2014, Plaintiff filed a Motion for Reconsideration (18).¹ Plaintiff asserts that counsel sufficiently made it clear at the May 5, 2014 hearing that a representative of Defendant made the “harassing” calls to Plaintiff. Plaintiff urges that there has been no denial by Defendant that the person alleged to have made unwanted calls to Plaintiff was acting as a representative of Defendant. Thus, Plaintiff contends that this Court erred in failing to consider those facts, and dismissal was improper.

On May 23, 2014, Defendant filed a Response in Opposition (18/1). Defendant contends that the Court was correct in dismissing the punitive damages claims and that Plaintiff has failed to demonstrate any basis upon which this Court should exercise its discretion in reconsidering the motion. Defendant maintains that the Complaint failed to allege that the representative of Defendant took any action outside of her job responsibilities that would amount to actual malice. Further, Defendant asserts that Plaintiff’s Motion for Reconsideration was made in bad faith and seeks attorney’s fees in connection with the costs of litigating the issue of punitive

¹ On May 9, 2014, Plaintiff filed an Amended Complaint (19). In the Amended Complaint, Plaintiff altered the damages demand, removing the request for punitive damages and seeking \$100,000.00 in compensatory damages.

damages. Plaintiff filed a Reply (18/2) on June 4, 2014. Plaintiff contends that the Motion for Reconsideration was not made in bad faith, and reiterates the arguments set forth in the Motion. Plaintiff also argues that Defendant has misled the court regarding the representative's ties to Defendant.

This Court finds that Plaintiff has offered no reasonable grounds upon which this Court should revisit its decision to dismiss the claims for punitive damages. "In a non-intentional tort action, the trier of facts may not award punitive damages unless the plaintiff has established that the defendant's conduct was characterized by evil motive, intent to injure, ill will, or fraud, *i.e.*, 'actual malice.'" *Owens-Illinois, Inc. v. Zenobia*, 325 Md. 420, 460 (1992). Plaintiff's Original Complaint—seeking damages for negligence—offers no specific indication of ill will by Defendant nor any intent to injure Plaintiff. Plaintiff simply asserts that some time after the allegedly negligent conduct, a representative of Defendant attempted contact Plaintiff, and continued to do so after Plaintiff expressed a desire not to speak to the representative.

Plaintiff baldly asserts that this was "harassment," but does not indicate the nature of the phone calls or anything else that would remotely suggest malice or ill will towards Plaintiff. Plaintiff's allegation that the representative "used information from her brief conversation with the Plaintiff to undermine, dishonestly, what happened and the results thereof," does not indicate what the representative did with the information, what exactly she "undermined," nor does it provide any assertions that suggest any actionable examples of an evil motive or ill will. At the May 5, 2014 hearing, and in the subsequent motion papers, expanding upon the allegations in the complaint, Plaintiff's counsel suggests that the representative was contacting Plaintiff to determine an insurance claim. Although not included in the Complaint, and thus of no effect when determining the sufficiency of Plaintiff's allegations, such facts only serve to undermine

Plaintiff's claims for punitive damages. The representative was performing her job duties by investigating a potential claim against the Defendant, thus hindering any claim of harassment or ill will. Accordingly, this Court finds no reason to alter its determination that Plaintiff had failed to state an actionable claim for punitive damages and Plaintiff's Motion for Reconsideration will be denied.

This Court will also deny Defendant's request for attorney's fees. Under Rule 1-341(b), a party seeking attorney's fees must "include or be separately supported by a verified statement that sets forth the information required in subsections (b)(2) or (b)(3)." There being no such information included in Defendant's request, this Court will not consider awarding attorney's fees in connection with Plaintiff's pursuit of punitive damages.

Accordingly, upon consideration of Plaintiff's Motion for Reconsideration (18), along with Defendant's Opposition (18/1) and Plaintiff's Reply (18/2), the Court's file and the applicable authorities, it is on this 9th day of June, 2014, hereby

ORDERED that Plaintiff's Motion for Reconsideration (18) is DENIED; and

ORDERED that Defendant's Request for Attorney's Fees pursuant to Rule 1-341 is DENIED.

Pamela J. White, Judge, Part 7
Circuit Court for Baltimore City

LOUISE V. JOYNER
Plaintiff

v.

VEOLIA TRANSPORTATION
SERVICE, INC., et al.
Defendants

* IN THE
*
* **CIRCUIT COURT**
*
* **FOR BALTIMORE CITY**
*
* **CASE NO.: 24-C-14-000589**

* * * * *

SHOW CAUSE ORDER

Plaintiff Louise V. Joyner and Plaintiff's Counsel Rickey Nelson Jones shall personally appear and show cause, if any, why this Court should not hold Plaintiff Louise V. Joyner and Plaintiff's Counsel Rickey Nelson Jones in civil contempt for failing to appear at the scheduled Pre-Trial Settlement Conference on September 17, 2014, failing to comply with this Court's Order dated March 25, 2014 and failing to comply with the Court's procedures for pre-trial settlement conferences.

NSJ

On March 25, 2014 this Court's Pretrial Scheduling Order (4) instructed:

2. (a) That all parties shall appear before the Court for a conference before trial on 9/17/14.
(b) The parties shall prepare in advance and bring to the conference a pretrial memorandum covering in full each of items (1) through (10) in Section (b) of Rule 2-504.2.
(c) All counsel, their clients and insurance representatives must attend the pretrial conference in person. Failure to attend without prior approval from the court can result in sanctions.

On September 17, 2014, Plaintiff's Counsel, Rickey Nelson Jones appeared without his client, Louise V. Joyner. Defendants' Counsel and representatives were present.

Rule 2-504.2(a) provides that "The court, on motion or on its own initiative, may direct all parties to appear before it for a conference before trial. If the court directs, each party shall file not later than five days before the conference a written statement addressing the matters listed in section
Page 1 of 3

(b) of this Rule.” Rule 15-206(b)(1) provides that, “The court may initiate a proceeding for constructive civil contempt by filing an order complying with the requirements of section (c) of this Rule.”

The Circuit Court for Baltimore City provides ample notice that “all counsel, their clients and representatives must attend the pretrial settlement conference in person.” The Court has procedures for parties, counsel, or representatives to request to be excused from attending Pre-Trial Conferences or permission to appear via telephone. Guidelines on the Circuit Court for Baltimore City’s website inform:

- All requests to excuse personal attendance must be made in writing, by motion or letter filed with the clerk...
- Where a pretrial conference is scheduled before a voluntary settlement attorney or a retired judge, the decision whether to approve [a] request [for participation by telephone] will be made by the ADR supervising judge.

On September 17, 2014, Plaintiff Louise V. Joyner and Plaintiff’s Counsel Rickey Nelson Jones failed to comply with the Court’s Pre-Trial Conference procedures as follows:

- (a) Plaintiff Louise V. Joyner and Plaintiff’s Counsel Rickey Nelson Jones failed to attend Pre-Trial Conference; and
- (b) Plaintiff’s Counsel Rickey Nelson Jones failed to make a timely motion to excuse his client’s personal attendance at Pre-Trial Conference.

Pursuant to Rule 15-206(c)(2), it is this 2nd day of October, 2014, by the Circuit Court for Baltimore City, Part 7, hereby

ORDERED that Plaintiff Louise V. Joyner and Plaintiff’s Counsel Rickey Nelson Jones shall personally appear on Friday, October 31, 2014 at 8:30 a.m. in Courtroom 428M, at the Circuit

Court for Baltimore City, Maryland, 100 N. Calvert Street, Baltimore, Maryland, and show cause why this Court should not hold Plaintiff Louise V. Joyner and Plaintiff's Counsel Rickey Nelson Jones in civil contempt for failing to appear at the Pretrial Settlement Conference on September 17, 2014, and failing to comply with this Court's Order dated March 25, 2014. An Answer, if any should be filed on or after Monday, October 20, 2014. See Rule 15-206(c)(2)(A). This Order shall be served by U.S. Mail on Plaintiff's Counsel and Plaintiff at the addresses listed below.

NOTICE: Incarceration is not sought.

Pamela J. White, Judge, Part 7
Circuit Court for Baltimore City

Rickey Nelson Jones, Esq.
Law Offices of Rickey Nelson Jones, Esq.
1701 Madison Avenue
3rd Fl. Ste. 5
Baltimore, Maryland 21217

Louise V. Joyner
4330 Parkside Drive, A-1
Baltimore, Maryland 21206

LOUISE V. JOYNER

Plaintiff

v.

VEOLIA TRANSPORTATION
SERVICES, INC., et al.

Defendant

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

CASE NO.: 24-C-14-000589

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ORDER

This case was called for jury trial, as scheduled (see docket 7, 24), on October 15, 2014. Counsel for the parties appeared. Plaintiff Joyner did not appear, for reasons suggested by her counsel, Mr. Jones, to warrant postponement of the trial. The trial Court referred to the requirements and allowances of the Scheduling Order (docket 7) while identifying applicable procedures for seeking trial postponement and/or ADA accommodations at trial. The trial Court identified and placed into the court file (a) Mr. Jones' faxed letter dated October 14, offered to chambers as an ex parte communication, and (b) the Court's letter response to Mr. Jones, copying defense counsel, and admonishing Mr. Jones not to attempt any further ex parte contact with Chambers.

Mr. Jones informed that he was not prepared to proceed with arguments as to any pending pre-trial motions, and presented "Plaintiff's Motion For The Honorable Judge Pamela J. White to Recuse Herself From Serving As Trial Judge in Case". During Mr. Jones' lengthy diatribe, the trial Court expressly denied the motion for reasons asserted in "Partial Act #1" and "Partial Act #2" of the recusal motion, but determined to grant the motion for reasons apparent from the face of Mr. Jones' representations in "Partial Act #3" of the motion, for reasons and in the circumstances developed during Mr. Jones' representations and arguments in open court, and

for reasons stated on the record by Judge White upon consideration of Mr. Jones' conduct and Maryland Rule 16-813, Code of Judicial Conduct Rule 2.11(a)(1).

Accordingly, it is on this 15th day of October, 2014, hereby

ORDERED that Plaintiffs' Motion for Recusal (filed October 15, 2014) is **GRANTED** in pertinent part, and Judge White has disqualified herself from trying the captioned case.

Pamela J. White, Judge, Part 7
Circuit Court for Baltimore City

LOUISE V. JOYNER

Plaintiff

v.

**VEOLIA TRANSPORTATION
SERVICES INC., et al.,**

Defendants

* * * * *

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-14-000589

ORDER OF CONTEMPT

This case was called for hearing on October 31, 2014, on the Court’s Show Cause Order (44). That Order, dated October 2, 2014, required Plaintiff, Louise V. Joyner, and Plaintiff’s attorney, Rickey Nelson Jones, to appear and show cause why each should not be held in Civil Contempt for violating the Court’s PreTrial Scheduling Order dated March 19, 2014 (7, printed March 25, 2014). On September 17, 2014, Jones had appeared for the scheduled pretrial conference without his client, Plaintiff Louise V. Joyner, and without having secured prior approval from the court to excuse the Plaintiff’s attendance. Jones had offered “Plaintiff’s Pretrial Conference Statement” (32, filed September 5, 2014), which noted, on the last [unnumbered] page: “Plaintiff requests that her attorney attend the Pretrial Conference alone due to her poor health and doctor recommendation that she not travel without ambulance assistance. Plaintiff will be available via telephone.” (emphasis in original). Jones was asked to fax the Plaintiff’s Pretrial Statement to ADR program director Jeff Trueman on September 16, 2014.¹ Jones’ cover letter noted: “[i]n the [Statement] section ‘Other Matters’, part 4, Plaintiff moves/requests that her counsel attend the Pretrial Conference alone due to her medical condition.”² At no time prior to the scheduled pretrial conference did Jones offer any “written motion

¹ Jones also, and inexplicably, appears to have faxed the Statement to “Mr. Leon, Clerk To The Honorable Judge Alfred Nance”.

² The pretrial memorandum required to be brought by the parties to the conference, according to the scheduling order, was to “cover[] in full each of items (1) through (10) in Sec. (b) of Rule 2-504.2.” Thus, the parties were not expected to disclose, in their written statements, either the identities of

for modification” of the scheduling order’s requirements to excuse Plaintiff’s attendance at the pretrial conference and/or trial. At no time prior to the scheduled pretrial conference did Jones offer any request for ADA accommodation of Plaintiff’s disabilities. At no time prior to the pretrial conference did Jones offer any motion to excuse Plaintiff’s personal attendance in favor of her participation by telephone.

Plaintiff Joyner did not appear on October 31, 2014. Her non-attendance was explained and excused for reasons appearing in her Affidavit, dated October 30, 2014, and identified as Exhibit 1 at the hearing. Plaintiff Joyner’s difficult medical circumstances, first mentioned by counsel among ‘other matters’ volunteered in the pretrial statement, were further described in several attachments in a response to the Show Cause Order, thus demonstrating good cause why Plaintiff Joyner should not be held in contempt for failing to appear at the pretrial conference on September 17, 2014 or otherwise disregarding the requirements of the scheduling order.

Plaintiff’s attorney Jones filed a response to the Show Cause Order (44/2, titled “Plaintiff & Plaintiff’s Counsel Formal Response to the Court’s 10/2/14 Show Cause Order and Request that the Court Vacate the Order in Light of Overlooked Facts & Medical Necessity”). Jones appeared on October 31, 2014 and presented further argument. Jones sought to vacate the Show Cause Order “due to unique medical circumstances and overlooked facts”. Jones described the difficult medical circumstances facing his client and complained that “the court had overlooked Plaintiff’s Pre-Trial Conference Statement Request” and had failed or refused to rule on his request to excuse his client before the scheduled pretrial conference. Jones urged “that when he last made such a request over ten years ago, no problem with the court arose”. At the Court’s hearing on October 31, Jones expanded on his complaint that the Court had overlooked his proper “request”, to excuse Plaintiff’s personal attendance; Jones urged that his ‘request’, appearing among ‘other matters’ in his pretrial statement,

expert witnesses for trial (Rule 2-504.2(b)(11)), or the ‘other matters’ that parties might wish to raise at the conference itself. (Rule 2-504.2(b)(12)).

was a proper motion warranting the Court's prompt decision in advance of the conference. Otherwise, Jones offered no reason or excuse to have disregarded the instructions appearing on the face of the Scheduling Order which allowed modification of the requirements of that order.

Despite good cause later disclosed and appearing from Plaintiff's difficult medical circumstances, and reasonably excusing Plaintiff's personal appearance on September 17, Plaintiff's attorney Jones was contemptuous of the express instructions of the Court's Scheduling Order. Jones refused or ignored the procedures described on the face of the Order to modify its requirements in the circumstances. Jones also, and abjectly, neglected the Rules of this Court applicable and available for him to pursue an apt motion to address his client's disabilities, and Jones failed or refused to engage in relevant and diligent communications with opposing counsel on manifestly urgent subjects concerning his client's availability and participation in her own case.

Jones perpetuates his disrespect for basic court procedures by recharacterizing—and blaming the court for skipping—his 'overlooked Plaintiff's Pre-Trial Conference Statement Request', as a formal Motion. Maryland Rule 2-311(a) is clear on its face: "An application to the court for an order shall be by motion which...shall be made in writing, and shall set forth the relief or order sought." Jones' 'request' did not comply with this or any other instruction of the rule, nor did Jones' 'request' allow for a 15-day period for Defendant's response in advance of the pretrial conference.

Upon consideration of the Court file, the Court's Order (7), and Rickey Nelson Jones' failure to comply with that Order and basic court procedures, and for reasons otherwise appearing on the record on October 31, 2014, it is on this 12th day of November, 2014, hereby

ORDERED that Rickey Nelson Jones is in constructive civil contempt, pursuant to Maryland Rule 15-206, for his failure to comply with this Court's Order (7), upon failing timely to address and/or secure the Court's waiver of his client's attendance in person or by telephone on September 17, 2014, or otherwise to modify the requirements of the Court's Scheduling Order (7) by its terms and pursuant to applicable rules of procedure. It is further

ORDERED that Rickey Nelson Jones may purge his civil contempt by satisfying the following conditions in their entirety:

- (1) Inquiring of defense counsel and promptly paying to Defendant a sum equivalent to defense counsel's fees for appearing at the September 17, 2014 Pre-Trial Conference.
- (2) Inquiring of defense counsel and promptly paying to Defendant a sum equivalent to defense counsel's fees for appearing at the October 31, 2014 Show Cause hearing.
- (3) Writing a letter of apology to both ADR program director Jeff Trueman and the Honorable Judge Paul Alpert, for Attorney Jones' rude and uncivil behaviors on September 17, 2014.

The Clerk will provide copies of this Order to all counsel.

Judge Pamela J. White
Judge's Signature Appears on Original Document

Date: November 12, 2014

LOUISE V. JOYNER

Plaintiff

v.

**VEOLIA TRANSPORTATION
SERVICE, INC., et al.**

Defendants

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IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

CASE NO.: 24-C-14-000589

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ORDER (To Set Purge Hearing Date)

Still pending in the litigation is the Court's Order of Contempt as to Rickey Nelson Jones (Docket #60, dated November 18, 2014) and instructions to purge that civil contempt.

Accordingly, it is on this 10th day of April, 2015, hereby

ORDERED that Rickey Nelson Jones shall appear at a hearing of the Court, to be held on **May 4, 2015 at 9:00 a.m.**, Courtroom 428 Mitchell Courthouse, and offer evidence and/or argument that the Court should determine that Rickey Nelson Jones has purged himself of the civil contempt.

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**Judge Pamela J. White, Part 7
Circuit Court for Baltimore City**

CIRCUIT COURT FOR BALTIMORE CITY
FRANK M. CONAWAY, CLERK
111 NORTH CALVERT STREET
BALTIMORE MD, 21202
ROOM NO: 462
PHONE: (410) 333-3722
TTY: (410) 333-4389

PRE-TRIAL SCHEDULING ORDER

IN RE: Louise V Joyner vs Veolia Transportation Services Inc., et al
CASE NO: 24-C-14-000589
OLD CASE NO: C14000589V01

Based on the Information Report(s) filed in this case and pursuant to MD. Rule 2-504(a), it is this 19 Day of March, 2014 , ORDERED:

1. This case is assigned to the STANDARD SHORT TRACK.
2. (a) That all parties shall appear before the court for a conference before trial on 09/17/14.
(b) The parties shall prepare in advance and bring to the conference a pretrial memorandum covering in full each of items (1) through (10) in Sec. (b) of Rule 2-504.2.
(c) All counsel, their clients and insurance representatives must attend the pretrial conference in person. Failure to attend without prior approval from the court can result in sanctions.
3. (a) All discovery including full resolution of all discovery disputes shall be completed no later than 4 months from the date of this order - 07/19/14.
(b) Plaintiff(s) shall designate experts 45 days from date of order - 05/03/14.
(c) Defendant(s) shall designate experts 90 days from date of order - 06/17/14.
(d) Expert designations shall include all information specified in Rule 2-402(e)(1)(A).
4. Any motion for summary judgment shall be filed no later than 5 months from the date of this order - 08/18/14.
5. Any motions in limine shall be filed no later than 15 days before trial - 09/30/14.
6. Any alternative dispute resolution process must be completed 5 months from date of order - 08/18/14.
7. Any additional parties must be joined within 3 months from date of this order - 06/19/14.
8. Trial of this case shall begin on 10/15/14.
9. This order is subject to modification, including the scheduling of the pretrial conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a hearing at 1:45 p.m. on a daily basis in Room 231, Courthouse East, 111 North Calvert Street.

Counsel for all parties and any pro se parties must attend these hearings. An 'exigent circumstance' means an unforeseen development occurring within 30 days of the pretrial conference or trial date which prevents compliance with this order.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City at (410) 396-5188 or TTY for hearing impaired: (410) 396-4930.

Judge W. Michel Pierson, Administrative Judge

Print Date 03/25/14
cc: Richard W Scheiner Esq
cc: Rickey Nelson Jones
cc: Archita N Patel Esq

#7

LOUISE V. JOYNER

Plaintiff,

v.

VEOLIA TRANSPORTATION SERVICES, INC., ET AL.

Defendants.

IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY

Case No.: 24-C-14-000589

ORDER

Upon "Plaintiff's Emergency Motion To Administrative Judge ~~W. Michel~~ Pierson for Special Assignment of 10/31/14 Show Cause Hearing," it is this ~~24~~

day of November 2014, by the Circuit Court for Baltimore City

~~ORDERED that the 10/31/14 Show Cause Hearing of Plaintiff and her~~ **MOTION IS DENIED**

~~counsel is specially assigned to Judge _____~~

Copies to:

JUDGE
Judge W. Michel Pierson

*Rickey Nelson Jones
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(55/1)