

IN THE CIRCUIT COURT OF MARYLAND FOR MONTGOMERY COUNTY

TANIE A. GUIRAND et al.,

Plaintiffs/Counter-Defendants,

v.

BEL PRE RECREATIONAL
ASSOCIATION, INC.,

Defendant/Counter-Plaintiff.

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Case No. 383580-V

**PLAINTIFF/COUNTER-DEFENDANT'S ANSWERS TO
DEFENDANT-COUNTER PLAINTIFF'S FIRST INTERROGATORIES**

TO: Bel Pre Recreational Association, Inc.
c/o Thomas C. Schild
Thomas Schild Law Group, LLC
401 North Washington Street, Suite 500
Rockville, Maryland 20850

FROM: Pierre R. Guirand
c/o Michael S. Woll
Woll & Woll, P.A.
4405 East-West Hwy, Suite 201
Bethesda, Maryland 20814

ANSWERS TO INTERROGATORIES

1. Identify yourself fully by giving your full name, date of birth, residence address, and if your answers are not based on personal knowledge please identify with specificity the source of information used to prepare your answers.

ANSWER My name is Pierre Guirand. My residence is 13418 Rippling Brook Dr., Silver Spring, MD 20906. I answered the above Interrogatory from my personal knowledge.

2. Identify each person, other than a person intended to be called as an expert witness at trial, having discoverable information that tends to support a position that you have taken or intend to take in this action, including any claim for damages, and state the subject matter of the information possessed by that person.

ANSWER Myself and my Husband Pierre Guirand. We have information that the Defendant in the instant matter specifically targeted us for a fence violation which are not enforced against other homeowners subject to the relevant covenant. They did this because the subject property is used as a group home for individuals with disabilities. BPRC Current and past board members Elliott Chabot, Ky Pack, Paulette Ladas, Ed Frantz, Daniel T. Keating, James Gladstone, Stacy Hecker, John Adamo, Louisa Hoar, Michelle Druham, Gordon Klang, Ted Bechtol and Lou Ann Rector also have information that the Defendant in the instant matter specifically targeted Plaintiff for a fence violation which are not enforced against other homeowners subject to the relevant covenant. They did this because the subject property is used as a group home for individuals with disabilities. The exact address of each board member is as yet unknown to the Plaintiffs, but each resides within the Bel Pre Community. Donna Beckenridge, Montgomery County Dept. of Health and Human Services, 1301 Piccard Dr., Rockville, MD 20850 240-777-3818 has information concerning the inspection of the assisted living facility and the requirement for adequate security of the residents.

3. Identify each person whom you expect to call as an expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the findings and opinions to which the expert is expected to testify and a summary of the grounds for each opinion; with respect to an expert where findings and opinions were acquired in anticipation of litigation or trial, summarize the qualifications of the expert, state the terms of the expert's conversation and attach to your answers, any list of publications written by the expert and any written report made by the expert concerning those findings and opinions.

ANSWER None at this time. Plaintiff reserves the right to supplement this answer at a later time.

4. If you intend to rely upon any documents, electronically stored information, or other tangible things to support a position that you have taken or intend to take in the action with respect to both the Complaint and counterclaim, including any claim for damages, identify such documents, electronically stored information, and other tangible things, and identify all persons having possession, custody or control of them.

ANSWER I intend to rely on all documents received from Defendant pursuant to Plaintiff's request for document production. Plaintiff further intends to rely on all documents produced by Plaintiff in response to Defendant's Request for Production of Documents.

5. Describe all facts which support your denial of every allegation of the Counterclaim that you did not admit.

ANSWER Defendant entirely denied Paragraphs 13, 17, & 19 of Defendant's Counter Complaint.

Paragraph 13 of the Counter-Complaint is deliberately misleading. The declarations make no specific exceptions as stated in Paragraph 13. The fact is that there are numerous corner lots that have six foot fences similar to the Plaintiff, and which the Defendant has taken no enforcement action.

Paragraph 17 is again misleading. The Defendant has long ago waived its right to enforce the relevant fence covenant. Therefore, Plaintiff cannot be in violation of a fence covenant.

Paragraph 19 Again, the Guirands deny they are in violation of a valid enforceable fence covenant.

6. Identify all persons who have conducted any investigation as to whether BPRA's covenants would allow the Fence, provide a summary of the findings and/or results of any such investigation, and identify all reports or other documents related thereto.

ANSWER No such person that Plaintiff is aware of.

7. Identify the date when you informed BPRA that you were constructing the Fence and the individual who you informed.

ANSWER Plaintiff informed former Board Member James Gladstone in the summer of 2013.

8. Identify the date(s) which (a) the Fence permits were submitted to Montgomery County and were approved by Montgomery County; (b) the Fence construction began; (c) the Fence was inspected by Montgomery County; and (d) the Fence construction was completed.

ANSWER There are currently no such permits

9. Identify the name(s) of the persons who (a) prepared the Fence permit; (b) submitted the Fence permit; (c) constructed the Fence.

ANSWER Plaintiff incorporates the answer to Interrogatory No. 8.

10. If any report was made by anyone, including you, a contractor, or an employee of Montgomery County, in the ordinary course of business with respect to building the Fence, state the name and address of the persons who made the report, the date thereof, identify the custodian thereof and provide such report.

ANSWER Plaintiff knows of no such report.

11. Identify the exact location of the Fence on the Property, including the distance from the dwelling structure and any adjoining street.

ANSWER From the northeast corner of the Property, the fence runs east for approximately 27'; then south for approximately 72', then west for 50' where it terminates at the Deck. From the northwest corner of the house, the fence runs west for approximately 23' then south for approximately 77', then east to the deck where it terminates.

12. Identify all lots containing a “comparable fence” on a corner lot to the Guirands’ Fence, as stated in Paragraph 16 of the Guirands’ Complaint accompanied with an explanation as to how each other fence is a “comparable fence.”

ANSWER Plaintiff incorporates the Photographs attached to his answers as well as the photographs produced by Plaintiff in response to Defendant’s discovery requests. Said Photographs show a sample of the fences built in violation of the covenant, many of which are corner lots. The actual number of fence violations within the relevant area is nearly twice as extensive, but Plaintiff produces these scores of homes as a representative sampling.

13. Identify the date(s) that the Guirands (a) acquired the proper licenses to operate the business at the Property; and (b) the business at the Property actually began operations.

ANSWER May 8, 2013

14. Identify the name and purpose of the business which operates the group home at the Property.

ANSWER The Angels Garden, LLC. To provide assisted living to individuals with physical and/or mental disabilities.

15. Identify any and all laws and/or regulations that require the group home at the Property to have a fenced in yard and require that the fence be located where the Fence was installed.

ANSWER COMAR 10.07.14.44 C (3)

16. Identify any and all government employees/persons who told you (a) a fence was required to operate the group home on the Property; and (b) the Fence was required to operate the group home on the Property.

ANSWER Donna Beckenridge.

17. Identify, describe and provide all communications from, to and between the Guirands and BPRA regarding the Fence and/or the group home on the Property.

ANSWER The Guirand’s communicated regularly with Ed Frantz pursuant to Henry v. BPRE, et. al., Circuit Court for Montgomery County, Case No. 364472-V. Mr. Frantz made clear to the Plaintiffs that the Defendant had not enforced the fence covenant for over forty years and did not intend to enforce a fence covenant.

18. Identify, describe and provide all communications from, to and between the Guirands and BPRA regarding any requests for an accommodation to BRPA’s fence covenant pursuant to the fair housing laws.

ANSWER Ed Frantz pursuant to Henry v. BPRE, et. al., Circuit Court for Montgomery County, Case No. 364472-V told the Plaintiffs that the Defendant had not enforced the fence covenant for over forty years and did not intend to enforce a fence covenant.

19. Identify all dates when the Guirands contacted BPRA to discuss a mutually agreeable compromise, following BPRA's September 26, 2013 letter, from September 26, 2013 to present.

ANSWER Objection. The interrogatory as posed seeks inadmissible settlement discussions pursuant to litigation filed in this matter.

20. Describe all facts which support each affirmative defense raised by you in your Answer to the Counterclaim.

ANSWER

Regarding, Collateral Estoppel, Estoppel, Laches, Release, Res Judicata, and Waiver the defenses are similar. Defendant is on record in Henry v. BPRE, et. al., as exercising its business judgment in deciding not to enforce the fence covenant. Plaintiff is entitled to rely on such representation. It is Plaintiffs' defense that Defendant has turned a blind eye to the literally hundreds of fence violations existing within the properties subject to the covenant. In its over 40 years of existence, the Defendant has selected one house – the Guirand's - for enforcement. As such, the defenses of Collateral Estoppel, Estoppel, Laches, Release, Res Judicata, and Waiver are applicable herein.

Respectfully submitted,

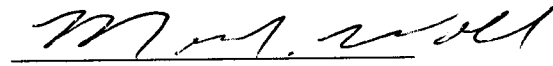


MICHAEL S. WOLL
4405 East West Hwy., No. 201
Bethesda, MD 20814
301-652-6962

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2014, a copy of the foregoing Answers to Interrogatories and accompanying Notice of Service of Discovery wer mailed, first class, postage prepaid, to:

Thomas C. Schild, Esq.
THOMAS SCHILD LAW GROUP, LLC
401 North Washington Street, Suite 500
Rockville, Maryland 20850



Michael S. Woll

I hereby swear or affirm, under the penalties of perjury, that the foregoing answers are true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Pierre R. Guirand