

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

BRIAN CHARLES VAETH

Plaintiff,

vs.

BOARD of TRUSTEES, FIRE & POLICE  
EMPLOYEES RETIREMENT SYSTEMS of  
BALTIMORE CITY

Defendants.

Civil Action No. RDB-08-708

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FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
2008 SEP 10 P 3 48  
CLERK OF COURT  
AT BALTIMORE  
BY \_\_\_\_\_

REPLY TO DEFENDANTS' RESPONSE TO PLAINTIFF'S  
MOTION FOR LEAVE TO AMEND COMPLAINT

Brian Charles Vaeth, pro se plaintiff, hereby submits this reply to the defendants' response to Plaintiff's Motion for Leave to File an Amended Complaint.

On April 28, 2008, Defendants' filed a Motion to Dismiss or for Summary Judgment in response to my original complaint filed March 27, 2008. As a result, I filed several motions in an attempt to either respond to Defendants' motions or in an attempt to ensure that this action is brought before this Court in a trial by the merits of my claim. As has been previously submitted and against the desire of the defendants for me to mention, I am pro se in this matter. I have tried to defend myself against the egregious actions of the City of Baltimore that have created a stigma as it pertains to my chances of being employed, not only by the Baltimore City Fire Department, but in the public sector, as well because of my injury and discharge from the department. I have been diligently trying to resolve this matter with various City of Baltimore officials, but to no avail. For that reason, I filed this claim for the proper adjudication of this action. Due to obstacles I faced in the filing of this action in the Circuit Court for Baltimore City,

I removed the action by filing a Motion for a Voluntary Dismissal to file it in this Court. I filed this Motion for Leave to File an Amended Complaint based upon the Fed. R. Civ. P. allowing a complaint to be amended prior to the filing of an answer, if justice so permits. As the Court has ordered, in regards to a Motion for Default Judgment filed by me, the Defendants' Motion to Dismiss or for Summary Judgment is a responsive pleading therefore, Leave of the Court is required for me to amend the complaint. This is my reasonable interpretation of the Fed. R. Civ. P. and as I am not a legal professional, I am not requesting any special consideration other than the Court's standing policy toward pro se plaintiffs. The Motion and accompanying proposed 1<sup>st</sup> Amended Complaint is my attempt to demonstrate that the City of Baltimore failed to follow policies, procedures, and laws regarding my discharge from employment due to a perceived disability by the medical representatives of Baltimore City. The Defendants' determined the perceived disability from a Line of Duty injury, then failed to provide benefits associated with their decision.

The Defendants' continue to assert that Motions, responses, and replies filed with the Court are insufficient and that I could have avoided difficulty by requesting their cooperation. I have come to expect the same consideration as the City has previously demonstrated prior to the filing of this complaint. Had a level of cooperation been afforded I would not be forced to litigate this matter. Simply put, I have received no cooperation at all. Perhaps the proper avenue for me to take is to request leave from the Court to dismiss this action to re-file an appropriate complaint. Since I do not have counsel, I am not sure that this would be appropriate or even allowed. Counsel has not been able to be retained due to the long history of this case and my ability to pay an attorney to bring them up to date. My shortcomings do not erase the fact that the City of Baltimore violated the law and my rights. I am requesting the opportunity, if the Motion for Leave to File an Amended Complaint fails to follow the procedures set forth in the Fed. R. Civ. P., I respectfully request the Court to allow me the opportunity to re-submit the proposed Amended Complaint as the original in an action before this Court. The proposed

Amended Complaint, exhibits, and attachments were sent to the Defendants, as I have demonstrated by filing an appropriate affidavit. I cannot believe that for my commitment and dedication to saving lives of the citizens of Baltimore, resulted in my life being destroyed and having to live with the constant reminder of this injustice every time I apply for a job.

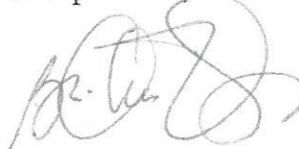
For these reasons, I am requesting the Court deny their Motion to Dismiss and or for Summary Judgment, or to hold a hearing on the matter so I can have an opportunity to present all the appropriate evidence that is required to proceed to a trial on the merits.



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**CERTIFICATE OF SERVICE**

I, Brian Charles Vaeth, plaintiff, hereby solemnly affirm that the contents of this reply was mailed, first class, postage prepaid, on this 10<sup>th</sup> day of September, 2008.



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