

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN CHARLES VAETH

Plaintiff,

v.

Case No. ELH-18-1600

**MAYOR & CITY COUNCIL OF
BALTIMORE,
FIRE & POLICE EMPLOYEES'
RETIREMENT SYSTEM OF BALTIMORE**

Defendants,

**RESPONSE TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION FOR ENTRY OF DEFAULT**

Plaintiff, in proper person, files this response to Defendants' Opposition to Plaintiff's Motion for Entry of Default Judgment. Plaintiff is a fifty-year-old former firefighter who is suffering with a disability that presents a significant challenge to his mobility due to a severe spinal cord injury he suffered while in the performance of his duties for the Baltimore City Fire Department. This injury is an aspect of this action before the Court presently. Defendants assert that this Court must dismiss the complaint because of insufficient process of service by Plaintiff. For the reasons presented, Plaintiff opposes the request of Defendants.

On June 4, 2018, Plaintiff filed the above captioned matter to request an assessment of whether the Court has been a victim of fraud in prior proceedings before it. As Plaintiff is appearing pro-se, he was informed by the Clerk of the Court that the complaint would be reviewed and the Court would issue the summonses upon inspection of the papers filed to ensure the filing was complete, as provided for in the Federal Rules of Civil Procedures. The Court did so on June 12, 2018, and upon receipt of the Court's order and the summonses issued by the Clerk, Plaintiff began assembling the papers needed to serve on Defendants. On June 18, 2018, Plaintiff took those papers to the United States Post Office to have them served on Defendants, as advised by the Court to be aware of the certified mailing procedures

of the United States Post Office. This is demonstrated by receipt #70180680000148553084. **(Exh. 1)** Upon Plaintiff's return home, he realized that he'd forgotten to include the summonses and immediately returned to the United States Post Office to correct it. This is reflected in receipt # 70173380000092397340 **(Exh. 2)** As Plaintiff has previously mentioned, his disability restricts his mobility. Plaintiff does not own a vehicle and the location of the United States Post Office that is closest to his home is approximately 1.5 miles away. That distance takes Plaintiff longer to traverse than others, as a result of his disability and should demonstrate his inability to return to the Post Office immediately. Plaintiff was able to complete that mailing before 2 P.M. that same day. That is the time in which that location of the Post Office processes and forwards the mail collected at that location for further delivery to other locations. At that time, Plaintiff reasonably expected that the complaints and summonses would be delivered together on the same day. It is apparent that they were not. Plaintiff understands that it is his responsibility to make certain that those documents were delivered at the same time and is not attempting to shift blame on anyone.

Defendants assert that Plaintiff served only the summons on them, without a copy of the complaint. Plaintiff disputes this assertion, as evidence shows Defendants did in fact receive the complaint. As aforementioned, Plaintiff initiated the service of process on the Mayor and City Council of Baltimore City on June 18, 2018 at 9:51 A.M. and completed it at 1:10 P.M. on the same day.

As of this date, the expiration of the time for sufficient service of process has not expired. As the summonses were issued to Plaintiff on June 12, 2018, and no time is being subtracted for the time permitted to allow the mailing to be complete, the expiration of that period would be September 12, 2018. To cure any defect in Plaintiff's method of affecting service of process, as perceived by Defendants, or as found by this Court, Plaintiff respectfully requests this Court to re- issue the summonses for the Defendants and Plaintiff will serve the two Defendants in one certified mailing, so that it is ensured that both Defendants receive a copy of the complaint and the corresponding summons at the very same instant. Plaintiff cannot conceive of any reason that the Defendants would be unjustly prejudiced by this request. Plaintiff is not requesting of this Court for an extension of the time to serve the Defendants, as

there is plenty of time between now and the expiration of the 90 days required for service of process on the Defendants that remains.

Respectfully,

Brian Charles Vaeth
8225 Poplar Mill Road
Baltimore, Maryland 212360
(410) 931-4423

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN CHARLES VAETH

Plaintiff,

v.

Case No. ELH-18-1600

**MAYOR & CITY COUNCIL OF BALTIMORE,
FIRE & POLICE EMPLOYEES' RETIREMENT
SYSTEM OF BALTIMORE**

Defendants,

CERTIFICATE OF SERVICE

I, Brian Charles Vaeth, hereby certify that a copy of the foregoing request of the court clerk for Entry of Default Judgment against Defendants has been mailed to counsel for the City of Baltimore via USPS first class, postage prepaid, this 13th day of August 2018.

Respectfully,

Brian Charles Vaeth
8225 Poplar Mill Road
Baltimore, Maryland 212360
(410) 931-4423