

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

GEORGE WHITE,

Plaintiff,

vs.

Case No.: C-02-CV-21-000778

RONALD BATEMAN,

Defendant.

_____ /

OFFICIAL TRANSCRIPT OF PROCEEDINGS

HEARING

Annapolis, Maryland

Thursday, March 23, 2023

BEFORE:

HONORABLE ELIZABETH S. MORRIS, ASSOCIATE JUDGE

APPEARANCES (All present by video or telephone):

For the Plaintiff:

BRENDAN CALLAHAN, ESQUIRE

For the Defendant:

STEPHEN B. STERN, ESQUIRE

Electronic Proceedings Transcribed by: Nicole Kittleson



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P R O C E E D I N G S

(1:39 p.m.)

THE COURT: Calling *George White v. Ronald Bateman*, Case No. C-02-CV-21-778.

Will counsel please identify themselves for the record?

MR. CALLAHAN: Good afternoon, Your Honor. Gregory Callahan for George White who is present remotely.

THE COURT: All right. Thank you. Well, Mr. White -- there you are. Okay. I just wanted to make sure that I was able to see you. Good afternoon to you, sir.

All right. And?

THE PLAINTIFF: Good afternoon, Your Honor.

MR. STERN: Good afternoon, Your Honor. Stephen Stern on behalf of Defendant, Ronald Bateman.

THE COURT: All right. Thank you.

MS. BATEMAN: And Jamie Bateman.

THE COURT: Yes, and good afternoon to all three of you.

All right. So before I'll begin my -- giving my opinion and my findings, first I'm going to address the Exhibit 10 which was a recording that was to be submitted by flash drive by March 6th for Court review. I've received that audio drive and I'm actually going to give that to Mr. Clerk here to have it marked. I think it was



1 just -- it was Exhibit 10.

2 (Whereupon, Plaintiff's Exhibit No.
3 10 was marked for identification.)

4 THE CLERK: Okay. Well, we will retain that.

5 (Whereupon, Plaintiff's Exhibit No.
6 10 was admitted into evidence.)

7 THE COURT: Yes, yes. And then I'm going to also
8 return Exhibit 1 to you --

9 THE CLERK: Perfect.

10 THE COURT: -- as well. Okay. Was there
11 anything else? I don't think so. Here's the hearing sheet
12 from the day of the trial.

13 THE CLERK: Perfect. I have a --

14 THE COURT: Okay. Perfect.

15 Okay. Was there anything else before I begin?

16 MR. CALLAHAN: No, Your Honor.

17 THE COURT: All right. So this matter came
18 before this Court on February 22nd, 2023, for a bench trial
19 on Plaintiff, George White's complaint against Ronald
20 Bateman alleging defamation and false light and it was
21 filed on June 10th, 2021.

22 After the conclusion of this trial, this Court
23 took the matter under advisement. After consideration of
24 the evidence, arguments of counsel, weighing the
25 credibility of witnesses, this Court finds as follows.



1 As a preliminary matter, Mr. Bateman raises
2 Statute of Limitations as a defense and argues that the
3 Statute of Limitations bars Mr. White's defamation claim.
4 Courts & Judicial Proceedings Section 5-105 indicates a
5 relevant part, an action for libel shall be filed within
6 one-year from the date it accrues. It's important to note
7 that it is firmly established that a complaint for false
8 light must be brought within three years notwithstanding
9 defamation limitation statute of one-year and similarities
10 between false light and defamation claims.

11 In the case of first impression, the then Court
12 of Special Appeals held, "The Maryland Statute of
13 Limitations is vividly clear. An action for libel and
14 slander shall be filed within one year of the date it
15 accrues. Other tort actions shall be filed within three
16 years of the date they accrue."

17 Nowhere in Courts & Judicial Proceedings 5-101
18 does it provide an exception for false light cases. As a
19 result, I -- this Court will address the Statute of
20 Limitations for each count separately.

21 So Count II, I'll do Count II first. The issue
22 of whether the Statute of Limitations impacted Mr. White's
23 false light claim was not raised by either counsel. Out of
24 an abundance of caution, I'll make the finding that Mr.
25 White's false light claim was timely filed because it was



1 filed prior to the expiration of the three-year Statute of
2 Limitations.

3 Next I'll address Count I, the defamation count.
4 Mr. Bateman argues that Mr. White should have known of his
5 defamation claim as early as November 19th. Excuse me,
6 November 2019. Alternatively, he argues that Mr. White was
7 fully aware by April 10th, 2020, when he received a
8 memorandum advising him of Mr. White's -- excuse me, Mr.
9 Bateman's allegations. As a result, he argues Mr. White's
10 complaint filed on June 10th, 2021, is untimely.

11 Mr. White argues that his claim was timely
12 because he was not aware of Mr. Bateman's defamatory
13 statements until April 2020. He further argues that his
14 complaint was timely filed because the Statute of
15 Limitations was told by the judiciary's Administrative
16 Order, namely the final Administrative Order on the
17 emergency tolling or suspension of Statute of Limitations
18 and statutory and rules deadlines related to the initiation
19 of matters and certain statutory and rules, deadlines, and
20 the pending matters during the COVID-19 emergency.

21 The Administrative Order in relevant part tolled
22 Statute of Limitations effective March 16th, 2020, through
23 July 20th, 2020, by the number of days that the courts were
24 closed to the public due to the COVID-19 emergency. The
25 Administrative Order defines matters for the purposes of

1 tolling Statute of Limitations as matters are nunc pro tunc
2 to March 16th, 2020. Those matters for which the Statute
3 of Limitations would have expired between March 16th, 2020,
4 through April 3rd, 2020, but for the tolling or suspension
5 of this order.

6 April 3rd, 2022, marked the termination date of
7 COVID-19 emergency operations in the judiciary as
8 determined by the then Chief Judge of the then Court of
9 Appeals. For such matters "tolled or suspended by the
10 number of days the courts were closed" means that the days
11 the offices of the Clerks of Court were closed from the
12 public from March 16th, 2020, through July 20th, 2020,
13 approximately 127 days, do not count against the time
14 remaining for the initiation of that matter.

15 Here, the parties dispute whether Mr. White had
16 knowledge of Mr. Bateman's alleged defamatory actions
17 occurred on November 15th, 2019, or April 20th, 2020. If
18 this Court determines that Mr. White had notice on November
19 15th, 2019, the Statute of Limitations would have expired
20 on November 15th, 2020. This date falls within the dates
21 listed in the Administrative Order and would be tolled
22 until March 22, 2021. As a result, Mr. White's complaint
23 would be barred by the Statute of Limitations.

24 If, however, this Court determines that Mr. White
25 had notice on April 20th, 2020, the Statute of Limitations

1 would have expired on March 20th, 2021. This date also
2 falls within the dates listed on the Administrative Order
3 and would be tolled until August 25th, 2021. Since Mr.
4 White filed his complaint on June 10th, 2021, his complaint
5 would be timely.

6 To determine when a limitation period begins to
7 run, the discovery rule is applicable in all civil actions.
8 Under that rule, a claim accrues when the Claimant, in
9 fact, knew or reasonably should have known of the wrong.
10 The rule has two prongs. First, a Plaintiff must have
11 notice of the nature and cause of his or her action before
12 the cause of action can accrue.

13 Such notice includes not only actual notice, but
14 also implied or inquiry notice which is circumstantial
15 evidence from which notice may be inferred. Inquiry notice
16 is triggered when the Plaintiff recognizes or reasonably
17 should recognize a harm not when the Plaintiff can
18 successfully craft a legal argument and not when the
19 Plaintiff can draft an unassailable and comprehensive
20 complaint.

21 The mere recognition of an injury suffices to
22 place a Plaintiff of inquiry notice. The Plaintiff need
23 not be on inquiry notice of all of the elements of his
24 claim to be on inquiry notice of the wrong. It is
25 discovery of the injury and not the discovery of all the



1 elements of the cause of action that starts the running of
2 the clock for limitation purposes.

3 The second prong of the discovery rule implicates
4 the nature of the knowledge the injured party must possess
5 before the cause of action accrues and examines whether
6 after reasonable investigation of facts, a reasonably
7 diligent inquiry would have disclosed whether there's a
8 causal connection between the injury and the wrongdoing. A
9 Claimant who is on inquiry notice will be charged with
10 knowledge of the facts that would have been disclosed by a
11 reasonably diligent investigation regardless of whether the
12 investigation has been conducted or was successful.

13 Here, the Court has determined that Mr. White was
14 on inquiry notice of Mr. Bateman's alleged defamatory
15 statements no later than November 15th, 2019. On that
16 date, Mr. White received a call from Detective Sergeant
17 Hunt who informed him that the police were conducting a
18 Compass Marketing investigation. While it is unclear what
19 the detective directly communicated to Mr. White during
20 that conversation, it is clear that Mr. White was alarmed
21 enough by the situation that he indicated that he most
22 likely would have an attorney present during an interview.

23 Mr. White tried to persuade this Court that this
24 call was insufficient to establish inquiry notice because
25 he thought the police officer was calling about a civil



1 suit because his father and his uncles. This Court is not
2 persuaded and does not find his testimony regarding this
3 issue credible. After that call, Mr. White immediately
4 knew that the police were interested in interviewing or
5 interrogating him about a criminal investigation involving
6 Compass Marketing.

7 As a result of that call, he felt that he should
8 have a lawyer present at the interview. That would have
9 induced a reasonable person to make further inquiry. Here,
10 however, Mr. White failed to do so. This Court finds after
11 this call with the officer that Mr. White had knowledge of
12 sufficient facts that would cause a reasonable person to
13 investigate further. As a result, the first prong is
14 satisfied.

15 Turning to the second prong, any failure of Mr.
16 White to discover his cause of action after his phone call
17 with Detective Sergeant Hunt in November of 2019 was due to
18 failure on his part to use due diligence. Compass
19 Marketing is a family business and Mr. White still
20 maintained relationships with multiple family members who
21 worked at the company.

22 A reasonably prudent person would have, at a
23 minimum, attempted to leverage those relationships to gain
24 some additional information from family members. If Mr.
25 White would have investigated diligently, he would have



1 discovered that Mr. Bateman had been recently hired by
2 Compass Marketing to investigate alleged wrongdoings by him
3 and other family members and the causal connection would
4 have been revealed. The Court finds that the second prong
5 is satisfied.

6 This Court finds Mr. White had inquiry notice as
7 of November 15th, 2019. As a result, his -- the defamation
8 was untimely filed. Therefore, the Court finds in favor of
9 Mr. Bateman on Count I, defamation.

10 Although this Court's finding that the Statute of
11 Limitations is dispositive as to Count I, this Court will
12 also provide its findings regarding the substantive issues
13 as an alternative basis for Count I and, of course, for the
14 surviving count, Count II, false light. My findings will
15 address in detail Mr. White's defamation claim, but will
16 not address the false light claim separately because an
17 allegation of false light must meet the same legal
18 standards as an allegation of defamation.

19 First, Count I, defamation. Under Maryland law
20 to present a prima facie case of defamation, the Plaintiff
21 must establish four elements by preponderance of the
22 evidence; that a Defendant made a defamatory statement to a
23 third-party, that the statement was false, that the
24 Defendant was legally at-fault in making the statement and
25 that the Plaintiff suffered harm.

1 It is alleged that Mr. White -- by Mr. White that
2 Mr. Bateman made the following defamatory statements in
3 three categories. One, Mr. White performed work for
4 Compass Marketing while simultaneously being on the clock
5 for the Maryland State Police. Two, Mr. White continued to
6 access and assert control over Compass Marketing's domain,
7 Compassmarketinginc.com domain, after his employment with
8 the company ended and three, Mr. White had not returned
9 company equipment such as his computer and passcodes.

10 First, I'll address Mr. Bateman's alleged
11 statements regarding Mr. White performing work for Compass
12 Marketing while simultaneously being on the clock for the
13 Maryland State Police. This Court has determined that, at
14 times, Mr. White was clocked in for the Maryland State
15 Police at the same time he was sending emails performing
16 his job responsibilities as Compass Marketing's manager of
17 technology.

18 Mr. White also disputes allegations regarding
19 transporting Senator Miller while performing duties at
20 Compass Marketing. However, Mr. White has not presented
21 sufficient credible evidence to meet his burden of proving
22 that Mr. Bateman's were false.

23 Next, I'll address Mr. Bateman's statements that
24 Mr. White continued to access and assert control over
25 Compass Marketing's compassmarketinginc.com domain after

1 his employment with the company ended. This Court finds
2 that Mr. White has failed to meet his burden of proof that
3 these statements are false.

4 There is significant dispute between the parties
5 regarding Mr. White's actions following his resignation
6 from Compass Marketing. This Court finds that immediately
7 following his resignation George White and Michael White
8 still had access to the network and several Compass
9 Marketing employees were denied access to their
10 compassmarketinginc.com emails after Mr. White ended his
11 employment with Compass Marketing.

12 Mr. White strongly denies these allegations;
13 however, his denial is not enough to establish by a
14 preponderance of the evidence that Mr. Bateman's statements
15 were false. Mr. White failed to present credible evidence
16 proving that the statements were false the Court finds.

17 The final alleged defamatory statement is that
18 Mr. White had not returned company equipment such as his
19 computer passcodes -- both his computer and passcode.
20 There is a dispute regarding whether Mr. White removed his
21 company laptop and his hard drive when he resigned.
22 Further, there is a dispute over whether Mr. White ignored
23 email requests to turn over passcodes and account
24 credentials.

25 Mr. White has failed to present enough credible



1 evidence that resolved this dispute in his favor. As a
2 result, he has not proven by a preponderance of the
3 evidence that the allegations were false.

4 Since Mr. White has failed to meet his burden of
5 proof and for the reasons I previously stated, the Court
6 finds in favor of Mr. Bateman on Count I, defamation and on
7 Count II, false light and I'll have the hearing sheet
8 signed as an order of the court.

9 THE CLERK: Yes, ma'am.

10 THE COURT: All right. So were there any issues
11 that I failed to address?

12 MR. CALLAHAN: No, Your Honor.

13 THE COURT: All right. Thank you, very much to
14 all counsel involved. I know that this was a factually
15 intensive case with a lot of paperwork, a lot of issues, so
16 I do appreciate all the hard work that you went in to
17 making sure that I understood all of the issues and where
18 they stood.

19 To the parties, I know that there's ongoing
20 issues. I hope that you're able to resolve them and, you
21 know, to be able to move forward with your life. But thank
22 you, everyone. If there's no other questions, the parties
23 are excused.

24 THE CLERK: Thank you.

25 (At 1:56 p.m., the proceedings concluded.)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the proceedings in the matter of *George White v. Ronald Bateman*, C-02-CV-21-000778, heard in the Circuit Court for Anne Arundel County, Maryland, on March 23, 2023, were recorded by means of electronic sound recording.

I further certify that to the best of my knowledge and belief, page numbers 1 through 14 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of the case.

In witness whereof, I have affixed my signature this 28th day of March, 2023.

Nicole Kittleson

Nicole Kittleson

