

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

ANTHONY COVINO, SR.  
6805 Bessemer Avenue  
Baltimore, MD 21222

Plaintiff

v.

Case No.

MARK McDERMOTT  
Joesph, Gajarsa, McDermott & Reiner  
1300 19th Street, N.W., Suite 400  
Washington, DC 20036

and

PETER WIERNICKI  
Joesph, Gajarsa, McDermott & Reiner  
1300 19th Street, N.W., Suite 400  
Washington, DC 20036

and

JOESPH, GAJARSA, MCDERMOTT &  
REINER  
1300 19th Street, N.W., Suite 400  
Washington, DC 20036

and

MARY KATRINA LEONARD  
15713 Cherry Blossom Lane  
North Potomac, MD 208778

and

HARRIS LEONARD  
15713 Cherry Blossom Lane  
North Potomac, MD 208778

Defendants

## COMPLAINT

Now comes the Plaintiff, by his attorneys, John J. Condliffe, Esq. and Shub-Condliffe & Condliffe, P.A., who sues the Defendants and for cause states:

### FACTS COMMON TO ALL COUNTS

1. The Plaintiff, Anthony Covino, is the father of an infant girl, Sarah Lynn Christina Crowe Covino, with whom he shares legal and physical custody with the mother, Kathleen DeRita. Sarah Covino (a.k.a. Baby Girl DeRita) was born on November 12, 1996.
2. The Defendants Mary Katrina "Trina" Leonard and Harris Leonard are husband and wife and were prospective adoptive parents of Baby Girl DeRita.
3. Mark McDermott and Peter Wiernicki are partners in the law firm of Joesph, Gajarsa, McDermott & Reiner. McDermott was the attorney for Trina and Harris Leonard in their abortive attempt to adopt Baby Girl DeRita. At the time of the events complained of herein, Peter Wiernicki was an associate of Joesph, Gajarsa, McDermott & Reiner working under the direct supervision of Mark McDermott in his representation of Trina and Harris Leonard.
4. Acting as the primary attorney handling the attempted adoption of Baby Girl DeRita for the Leonards, Wiernicki contacted Plaintiff concerning the proposed adoption on October 31, 1996 by calling at Plaintiff's home. At the time of that call Plaintiff told Wiernicki that he would almost certainly oppose an adoption. On that same day, Plaintiff left a subsequent message that he would be sending a letter indicating his opposition to the proposed adoption.
5. Plaintiff then mailed a letter, certified mail, return receipt requested to Wiernicki

notifying of his opposition to the adoption. This letter was received by Wiernicki.

6. On November 7, 1996, Plaintiff left a message in the middle of the night on Wiernicki voice mail indicating he would not object to the proposed adoption. Subsequent to that single message indicating he would consent, Plaintiff left many additional messages again emphasizing that he would not consent to the adoption. The last such message was left just hours prior to the filing of a Petition for Adoption in the Circuit Court for Montgomery County, Maryland.

7. At all times, Wiernicki kept McDermott apprised of his activities.

7A. At all times, Wiernicki and McDermott were employees or actual agents of Joesph, Gajarsa, McDermott & Reiner.

7B At all times, Wiernicki, McDermott and Joesph, Gajarsa, McDermott & Reiner were actual agents of the Leonards.

8. On November 14, 1996, McDermott filed a Petition for Adoption on behalf of Trina and Harris Leonard seeking to adopt Baby Girl DeRita. This pleading was prepared by Wiernicki and executed by McDermott. Paragraph 8 of the Petition for adoption states,

8. That the birth mother and the birth father are not now nor have they have been legally married. The birth mother and the birth father voluntarily consent to the placement and independent adoption of the infant with the Petitioners as evidenced by their Consent to Adoption attached hereto and incorporated by reference.

Paragraph 16 of the Petition states,

16. Attached hereto and prayed to be made a part hereof are the following documents:

- c. Consent of the birth father to adoption and Waiver of Notice of Process (to be filed at a later date);

The pleading was also signed by Trina and Harris Leonard under oath.

9. On the basis of the allegations made in the Petition for Adoption, the court was satisfied that all requirements were satisfied for the court to grant temporary custody of Baby Girl DeRita to Trina and Harris Leonard. The court did so.

9. Subsequent to the filing of the Petition, despite the lack of consent to the adoption by Plaintiff, the Defendant attorneys never issued a show cause order to be served on Plaintiff as required by Maryland law. Until Plaintiff retained counsel nearly two months later Wiernicki refused to identify his client and, more importantly, withheld from Plaintiff the court case and location information which would have allowed Plaintiff to file objections in court.

10. Plaintiff subsequently obtained counsel and filed an objection to the adoption. Defendants Trina and Harris Leonard fired the Defendant attorneys and then further delayed matters by requesting a blood test to determine paternity despite the absence of any allegation that any person other than Plaintiff was the putative father. Finally after seven months of hearings and delay, the Honorable Michael Pincus struck the temporary custody order and dismissed the Petition for Adoption, citing Plaintiff's constitutional rights.

#### **COUNT I: FRAUD**

11. Plaintiff incorporates by reference the allegations of ¶¶ 1-10 of this Complaint.

12. That the specific purpose of the fraudulent and false allegations made in the pleadings by all five Defendants concerning Plaintiff's consent was for the sole purpose of

obtaining immediate custody of Baby Girl DeRita. In effect, the Defendants kidnaped Plaintiff's child with a pen.

13. That has a result of Defendants' fraudulent conduct, Plaintiff was, for a year, deprived of virtually all contact with his daughter, was unable to bond with his daughter, hold her, sing lullabies, take her for walks, feed her, clothe her, love her and comfort her nor engage in any of the other duties, responsibilities and joys of fatherhood that all members of society take for granted.

14. As a result of this deprivation, Plaintiff suffered nearly unbearable emotional stress, was required to seek the help of psychologists and medical help, lost sleep and otherwise endured that which no person should be expected to endure.

15. The Plaintiff is a recovering alcoholic. He regained his sobriety less than one month after the birth of Baby Girl De Rita. During the course of his lifetime, Plaintiff has had long periods of sobriety. The time of his relationship with the mother of Baby Girl DeRita was a period when Plaintiff was not sober.

16. Despite having regained his sobriety and despite Plaintiff having custody of his 15-year-old son and living an otherwise stable life with his mother and child in the home where he also grew up, Defendants continued to make scurrilous and malicious charges against Defendant without any basis in fact. Upon information and belief, Defendants' conduct was reckless and wanton intended to deprive Plaintiff of his child or motivated by actual malice.

17. As a result of Defendant's fraud, Plaintiff was required to expend his entire savings in attorneys fees in order to recover his child through legitimate legal process. Defendant also incurred the costs of psychological and medical treatment.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor against all Defendants, jointly and severally, in the amount of Two Million Dollars (\$2,000,000) in compensatory damages and Five Million Dollars (\$5,000,000) in punitive damages.

### **COUNT II: NEGLIGENT MISREPRESENTATION**

18. Plaintiff incorporates by reference the allegations of ¶¶ 1-17 of this Complaint.

19. The Leonards have alleged that they were unaware of the fraud of their attorneys. Plaintiff disputes this. However, despite Plaintiff's belief that they are liable for said fraud because their attorney were actual agents.

20. In the alternative to the fraud allegations and as to the Leonards only, Plaintiff avers that the Leonards failed to properly supervise Defendants the attorneys and their firm, were not reasonably diligent in reviewed the fact of the pleading they signed under oath and otherwise represented to a court of law, under penalties of perjury, facts that were never true and that no reasonably informed person would consider true.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor against Defendants Mary Katrina and Harris Leonard, jointly and severally, in the amount of Two Million Dollars (\$2,000,000) in compensatory damages.

### **COUNT III: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

21. Plaintiff incorporates by reference the allegations of ¶¶ 1-20 of this Complaint.

22. The conduct of the Defendants was intentional and with reckless disregard for the truth.

23. Society must and does condemn the conduct of litigants and, most particularly, members of the bar and officers of the court who lie to a court of law for the purpose of obtaining an intended outcome. Without the false allegations made by the Defendants, they would not have obtained legal custody of Plaintiff's child.

24. The extreme and outrageous conduct caused the emotional suffering already described herein. The emotional stress was severe and such that we would not want any member of society to go through it.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor against all Defendants, jointly and severally, in the amount of Two Million Dollars (\$2,000,000) in compensatory damages and Five Million Dollars (\$5,000,000) in punitive damages.

**COUNT III: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

25. Plaintiff incorporates by reference the allegations of ¶¶ 1-24 of this Complaint.

26. The Defendants owed a duty not to inflict upon him emotional distress.

27. Society must and does condemn the conduct of litigants and, most particularly, members of the bar and officers of the court who lie to a court of law for the purpose of obtaining an intended outcome. Without the false allegations made by the Defendants, they would not have obtained legal custody of Plaintiff's child.

28. The extreme and outrageous conduct caused the emotional suffering already described herein. The emotional stress was severe and such that we would not want any member of society to go through it.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor against all Defendants, jointly and severally, in the amount of Two Million Dollars (\$2,000,000) in compensatory damages.

**INTENTIONAL INTERFERENCE WITH CUSTODIAL RELATIONS**

29. Plaintiff incorporates by reference the allegations of ¶¶ 1-28 of this Complaint.

30. That by their conduct the Defendants deliberately and intentionally interfered with Plaintiff right to enjoy custody of his daughter.

31. As a result of said conduct, the Plaintiff incurred extensive legal fees, suffered great emotional distress and other economic and non-economic damages.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor against all Defendants, jointly and severally, in the amount of Two Million Dollars (\$2,000,000) in compensatory damages and Five Million Dollars (\$5,000,000) in punitive damages.

**NEGLIGENT INTERFERENCE WITH CUSTODIAL RELATIONS**

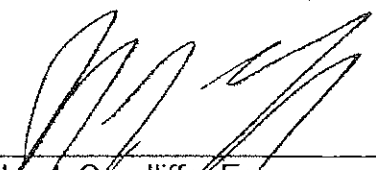
32. Plaintiff incorporates by reference the allegations of ¶¶ 1-31 of this Complaint.

33. That by their conduct the Defendants, particularly Defendants deliberately and intentionally interfered with Plaintiff right to enjoy custody of his daughter.

34. As a result of said conduct, the Plaintiff incurred extensive legal fees, suffered great emotional distress and other economic and non-economic damages.



WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor against all Defendants, jointly and severally, in the amount of Two Million Dollars (\$2,000,000) in compensatory damages and Five Million Dollars (\$5,000,000) in punitive damages.



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