

BRIAN SCOTT RICE
242 West 29th Street
Baltimore, Maryland 21211

Plaintiff

v.

MARILYN MOSBY
c/o Office of the State's Attorney for
Baltimore City
9th Floor
120 East Baltimore Street
Baltimore, Maryland 21202

and

MAJOR SAMUEL COGEN
c/o Baltimore City Sheriff's Office
250 City Hall
Baltimore, Maryland 21202

Defendants

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

* Case No.: 16-1304

* * * * *

COMPLAINT & JURY DEMAND

Plaintiff Brian Scott Rice, by and through his attorneys, David Ellin and the Law Office of David Ellin, P.C. file suit against Defendants Marilyn Mosby and Samuel Cogen and states the following in support thereof:

THE PARTIES

1. Plaintiff Brian Scott Rice is and was, at all times relevant, a resident of Carroll County, Maryland, and a Lieutenant with the Baltimore City Police Department.

2. Defendant Marilyn Mosby is and was, at all times relevant, the State's Attorney for Baltimore City, Maryland.

3. Defendant Samuel Cogen is and was, at all times relevant, a Major with the Baltimore City Sheriff's Office.

JURISDICTION & VENUE

4. Plaintiff placed Defendants on notice of his claims as required by the Maryland Tort Claims Act (Maryland Code, State Government, § 12-101 *et seq.*) by mailing the required notices (and supplemental notices) via certified, first-class U.S. mail, postage prepaid, return receipt requested (and hand-delivered), to Nancy Kopp, State Treasurer, Goldstein Treasury Building, 80 Calvert Street, Annapolis, Maryland 21401, within the requisite period of time. Alternatively, Plaintiff placed Defendants on notice of his claims in substantial compliance with the Maryland Tort Claims Act. Alternatively, Defendants waived the notice requirement for Plaintiff under the Maryland Tort Claims Act.

5. Plaintiff has complied with all legal and other preconditions (and/or conditions precedent) to properly file this suit including any and all notice requirements and/or exhaustion of remedies.

6. Plaintiff has complied with all legal and other post-conditions (and/or conditions subsequent) to properly file this suit including any and all notice requirements and/or exhaustion of remedies.

7. Alternatively, all parties waived all legal and other preconditions (and/or conditions precedent) to properly file this suit including any and all notice requirements and/or exhaustion of remedies.

8. Alternatively, all parties waived all legal and other post-conditions (and/or conditions subsequent) to properly file this suit including any and all notice requirements and/or exhaustion of remedies.

9. The jurisdiction of this Court is properly invoked pursuant to 28 U.S.C. § 1331; 28 U.S.C. § 1343; and/or 42 U.S.C. § 1983, this being, in part, an action authorized by law to redress the deprivation of rights secured to the Plaintiffs by the United States Constitution.

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and 42 U.S.C. § 1983 since the actions Plaintiffs complain of occurred and arose in the City of Baltimore, State of Maryland.

Facts

11. This case arises from the wrongful arrest and imprisonment of Plaintiff Brian Scott Rice on May 1, 2015. Plaintiff Rice was wrongfully arrested and imprisoned as a result of his involvement in the legal arrest of Freddie Carlos Gray, Jr. in Baltimore City, Maryland on April 12, 2015.

12. On the morning of April 12, 2015, Plaintiff Rice was on bicycle patrol with Garrett Edward Miller (“Miller”) and Edward Nero (“Nero”) on North Avenue in Baltimore, Maryland.

13. Between 8:45 a.m. and 9:15 a.m. Freddy Carlos Gray (“Mr. Gray”), along with another person, began running from Plaintiff Rice, after making eye contact with Plaintiff Rice.

14. Plaintiff Rice announced pursuit of the two suspects on Calhoun Street over his police radio.

15. In response to the radio call, Nero and/or Miller pursued Mr. Gray and ultimately detained and handcuffed him for officer safety reasons. Plaintiff Rice was not present during this apprehension.

16. During the encounter with Mr. Gray, Miller recovered a knife from Mr. Gray's person and placed it on the ground.

17. The knife was a spring-assisted knife. Such knives are illegal under Article 19, Section 59-22 of the Baltimore City Code, which states, "[i]t shall be unlawful for any person to sell, carry, or possess any knife with an automatic spring or other device for opening and/or closing the blade, commonly known as a switch-blade knife." As a result, Mr. Gray was placed under arrest. As soon as Mr. Gray realized he was being placed under arrest, he became physically and verbally combative. As a result of his combativeness, a crowd of citizens began to form around Mr. Gray, Miller and Nero.

18. When the police wagon arrived to take custody of Mr. Gray, Mr. Gray was uncooperative and refused to walk on his own to the wagon.

19. Nero and Officer Novak picked up Mr. Gray and took him to the wagon. At this time, Mr. Gray continued to be uncooperative.

20. Based upon information and belief, before he was placed fully into the police wagon, Mr. Gray stood on the back step of the wagon while Nero conducted a second search to confirm that Mr. Gray did not possess any other weapons or contraband on his person. During this search, Mr. Gray was standing under his own power. Plaintiff Rice was not present during this interaction.

21. Once Mr. Gray was fully inside the police wagon, he began banging and slamming himself against the inside of the wagon causing the wagon to visibly shake.

22. Due to Mr. Gray's continuous screaming and yelling, a large crowd of citizens had formed around the police van ("wagon"). In the interest of officer safety, Plaintiff Rice directed other officers to move the wagon approximately one block south in order to complete paperwork and otherwise effectuate Mr. Gray's arrest.

23. Once the police wagon had been relocated approximately one block south, Mr. Gray was taken out of the wagon so that his handcuffs could be switched with flex cuffs and leg shackles could be placed on him.

24. During this process, Mr. Gray continued to be uncooperative. Mr. Gray was alert and responsive, and continued to yell and scream. Another crowd of citizens began to crowd around the police wagon. The citizens were yelling and shouting at the officers.

25. Once Mr. Gray had been placed in leg shackles and flex cuffs, he was placed back into the wagon. At this time, he continued to bang the inside of the wagon, causing the wagon to violently shake back and forth.

26. After completion of the above-outlined actions, Plaintiff Rice returned to his assigned duties and had no further contact with Mr. Gray.

27. At no point during his interactions with Mr. Gray did Plaintiff Rice see any officers use excessive force, strike, or tase Mr. Gray.

28. On April 19, 2015, Mr. Gray passed away after undergoing surgery at the University of Maryland Shock Trauma Unit.

29. On May 1, 2015, charges were filed against Plaintiff Rice concerning his alleged actions during the legal arrest of Mr. Gray on April 12, 2015 pursuant to an Application for

Statement of Charges submitted by Defendant Samuel Cogen (“Cogen”). Plaintiff Rice was charged with Manslaughter; Second Degree Assault; two counts of Misconduct in Office; and Reckless Endangerment.

30. The Application for Statement of Charges submitted by Defendant Cogen stated that Mr. Gray’s death was ruled a homicide by the Office of the Chief Medical Examiner.

31. The same day, Plaintiff Rice was arrested and processed at Central Booking. The process took approximately eight hours to complete, during which time Plaintiff Rice was deprived of his liberty and held against his will. There existed no legal justification to arrest or detain Plaintiff Rice.

32. Also on May 1, 2015, Defendant Marilyn Mosby (“Mosby”), State’s Attorney for Baltimore City, gave a press conference concerning her office’s decision to press charges against Plaintiff Rice, along with five other officers of the Baltimore City Police Department.

33. During this press conference, Ms. Mosby read the Application for Statement of Charges filed against Plaintiff Rice, which contained false statements, and spoke in a divisive and inciting manner. At the time of the press conference, Ms. Mosby knew that this incident had garnered national attention and that there would be wide-spread media coverage. She also knew or should have known that her press conference violated Maryland Rule of Professional Conduct 3.6(a), which states, “[a] lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.”

34. Ms. Mosby stated that the knife recovered from Mr. Gray was “not a switchblade and [was] lawful under Maryland law.” The knife recovered from Mr. Gray was spring-assisted

and was, therefore, illegal under Article 19, Section 59-22 of the Baltimore City Code. Ms. Mosby had served as an Assistant State's Attorney for Baltimore City from approximately 2005 through 2012 and knew that spring-assisted knives were illegal in Baltimore City.

35. Ms. Mosby later stated that Miller, Nero, and Plaintiff Rice "failed to establish probable cause for Mr. Gray's arrest as no crime had been committed by Mr. Gray. Accordingly Lieutenant Rice, Officer Miller and Officer Nero illegally arrested Mr. Gray." This statement was false, as the knife, which was legally seized from Mr. Gray, was illegal under Article 19, Section 59-22 of the Baltimore City Code. Ms. Mosby knew that officers had probable cause to arrest Mr. Gray.

36. Ms. Mosby also made several statements during her May 1, 2015 press conference regarding the independent investigation conducted by the Office of the State's Attorney for Baltimore City into Mr. Gray's arrest and subsequent death. The statements included, but were not limited to, the following:

- a. "Once alerted about this incident on April 13, investigators from my police integrity unit were deployed to investigate the circumstances surrounding Mr. Gray's apprehension. Over the course of our independent investigation, in the untimely death of Mr. Gray, my team worked around the clock; 12 and 14 hour days to canvass and interview dozens of witnesses; view numerous hours of video taped statements; surveyed the route; reviewed voluminous medical records; and we leveraged the information made available to us by the police department, the community, and the family of Mr. Gray."
- b. "The findings of our comprehensive, thorough and independent investigation, coupled with the medical examiner's determination that Mr. Gray's death was

a homicide, which we received today, has led us to believe that we have probable cause to file criminal charges.”

- c. “We have conducted a thorough and independent investigation of this case.”
- d. “We have been working with the police department from day one, and from day one I also sent my own investigators to the scene.”
- e. “We independently verified those facts and everything we received from the police department, so it’s a culmination of the independent investigation that we conducted as well as the information we received from the police department.”
- f. “Well, what I can say is that from the beginning, we knew that this was a serious case, we’ve been working independently, and I can tell you that we put all of our resources to make sure that we are pursuing and leading where the facts took us in this case, which was to pursue justice.”
- g. “I can tell you that from day one, we independently investigated, we’re not just relying solely upon what we were given by the police department, period.”
- h. “I thought it was very important to have an independent analysis as to what took place and transpired from the very beginning. We are independent agencies from the police department.”
- i. “Officer Miller, Office Nero, and Rice then loaded Mr. Gray back into the wagon, placing him on his stomach, head first onto the floor of the wagon.”
- j. “I can tell you, as I stated, we had a number of investigators, you can see it’s been an all hands on approach, from the very beginning, so I sent my

investigators out to the scene, we have a number of them who are right here, we have a working collaboration and are working with the Baltimore Sheriff's Department, who has police powers and, again, independent from the Baltimore City Police Department. So yes, we have leveraged the police investigation, but at no point did we compromise our own independent investigation into this case.”

37. Mr. Gray was arrested because he was in possession of an illegal knife. Moreover, Plaintiff Rice was not present during the initial arrest of Mr. Gray.

38. The allegations by Defendant Cogan in his Application for Statement of Charges against Plaintiff Rice did not provide probable cause that a crime had been committed by Plaintiff Rice.

39. The fact that Plaintiff Rice was not present during the initial arrest of Mr. Gray was not included in Defendant Mosby's press conference or Defendant Cogan's Application for Statement of Charges.

40. Therefore, at the time that Defendant Cogan filed the Application for Statement of Charges, Defendant Cogan knew that no probable cause existed that Plaintiff Rice had committed any crime.

41. Defendant Mosby instructed Defendant Cogan to file the Application for Statement of Charges, either directly and/or by instructing another member of the Baltimore City State's Attorney's office to instruct Defendant Cogan to file the Application for Statement of Charges. Defendant's Mosby's direct involvement in the filing of the Application for Statement of Charges is evidenced by her statements during the May 1, 2015 press conference that “we have probable cause to file criminal charges” and “we have brought the following charges”, even

though the Application for Statement of Charges was filed by Defendant Cogen and not by the Baltimore City State's Attorney's Office.

42. Alternatively, Mosby provided erroneous legal advice to Defendant Cogen, prior to his filing of the Application for Statement of Charges, that probable cause existed to charge and arrest Plaintiff Rice, even though Defendant Mosby knew, prior to the filing of the Application for Statement of Charges that no probable cause existed that Plaintiff Rice had committed any crime. Defendant Mosby provided this erroneous legal advice either directly to Defendant Cogen and/or by instructing another member of the Baltimore City State's Attorney's office to provide this erroneous legal advice to Defendant Cogen. Notwithstanding this erroneous legal advice, Defendant Cogen knew, or should have known, that no probable cause existed to bring charges against and arrest Plaintiff Rice.

43. As a result of the improper actions of Defendants Mosby and Cogen, Plaintiff Rice was illegally arrested on May 1, 2015. His illegal arrest was made without probable cause and demonstrated ill will, improper motivation and/or evil purpose. He was falsely charged as a direct result of an improperly-motivated investigation, false charges and false statements made by Defendants Mosby and Cogen, and improper legal advice provided to Defendant Cogen and the Office of the State's Attorney for Baltimore City.

44. As a result of this incident, Plaintiff Rice lost his freedom and dignity and suffered physical and psychological harm from being arrested and detained without cause.

45. At all times, Defendants Mosby and Cogen were acting under the color of law and within the scope of their employment.

46. At all times, Defendant Mosby and Cogen acted with gross negligence and/or with actual malice directed at Plaintiff Rice, with the intent to cause harm to the Plaintiff by

trampling on the Plaintiff's rights in furtherance of the Defendants' own personal interests and political agendas.

Preliminary Note to Causes of Action

47. The criminal trial of Plaintiff Rice currently is scheduled to begin on July 5, 2016. The Plaintiff has filed this civil action at this time because some of the causes of action may be subject to a one -year statute of limitations, including any defamation claims arising out of the May 1, 2015 televised press conference.

COUNT I – FALSE ARREST
(Plaintiff Rice v. All Defendants)

48. Plaintiff Rice incorporates by reference the preceding paragraphs as if set forth fully herein, and states further:

49. Defendants, their agents, and their employees unlawfully deprived Plaintiff Rice of his liberty.

50. Plaintiff Rice did not consent to the deprivation of his liberty.

51. Defendants, their agents, and their employees were without legal justification for depriving Plaintiff Rice of his liberty.

52. The conduct of Defendants, their agents, and their employees was perpetrated with actual malice.

53. As a direct and proximate result of the false arrest by Defendants, their agents, and their employees, Plaintiff Rice has sustained the following damages:

- a. Emotional, mental, and physical pain and suffering;
- b. Missed time from work and leisure activities;
- c. Past and future medical expenses; and
- d. Loss of earning capacity.

COUNT III – FALSE IMPRISONMENT

(Plaintiff Rice v. All Defendants)

54. Plaintiff Rice incorporates by reference the preceding paragraphs as if set forth fully herein, and states further:

55. Defendants, their agents, and their employees unlawfully deprived Plaintiff Rice of his liberty.

56. Plaintiff Rice did not consent to the deprivation of his liberty and was held against his will for an extended period of time.

57. Defendants, their agents, and their employees were without legal justification for depriving Plaintiff Rice of his liberty.

58. The conduct of Defendants, their agents, and their employees was perpetrated with actual malice.

59. As a direct and proximate result of the false imprisonment by Defendants, their agents, and their employees, Plaintiff Rice has sustained the following damages:

- a. Emotional, mental, and physical pain and suffering;
- b. Missed time from work and leisure activities;
- c. Past and future medical expenses; and
- d. Loss of earning capacity.

COUNT V – MARYLAND DECLARATION OF RIGHTS

(Plaintiff Rice v. All Defendants)

60. Plaintiff Rice incorporates by reference the preceding paragraphs as if set forth fully herein, and states further:

61. Defendants, their agents, and their employees violated Plaintiff Rice's civil and constitutional rights, including his rights under Articles 24 and 26 of the Maryland Declaration of Rights.

62. The Defendants' actions were without legal justification and resulted in the false arrest and false imprisonment of Plaintiff Rice and directly caused injury to Plaintiff Rice.

63. As a direct result of Defendants' actions, Plaintiff Rice was taken, imprisoned, disseized of his freehold, liberties and privileges, outlawed, exiled, destroyed, deprived of his life, liberty and property without the judgment of his peers or by the law of the land and was subjected to an illegal search and seizure.

64. All of Plaintiff Rice's injuries, damages, and losses were solely and proximately caused by the Defendants, their agents, and their employees, with no negligence on the part of Plaintiff Rice contributing thereto.

COUNT VII – VIOLATION OF RIGHTS
SECURED UNDER 42 U.S.C. § 1983
(Plaintiff Rice v. All Defendants)

65. Plaintiff Rice incorporates by reference the preceding paragraphs as if set forth fully herein, and states further:

66. Defendants Mosby and Cogen, in their individual capacity and within the scope of their employment, acted intentionally to violate Plaintiff Rice's rights secured under Chapter 42, Section 1983 of the United States Code. Defendants Mosby and Cogen engaged in activities that violated Plaintiff Rice's rights as protected under the Constitution of United States of America.

67. The acts and omissions of Defendants Mosby and Cogen detailed within this Complaint, including, but not limited to, the filing of the Application for Statement of Charges without probable cause, the false arrest and false imprisonment of Plaintiff Rice, without probable cause or a valid arrest warrant, the providing of erroneous legal advice by Defendant

Mosby to Defendant Cogen, and the false statements made by Defendant Mosby at her May 1, 2015 press conference regarding Plaintiff Rice, deprived Plaintiff Rice of his rights under 42 U.S.C. § 1983, including, but not limited to:

- a. freedom from the deprivation of liberty without due process of the law, as guaranteed by the Fourteenth Amendment to the Constitution of the United States of America; and
- b. freedom from arrest without probable cause, as guaranteed by the Fourth Amendment to the Constitution of the United States of America.

68. Plaintiff Rice has a right to be free from arrest and detention without probable cause, legal excuse, or justification and without a valid warrant. This right was denied when Plaintiff Rice was arrested and detained without probable cause, legal excuse, or justification or a valid arrest warrant.

69. Plaintiff Rice has a right to be free from wrongful imprisonment. This right was denied when Plaintiff Rice was wrongfully imprisoned without legal cause, excuse, or justification.

70. Plaintiff Rice has a protected property interest in his freedom, his ability to exercise his free will and domain over his person, and his ability to be free from unlawful and unwelcome detention by Defendants Mosby and Cogen.

71. Plaintiff Rice was afforded less process than was due under law by Defendant Mosby and Defendant Cogen, in depriving him of the rights in question.

72. Defendant Mosby and Defendant Cogen, at all times relevant hereto, acted under color of law and in a manner that was not objectively reasonable.

73. Additionally, Defendant Mosby, at all times relevant hereto, acted in an investigatory role and participated in investigative work to decide whether Plaintiff Rice should be arrested and in instructing Defendant Cogen to file the Application for Statement of Charges.

74. Furthermore, in making the false statements regarding Plaintiff Rice during her May 1, 2015 press conference, Defendant Mosby was not acting in her role as an advocate for the State.

75. By the actions detailed above, Defendant Mosby and Defendant Cogen's conduct violated clearly Plaintiff Rice's established statutory or constitutional rights of which a reasonable person would have known. Defendant Mosby and Defendant Cogen deprived Plaintiff Nero of his constitutional rights under 42 U.S.C. § 1983, including, but not limited to, freedom from wrongful arrest and detention without probable cause or a valid arrest warrant, and freedom from wrongful imprisonment without probable cause or a valid arrest warrant.

76. As a result of the deprivation of his rights, Plaintiff Rice was subjected to an unnecessary and unlawful arrest, detention, and imprisonment.

77. Plaintiff Rice further alleges that all of his injuries, losses, and damages – past, present and prospective – were caused solely by the conduct, actions, and inactions of Defendant Mosby and Defendant Cogen, as set forth herein, without any negligence, want of due care, or provocation on the part of Plaintiff Rice, either directly or indirectly.

78. As a direct and proximate result of these acts, Plaintiff Rice suffered damages including, among others, the following: personal injuries; pain and suffering; severe mental anguish; emotional distress; loss of income; infliction of physical illness; inadequate medical care; humiliation; indignities and severe embarrassment; degradation; injury to reputation; permanent loss of natural psychological development; restrictions of all forms of personal

freedom including, but not limited to, diet, sleep, personal contact, educational opportunity, vocational and professional opportunity, athletic opportunity, personal fulfillment, family relations, reading, television, movies, travel, enjoyment, and expression.

COUNT IX – DEFAMATION OF CHARACTER
(Plaintiff Rice v. Defendant Marilyn Mosby)

79. Plaintiff Rice incorporates by reference the preceding paragraphs as if set forth fully herein, and states further:

80. Defendant Mosby sought to falsely charge, arrest and imprison Plaintiff Rice.

81. Beginning on or about May 1, 2015, Defendant Mosby, in an effort to falsely charge, arrest and imprison Plaintiff Rice, maliciously stated that Mr. Gray was arrested without probable cause. This statement were defamatory because they exposed Plaintiff Rice to public scorn, hatred and contempt, thereby discouraging others in the community from having a good opinion of, or associating with, Plaintiff Rice.

82. In addition to the defamatory statement(s) relating to the lack of probable cause to arrest Mr. Gray, Plaintiff Rice avers that the facts contained in Paragraph 36 hereinabove were similarly defamatory in nature as they exposed Plaintiff Rice to public scorn, hatred and contempt, thereby discouraging others in the community from having a good opinion of, or associating with, Plaintiff Rice.

83. Further, in addition to the defamatory statements outlined in Paragraphs 80 and 81 hereinabove, Plaintiff Rice avers that Defendant Mosby and/or other employees, servants, apparent agents, and or representatives of her office influenced the Medical Examiner's finding that Mr. Gray's death was a "homicide", by withholding from the Medical Examiner certain truthful and relevant facts that likely would have changed that finding. This influence regarding the use of the word "homicide" was defamatory because it exposed Plaintiff Rice to public scorn,

hatred and contempt, thereby discouraging others in the community from having a good opinion of, or associating with, Plaintiff Rice.

84. In making these statements, Defendant Mosby knowingly made the aforementioned false and defamatory statements with actual malice or did so with reckless and/or intentional disregard for the truth.

85. Defendant Mosby published these false and defamatory statements to countless people as a result of the televised press conference held on May 1, 2015. The aforementioned persons and others not named reasonably understood these publications to be defamatory.

86. Defendant Mosby acted with knowledge of the falsity of the statements and with the intent to harm Plaintiff Rice when Defendant Mosby published these false and defamatory statements about Plaintiff Rice.

87. As a direct and proximate result of the false and defamatory statements published by Defendant Mosby, the character and reputation of Plaintiff Rice was harmed, his standing and reputation in his profession and in the community were impaired, and he suffered mental anguish and personal humiliation.

88. In failing to provide the Medical Examiner's office with necessary and relevant information, Defendant Mosby and/or apparent agents, employees, servants and/or representatives of her office influenced the finding of homicide by the Medical Examiner's office, leading to a false and defamatory labeling of Plaintiff Rice's actions as homicidal.

89. As a direct and proximate result of the false and defamatory statements published by Defendant Mosby, Plaintiff Rice was falsely charged, arrested and imprisoned, thereby causing him to suffer significant economic and non-economic losses.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Brian Scott Rice demands judgment as follows:

(a) Against Defendant Marilyn Mosby in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) for each count in compensatory damages, plus interest, costs, and all other relief deemed just and necessary under the circumstances.

(b) Against Defendant Marilyn Mosby in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) for each count in punitive damages, plus interest, costs, and all other relief deemed just and necessary under the circumstances.

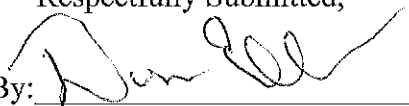
(c) Against Defendant Samuel Cogen in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) for each count in compensatory damages, plus interest, costs, and all other relief deemed just and necessary under the circumstances.

(d) Against Defendant Samuel Cogen in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) for each count in punitive damages, plus interest, costs, and all other relief deemed just and necessary under the circumstances.

(e) Against Defendants Marilyn Mosby and Samuel Cogen an award of costs and expenses of the present action, including reasonable attorneys' fees, to the full extent permitted by federal law and any other applicable statute, rule or law.

(f) Assessing interest, costs, and all other relief deemed just and necessary under the circumstances.

Respectfully Submitted,

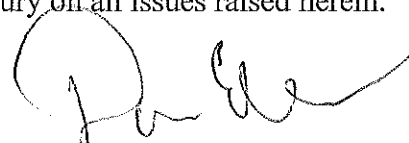
By: 

David Ellin
Law Office of David Ellin, P.C.
154 Westminster Pike
Reisterstown, MD 21136
(410) 833-0044
(410) 833-0442 FAX
dellin@ellinlaw.com

Counsel for Plaintiff Brian Scott Rice

DEMAND FOR JURY TRIAL

Plaintiff Brian Scott Rice requests a trial by jury on all issues raised herein.



David Ellin