

MICHAEL A. EULER, SR.,
1800 Angleside Road
Fallston, Maryland 21047

Plaintiff,

v.

STEPHANIE FLASCH,
1902 Norwood Court
Fallston, Maryland 21047

and

BETH POGGIOLI,
2740 Greene Road
Baldwin, Maryland 21013

Defendants.

* * * * *

COMPLAINT

Michael A. Euler, Sr., Plaintiff, by and through his attorneys, Steven R. Freeman and Freeman Rauch, P.A., hereby sues Stephanie Flasch and Beth Poggioli, Defendants, and states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Michael A. Euler, Sr. ("Plaintiff") is an adult individual who resides, maintains his principal place of business, is employed, and habitually engages in a vocation in Harford County, Maryland.

2. Defendant Stephanie Flasch ("Flasch") is an adult individual who resides, maintains her principal place of business, is employed, and/or habitually engages in a vocation in Harford County, Maryland.

* IN THE
* CIRCUIT COURT
* FOR
* HARFORD COUNTY

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* Case No.: 12-C-16-1216 OC

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Case No. 12-C-16-1216 OC
Plaintiff: Michael A. Euler, Sr.
Defendant: Stephanie Flasch
Defendant: Beth Poggioli
Attorney: Steven R. Freeman
Attorney: Freeman Rauch, P.A.
Filed: 4/27/16
Clerk of Circuit Court
Harford County, MD

FILED

2016 APR 27 P 54

CLERK OF CIRCUIT COURT
HARFORD COUNTY, MD
CIVIL DEPT.

3. Defendant Beth Poggioli ("Poggioli") is an adult individual who resides, maintains her principal place of business, is employed, and/or habitually engages in a vocation in Harford County, Maryland.

4. This Court has subject matter jurisdiction over this matter pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501.

5. This Court has personal jurisdiction over Poggioli and Flasch (collectively, "Defendants") in this action pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-102, as Defendants are domiciled in, and maintain their principal place of business in, the State of Maryland.

6. Venue for this action properly lies in this Court pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-201, Defendants reside, carry on a regular business, are employed, and/or habitually engage in a vocation in Harford County, Maryland.

FACTS COMMON TO ALL COUNTS

7. Euler is a developer who has requested an expansion of Harford County's development envelope along Routes 152 and 147, which includes the extension of public water and sewer service. Euler is an owner of certain real property in the area of proposed expansion.

8. Defendants have set up a website petition going by the name "Keep Fallston Rural" (the "Petition") to block the proposed expansion of the development envelope. Pursuant thereto, and in furtherance of the Petition, Defendants have published false statements on that website and elsewhere to the effect, *inter alia*, that the expansion will allow and/or Euler desires to build "big box retail", strip malls, and/or apartment complexes on property zoned for agricultural use.

9. Agriculturally zoned properties cannot be used for such uses, and Euler has no intention to do so.

10. As part of Defendants' publications, Defendants are using a website known as ThePetitionSite.com.

11. On that website, Defendants falsely allege that certain individuals have signed the Petition. In fact, not all persons who are attributed by the website to have signed the Petition actually did so.

COUNT I
(Injurious Falsehood)

12. Plaintiff hereby incorporates the allegations contained in Paragraphs 1-11 of this Complaint as if fully restated herein.

13. Defendants published falsehoods which tended to disparage the quality, ownership, or rights of Plaintiff's property.

14. Defendants acted with actual malice or with reckless disregard for the truth.

15. The falsehoods played a material and substantial part in inducing others not to deal with Plaintiff, and, as a result, Plaintiff has suffered special damage.

16. Defendants' conduct and actions were characterized by evil motive, intent to injure, ill will, or fraud, and, thus, actual malice.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in excess of \$75,000.00 in compensatory and punitive damages, with interest and costs.

COUNT II
(Tortious Interference with Business Relationships)

17. Plaintiff hereby incorporates the allegations contained in Paragraphs 1-16 of this Complaint as if fully restated herein.

18. The false statements published by Defendants were intentional and willful acts.

19. The false statements published by Defendants were calculated to cause damage to Plaintiff in his lawful business.

20. The false statements were published by Defendants with the unlawful purpose to cause such damage and loss, without right or justifiable cause on the part of Defendants.

21. The false statements published by Defendants caused Plaintiff actual damage and loss.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in excess of \$75,000.00 in compensatory and punitive damages, with interest and costs.

COUNT III
(False Light)

22. Plaintiff hereby incorporates the allegations contained in Paragraphs 1-21 of this Complaint as if fully restated herein.

23. Defendants gave publicity to a matter concerning Plaintiff which placed Plaintiff and/or his businesses before the public in a false light.

24. Defendants' actions placed Plaintiff in a false light which would be highly offensive to a reasonable person.

25. Defendants had knowledge of, or acted in reckless disregard to, the falsity of their publication and the false light in which Plaintiff and/or his businesses would be placed.

26. As a direct, foreseeable, and proximate result of Defendants' defamatory acts and omissions, Plaintiff has suffered damages, including, but not limited to, loss of good reputation, lost business, lost income, diminution in value of his businesses, and lost profits.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in excess of \$75,000.00 in compensatory and punitive damages, with interest and costs.

COUNT IV
(Preliminary and Permanent Injunctive Relief)

27. Plaintiff hereby incorporates the allegations contained in Paragraphs 1-27 of this Complaint as if fully restated herein

28. Defendants' actions as described above are ongoing and continuous, and will therefore cause Plaintiff to suffer immediate, substantial and irreparable harm to his rights and interests unless the requested injunctive relief is granted.

29. The benefits to Plaintiff in obtaining the requested injunctive relief outweigh the potential harm which Defendants would incur if this injunctive relief were granted.

30. Based on the evidence of Defendants' conduct and actions in derogation of Plaintiff's rights and interests as described above, there exists the strong likelihood that Plaintiff will succeed on the merits of its claims for injurious falsehood, tortious interference with business relationships, false light, and permanent injunctive relief.

31. The public policy considerations inherent in this case strongly favor the granting of the requested injunctive relief. There is a strong public policy in favor of not publishing falsehoods with the purpose of destroying business relationships.

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendants, jointly and severally, as follows:

A. For a preliminary and permanent injunction enjoining Defendants and their respective agents, servants, employees, officers, and assigns, and all other persons in active concern or participation with them from further publication of any false, defamatory or materially misleading comments regarding Plaintiff, and further ordering Defendants and their respective agents, servants, employees, officers, and assigns, and all other persons in active

concern or participation with them to retract and remove from publication the false, defamatory, and materially misleading statements complained of herein; and

B. For such other and further relief as this Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S.R. Freeman', is written over a horizontal line.

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*Attorneys for Plaintiff,
Michael A. Euler, Sr.*