

MICHAEL C. WORSHAM
1916 Cosner Road
Forest Hill, Maryland 21050

* IN THE CIRCUIT COURT
* FOR HARFORD COUNTY

Plaintiff

*

v.

*

Case #: 12-C-09-4083

HOMESTEAD PUBLISHING COMPANY*
19 Hayes Street
Bel Air, Maryland 21014

*

Serve On:
The Prentice-Hall Corporation System
7 St. Paul Street, Suite 1660
Baltimore, Md 21202

*

*

*

Defendant

* * * * *

FILED
2009 NOV 24 PM 2:52
CLERK OF CIRCUIT COURT
HARFORD COUNTY, MD.

COMPLAINT

NOW COMES the Plaintiff, Michael C. Worsham, Esq., to sue the Defendant for trespass and negligence, and in support thereof alleges that:

PARTIES

1. Plaintiff is a resident of Harford County, Maryland, and owns and has lived at 1916 Cosner Road, Forest Hill, MD (the "Property") continuously for the last 15 years.
2. Defendant Homestead Publishing Company is a Maryland corporation located in Bel, Air, MD conducting business activities in or related to marketing and advertising.

JURISDICTION

3. Subject matter jurisdiction in Circuit Court is proper under to Maryland Courts and Judicial Proceedings (CJP) § 4-402(a), which provides for Circuit Court jurisdiction for equity cases.

ALLEGATIONS

4. Defendant prepares, prints and/or distributes multi-page color advertisements primarily for supermarkets with location in Harford County, including Weis, Safeway, Giant and Rite Aid, and wraps these advertisements in clear plastic wrap and regularly disposes and throws them on Plaintiff's Property without permission, on an approximately weekly basis and usually on or about each Friday.
5. On occasion, instead of a clear plastic bag, a white plastic bag with "Weekender" and the logos of the same, as well as other advertisers, is used to wrap the color advertisements.

6. The multi-page color ads Defendant prepares and/or distributes are wrapped in an additional and much smaller - by overall size and column inches -advertising paper titled "Weekender - North County" and rolled up and placed inside the plastic bag (hereinafter the 'junk'), prior to throwing the entire bag plus contents onto Plaintiff's Property without permission.
7. Since at least April 2009, Plaintiff has repeatedly told Defendant to stop throwing these materials and ads on the Property, but Defendant has ignored these requests and not responded to Plaintiff.
8. On April 24, 2009 Plaintiff faxed a letter telling Defendant to stop, and that Plaintiff had "no interest in" and did not want the burden of disposal. This letter was faxed to 410-838-7648, one of Defendant's fax numbers, and was successfully transmitted by fax and received by Defendant. A copy of this letter and fax Activity Report is attached as Exhibit 1 herein.
9. Defendant failed to respond to the April 24, 2009 letter, and continued to throw the junk advertisements and plastic bags on Plaintiffs property.
10. On June 15, 2009 Plaintiff faxed another letter, again asking Defendant to stop, and this letter was successfully transmitted by fax and received at Defendant's same fax number.
11. Defendant failed to respond to Plaintiff's June 15, 2009 letter.
12. During the Fall of 2009 Defendant continued to dispose or throw the junk advertisements and plastic bags on Plaintiff's Property, including on November 6, 2009..
13. On November 6, 2009 Plaintiff faxed another letter again asking Defendant to stop, demanding that Defendant remove the junk from his Property, and that a suit would be filed. A copy of that letter, which was successfully transmitted to the same fax number of and received by Defendant on November 6, 2009 is attached as Exhibit 2 herein.
14. Defendant again failed to respond to Plaintiff's Nov. 6, 2009 letter, and continued to throw the junk on Plaintiff's property without permission, including on November 13, 2009 and two plastic wrapped bags of junk on November 21, 2009.
15. Plaintiff pays for waste disposal via a pay per bag service for which Plaintiff pays for the waste disposal based on the volume of waste generated, and thus incurs actual costs and damages by having to use up or allocate a portion of his waste disposal volume to disposing of the plastic bags, as well as the junk and bags together when they get wet.

16. Plaintiff suffers damages by having to take the time to recycle the non-wet paper portion of the junk, rather than throwing it out.
17. Plaintiff suffers damages by the continued trespass and nuisance interference with the use of his property, and by having to remove the junk so it does not get wet, or attract vandals, who may assume a residence is vacant as a result of trash on the property.
18. Plaintiff suffers damages by having to store as evidence the increasing volume of junk and plastic bags Defendant continues to throw on his Property without permission.
19. Defendant is interfering with Plaintiff's exclusive possession of Plaintiff's Property.
20. Plaintiff has a right to use his own Property without interference from Defendant, and to quiet enjoyment of his Property without being converted to Defendant's advertising vehicle.

Public nuisance

21. Defendant throws the same materials on the properties of many other Harford County residents and property owners, which can be seen on the end of driveways, often for several days, which indicates other persons do not want these junk materials either.
22. The junk materials are especially environmentally wasteful, since people do not shop at several different supermarkets each week, and the plastic most likely ends up in the Harford County incinerator, potentially causing toxic organochlorine compounds like dioxins and furans, and since a non-negligible portion of the paper materials comprising the junk are also disposed of in the same incinerator, and when color paper is burned it releases heavy metals including but not limited to chromium, cadmium and zinc, and the organochlorines and heavy metals are deposited into the land and Chesapeake Bay.
23. Defendant's conduct constitutes a nuisance to Plaintiff and to others in Harford County.
24. The benefits to Plaintiff and others in Harford County in obtaining injunctive relief equal or outweigh the potential harm Defendant would incur if an injunction is granted.
25. The public interest is best served by granting a permanent injunction.
26. Defendant negligently failed to exercise reasonable control over persons used to deliver or throw the junk to Plaintiff's property given its duty owed to Plaintiff.
27. Defendant's ads and bags constitute litter, and its conduct violates the Maryland Criminal Law Art., § 10-110(c), Litter Control Law, and possible other laws or regulations.

COUNT 1 - Trespass to Land

- 28. Defendant entered onto Plaintiff's land by throwing or placing its Weekender advertisements, color advertisements, and plastic bags on Plaintiff's Property.
- 29. Defendant entered onto Plaintiff's Property in an unlawful manner.
- 30. The land Defendant entered onto was and is owned by and in possession of Plaintiff
- 31. Defendant entered onto Plaintiff's Property without the consent of Plaintiff.
- 32. Defendant will not stop and is causing and will continue to cause irreparable harm to Plaintiff unless an injunction is granted.

COUNT 2 - Negligence

- 33. Defendant owed a duty to conform to a standard of care for the protection of the Plaintiff, breached that duty, and this breach proximately caused actual damages to Plaintiff

RELIEF SOUGHT

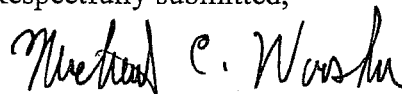
- 34. Plaintiff seeks nominal damages for each trespass.
- 35. Plaintiff seeks actual damages for each trespass including the frustration Defendant has caused Plaintiff, and for the time Plaintiff has had to take to try to stop the trespass, of not less than \$1,000.
- 36. Plaintiff seeks a declaratory judgment declaring Defendant's conduct to constitute trespass.
- 37. Plaintiff seeks permanent injunctive relief enjoining Defendant from entering onto or causing anything to enter onto Plaintiff's Property or onto the land of any others in Harford County.
- 38. Plaintiff seeks injunctive relief requiring Defendant to properly dispose of the junk materials that Defendant has thrown on Plaintiff's Property.

WHEREFORE the Plaintiff seeks from the Defendant nominal damages, actual damages, and permanent injunctive relief, and other such relief as is just and necessary.

JURY TRIAL DEMAND

The Plaintiff requests a trial by jury for all matters triable by a jury.

Respectfully submitted,



Michael C. Worsham, Plaintiff, Pro Se
1916 Cosner Road

Forest Hill, Maryland 21050

410-557-6192

November 23, 2009

Michael C. Worsham, Esq.

1916 Cosner Road
Forest Hill, MD 21050
(410) 557-6192

April 24, 2009

Homestead Publishing Co.
10 Hayes Street
Bel Air, MD 21014
410-838-4401

Via fax to 410-838-7648

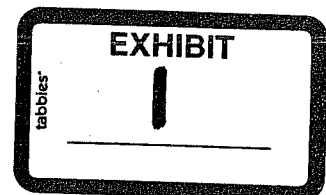
Dear Homestead Publishing Co.:

Today on the end of my driveway was left or placed a bunch of advertisements wrapped inside the "Weekender North County" dated April 24, 2009. Please do **not** put this or any similar materials on my property again. I have no interest in and do not want them or the added burden of disposing them. Thank you.

Sincerely,

Michael C. Worsham

Michael C. Worsham



Activity Report

TX Date/Time	Function	No.	Destination	Duration	P. #	Result
MAR-27 11:46	Send	001	3	0°00'29"	003	OK
MAR-28 17:24	Send	002	202 [REDACTED]	0°00'14"	001	OK
APR-08 17:24	Send	003	314 [REDACTED]	0°00'45"	002	OK
17:30	Send	004	1410 [REDACTED]	0°00'25"	001	OK
17:52	Send	005	410 [REDACTED]	0°03'13"	010	OK
21:21	Send	006	410 [REDACTED]	0°00'33"	002	OK
APR-14 23:43	Send	007	410 [REDACTED]	0°00'42"	002	OK
APR-15 16:36	Send	008	3	0°00'29"	003	OK
APR-16 16:52	Send	009	212 [REDACTED]	0°00'11"	001	OK
APR-20 18:26	Send	010	202 [REDACTED]	0°00'28"	001	OK
APR-21 18:26	Send	011	1301 [REDACTED]	0°00'09"	001	OK
APR-24 17:23	Send	012	4108387648	0°00'06"	001	OK

Michael C. Worsham, Esq.
1916 Cosner Road
Forest Hill, MD 21050
(410) 557-6192

November 6, 2009

Homestead Publishing Co.
10 Hayes Street
Bel Air, MD 21014
410-838-4401

Via fax to 410-838-7648

Dear Homestead Publishing Co.:

Despite my letters of April 24, 2009 and June 15, 2009 to you requesting that you stop leaving "Weekender North County" on my property, you have continued to trespass on my property and leave this junk. Sometime in the last 20 hours it occurred again. If this latest item you have left is not removed from my property by 5 PM today, suit will be filed.

Sincerely,

Michael C. Worsham

Michael C. Worsham

