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**IN THE CIRCUIT COURT OF PRINCE GEORGE'S COUNTY, MARYLAND**

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<b>BANK OF AMERICA, N.A.</b>	*
<b>Plaintiff</b>	*
	• <b>CASE No.: C-16-CV-23-001198 AG</b>
<b>Vs.</b>	*
<b>SAINT JOSEPH'S SECONDARY SCHOOL *</b>	
<b>ALUMNAE ASSOCIATION</b>	
<b>MID-ATLANTIC, INC.<sup>1</sup> et. al</b>	*
<b>Defendants</b>	*

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**ANSWER TO COMPLAINT**

Defendants Saint Joseph's Secondary School Alumnae Association Mid-Atlantic, Inc. (formerly known as Saint Joseph's Secondary School Alumni Association Mid-Atlantic, Inc. (hereinafter "SJSS"), Elizabeth Homer, and Marilyn Otto, defendants, by their undersigned counsel, hereby answer the complaint for interpleader filed by plaintiff Bank of America, N.A. (hereinafter "BOA").

1. Defendants admit the allegations of paragraph 1 of the complaint. By way of further answer, defendants state that Ms. and Ms. Otto did not authorize the change of name for SJSS and that the amendment was not made by the legitimate officers of SJSS but rather by person(s) who were illegitimate officers .
2. Defendants admit that SJSS is a Maryland corporation. By way of further answer, defendants state that Ms. Homer and Ms. Otto did not authorize the change of name for

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<sup>1</sup> "Mid-Atlantic" is spelled incorrectly in the caption of the complaint.

SJSS and that the amendment was not made by the legitimate officers and directors of SJSS.. Further, Defendants deny that 7614 Erica Lane, Laurel, MD 20707 is the correct address of SJSS. The address has always been 4503 Forsyth Court, Upper Marlboro, MD 20772. This address change was made by persons who are not authorized to act on behalf of SJSS.

3. Defendants admit the allegations of Paragraph 3. By way of further answer, defendants state that Ms. Homer is the duly elected President of SJSS. She has been president since January 2021.
4. Defendants admit the allegations of Paragraph 4. By way of further answer, Defendants state that Ms. Otto is the duly elected treasurer of SJSS. Ms. Otto was elected Treasurer of SJSS in January 2021.
5. Defendants admit that defendant Davis resides at 10011 Greenbelt Road, Apt. 102, Lanham, MD 20706. Defendants admit that Ms. Davis was a director of SJSS prior to August 15, 2021. After August 15, 2021 when the Board of Directors structure was abolished by the members, she was part of the Executive Committee as assistant social secretary. Ms. Davis went to BOA and removed Ms. Homer and Ms. Otto as signatories on the BOA accounts of SJSS. Ms. Davis did so without authorization from the duly elected Executive Committee and without the knowledge and consent of Ms. Homer and Ms. Otto.
6. Defendants admit this court has jurisdiction over this matter and to adjudicate the rights of the parties.
7. Defendants admit to the allegations of Paragraphs 7 and 8 of the complaint. By way for further answer, Defendants state that Elizabeth Homer and Marilyn Otto were on the

account since February 2021 after they were elected to the positions of President and Treasurer respectively. By way of further answer, defendant Davis is the individual who attempted to alter access to SJSS's accounts with BOA and created the dispute with SJSS's accounts at BOA. Defendant Davis had no authority to attempt to alter access to SJSS's accounts at BOA.

8. Defendants admit to the allegations of paragraph 9 of the complaint.
9. Defendants admit to the allegations of paragraph 10 of the complaint.
10. Defendants have insufficient information to form a belief as to the truth of the allegations in Paragraph 11 of the complaint. By way of further answer, Defendants state that Defendant Davis had no authority to execute a Business Signature Card with regard to Account 1 or to any account of SJSS.
11. Defendants admit to the allegations of Paragraph 12. By way of further answer, Defendants state that Defendant Davis had no authority to remove Ms. Homer and Ms. Otto as signatories to the SJSS's accounts at BOA nor did she have the authority to nominate herself as the "sole authorized person" with whom BOA was authorized to conduct affairs on behalf of SJSS. Further, the resolution signed by Ms. Davis at BOA was not authorized by the Executive Committee of SJSS nor by Ms. Homer as President of SJSS nor Ms. Otto as treasurer of SJSS. Neither Ms. Homer nor Ms. Otto were notified by BOA of the change in signature authorities. Ms. Davis was not authorized by the Executive Committee, Ms. Homer nor Ms. Otto to remove Ms. Homer and Ms. Otto as individuals to access the SJSS accounts.
12. Defendants Homer, Otto and SJSS admit that Homer and Otto submitted signature cards for Account Number 1 with BOA. It was on November 29, 2021, that the unlawful action

of Defendant Davis was reversed by BOA. Defendant Otto had access to the SJSS accounts through December 3, 2021. She was able to make a wire transfer to the Saint Joseph's School in Freetown that day. On December 2, 2021, Ms. Davis was terminated from the Executive Committee and from her position as Assistant Social Secretary for the fraud she perpetrated against SJSS in submitting a resolution removing Ms. Otto and Ms. Homer as signatories for SJSS BOA Accounts without authority. Based on the context described above, Defendants admit the allegations of paragraph 13 but deny the assertion that Ms. Homer and Ms. Otto submitted a signature card that was notarized improperly. By way of further answer, they simply followed the instructions of BOA customer service.

13. On December 4, 2021, Ms. Otto received a communication from BOA that her password to the BOA account was changed thereby denying access to the account by Ms. Otto. Ms. Otto had not changed her password, so a call was placed to BOA customer service to determine what had occurred.
14. Defendants admit the allegations of Paragraph 14. By way of further answer, defendants state that Ms. Davis was terminated from the Executive Committee of SJSS after she removed Ms. Homer and Ms. Otto as signatories without authorization and for other violations of the Bylaws of SJSS.
15. Defendants admit the allegations of paragraph 15 of the complaint.
16. Defendants deny the allegations of paragraph 16 of the complaint to the extent BOA alleges Defendants Otto, Homer and SJSS engaged in irregular account activity. These defendants admit that Ms. Davis acted unlawfully in removing Ms. Homer and Ms. Otto as signatories to the BOA accounts.

17. BOA's freezing of SJSS's bank accounts prevented SJSS from paying its monthly operating expenses. Ms. Homer and Ms. Otto had to pay these expenses from their personal funds.
18. Defendants admit the allegations of Paragraph 17 of the complaint. By way of further answer, Defendants Homer, Otto and SJSS state that the funds on deposit at BOA belong to SJSS and that the Ms. Homer and Ms. Otto are on the Executive Committee of SJSS and are the duly elected President and Treasurer of SJSS respectively.
19. Defendants admit the allegations of Paragraph 18.
20. Defendants deny the allegations of Paragraph 19 and demand strict proof thereof. By way of further answer, defendants maintain that BOA agents acted negligently in accepting the signature card from Ms. Davis that removed from Ms. Homer and Ms. Otto as signatories to SJSS's BOA account.
21. Defendants admit the allegations of paragraph 20 of the complaint.
22. Defendants deny the allegations of paragraph 21 of the complaint. By way of further answer, Defendants Homer, Otto and SJSS state that BOA agents acted negligently in accepting the signature card from Ms. Davis that removed from Ms. Homer and Ms. Otto as signatories to SJSS's BOA account and created the dispute that exists. Defendants maintain that Ms. Homer and Ms. Otto as officers of SJSS provided BOA with clear and uncontroverted instructions as to Ms. Homer and Ms. Otto being the proper Authorized Persons to be signatories of SJSS's BOA accounts.
23. Defendants admit the allegations of paragraph 22 of the complaint except to the extent BOA attempts to absolve itself of the negligence of its employees that led to this dispute.
24. Paragraph 23 of the complaint are assertions of law and, as such, require no

response from Defendants.

**WHEREFORE**, defendants having fully answered the complaint of BOA prays for the following relief.

1. Find that Defendants Elizabeth Homer and Marilyn Otto are the duly elected President and Treasurer of SJSS.
2. Find that Defendants Elizabeth Homer and Marilyn Otto are members of the Board of the Executive Committee of SJSS.
3. Order Plaintiff BOA to recognize Elizabeth Homer and Marilyn Otto as signatories to SJSS's bank accounts and to remove Mollinette Davi as a signatory.
4. Order BOA to turn over the funds in SJSS's bank accounts to Defendants SJSS with Elizabeth Homer and Marilyn Otto as authorized persons of SJSS.
5. Deny BOA's request for attorney's fees based upon the negligence of its employees in removing Ms. Marilyn Otto and Ms. Elizabeth Homer, duly elected officers of SJSS, as the authorized persons on the SJSS's BOA bank accounts.
6. Direct BOA to provide the written instructions and training given to bank employees on accepting Business signature cards that remove authorized signatories.
7. In the event this Court orders BOA to deposit the funds in the Court registry, order the release of those funds to SJSS in care of its officers and directors, Elizabeth Homer and Marilyn Otto.
8. Order BOA to reimburse Ms. Homer and Ms. Otto from SJSS's funds for expenditures they made on behalf of SJSS.
9. Deny the request of BOA for this Court to enjoin the parties from pursuing any future proceedings against BOA with regard to the proceeds of SJSS.

10. Deny the request of BOA to discharge it from further liability with respect to the proceeds.

11. Grant such other relief as this Court deems appropriate.

Respectfully submitted,

Robinson & Geraldo

*Manuel Geraldo*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer was sent via MDEC to Jennifer J. Coyne, Esquire this 15<sup>th</sup> day of April 2023 and was sent by first class mail, postage prepaid this 17<sup>th</sup> day of April 2023 to Mollinette Davis, 10011 Greenbelt Road, Apt. No.: 102, Lanham, MD 20726-2232.

*Manuel Geraldo*

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Manuel R. Geraldo