

## **PWSCC BOARD OF DIRECTORS' LITIGATION REPORT**

Members are rightly concerned about the status of a lawsuit filed against Potomac-Westmoreland Shores Civic Corporation in August 2024.

In order to protect confidential communications with our attorney and in an effort to maintain decorum within the community, the PWSCC Board of Directors has followed the advice of counsel and avoided public discussion of this case while the matter proceeds through the court system. Earlier, we provided the membership with a preliminary report about the case. Based upon many requests for more information, we believe it is time for an update.

The lawsuit was filed by a single PWSCC member who has complained for many years because of his own view concerning the law and his disagreement with ordinary management decisions of our nine-member elected board. The case was filed shortly after a large majority of the PWSCC membership refused to elect this member to the board of directors. Among other things, his lawsuit claims that the election was stolen from him through the use of absentee ballots, ignoring the fact that these ballots were not counted following his complaint about their use at last year's annual meeting.

Although members who voted absentee were disenfranchised, this member received only a few votes. We elected to avoid controversy and not count absentee votes because the outcome would have been the same by a wide margin either way. Nevertheless, claims about the election are part of the current lawsuit.

The August 2024 complaint filed by this member was largely a repeat of a similar suit he filed against PWSCC twelve years ago that was resolved by agreement at the personal expense of one director.

The new case is more than 75 pages long, counting exhibits. It asserted four types of claims against our organization. In proceedings earlier this year, the Westmoreland Circuit Court dismissed three of those four types of claims, in part because the issues had been settled in the earlier litigation.

The only remaining claim in the lawsuit is a demand by this member to have our organization be put to death judicially, and that PWSCC's property be distributed to a new organization more to this member's liking. It is the same claim this member has made in various forms for many years.

One of his arguments (based on false allegations) is that PWSCC should not even be permitted to defend itself against his claims and that he and his attorneys be allowed to dictate the future of this organization's assets, including ownership of the beach, marina, clubhouse and PWSCC cash.

Another central claim is that beach and marina use should be denied to certain members of this organization. Lastly, he asks the court to use PWSCC member contributions to pay his attorneys for filing this case.

This lawsuit threatens the existence of PWSCC and members' use of assets we have owned for more than six decades.

Our attorney has filed a motion to dismiss the remaining claims. That motion will be argued with numerous other matters on June 16, 2025.

Members should also be aware that this member has attempted to overwhelm our organization with a team of three attorneys and two supporting paraprofessionals based in Northern Virginia. Among other things, this five-person litigation team has demanded that we produce 63 years of corporate records. Even after paring down the request as instructed by the court, this expansive production will involve many thousands of documents and has consumed around 100 hours of time volunteered by directors and officers.

The board strongly feels that for the past 63 years this organization has functioned well and that it has continued to improve. We do not believe that one person's view should not be substituted for the rest of the community.

We appreciate your patience with this case and your understanding about our inability to comment extensively about the litigation.

Even though we have limited our public statements, members should be aware that papers concerning this case are open for public inspection in the Westmoreland County Circuit Court Clerk's office. The style of the case is *Howe v. PWSCC*, CL 24-397.

Respectfully submitted,

*Potomac-Westmoreland Shores  
Civic Corporation Board of  
Directors*