IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FATHER RAYMOND VELENCIA,	*	
Plaintiff,	*	
v.	*	Civil Action No. RDB-12-00237
BARBARA M. DREZHLO, *et al.*,	*	
Defendants.	*	

* * * * * * * * * * * * *

MEMORANDUM OPINION

Plaintiff Father Raymond Velencia ("Plaintiff" or "Father Velencia") has brought this action for defamation, slander and libel (Count I) seeking injunctive relief (Count II) against Barbara M. Drezhlo ("Drezhlo"), Melanie S. Sakoda ("Sakoda"), Catherine B. Larson ("Larson"), V. Rev. Michael Regan ("Father Regan") and Mark E. Stokoe ("Stokoe") (collectively "Defendants"). Specifically, Father Velencia alleges that the Defendants operate, publish, moderate and maintain websites in which he has been defamed following the unsubstantiated accusations of one of his former employees and parishoners.

Pending before this Court is Defendant Stokoe's Motion to Dismiss (ECF No. 8) for lack of personal jurisdiction and for failure to state a claim pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure. While Defendant Father Regan has not formally moved this Court to dismiss the action against him on the same grounds, this Court notes that Father Regan is self-represented and has indicated on two separate occasions his

belief that Defendant Stokoe's motion applies to him.[1] Accordingly, this Court will consider Father Regan's pleadings as indicating his desire to join Defendant Stokoe's Motion to Dismiss.[2] The parties' submissions have been reviewed and no hearing is necessary. *See* Local Rule 105.6 (D. Md. 2011). For the reasons that follow, Defendant Stokoe's Motion to Dismiss (ECF No. 8), which the self-represented Defendant Father Regan joins, is GRANTED. Plaintiff Father Velencia has failed to make a *prima facie* showing of Internet-based personal jurisdiction. As a result, Plaintiff's claims against both Defendants Stokoe and Father Regan are DISMISSED WITHOUT PREJUDICE.

BACKGROUND

This Court accepts as true the facts alleged in the Plaintiff's complaint. *See Aziz v. Alcolac, Inc.*, 658 F.3d 388, 390 (4th Cir. 2011). Plaintiff Father Raymond Velencia ("Plaintiff" or "Father Velencia"), an Archpriest in the Orthodox Church in America ("the Church"), Diocese of Washington, D.C., was the parish priest at St. Matthew's Church in Columbia, Maryland until his resignation on September 2, 2011. Pl.'s Compl. ¶¶ 11, 13, ECF No. 1. He also occupied the positions of President and Chief Executive Officer of the St. Matthew Housing Development. *Id.* ¶ 12.

In February 2006, Father Velencia terminated the employment of Kristine Patico Koumentakos ("Koumentakos") at the St. Matthew Housing Development after noticing

[1] Father Regan's Motion to Set Aside Default explains that he was under the impression that Defendant Stokoe's Motion also applied to him as he has always been a citizen of California. Mot. to Set Aside Default ¶ 3, ECF No. 17. Additionally, Father Regan requested to be removed from the lawsuit in his Answer to the Complaint. Ans. ¶ 8, ECF No. 18.

[2] Defendants, Barbara M. Drezhlo, Melanie S. Sakoda and Catherine B. Larson are also named in the Complaint. However, Father Velencia has encountered some difficulties in effecting service on these Defendants and was granted an additional thirty days from the issuance of the November 9, 2012 Letter Order (ECF No. 19) to effect service on these Defendants.

that she was falsifying her timesheets. *Id.* ¶ 14. Upon being discharged, Ms. Koumentakos filed a Discrimination Charge against Father Velencia with the Howard County Office of Human Relations in April 2006. *Id.* ¶ 15. Although she voluntarily withdrew her Charge, she proceeded to file a complaint with the Church in January 2007 and a lawsuit against Father Velencia and others in the Circuit Court for Howard County in 2008. *Id*; *see also Kristine Patico Koumentakos, et ux. v. Metropolitan Herman, et al.*, Case No. 13-C-08-073089 OT. With respect to Father Velencia, Ms. Koumentakos alleged that he had violated the Seal of Sacrament of Confession. *Id.* ¶¶ 15, 16. As a result of her accusations, the Church began an investigation which revealed that Father Velencia had not violated the secrecy of confession and that Ms. Koumentakos herself was probably the source of the confidentiality violation. *Id.* ¶ 16. The parties eventually reached a settlement in 2010. *Id.* ¶ 17.

Prior to settling, however, Ms. Koumentakos allegedly used gossip websites operated, published, moderated and maintained by the Defendants in this presently pending action to defame and accuse Father Velencia publicly. *Id.* ¶ 17. These websites have allegedly contributed to tarnishing Father Velencia's reputation and he contends that he has been forced to resign from the Orthodox Church. *Id.* ¶ 25. Father Velencia also alleges that "[t]he horrible accusations and false statements have caused severe emotional distress and harm not only to" himself but also to his family. *Id.*

With regard to Defendant Mark E. Stokoe ("Stokoe"), a citizen and resident of the State of Ohio, Father Velencia alleges that he operates and edits the Orthodox Christians for Accountability website at www.ocanews.org. *Id.* ¶¶ 8, 24. "The website is known for posting information related to financial misconduct and criminal charges against members of

the clergy." *Id.* ¶ 24. The website also allegedly permits readers to comment on the articles that Defendant Stokoe writes. *Id.* Father Velencia claims that Defendant Stokoe has the authority to approve and edit these comments. *Id.*

According to Father Velencia, Defendant Stokoe used his website to repeatedly and "falsely accuse [him] of financial misconduct and" of violating the seal of confession. *Id.* Moreover, Defendant Stokoe allegedly allowed readers to further defame Father Velencia's reputation by authorizing several negative posts and rejecting comments "that were submitted to defend and dispel the false accusations." *Id.* Specifically, Father Velencia claims that, on his website, Defendant Stokoe acknowledged having refused to publish Father Velencia's letters in his defense but that he published accusatory communications submitted by Ms. Koumentakos. *Id.* While Father Velencia does not identify the exact articles containing Defendant Stokoe's disparaging remarks, in three instances he directly quotes negative and defamatory statements allegedly written by Defendant Stokoe on his website. *See id.* ¶¶ 24(b), 24(d), 24(f).

Defendant V. Rev. Michael Regan ("Father Regan"), a citizen and resident of the State of California, is allegedly the moderator of the "Orthodox Forum" on Yahoo.com. *Id.* ¶¶ 9, 21. According to Plaintiff, "[t]hat message board allows individuals to publish comments and information about subjects pertaining to the Orthodox Church." *Id.* ¶ 21. Plaintiff further alleges that as the moderator of that message board, Father Regan is responsible for the posts published on it. *Id.* Accordingly, Plaintiff claims that Father Regan "knowingly permitted the publication of derogatory and defamatory matter" concerning Plaintiff and "blocked the publication of countervailing material that was submitted to be

posted on Plaintiff's behalf." *Id.* Father Velencia further claims that Defendant Regan "allowed a lengthy post to appear on the message board" in which Father Velencia was falsely referred to as a child molester. *Id.*

Father Velencia makes similar allegations with respect to the remaining Defendants, Barbara M. Drezhlo, Melanie S. Sakoda and Catherine B. Larson. *Id.* ¶¶ 18-20, 22-23. Father Velencia has encountered some difficulties in effecting service on these Defendants. As a result, this Court granted him an additional thirty days from the issuance of the November 9, 2012 Letter Order (ECF No. 19) to effect service on these Defendants.

STANDARD OF REVIEW

I. Rule 12(b)(2)

When a non-resident defendant challenges a court's personal jurisdiction under Rule 12(b)(2) of the Federal Rules of Civil Procedure, the plaintiff has the burden of proving grounds for jurisdiction by a preponderance of the evidence. *Carefirst of Maryland, Inc. v. Carefirst Pregnancy Ctrs., Inc.*, 334 F.3d 390, 396 (4th Cir. 2003) (citing *Mylan Labs., Inc. v. Akzo, N.V.*, 2 F.3d 56, 59–60 (4th Cir. 1993)). The plaintiff must produce competent evidence to sustain jurisdiction. *Nichols v. G.D. Searle & Co.*, 783 F. Supp. 233, 235 (D. Md. 1992). If the court is deciding the issue without a hearing, the plaintiff is only required to make a *prima facie* showing of jurisdiction. *Mylan*, 2 F.3d at 60. However, a court "need not credit conclusory allegations or draw farfetched inferences" in deciding jurisdictional disputes. *Chattery Int'l, Inc. v. JoLinda, Inc.*, No. WDQ-10-2236, 2011 WL 1230822, at *13 (D. Md. Mar. 28, 2011).

Before a court can exercise personal jurisdiction over a non-resident defendant, a court must determine that (1) the exercise of jurisdiction is authorized under the state's long-arm statute pursuant to Federal Rule of Civil Procedure 4(k)(1)(a), and (2) the exercise of jurisdiction conforms to the Fourteenth Amendment's due process requirements. *Carefirst*, 334 F.3d at 396; *see also Christian Sci. Bd. of Dirs. of the First Church of Christ v. Nolan*, 259 F.3d 209, 215 (4th Cir. 2001). In order for the exercise of personal jurisdiction to comport with due process, a non-resident defendant must have sufficient "minimum contacts" with the forum state such that requiring it to defend itself within the forum state "does not offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v. Wash.*, 326 U.S. 310, 316 (1945). Although Maryland courts "have consistently held that the state's long-arm statute is coextensive with the limits of personal jurisdiction set out by the Due Process Clause of the Constitution," *Carefirst*, 334 F.3d at 396, the long-arm statute must still be examined as part of the two-step personal jurisdiction analysis. *Mackey v. Compass Mktg., Inc.*, 892 A.2d 479, 493 n.6 (Md. 2006) (explaining that although the "long-arm statute is coextensive with the limits of personal jurisdiction set by the due process . . . [it does not] mean . . . that it is now permissible to dispense with analysis under the long-arm statute"); *see also* MD. CODE ANN., CTS. & JUD. PROC. § 6-103(b) (setting forth the Maryland long-arm statute). Therefore, to satisfy the long-arm prong of a personal jurisdiction analysis, a plaintiff must specifically identify a provision in a Maryland statute that authorizes jurisdiction. *Ottenheimer Publishers, Inc. v. Playmore, Inc.*, 158 F. Supp. 2d 649, 652 (D. Md. 2001). Although it is preferable for a plaintiff to identify the statute authorizing jurisdiction in its complaint, a plaintiff alternatively may reference the applicable statute in its response to

a defendant's motion to dismiss. *Johansson Corp. v. Bowness Constr. Co.*, 304 F. Supp. 2d 701, 704 n.1 (D. Md. 2004).[3]

II. Rule (12)(b)(6)

Under Federal Rule of Civil Procedure 8(a)(2), a complaint must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Rule 12(b)(6) of the Federal Rules of Civil Procedure authorizes the dismissal of a complaint if it fails to state a claim upon which relief can be granted; therefore, "the purpose of Rule 12(b)(6) is to test the sufficiency of a complaint and not to resolve contests surrounding the facts, the merits of a claim, or the applicability of defenses." *Presley v. City of Charlottesville*, 464 F.3d 480, 483 (4th Cir. 2006). In ruling on such a motion, this Court is guided by the Supreme Court's instructions in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) which "require complaints in civil actions be alleged with greater specificity than previously was required." *Walters v. McMahen*, 684 F.3d 435, 439 (4th Cir. 2012) (citation omitted). The Supreme Court's *Twombly* decision articulated "[t]wo working principles" courts must employ when ruling on Rule 12(b)(6) motions to dismiss. *Iqbal*, 556 U.S. at 678.

First, while a court must accept as true all the factual allegations contained in the complaint, legal conclusions drawn from those facts are not afforded such deference. *Id.*

---

[3] While Father Velencia cites no statutory provision authorizing jurisdiction over the Defendants under the Maryland long-arm statute in his Complaint, in his opposition, *see* Pls. Opp'n at 5, he does rely on Sections 6-103(b)(3) & (b)(4), which extend personal jurisdiction to any:

> person, who directly or by an agent . . . [c]auses tortious injury in the State by an act or omission in the State; [c]auses tortious injury in the State or outside of the State by an act or omission outside the state if he regularly does or solicits business, engages in any other persistent course of conduct in the State that derives substantial revenue from goods, food, services or manufactured products used or consumed in the State.

MD. CODE ANN., CTS. & JUD. PROC. §§ 6-103(b)(3)& (b)(4).

("Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice" to plead a claim.). Second, a complaint must be dismissed if it does not allege "a plausible claim for relief." *Id.* at 679. Under the plausibility standard, a complaint must contain "more than labels and conclusions" or a "formulaic recitation of the elements of a cause of action." *Twombly*, 550 U.S. at 555. Although the plausibility requirement does not impose a "probability requirement," *id.* at 556, "[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 663; *see also Robertson v. Sea Pines Real Estate Cos.*, 679 F.3d 278, 291 (4th Cir. 2012) ("A complaint need not make a case against a defendant or *forecast evidence* sufficient to *prove* an element of the claim. It need only *allege facts* sufficient to *state* elements of the claim.") (emphasis in original) (internal quotation marks and citation omitted). In short, a court must "draw on its judicial experience and common sense" to determine whether the pleader has stated a plausible claim for relief." *Iqbal*, 556 U.S. at 664.

ANALYSIS

In his Motion to Dismiss, Defendant Mark E. Stokoe ("Stokoe") contends that this Court lacks personal jurisdiction in this case because (1) the exercise of jurisdiction is not authorized under the state's long arm statute pursuant to Federal Rule of Civil Procedure 4(k)(1)(a) and (2) even if it were, Plaintiff has not shown that Defendant Stokoe has sufficient minimum contacts with Maryland to conform to the Fourteenth Amendment's due process requirements. Specifically, Defendant Stokoe contends that he does not nor has he ever had connections with the State of Maryland. Moreover, he argues that (1) there are

no allegations that his website targeted a larger audience in Maryland than in other states, (2) the allegedly tortious act occurred outside of Maryland, and (3) he did not engage in any persistent course of conduct in Maryland sufficient to confer personal jurisdiction to this Court over him. As mentioned above, because Father Regan is self-represented and has indicated that he believes Defendant Stokoe's arguments are also applicable to his case, this Court will apply these arguments to the allegations against Father Regan as well.

In response, Plaintiff argues that Supreme Court precedent extends the exercise of personal jurisdiction to instances where a defendant "intentionally directed his tortious conduct toward the forum state, knowing that the conduct would cause harm to a forum resident." Pl.'s Resp. in Opp'n at 7, ECF No. 10-1 (citing *Calder v. Jones*, 465 U.S. 783, 789-90 (1984)). Additionally, Plaintiff claims that he has pled sufficient facts to sustain his cause of action, yet seeks leave to amend should the Court find deficiencies in the Complaint.

When a court's personal jurisdiction over a nonresident defendant is challenged by a motion under Federal Rule of Civil Procedure 12(b)(2), "the jurisdictional question is to be resolved by the judge, with the burden on the plaintiff ultimately to prove grounds for jurisdiction by a preponderance of the evidence." *Carefirst of Maryland, Inc. v. Carefirst Pregnancy Ctrs., Inc.*, 334 F.3d 390, 396 (4th Cir. 2003). In order for a court to exercise personal jurisdiction over a non-resident defendant, two conditions must be satisfied: "(1) the exercise of jurisdiction must be authorized under the state's long-arm statute and (2) the exercise of jurisdiction must comport with the due process requirements of the Fourteenth Amendment." *Id.* Although it is well-established that the outer limits of the Maryland long-arm statute are "co-extensive" with due process requirements, the Maryland Court of

Appeals has noted that an examination under the long-arm statute remains a requirement of the personal jurisdiction analysis. *Mackey v. Compass Mktg., Inc.*, 892 A.2d 479, 493 n.6 (Md. 2006); *see also Carefirst*, 334 F.3d at 396–97; *Stover v. O'Connell Assocs., Inc.*, 84 F.3d 132, 135 (4th Cir. 1996); MD. CODE ANN., CTS. & JUD. PROC. § 6–103 (setting forth the Maryland long-arm statute). In order for the exercise of personal jurisdiction to comport with due process, a non-resident defendant must have sufficient "minimum contacts" with the forum state such that requiring it to defend itself within the forum state "does not offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v. Wash.*, 326 U.S. 310, 316 (1945).

In this case, because this Court is deciding the issue of personal jurisdiction without a hearing, Plaintiff Father Velencia is only required to make a *prima facie* showing of jurisdiction. *Mylan Labs, Inc. v. Akzo, N.V.*, 2 F.3d 56, 60 (4th Cir. 1993). The Court of Appeals for the Fourth Circuit has determined that to establish "Internet-based personal jurisdiction," *Carefirst*, 334 F.3d at 399, Father Velencia must allege that the Defendants: "(1) direct[ed] electronic activity into the State, (2) with the manifested intent of engaging in business or other interactions within the State, and (3) that activity create[d], in a person within the State, a potential cause of action cognizable in the State's courts." *ALS Scan, Inc. v. Digital Serv. Consultants, Inc.*, 293 F.3d 707, 714 (4th Cir. 2002). "[A] person's action of placing information on the internet is not sufficient by itself to subject[ ]that person to personal jurisdiction in each State in which the information is accessed." *Carefirst*, 334 F.3d at 399 (quoting *ALS Scan*, 293 F.3d 714) (quotation marks omitted). "[S]omething more" is

required such as "the manifest intent of targeting Marylanders." *Carefirst*, 334 F.3d at 400 (quoting *Young v. New Haven Advocate*, 315 F.3d 256, 264 (4th Cir. 2002)).

Initially, this Court notes that Father Velencia has alleged that Defendants Stokoe's and Father Regan's internet activities have given rise to his defamation claim. Nevertheless, Father Velencia must also allege that these Defendants directed electronic activity into Maryland with the "manifested intent of engaging in business or other interactions within [this] State." *ALS Scan*, 293 F.3d at 714. The Fourth Circuit has held that whether a website "intended to target Marylanders can be determined only from the character of the website." *Carefirst*, 334 F.3d at 400.

First, the Court must determine whether a website is passive, interactive or semi-interactive. *Id.*; *see also Zippo Mfg. Co. v. Zippo Dot Com, Inc.*, 952 F. Supp. 1119, 1124 (W.D. Pa. 1997). Where a website "merely makes information available," it is passive and does not subject its owner, operator or moderator to "specific personal jurisdiction in a foreign court." *Carefirst*, 334 F.3d at 399. Where a website is interactive, in that it allows the formation of "contracts with residents of a foreign jurisdiction that involved knowing and repeated transmission of computer files over the Internet," the owner, operator or moderator of the website is subject to personal jurisdiction in the foreign court. *Id.* (quoting *Zippo*, 952 F. Supp. at 1124). Finally, where the website is semi-interactive, "in that [it] contains features that make it possible for a user to exchange information with the host computer[,] . . . the exercise of jurisdiction is determined 'by examining the level of interactivity and commercial nature of the exchange of information that occurs.' " *Carefirst*, 334 F.3d at 400 (quoting *Zippo*, 952 F. Supp. at 1126). Based on Plaintiff's allegations, a

review of the Orthodox Church of America News website,[4] and an attempt to view the Orthodox Forum on Yahoo.com,[5] the Court concludes that these websites are semi-interactive.

With regard to this category of websites, the Fourth Circuit has considered "concrete evidence of online exchanges" between the owner, operator and moderator of a website and Maryland residents in order to determine whether the electronic activity was directed at the State and whether there was a manifest intent to engage in interactions within the State. *Carefirst*, 334 F.3d at 401. The Fourth Circuit has also taken into account the "local character" of a semi-interactive website. *Carefirst*, 334 F.3d at 401. In *Carefirst,* the Fourth Circuit held that because the website at issue mainly targeted the Chicago area and its residents, "a generalized request [for funding], under circumstances [which can reach Marylanders, constituted] an insufficient Maryland contact to sustain jurisdiction in that forum." *Id.* Finally, the Fourth Circuit concluded that "[a]lthough the place that the plaintiff feels the alleged injury is plainly relevant to the [jurisdictional] inquiry, it must ultimately be accompanied by the defendant's own [sufficient minimum] contacts with the state if jurisdiction . . . is to be upheld." *Id.* (quoting *Young v. New Haven Advocate*, 315 F.3d 256, 262 (4th Cir. 2002)). The fact that the website was "generally accessible, semi-interactive" and there was no "manifest intent of engaging in business or other interactions within [Maryland] . . . fail[ed] to furnish a Maryland contact adequate to support personal jurisdiction." *Carefirst,* 334 F.3d at 401.

[4] Plaintiff alleges that Defendant Stokoe "operates and edits" this website. Pl.'s Compl. ¶ 24, ECF No. 1.
[5] Plaintiff alleges that Defendant Father Regan moderates this message board. Pl.'s Compl. ¶ 21.

Similarly, in *Dring v. Sullivan*, a defamation case involving an email sent from New Jersey to a listserv with Maryland members concerning a Maryland candidate in elections to the national board of tae kwon do referees, this Court held that although "[p]laintiff . . . alleged sufficient facts to show that he felt the injury here in Maryland," the defendants contacts were not sufficient to support personal jurisdiction as he was a "not a commercial actor and significantly smaller number of recipients on the listserv [were] from Maryland." 423 F. Supp. 2d 540, 548-49 (D. Md. 2006)

In this case, Plaintiff Father Velencia does not allege that Defendants Stokoe or Regan have minimum contacts with Maryland. Importantly, both Defendants deny having such contacts with the State. Accordingly, Father Velencia must allege that their respective websites provide a Maryland contact adequate to support personal jurisdiction. While Plaintiff has alleged that Defendants Stokoe's website and Father Regan's message board allow individuals to contribute to the conversation by adding comments and posts over which these Defendants have control, Plaintiff has not alleged that these posts originated from or were directed to the State of Maryland. Specifically, there is nothing in Plaintiff's allegations to indicate that Defendants Stokoe and Regan had a manifest intent to engage in business or other interactions within the state of Maryland. Although Plaintiff claims that Ms. Koumentakos' communications were posted on Defendant Stokoe's website, he does not allege that other Maryland residents contributed to or interacted with the content on those sites. He also does not allege that any Maryland resident reviewed the information allegedly posted about him on the Defendants' sites. Accordingly, Father Velencia has failed to sufficiently allege that Defendants Stokoe and Father Regan "(1) direct[ed] electronic

activity into [Maryland], (2) with the manifested intent of engaging in business or other interactions within the State." *ALS Scan*, 293 F.3d at 714 (4th Cir. 2002). Accordingly, Father Velencia has failed to make a *prima facie* showing of personal jurisdiction and therefore, this Court cannot exercise personal jurisdiction over Defendants Stokoe and Father Regan.

Alternatively, Defendant Stokoe argues that even if this Court could exercise personal jurisdiction in this case, Plaintiff fails to state a claim of defamation upon which relief can be granted. In order to state a claim for defamation under Maryland Law, Father Velencia must allege "[(1)] that the defendant made a defamatory statement to a third person; [(2)] that the statement was false; [(3)] that the defendant was legally at fault in making the statement; and [(4)] that the plaintiff thereby suffered harm." *Gohari v. Darvish*, 767 A.2d 321, 327 (Md. 2001) (citation omitted). "The third element is a reference to the varying degrees of malice required, dependent on the status of the defamed person or entity." *Southern Volkswagen, Inc. v. Centrix Fin., LLC*, 357 F. Supp. 2d 837, 843 (D. Md. 2005). Regardless of whether damages are *per se* or *per quod*,[6] "damages are presumed when a plaintiff can demonstrate actual malice." *Samuels v. Tschechtelin*, 763 A.2d 209, 244 (Md. App. 2000). Accordingly, this Court has held that "the Complaint must also allege that [the defendants] acted with actual

[6] Maryland "courts continue to recognize the distinction between defamation *per se* and defamation *per quod*." *Samuels v. Tschechtelin*, 763 A.2d 209, 244 (Md. App. 2000):

> In the case of words or conduct actionable *per se,* their injurious character is a self-evident fact of common knowledge of which the court takes judicial notice and need not be pleaded or proved. In the case of words or conduct actionable only *per quod,* the injurious effect must be established by allegations and proof of special damage and in such cases it is not only necessary to plead and show that the words or actions were defamatory, but it must also appear that such words or conduct caused actual damage.

M & S Furniture Sales Co. v. Edward J. DeBartolo Corp., 241 A.2d 126, 128 (Md. 1968); *Metromedia, Inc. v. Hillman*, 400 A.2d 1117, 1119 (Md. 1979).

malice." *Southern Volkswagen*, 357 F. Supp. 2d at 843. This Court further determined that to sufficiently plead a defamation claim, the complaint:

> must include averments which, at a minimum, include (1) the identity of the maker of the defamatory statement; (2) the exact content of the defamatory statement; (3) the date on which the defamatory statement was made; (4) the persons to whom the defamatory statement was communicated; (5) the date on which [the defendants were] advised by [p]laintiff[ ] of the falsity of the defamatory statement . . .; and (6) an averment of damages made with sufficient particularity to demonstrate a good faith basis for a claim for defamation that exceeds $75,000.

Southern Volkswagen, 357 F. Supp. 2d at 844.

Even if this Court had personal jurisdiction as to the Defendants Stokoe and Father Regan, with respect to these Defendants, Plaintiff's Complaint still fails to allege the date or dates on which the defamatory statements were made and the persons to whom they were communicated. Moreover, Plaintiff fails to allege the date on which he advised both of these Defendants that their statements were false. Additionally, Plaintiff's averment of damages has not been made with sufficient particularity to demonstrate a good faith basis for his claim. At bottom, Plaintiff generally alleges defamation and makes conclusory statements as to the Defendants' actual malice or reckless disregard for the truth. The Supreme Court has held that under the plausibility standard, a complaint must contain "more than labels and conclusions" or a "formulaic recitation of the elements of a cause of action." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Accordingly, Plaintiff has failed to sufficiently allege a claim for defamation against both Defendants Stokoe and Father Regan. Therefore, pursuant to both Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, Plaintiff's claims against both of these Defendants are DISMISSED WITHOUT PREJUDICE.

CONCLUSION

For the reasons stated above, Defendant Mark E. Stokoe's Motion to Dismiss (ECF No. 8), which the self-represented Defendant Father Regan joins, is GRANTED. As a result, Plaintiff's claims against both Defendants Stokoe and Father Regan are DISMISSED WTHOUT PREJUDICE.

A separate Order follows.

Dated: December 13, 2012

/s/

Richard D. Bennett
United States District Judge