

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
J. FREDERICK MOTZ  
UNITED STATES DISTRICT JUDGE

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March 31, 2016

MEMO TO COUNSEL RE: Harlean Millman, et al. v. Questar Capital Corp.  
Civil No. JFM-15-894

Dear Counsel:

I have reviewed the memoranda submitted in connection with Questar's motion for judgment on the pleadings as to count VI of the first amended complaint.

The motion (document 27) is denied. I am satisfied that Gammon's alleged misrepresentations to Ian Millman and Harlean Millman concerning the alleged suitability of Ian Millman's IRA investments can constitute a "fraud" within the meaning of Md. Code Ann., Cts. & Jud. Proc. §5-203. I am not persuaded by Questar's argument that because only Questar is a defendant in this action, there can be no "fraud of an adverse party." Gammon was a party in this litigation, and he remains a party in the related FINRA proceeding that is being conducted. Further, because the focus is upon events occurring in 2006, I am not imposing tolling on a former principal.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

  
J. Frederick Motz  
United States District Judge

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