

RUN BAHADUR POUDYEL a/k/a/  
ROONEY POUDYEL

Plaintiff,

v.

MAYOR AND CITY COUNCIL OF  
BALTIMORE,

Defendant.

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No.: 24-c-24-000435

JURY TRIAL DEMAND

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**SECOND AMENDED CLASS ACTION COMPLAINT  
AND DEMAND FOR JURY TRIAL**

Plaintiff and proposed class representative Run Bahadur a/k/a Rooney Poudyel (“Plaintiff”), through undersigned counsel, and on behalf of himself and the classes of similarly situated persons identified herein, brings this Second Amended Class Action Complaint against Defendant Mayor and City Council of Baltimore (the “City”) and states as follows:

**PARTIES**

1. Plaintiff is an individual who resides in Bethel Park, Pennsylvania.
2. Plaintiff brings this action on his own behalf and as a class action under Maryland Rule 2-231.
3. The City is a corporate entity created by the Charter of Baltimore City and which may be sued under Article I, section 1 of the Charter.
4. This Court has jurisdiction under Md. Code Ann., Cts. & Jud. Proc. §§ 1-501 and 6-103.
5. Venue is proper in this Court under Md. Code Ann., Cts. & Jud. Proc. §§ 6-201 and 6-202(4).

## **THE CLASSES**

6. Plaintiff falls within and seeks to represent two classes of plaintiffs described below, the members of which are collectively referred to as “Class Members.”

7. The first class, hereinafter referred to as the “Investigative Seizure Class,” consists of individuals whose vehicles:

- a) were caused to be impounded by BPD for investigative purposes;
- b) upon receipt by the Towing Division of the Department of Transportation (“Towing Division”) of an order from BPD, were not released to the owner, his or her next of kin, or his or her authorized representative; and
- c) were sold at auctions arranged or supervised by the City.

8. The second class, hereinafter referred to as the “Improper Notice Class” consists of individuals who:

- a) in connection with the impoundment of their vehicles by BPD for investigative purposes were arrested and confined by BPD or other City law enforcement agents;
- b) while in confinement, had notice mailed to their home addresses informing them that their vehicles would be auctioned by the City if not reclaimed; and
- c) had their vehicles sold at an auction arranged or supervised by the City after failing to reclaim them.

## **FACTS AND LAW RELATED TO THE INVESTIGATIVE SEIZURE CLASS**

9. Each year, BPD seizes and impounds hundreds, if not thousands, of vehicles for investigative purposes.

10. The City Code provides only one option for the disposition of these vehicles when BPD no longer needs them for investigative purposes: release to the owner, his or her next of kin, or his or her authorized representative.

11. City Code, Art. 31, § 31-67 states: “Upon receiving an order from the Police Department, the Towing Division **shall release** the vehicle to the owner, his or her next of kin, or his or her authorized representative.” (Emphasis added.)

12. When, however, the Towing Division receives an order from BPD to release the vehicle, the Towing Division does not release the vehicle to the owner in accordance with City Code, Art. 31, § 31-67.

13. Instead, the Towing Division’s policy, pattern, and practice is to dispose of those vehicles using the same procedures it follows for all impounded vehicles other than those subject to a BPD “hold.”

14. Under those procedures, once the Towing Division receives an order from BPD releasing the vehicle, the Towing Division mails a letter (“Notice Letter”) to the home address of the vehicle’s registered owner informing the owner that vehicle will be sold at auction to the highest bidder unless claimed by the owner within 11 working days after receipt of the notice.

15. Section 25-204(a)(1) of the Transportation Article of the Maryland Code states that a Notice Letter shall be sent “within 7 days at most” after an abandoned vehicle is taken into custody, but City Code, § 31-43, states that notice must be sent “within 7 full working days,” which is longer than State law permits.

16. The only difference in the Notice Letter mailed to individuals whose vehicles are seized for investigative purposes is that the letter is not accompanied by a hearing request form.

The form is omitted because under Towing Division policy, pattern, and practice, owners of vehicles impounded for investigative purposes are not eligible to have a hearing.

17. If the owner or the owner's authorized representative does not reclaim the vehicle within the time specified in the Notice Letter, the Towing Division considers the vehicle eligible for sale at auction.

18. Although City Code, § 31-67(a) expressly provides that, "Where the Police Department has caused a vehicle to be impounded for investigative purposes, no storage charges shall be collected," the Towing Division illegally requires owners of vehicles impounded for investigative purposes to pay storage charges.

19. Upon information and belief, the City has sold at auction using the above procedures hundreds, if not thousands, of vehicles seized for investigative purposes and then released by BPD.

20. The City's policy, pattern, and practice of disposing of these vehicles in this manner is illegal.

21. Vehicles seized for investigative purposes are not "abandoned vehicles" as that term is defined under either State or City law. Nor do they fall within any of the other categories to which the procedures in City Code, Art. 31, Parts 4 and 5 apply.

22. City Code, Art. 31, § 31-67, provides a clear command for the disposition of vehicles seized for investigative purposes: they "shall" be released to the owner, his or her next of kin, or his or her authorized representative.

23. This is implicitly recognized in BPD Policy 902, which states that:

- a) After vehicles are processed for evidence, they should be towed to the City's impound lot only if they cannot be released to their owners; and

- b) At the conclusion of an investigation, owners must be contacted and advised that their vehicles are ready for release, with documentation kept of such attempts to contact and advise the owner.
24. BPD, however, does not attempt to contact all owners when their vehicles are ready for release, considers that a matter of the officer's discretion, and merely gives owners approximately a half hour to retrieve the vehicles before they are towed to the City impound lot.
25. BPD Policy 1401, "Control of Property and Evidence," provides only that property lawfully forfeited or otherwise eligible for destruction may be auctioned or sold.
26. A vehicle's impoundment for investigative purposes does not make it lawfully forfeited or eligible for destruction pursuant to any State or City law.
27. Additionally, the basic requirements of due process include notice and an opportunity to be heard.
28. But the City, in violation of these due process rights, does not offer individuals whose vehicles have been seized for investigative purposes the opportunity for a hearing to contest the validity of the impoundment.

#### **FACTS AND LAW RELATED TO THE IMPROPER NOTICE CLASS**

29. BPD's seizure and impoundment of vehicles for investigative purposes often occurs in conjunction with the arrest and detention of the vehicle's owner.
30. The vehicle owner is often confined during the pendency of criminal charges.
31. If the vehicle is released by BPD to the Towing Division while the owner remains incarcerated, the Towing Division's policy, pattern, and practice is to send the Notice Letter described above to the incarcerated individuals *home* address listed in the MVA or "e-impound" database available to the Towing Division.

32. Although the Towing Division receives a police report for vehicles impounded for investigative purposes and assigns a “towing code” indicating “police action” based on the contents of the police report, when mailing the Notice Letter, no effort is made to determine whether or where the owner is confined.

33. Likewise, BPD has no procedures in place to inform the Towing Division of the owner’s confinement status.

34. Due process requires notice that is reasonably calculated, under all the circumstances, to apprise the interested party of the pending action and afford an opportunity to object.

35. When the City knows an individual is confined, as it does when BPD is responsible for the confinement, notice sent to the individual’s home address does not satisfy the requirements of due process.

36. Notification problems with the impoundment process are not new or unnoticed and were the focus of a Biennial Performance Audit in October 2024 by the City Auditor (the “Audit”), who concluded that the Department of Transportation does not clearly and completely communicate information to vehicle owners that is critical to reclaiming them — including the necessary documents.

#### **SATISFACTION OF PREREQUISITES FOR CLASS ACTION**

37. The proposed classes satisfy the prerequisites for a class action under Maryland Rule 2-231(b).

38. Since 2021, the City has auctioned approximately 3,000 vehicles that were classified as having been impounded due to “police action.” Thus, both classes are believed to consist of hundreds of individuals or more, making joinder of all members impractical.

39. Both classes also share common factual and legal questions. The procedures used by the City for issuing notice and auctioning vehicles are universally applied to all Class Members and are undisputed, and the members within each class will raise the same legal challenge to those procedures.

40. Plaintiff's claims are also typical of the claims of both classes as his circumstances place him within both classes.

41. Finally, Plaintiff will fairly and adequately protect the interest of the classes, as he has demonstrated thus far by timely responding to discovery requests and making himself and his family members available for depositions.

#### **MAINTAINABILITY AS A CLASS ACTION**

42. The proposed classes also satisfy the requirements for maintainability as a class action under Rule 2-231(c).

43. Prosecution of separate actions by individual members of the class would create a risk of inconsistent adjudications as to legality of the procedures used by the City for issuing notice to Class Members and auctioning their vehicles.

44. Prosecution of separate actions by individual members of the class also would create a risk of adjudications as to legality of the City's procedures for issuing notice and auctioning vehicles that would as a practical matter be dispositive to the interests of the other members who are not parties to the adjudications.

45. Additionally, as already set forth, the City's procedures for issuing notice and auctioning impounded vehicles are generally applicable to the classes.

46. Finally, as Plaintiff intends to set forth more fully in a motion for class certification, questions of law or fact common to the members of the class predominate over any questions

affecting only individual members and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The Class Members lack sufficient incentive to prosecute separate actions because of the limited damages incurred by individual Class Members. Plaintiff is not aware of any other litigation involving the same issues commenced by other class members. Concentration of the litigation in Baltimore City is desirable because the litigation involves the City's policies and procedures for disposing of vehicles it impounds. And Plaintiff does not anticipate any significant difficulties in management of a class action.

### **FACTS RELATED TO PLAINTIFF**

47. Plaintiff was the registered owner of a 2015 Toyota Highlander SUV ("Vehicle") bearing VIN: 5TDBKRFH8FS14812 and registered in Allegheny County, Pennsylvania, with vehicle registration plate JTM6200.

48. On July 27, 2022, BPD seized the Vehicle from the 200 block of North Highland Avenue as alleged evidence in a criminal investigation.

49. At the time the Vehicle was seized, it contained valuable personal property belonging to Mr. Poudyel, including a 24-karat gold chain necklace; \$200 to \$300 in cash; \$200 to \$300 in casino poker chips from Horseshoe Casino; Saint Laurent brand sunglasses; Gucci shoes; and other clothing items.

50. When a vehicle is seized as evidence by BPD, it takes no inventory of its contents.

51. If a vehicle arrives at the City's impound lot unlocked, it is left unlocked while there.

52. Around the same time as the seizure of his vehicle, Mr. Poudyel was arrested and detained by BPD. He remained confined in either Baltimore City Central Booking and Intake



Center or the Maryland Reception, Diagnostic and Classification Center during the events relevant to this action.

53. The Vehicle was initially towed to and stored at the Southeastern District police station at 5710 Eastern Avenue.

54. On August 8, 2022, BPD transferred the Vehicle to a Towing Division impound lot at 6700 Pulaski Highway. The Vehicle was accompanied by a “Baltimore Police Towing Receipt” that marked the vehicle status as “Release to Owner.”

55. On September 1, 2022, Plaintiff submitted an Inmate Request Form to his case manager asking for an update on his case and to release his car or “give letter to pick [*sic*] my brother.” The case manager’s response did not address Mr. Poudyel’s request to release his vehicle.

56. On September 6, 2022, the Towing Division mailed a standard Notice Letter to Plaintiff at his home address in Bethel Park, Pennsylvania. The letter stated in part:

This vehicle is now in protective impoundment at our facility located at 6700 Pulaski Highway. You may reclaim this vehicle within eleven (11) working days after the receipt of this letter. Proof of ownership and payment of all towing, preservation, and storage charges are required before the vehicle will be released.

In accordance with City law, failure to reclaim the vehicle within eleven (11) working days will be considered your waiver of all right, title, [and] interest in this vehicle and or its content, as well as your consent to the sale of this vehicle and/or contents at public auction. . . .

57. No changes were made to the Notice Letter on account of the impoundment of the Vehicle by BPD for investigative purposes and its order to release the Vehicle to its owner. Rather, consistent with the Towing Division’s policy, pattern, and practice, the same Notice Letter was sent to Plaintiff that is sent to every other vehicle owner whose vehicle is impounded by the Towing Division and not subject to a BPD “hold.”

58. The only difference between the Notice Letter mailed to Plaintiff and the Notice Letter mailed to individuals whose vehicles are impounded for other reasons is the Notice Letter mailed to Plaintiff was not accompanied by a hearing request form. The form was omitted because under Towing Division policy, the owners of vehicles seized for investigative purposes are not eligible for a hearing.

59. The Towing Division also made no attempt to determine Plaintiff's confinement status or location before sending the Notice Letter to Plaintiff. Rather, consistent with the Towing Division's policy, pattern, and practice, the Notice Letter was sent to the home address for the Vehicle's registered owner.

60. Plaintiff's wife received the Notice Letter on September 12, 2022, and told him about it. That same day, Plaintiff authorized his brother, Mon Poudyel, to retrieve the Vehicle on his behalf. Towing Division records show that a representative spoke to Mon Poudyel on September 12, 2022, and told him that he needed a "jail release letter" to retrieve the vehicle.

61. No State or City law or regulation requires confined individuals to provide a "jail release letter" before a vehicle can be released to an authorized representative.

62. Nevertheless, on September 16, 2022, Mr. Poudyel submitted another Inmate Request Form stating: "I want to release my car. So I want letter from my case manager to pick [sic] my car by my brother. He can't pick the car without a letter stating that I am in jail and he is ok to pick [sic] my car." The case manager did not complete a response to the request.

63. Next, on September 19, 2022, Plaintiff completed a letter on a form provided by the Baltimore Central Booking and Intake Center authorizing the Vehicle's release to Mon Poudyel.

64. On September 27, Mon Poudyel again spoke with a Towing Division representative, who told him that the Towing Division had received the jail letter but that it needed to be signed by a “head person.”

65. Later that same day, Mon Poudyel spoke to another Towing Division representative who told him that Plaintiff’s case manager needed to sign the jail release letter.

66. No State or City law or regulation requires confined individuals to provide a “jail release letter” signed by a “head person” or case manager before a vehicle can be released to an authorized representative.

67. On November 16, 2022, while Mr. Poudyel continued to wait for a signature from his case manager, the Towing Division sold his vehicle at auction.

68. The City has retained the proceeds from the sale of Plaintiff’s Vehicle and it has failed to either return the Vehicle’s contents or compensate him for their loss.

69. On October 20, 2023, Plaintiff served a notice of claim upon the City by first-class mail, return receipt requested, to Ebony Thompson, Esq., the City Solicitor of Baltimore City.

#### **COUNT ONE**

#### **(Violation of Article 24 of the Maryland Declaration of Rights – Taking of Property for Public Use Without Just Compensation – On Behalf of Plaintiff and Both Classes)**

70. Plaintiff realleges and incorporates the previous paragraphs as though fully set forth here.

71. Article 24 of the Maryland Declaration of Rights (“Article 24”) is a “self-executing” constitutional provision enforceable in a common law action for damages.

72. The City is subject to requirements of Article 24.

73. Article 24 prohibits, among other things, the taking of private property for public use without just compensation.

74. The City took Plaintiff's and Class Members' vehicles by seizing and impounding them for investigative purposes.

75. Instead of returning the vehicles in accordance with City law upon their release by BPD, the Towing Division sold them at auction.

76. Pursuant to City law, it holds the proceeds of auction sales for 90 days, without sending notice to owners, and then deposits them into the City treasury, thereby putting the money to public use.

77. Plaintiffs and Class Members were damaged by the taking because they have received no compensation for the permanent loss of their vehicles.

#### **COUNT TWO**

#### **(Violation of Article 24 of the Maryland Declaration of Rights – Deprivation of Property Without Due Process – On Behalf of Plaintiff and Both Classes)**

78. Mr. Poudyel realleges and incorporates the previous paragraphs as though fully set forth here.

79. Article 24 requires the City to provide procedural due process before it deprives an individual of property.

80. Procedural due process includes a right to notice reasonably calculated, given the circumstances, to apprise the interested party of the pending action and the opportunity for a post-seizure, pre-deprivation hearing.

81. Plaintiff and members of the Investigative Seizure Class were denied procedural due process when they were not given the opportunity for a hearing to contest the validity of the impoundment before the auctioning of their vehicles.

82. Plaintiff and members of the Improper Notice Class were denied procedural due process when the Towing Division sent Notice Letters to their home addresses while they were

being held in confinement as result of their arrests by BPD because such notice was not reasonably calculated to apprise them of the impending forfeiture and auctioning of their vehicles.

83. Plaintiff and Class Members were damaged by the City's deprivation of due process in that their ability to timely retrieve their vehicles and/or contest the impoundment was denied, impaired or delayed, resulting in the sale of the vehicles at auction.

84. Specifically, as to him, Plaintiff is additionally damaged in that the failure to provide him with due process to retrieve his vehicle and its contents led to the loss of his personal property, including a 24-karat gold chain necklace; \$200 to \$300 in cash; \$200 to \$300 in casino poker chips from Horseshoe Casino; Saint Laurent brand sunglasses; Gucci shoes; and other clothing items.

### **COUNT THREE**

#### **(*Longtin* Unconstitutional Pattern or Practice Claim – On behalf of Plaintiff and Both Classes)**

85. Plaintiff realleges and incorporates the previous paragraphs as though fully set forth here.

86. Maryland law imposes liability on municipalities for unconstitutional patterns and practices by municipal employees.

87. As set forth above, the City has a pattern and practice of unlawfully taking and selling vehicles at auction in violation of Article 24's prohibition on taking private property for public use without just compensation.

88. Plaintiff and Class Members have been harmed by this unconstitutional pattern and practice because they have not received just compensation for the permanent loss of their vehicles.

89. As also set forth above, the City has a pattern and practice of violating Article 24's guarantee of procedural due process by refusing to offer hearings to owners of vehicles seized for

investigative purposes and by sending Notice Letters to the home addresses of vehicle owners even when the owner is being held in confinement because of an arrest by BPD.

90. Plaintiff and Class Members have been harmed by these unconstitutional patterns and practices, which denied, impaired, or delayed their ability to timely retrieve their vehicles and/or contest the impoundment, resulting in the sale of the vehicles at auction.

91. Specifically, as to him, Plaintiff is additionally damaged in that the City's unconstitutional patterns or practices led to the loss of his personal property, including a 24-karat gold chain necklace; \$200 to \$300 in cash; \$200 to \$300 in casino poker chips from Horseshoe Casino; Saint Laurent brand sunglasses; Gucci shoes; and other clothing items.

**COUNT FOUR**  
**(Unjust Enrichment – On Behalf of Plaintiff and Both Classes)**

92. Mr. Poudyel realleges and incorporates the previous paragraphs as though fully set forth here.

93. Instead of releasing Plaintiff's and Class Members vehicles in accordance with City law governing vehicles impounded for investigative purposes, the City sold their vehicles at auction.

94. The City's disposal of vehicles seized for investigative purposes in this manner is not authorized by City or State law and is contrary to City Code, Art. 31, § 31-67, which commands the release of these vehicles to the owner, his or her next of kin, or authorized representative upon the Towing Division's receipt of an order from BPD.

95. The City has knowingly retained the proceeds from these illegal auction sales.

96. The City retention of the auction proceeds under these circumstances make it inequitable for the City to retain benefit without compensating Plaintiff and class members.

**COUNT FIVE**  
**(Conversion – On Behalf of Plaintiff and Both Classes)**

97. Mr. Poudyel realleges and incorporates the previous paragraphs as though fully set forth here.

98. By impounding and selling Plaintiff's and class member's vehicles at auction, the City exercised dominion and control over their property.

99. The City's exercise of dominion and control over Plaintiff's and Class Member's vehicles' was inconsistent with their rights under City law, which specifies that vehicles impounded for investigative purposes shall be released to the owner, his or her next of kin, or authorized representative upon the Towing Division's receipt of an order to that effect from BPD.

100. Plaintiff and Class Members have been damaged by the City's wrongful deprivation of their property because they have lost their vehicles.

**COUNT SIX**  
**(Declaratory Judgment – on behalf of Plaintiff and Class Members)**

101. Mr. Poudyel realleges and incorporates the previous paragraphs as though fully set forth here.

102. A controversy exists between Plaintiffs and Class Members on one hand, and the City on the other hand, concerning the legality of the City's procedures for disposing of vehicles impounded for investigative purposes and issuing notice to the owners of such vehicles held in confinement because an arrest by BPD.

103. Pursuant to the Maryland Uniform Declaratory Judgments Act ("Act"), Md. Code Ann., Cts. & Jud Proc. § 3-401 *et seq.*, Plaintiff and Class Members ask the Court to resolve the controversy by:

- a) Declaring unlawful the City's pattern or practice of selling vehicles impounded for investigative purposes at auction.
- b) As to such vehicles, ordering the City to follow City Code, Art. 31, § 31-67 and, upon receipt of an order from BPD, release such vehicles to the owner, his or her next of kin, or his or her authorized representative.
- c) Declare unlawful the City's pattern or practice of refusing to afford the owners of vehicles impounded for investigative purposes the opportunity for post-impoundment, pre-deprivation hearing at which they may contest the validity of the seizure.
- d) Declare unlawful the City's pattern or practice of sending Notice Letters to the home addresses of owners of vehicles impounded for investigative purposes who are being held in confinement because of an arrest by BPD or other City law enforcement personnel.
- e) As to such owners, ordering that any Notice Letter be sent to the place of confinement.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiffs respectfully request that this Court:

- 104. Certify this action as a class action pursuant to Maryland Rule 2-231 on behalf of the Investigative Seizure Class and Improper Notice subclass.
- 105. Appoint Plaintiff as class representative.
- 106. Appoint Plaintiff's counsel as class counsel.



107. Enter judgment against the City for compensatory damages in an amount greater than \$75,000 but less than \$5,000,000.00 for the reasonable value of the vehicles, the loss of use of the vehicles, and the loss of personal possession of the vehicles.

108. Issue the declaratory and injunctive relief sought in Count Six.

109. Award plaintiffs pre-judgment and post-judgment interest on all monetary damages awarded.

110. Award plaintiffs their reasonable attorneys' fees and costs incurred in bringing this action.

111. Grant such other and further relief as the Court deems just and proper.

Dated: September 3, 2025

/s/ Todd W. Hesel

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**JURY TRIAL DEMAND**

Pursuant to Maryland Rule 2-325, Plaintiff demands a jury trial on all issues triable by jury.

/s/ Todd W. Hesel

Todd W. Hesel (#0812170055)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of September, 2025, I filed Plaintiff's Second Amended Class Action Complaint and Demand for Jury Trial using the Court's MDEC system, which caused a copy to be served on all counsel of record.

/s/ Todd W. Hesel

Todd W. Hesel (#0812170055)