

PROPERTY OWNERS ASSOCIATION	*	IN THE
OF ARUNDEL ON THE BAY, INC. <i>et. al.</i>	*	CIRCUIT COURT
Plaintiffs/Counter-Defendants	*	FOR
v.	*	ANNE ARUNDEL COUNTY
MAURICE B. TOSE', <i>et ux.</i>	*	Case No. <u>C-02-CV-19-003640</u>
Defendants/Counter-Plaintiffs	*	
* * * * *		

INTERROGATORIES

To: David Delia, Plaintiff
From: Maurice B. Tose', Defendant

Instructions

Pursuant to Rule 2-421, you are required to answer the following interrogatories within 30 days or within the time otherwise required by court order or by the Maryland Rules:

(a) In accordance with Rule 2-421(b), your response shall set forth the interrogatory, and shall set forth the answer to the interrogatory "separately and fully in writing under oath" or "shall state fully the grounds for refusal to answer any interrogatory." The response shall be signed by you. (Standard Instruction (a).)

(b) Also in accordance with Rule 2-421(b), your answers "shall include all information available" to you "directly or through agents, representatives or attorneys." (Standard Instruction (b).)

(c) Pursuant to Rule 2-401(e), these interrogatories are continuing. If you obtain further material information before trial you are required to supplement your answers promptly. (Standard Instruction (c).)

(d) If pursuant to Rule 2-421(c), you elect to specify and produce business records of yours in answer to any interrogatory, your specification shall be in sufficient detail to permit the interrogating party to locate and identify the records from which the answer may be ascertained. (Standard Instruction (d).)

(e) If you perceive any ambiguities in a question, instruction or definition, set forth the matter deemed ambiguous and the construction used in answering. (Standard Instruction (e).)

Definitions

In these interrogatories, the following definitions apply:

(a) **Document** includes electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form. (Standard General Definition (a).)

(b) **Identify, identity, or identification**, (1) when used in reference to a natural **person**, means that **person's** full name, last known address, home and business telephone numbers, and present occupation or business affiliation; (2) when used in reference to a **person** other than a natural **person**, means that **person's** full name, a description of the nature of the **person** (that is, whether it is a corporation, partnership, etc. under the definition of **person** below, and the **person's** last known address, telephone number, and principal place of business; (3) when used in reference to any **person** after the **person** has been properly **identified** previously means the **person's** name; and (4) when used in reference to a **document**, requires you to state the date, the author (or, if different, the signer or signers), the addressee, the **identity** of the present custodian of the **document**, and the type of **document** (e.g. letter, memorandum, telegram, chart, etc.) or to attach an accurate copy of the **document** to your answer, appropriately labeled to correspond to the interrogatory. (Standard General Definition (b).)

(c) **Person** includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership, limited liability company, the State, an agency or political subdivision of the State, a court, and any other governmental entity. (Standard General Definition (c).)

(d) **You and your** includes each and every person(s) to whom these interrogatories are addressed, and all of that person's agents, representatives, or attorneys. (Rule 2-421(b).)

(e) **Arundel on the Bay** is that subdivision shown on a plat created in 1890 entitled "Arundel on the Bay," which plat is recorded among the Land Records of Anne Arundel County, Maryland in Plat Book S.H. 34, folio 509, a copy of which is attached as Exhibit B to the **Complaint**, and on a revised plat created in 1927 entitled "Revised Plat of Arundel on the Bay," which plat is recorded among the Land records of Anne Arundel County, Maryland in Plat Book 9, folio 25, a copy of which is attached as Exhibit C to the **Complaint**.

(f) **Association** is the Property Owners Association of Arundel on the Bay, Inc.

(g) **Tose'** refers to the Defendants, Maurice B. Tose' and Teresa M. Layden, who own the **Tose'-Layden Property** (also referred to as the **Tose' Property**).

(h) **Tose'-Layden Property** is the property located at 1290, 1299 and 1300 Magnolia Avenue, Annapolis, Maryland 21403, and identified as Lot L-1 Block 67, Lot A-R Block 66 and C-R Block 66, respectively in Arundel on the Bay.

(i) **Site Area** refers to those portions of the paper road and some area of macadam roadway on Magnolia Avenue and Saratoga Avenue that bind on the Tose' Property as shown on Exhibit D of the Counter-Complaint.

(j) **Disputed Street** refers to that area referenced in Paragraph 7 of the Plaintiffs' Complaint.

Interrogatories

1. **Identify** the person(s) answering these interrogatories. Include in your answer the information set forth in Definition (b) (1) and (2) above. Include your role with the Plaintiff, Property Owners Association of Arundel on the Bay, Inc.

2. **Identify** each **person** with whom you consulted, sought advice from, or discussed the preparation of your answers to these interrogatories and identify any **document** which you reviewed in preparing your answers to these interrogatories.

3. Describe by mailing address, and by lot and block, all property you own or in which you have a property interest in **Arundel on the Bay**. For each property listed, **identify** any co-owner(s), state how it is titled, the date of acquisition, the date on which you acquired your interest, and **identify** the holder of any current lien, deed of trust, or mortgage on the property.

4. For each property identified in the preceding interrogatory, describe how the property is used and include in your answer the following information:

(a) If the property is used for your personal residential purposes **identity** all persons with whom you reside, state that individual's age and relationship with you; state whether the property is your primary personal residence and, if not, how often and under what circumstances you use the property.

(b) If the property is used for leasing or rental purposes, **identify** the current tenant(s) of the property and describe how often and under what circumstances the tenant uses the property.

(c) If the property is used for short-term vacation rental or home-sharing purposes, describe how and by whom the property is listed or advertised for rental and describe the number of days the property was rented during the preceding twenty-four (24) month period.

5. For each property identified in the previous interrogatory that you have owned for less than twenty (20) years, **identify** the prior owner of the property and describe any ongoing relationship you may have with the prior owner.

6. If any of the property identified in response to Interrogatory 4 is contiguous to any paper roads in the community of Arundel on the Bay, set forth the details of any written agreement that address the use of the area of the paper road for individuals who reside in the community. If there is no document setting forth the terms of use, set forth all reasons why the use has never been reduced to a written agreement. Provide a copy of said agreement if one exists.

7. **Identify** each **person**, other than a person intended to be called as an expert witness at trial, having discoverable information that tends to support a position that you have taken or

intend to take in this action, including any claim for damages, and state the subject matter of the information possessed by that person. (Standard General Interrogatory No. 1.)

8. **Identify** each **person** you expect to call as an expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the findings and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion, and with respect to an expert whose findings and opinions were acquired in anticipation of litigation or for trial, summarize the qualifications of the expert, state the terms of the publications written by the expert and any written report made by the expert concerning the expert's findings and opinions. (Standard General Interrogatory No. 2.)

9. If you intend to rely upon any **documents**, electronically stored information, or tangible things to support a position you have taken or intend to take in this action, including any claim for damages, provide a brief description, by category and location, of all such **documents**, electronically stored information, and tangible things, and **identify** all **persons** having possession, custody or control of them. (Standard General Interrogatory No. 3.)

10. Describe your historic use of the **Disputed Street**, as set forth in Paragraph 7 of your Complaint, and of the **Site Area**, as defined in these Interrogatories. Include in your response the dates of, or frequency of your claimed use.

11. Describe all maintenance and improvements that you assert that you or the Association has performed in the area of the **Disputed Street** of the **Site Area** in the past 20 years.

12. Set forth all support for your claim that the **Disputed Street** is a viable or established fire drafting iste.

13. If you contend that any other **person(s)** does or has used the **Disputed Street or the Site Area** within the past twenty (20) years, **identify** the **person(s)** and describe with specificity where, when, under what circumstances, and for what purpose the **person(s)** uses or has used them.

14. If you contend that the lot owners of Arundel on the Bay have the right to drive vehicles over the Disputed Street or the Site Area to the waters of Fishing Creek, set forth the basis for your assertion.

15. Identify with specificity each document that you contend supports the right of each lot owner in Arundel on the Bay to use the **Disputed Street** or the **Site Area** for riparian activities.

16. Identify each **person(s)** other than the Defendants, their agents or contractors who have ever performed maintenance work on the **Disputed Street** or the **Site Area**. Describe with particularity where, when, and under what circumstances the maintenance has been performed.

17. Set forth in detail all conversations that you have had with the Defendants, their relatives or agents concerning the **Disputed Street** or **Site Area**.

18. Identify with specificity the owner of the **Disputed Street** and the **Site Area**.
19. Set forth in detail the amount of money that has been spent on maintaining the Disputed Street or the Site Area over the past 20 years.
20. Explain why you are a Plaintiff in this law suit. Set forth in your answer if you assert that you have any greater right or greater interest in the **Disputed Street** or the **Site Area** than any other person who owns property in Arundel on the Bay, or who is a member of the Association.
21. Explain why you have not included all of the lot owners in the community of Arundel on the Bay as Plaintiffs with you in this law suit.
22. **Identify** what “well-established principals of Maryland property law” as the phrase is used in Paragraph 30 of your Complaint, supports your right to swim and fish or partake in other waterfront activities from a paper road.
23. **Identify** any and all support for your assertion that an adjacent property owner is not allowed to park on a paper road of the Arundel on the Bay community. Include in your answer if it is your contention that no other property owners in the community of Arundel on the Bay park on the streets or the paper streets of Arundel on the Bay.
24. If you have any particular knowledge or qualification in Maryland law or property law that supports your assertions set forth in your answers to these Interrogatories, set forth your applicable qualifications.
25. State all facts and **identify** all **documents** that support any claim or defense you have made or intend to make in this action not otherwise set forth in your answers to these interrogatories, and identify all **persons** with knowledge of those claims or defenses.

/s/

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Certificate of Service

I HEREBY CERTIFY that on this 17th day of April, 2020, a copy of the foregoing Interrogatories to Plaintiff, David Delia was filed in accordance with the MDEC system and a copy will be electronically served upon:

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/s/
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