

PROPERTY OWNERS ASSOCIATION
OF ARUNDEL ON THE BAY, INC. *et. al.*

Plaintiffs/Counter-Defendants

v.

MAURICE B. TOSE', *et ux.*

Defendants/Counter-Plaintiffs

* IN THE
* CIRCUIT COURT
* FOR
* ANNE ARUNDEL COUNTY
* Case No. C-02-CV-19-003640

* * * * *

REQUEST FOR PRODUCTION OF DOCUMENTS

To: David Delia, Plaintiff/Counter-Defendant

From: Maurice B. Tose', Defendant/Counter-Plaintiff

Maurice B. Tose', by and through its attorney, Barbara J. Palmer, and Hyatt & Weber, P.A., pursuant to the Maryland Rules of Civil Procedure, submit the following Request for Production of Documents.

Instructions

1. If any part of this request is deemed to call for the production of any privileged documents or materials and such privilege is asserted, a list is to be furnished identifying each document so withheld together with the following information:

- (a) the reason for withholding;
- (b) a statement of facts constituting the basis for any claim of privilege, work product or other ground of non-disclosure; and
- (c) a brief description of the document, including:
 - (i) the date of the document;
 - (ii) the name of its author, authors, or preparers and an identification by employment and title of each such person.

(iii) the name of each person who was sent or has had access to, or custody of the document, together with an identification of each such person;

(iv) the paragraph of this request to which the document relates; and

(v) in the case of any document relating in any way to a meeting or conversation, identification of such meeting or conversation.

2. If any documents requested herein have been lost or destroyed, the documents so lost or destroyed shall be identified by author, date and subject matter. In addition, the date of disposal, the manner of disposal, the reason for disposal, the person authorizing disposal and the person disposing of the document shall also be identified.

3. This request shall be deemed continuing so as to require further and supplemental production should the party to whom this request is directed obtain additional documents falling within its scope between the time of initial production and the time of hearing or trial.

4. All documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond to the paragraph of this request to which they are primarily responsive.

5. All documents produced in response to this request shall be produced *in toto*, notwithstanding the fact that portions thereof may contain information not requested, shall include drafts and interim editions, as well as final editions, or a document, and shall include all editions or copies of a document which are not identical (whether due to handwritten notations, revisions or otherwise) to the original or other produced copy of a document.

6. With respect to each request herein, the party to whom this request is directed shall identify and produce all documents (as defined above without limitation) which are known or which can be located or discovered by reasonably diligent effort, regardless of location, including,

without limitation, all such documents requested to be produced which are in the files (whether personal, business or any other files), possession, custody or control of the attorneys, accountants, agents, representatives or employees of the parties to whom this request is directed.

Definitions

As used in this request, the following terms are to be interpreted in accordance with these definitions:

(a) In accordance with Rule 1-202(t), the term “person” includes any 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.

(b) In accordance with Rule 2-421(b), the terms “you” and “your” includes the person(s) to whom these interrogatories are addressed, and all of that person's agents, representatives, or attorneys.

(c) The term “document” means all written, printed, typed, recorded, photographic, electronically transmitted or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated or made, in any form, including, but not limited to, all copies of electronic mail, correspondence, memoranda, tapes, stenographic or handwritten notes, written forms of any kind, charts, blueprints, drawings, sketches, graphs, plans, articles, specifications, diaries, calendars, letters, telegrams, photographs, minutes, contracts, agreements, surveys, computer printouts, data compilations of any kind, teletypes, telexes, facsimiles, invoices, order forms, checks, drafts, statements, credit memoranda, reports, position

reports, summaries, indices, books, ledgers, notebooks, schedules, transparencies, recordings, catalogs, advertisements, promotional materials, films, video tapes, audio tapes, compact disks, brochures, pamphlets, or any written or recorded materials of any other kind, however stored, recorded, produced, or reproduced, and also including, but not limited to, drafts or copies of any of the foregoing that contain any notes, comments, or markings of any kind not found on the original documents or that are otherwise not identical to the original documents.

(d) The term “communication” means each and every form of memoranda, electronic mail, voice mail, or message that is or has been in your possession, custody, or control.

(e) The terms “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” above), 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, 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.

(f) “And” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

(g) “Any,” “all,” “every,” and “each” shall be construed as inclusive or exclusive, as necessary to afford the broadest and most comprehensive possible scope to the Request containing such terms.

(h) The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; the masculine form of a pronoun shall be considered to include also within its meaning the feminine and neuter forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb. In each such instance, the discovery request shall be construed so as to require the most inclusive production of all documents.

(i) “Including” means “including without limitation.”

(j) 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.

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

(l) 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).

(m) 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.

(n) 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.

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

Requests for Production of Documents

DOCUMENT REQUEST NO. 1. All documents identified in your Answers to Interrogatories.

DOCUMENT REQUEST NO. 2. Any survey, photograph, aerial photograph, or other written or electronic depiction showing the Site Area, the Disputed Streets or the Tose'-Layden Property.

DOCUMENT REQUEST NO. 3. All correspondence or documents in your possession which mention or describe the Site Area, the Disputed Streets or the Tose'-Layden Property, or which are to or from the Defendants, Tose' or Layden.

DOCUMENT REQUEST NO. 4. Any written statements by individuals concerning the use or occupation of the Site Area, the Disputed Streets or the Tose'-Layden Property.

DOCUMENT REQUEST NO. 5. All statements, memoranda, or other written or electronic document given by you to any person concerning the subject matter of this action.

DOCUMENT REQUEST NO. 6. All correspondence, notes, memoranda or other communications between you and the Defendants related to or concerning the subject matter of this action.

DOCUMENT REQUEST NO. 7. All documents relating to your claims of ownership, use, maintenance or occupation of the Site Area, the Disputed Streets or the Tose'-Layden Property.

DOCUMENT REQUEST NO. 8. All documents that support your claim that you have used the Site Area, the Disputed Streets for any purpose.

DOCUMENT REQUEST NO. 9. All documents associated with your involvement on social media related to or concerning the subject matter of this action.

DOCUMENT REQUEST NO. 10. All documents that reference or indicate that the Disputed Street or Site Area has ever been used for, or been under consideration for use as a fire drafting site..

DOCUMENT REQUEST NO. 11. All statements, memoranda, or other written or electronic document between you and any lot owners of Arundel on the Bay that relate to or concern the subject matter of this action.

_____/s/_____
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Attorney for the Defendants

Certificate of Service

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

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Attorneys for the Plaintiffs and Counter-Defendants

_____/s/_____
Barbara J. Palmer

