

PROPERTY OWNERS ASSOCIATION OF ARUNDEL ON THE BAY, INC., et al. Plaintiffs/Counter-Defendants	*	IN THE
	*	CIRCUIT COURT
v.	*	FOR
MAURICE TOSE', <i>et ux.</i>	*	ANNE ARUNDEL COUNTY
Defendants/Counter-Plaintiffs	*	Case No.: C-02-CV-19-3640

RESPONSE TO FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff, David Delia (“Plaintiff”), by and through his attorneys, Wayne T. Kosmerl, N. Tucker Meneely and Council, Baradel, Kosmerl & Nolan, P.A. and in accordance with Maryland Rule 2-421, hereby provides responses to Defendant Maurice Tose’s Request for Production of Documents, and states as follows:

GENERAL OBJECTIONS

1. Plaintiff objects to each Request to the extent it is vague, ambiguous, or overly broad.
2. Plaintiff objects to each Request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, the self-evaluation privilege, the applicable rules, regulations and statutes of the State of Maryland and/or the United States, or that is otherwise immune from discovery. Inadvertent disclosure of any such information shall not constitute a waiver of any applicable privilege or immunity.
3. Plaintiff objects to each Request to the extent it sets forth unsupported legal conclusions or assumes facts not in evidence.
4. Plaintiff objects to each Request to the extent that the documents sought are already in the possession, custody, or control of the Defendant.
5. Plaintiff objects to each Request to the extent that it seeks information that is a matter of public record, cumulative or duplicative, or is equally obtainable from third-parties or from a more convenient, less burdensome, or less expensive source.
6. Plaintiff objects to the Defendant’s instructions, definitions, and Requests to the extent that they seek the production of documents not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.
7. Plaintiff objects to the Defendant’s instructions, definitions, and Requests to the extent that they seek the production of documents that are confidential in nature or contain sensitive financial information, commercial, proprietary, consumer, trade, or personal information.
8. Plaintiff objects to the Defendant’s instructions, definitions, and Requests to the extent that they seek documents for an undefined and/or unlimited period of time.

9. Plaintiff objects to the Defendant's instructions, definitions, and Requests, even those in conformity with form definitions or requests, to the extent that they, in the context of this particular case, are inappropriate and/or purport to impose obligations beyond those contained in the Maryland Rules of Civil Procedure.

10. Plaintiff objects to the Defendant's instructions, definitions, and Requests to the extent that they seek full disclosure of Defendant's bases for specific defenses prior to the completion of its investigation and discovery.

11. Plaintiff objects to the definition of "Document" to the extent it refers to information that is not in Plaintiff's possession, custody, or control.

12. Any statement by Plaintiff that it will produce documents shall not be construed as a representation that there are documents responsive to a particular Request, but rather, that Plaintiff will produce relevant, non-protected, responsive documents to the extent that they exist.

13. Plaintiff makes no admission of any nature, and no admission may be implied by or inferred from these objections and responses.

14. Plaintiff states that its investigation is ongoing and that supplemental documents responsive to the Defendant's Requests may be provided to the Defendant if they become available.

RESPONSES

Request No. 1: All documents identified in your Answers to Interrogatories.

Response to Request No. 1: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

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.

Response to Request No. 2: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any

other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

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.

Response to Request No. 3: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

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.

Response to Request No. 4: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

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.

Response to Request No. 5: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents

responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

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.

Response to Request No. 6: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

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.

Response to Request No. 7: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

Request No. 8: All documents that support your claim that you have used the Site Area, the Disputed Streets for any purpose.

Response to Request No. 8: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

Request No. 9: All documents associated with your involvement on social media related to or concerning the subject matter of this action.

Response to Request No. 9: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

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.

Response to Request No. 10: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

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.

Response to Request No. 11: Plaintiff objects to this Request to the extent that it seeks documents that (i) were prepared for or in anticipation of litigation; (ii) constitute attorney's work product; (iii) contain material subject to the attorney/client privilege; or (iv) are protected by any other applicable privilege. Without waiving these objections, any such non-privileged documents responsive to this Request will be produced to the extent they are within Plaintiff's possession, custody or control.

COUNCIL, BARADEL,
KOSMERL & NOLAN, P.A.

By: /s/ N. Tucker Meneely
Wayne T. Kosmerl
N. Tucker Meneely
125 West Street, 4th Floor
Annapolis, MD 21401
(410) 268-6600
(410) 269-8409 fax
Kosmerl@CouncilBaradel.com
Meneely@CouncilBaradel.com

Attorneys for Plaintiff