

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

### **INTERROGATORIES**

Propounded Pursuant to the Maryland Rules of Procedure

**TO: Teresa Layden, Defendant/Counter-Plaintiff**

**FROM: PROPERTY OWNERS ASSOCIATION OF ARUNDEL-ON-THE-BAY, INC., Plaintiff/Counter-Defendant**

You are requested to answer the following interrogatories:

(a) These interrogatories are continuing interrogatories. If at any time after service of the answers and prior to the trial of this action, the party answering obtains additional information responsive to any of these interrogatories, he or she shall, within thirty (30) days, and in no event later than five (5) days before trial, serve supplemental sworn answers setting forth such additional information.

(b) Where the name or identity of a person is requested, please state the full name, home address and also business address, if known.

(c) Unless otherwise indicated, these interrogatories refer to the time, place, and circumstances of the occurrence mentioned or complained of in the pleadings.

(d) Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's agents, representatives, and unless privileged, his attorneys. When answer is made by a corporate defendant, state the name, address, and title of the person supplying the information, and making the affidavit, and the source of his information.

(e) The pronoun "you" refers to the party or parties to whom these interrogatories are addressed, and the persons mentioned in clause (d).

### **DEFINITIONS**

In these Interrogatories, the following definitions apply:

(a) Document includes a writing, drawing, graph, chart, photograph, recording, and other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form.

(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, or chart) or to attach an accurate copy of the document to your answer, appropriately labeled to correspond to the interrogatory.

(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.

(d) "Your Property" refers to the property described in Paragraph 4 of your Counter-Complaint.

(e) "Site Area" means the "Site Area" defined in your Counter-Complaint and as shown on Exhibit D to your Counter-Complaint.

(f) "Disputed Street" means the "Disputed Street" referenced in your Counter-Complaint.

## INTERROGATORIES

**Interrogatory No. 1:** Identify each person, other than a person intended to be called 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.

**Interrogatory No. 2:** Identify each person whom 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 expert's compensation, and attach to your answers any available list of publications written by the expert, and any written report made by the expert concerning the expert's findings and opinions.

**Interrogatory No. 3:** If you intend to rely upon any documents or other tangible things to support a position that you have taken or intend to take in the action, including any claim for damages, provide a brief description, by category and location, of all such documents and other tangible things, and identify all persons having possession, custody, or control of them.

**Interrogatory No. 4:** With respect to the Disputed Street, please provide the physical dimensions (length, width, and square footage) of that portion to which you claim ownership.

**Interrogatory No. 5:** With respect to the Site Area, please provide the physical dimensions (length, width, and square footage) of that portion to which you claim ownership.

**Interrogatory No. 6:** Please describe with specificity and in detail all discussions, agreements, writings, notes, or communications of any kind you have had with your predecessors in title or anyone else regarding the nature of the quality, ownership and rights of your claimed interest in any of the platted streets in Arundel on the Bay including exactly what rights of ownership and/or use you claim in any or all of the platted streets, including the Disputed Street and the Site Area. For each such communication, state who was a party to the communication, when it occurred, and who else was present when it occurred and the substance of the communication.

**Interrogatory No. 7:** Please state whether you and/or anyone else has ever ordered any appraisal of Your Property as described in the Counter-Complaint, including at the time you purchased the property or otherwise, and if so, state when the appraisals were made, by whom, for what purpose and the conclusions reached by the appraisals. Please attach copies of any appraisals to your answers.

**Interrogatory No. 8:** Identify all persons other than your attorney, who have investigated on your behalf or others, any aspects of the subject matter of this litigation, including the name, address and telephone number of each such person.

**Interrogatory No. 9:** Please identify and fully describe the substance of any and all documents, including, but not limited to, correspondence, surveys, deeds, plats, emails, photographs, videotapes, audiotapes, or diagrams that are in any way related to the subject matter of the Complaint and/or Counter-Complaint filed herein, Your Property, the Disputed Street and/or the Site Area, and identify all persons who have possession, custody or control of the above-described items.

**Interrogatory No. 10:** Please describe in detail, and identify all documents relating to, all improvements, repairs, and/or maintenance you have undertaken to the Disputed Street, the Site Area and Your Property in the past twenty (20) years, including, but not limited to, the adjoining bulkhead and revetment, including in your answer the nature of the improvement, repair, and/or maintenance, when it was undertaken, by whom, the cost of such improvement, repair, and/or maintenance, whether permits or other regulatory authorizations were obtained for any such improvements, maintenance or repairs and if so for such permit or regulatory authorization who

sought and was granted such approval, and who paid for such improvements, repairs, and/or maintenance.

**Interrogatory No. 11:** Please describe the nature of the use and/or access you assert the individual property owners in Arundel on the Bay are entitled to over the portions of the Disputed Street and the Site Area including the nature of, and/or any limitations on, the access allowed and whether you claim such rights of use and/or access are limited to any particular category or group of property owner in Arundel on the Bay, or any particular time of day or year.

**Interrogatory No. 12:** Describe with specificity and in detail all occasions when anyone has used any portion of the Disputed Street and/or the Site Area in a manner contrary to or beyond the scope of the nature of the use and/or access you described in your answer to Interrogatory No. 11, and for all such instances, what actions, if any, you took to alert the Association, the police, or any other regulatory authority of such uses.

**Interrogatory No. 13:** Describe with specificity and in detail the factual basis for your assertion that there is a “limited implied easement for adjacent lot owners in Arundel on the Bay to use the Site Area for pedestrian ingress and egress” and describe in detail the scope of activities you assert are allowed under the “limited implied easement.”

**Interrogatory No. 14:** For each claim set forth in the Counter-Complaint, please identify each document, reproduction, recordation or anything written or recorded which you contend supports the allegations contained therein, or which relates to or refers to the allegations contained therein and for each such document, recordation or reproduction, please identify the person(s), including yourself, who has custody or control over each such document, recordation or reproduction, in accordance with the foregoing instructions.

**Interrogatory No. 15:** For each defense set forth in your Answer to Plaintiffs’ Complaint, please identify each document, reproduction, recordation or anything written or recorded which you contend supports the allegations contained therein, or which relates to or refers to the allegations contained therein and for each such document, recordation or reproduction, please identify the person(s), including yourself, who has custody or control over each such document, recordation or reproduction, in accordance with the foregoing instructions.

**Interrogatory No. 16:** Please describe whether you have ever been elected to the Board of Directors and/or been elected to any office, or served on any committee for Plaintiff, and if so, please describe with specificity and in detail in what capacity you served, and for how long.

**Interrogatory No. 17:** 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.

**Interrogatory No. 18:** 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.

Respectfully submitted,

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

By:           /s/ N. Tucker Meneely            
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