

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

* * * * *

**NOTICE TO TAKE DEPOSITION DUCES TECUM OF CORPORATE DESIGNEE
OF PLAINTIFF/COUNTER-DEFENDANT PROPERTY OWNERS ASSOCIATION
OF ARUNDEL ON THE BAY, INC.**

Pursuant to the Maryland Rules, including Rule 2-412, Defendant /Counter-Plaintiff Maurice Tose', by and through his attorneys, Barbara J. Palmer and Hyatt & Weber, P.A., intend to take the deposition of **Corporate Designee of Plaintiff/Counter-Defendant, Property Owners Association of Arundel on the Bay, Inc.**(the "Association") on oral examination before a notary public or some other person duly qualified to administer an oath, on **Wednesday April 28, 2021 at 3:00 p.m. EST** and will continue from day to day until complete.

The deposition will be conducted by Zoom.

The Corporate Designee for Plaintiff/Counter-Defendant, Property Owners Association of Arundel on the Bay, Inc., is expected to testify, pursuant to the Maryland Rules, on the following topics:

1. The basis for the claim of any right, title or interest to the property which is the subject of this action as defined in Paragraph 7 of the Plaintiff's Complaint, specifically " the portion of the platted street known as Magnolia Avenue that abuts the Tose-Layden Properties and is located between Saratoga Avenue and the waters of Fishing Creek ("Disputed Street").

2. The use of the Disputed Street by any and all individual members of the community over the past 20 year; including the presence of any records reflecting any such use.

3. The effect of the outcome of any of the previous litigation over other streets ends in the community of Arundel on the Bay and the information reported to the membership about the prior litigation;

4. Erosion control and maintenance work that has occurred on the Disputed Street as defined in Paragraph 1, herein, over the past 20 years.

5. Expenses incurred by the Association related to the maintenance and erosion control of the Disputed Street, including any records reflecting said maintenance and erosion control.

6. Any community activities or other specific uses that the Association contends have been held, or can be held on the Disputed Street and the basis for said contention.

7. The support for the assertion that the Disputed Street is a viable fire drafting site.

8. Any and all reports to the Association, from any resident of the community of Arundel on the Bay concerning problems caused by the Defendants/Counter-Plaintiffs for parking in, placing pilings in, or otherwise blocking the Disputed Street from vehicular traffic.

9. Communications, including emails communications with any officer or director of the Association, with any resident of the community of Arundel on the Bay, or member of the Association regarding ownership of the street ends, including the Disputed Street.

10. Any information known by the Association regarding how Plaintiffs, David Delia and Lori Strum have been impacted in any manner different from the community as a whole.

11. Any communications or other documentation, indicating the role of the Association in representing the interests of the membership and the residents of the community of Arundel on the Bay in this litigation.

12. Any site plans, surveys, photographs or other depictions of the Disputed Street.

13. Any source for support that the Association is entitled to place a bench or any structure in the area of the Disputed Street.

14. Any source for support of any activities that the Association claims it can undertake or authorize for the benefit of the members of the Association, or residents and/or guest of residents of Arundel on the Bay.

Request for Documents

The Corporate Representative(s) of Arundel on the Bay, Inc. is requested to produce at least two business days prior to the depositions:

A. All documents responsive to any of the paragraphs in the above-paragraphs 1-14 on topics of this corporate designee deposition.

As used in this Notice, electronically stored information has the same broad meaning as set forth in the Maryland Rules, including but not limited to Maryland Rules 2-402- and 2-422.

As used in this Notice, the term “document” means, without limitation, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand: agreements, communications, reports, correspondence, telegrams, e-mails, memoranda, summaries of records of telephone conversations, summaries of records of personal conversations or interviews, diaries, graphs, reports, notebooks, note charts, plans, drawings, sketches, maps, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants nor experts, whether retained or consulted, photographs, motion picture film, brochures, pamphlets, advertisements, circulars, press releases, drafts, letters, and marginal comments appearing on any document, and all other writings.

The deponent (s) is (are) hereby notified to personally appear and attend at the time and in the manner specified for the purpose of having his/her/their deposition taken in accordance with the foregoing Notice.

/s/

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