

EXHIBIT 8

SAMPLE EMAILS SHOWING WM DEFENDANTS'
REFUSAL OF ADDITIONAL TIME OFFERED

Subject: Re: Waste Management Defendants' Motion to Dismiss Second Amended Complaint
From: "postmaster@moreilly.com" <postmaster@moreilly.com>
Date: 16/09/2024 18:07
To: "Gamble, Geoffrey M." <geoff.gamble@saul.com>
CC: "Fellona, Ashley N." <ashley.fellona@saul.com>, "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Geoff - I am well, thank you, and I hope the same for you.

1. I have the withdrawal prepared and ready to submit. As soon as I have the proof of service in my hands, I'll get that filed.

I think it warrants mention that a full fortnight ago (on 2 September) we agreed - at least as I understood it - that you would furnish Mr. Palmer's home address for service. I only filed the motion for alternative service when that wasn't provided. Then, instead of sending the address, you offered to accept service on his behalf. This seemed odd, but acceptable. Now you're requesting that I withdraw the motion before I have proof of service, and that is not something I can agree to.

While I would very much like to believe that your clients are not playing games here, they've taken a lot of steps to make no measurable progress. Let's get this fully resolved so I can withdraw the motion.

2. I understand your clients' position, and do not request that they change it. I asked only that they confirm that Mr. Steiner was/is the CEO/President of WMI; that he participated in the interview with CNN; that the video is a true and accurate representation of the statements he made during the interview; and that a reasonable person could think, based on those statements, that WMI does business in every state, including Maryland, that is not Wyoming or Montana.

Given that this is part of several Requests for Admission and responses thereto, it most certainly is a discovery dispute. But even if it weren't, I was offering to accept a simple, easy, inexpensive, and readily available stipulation in exchange for an extremely generous and open-ended extension for production. I am trying to help reduce the cost, scope, and effort of discovery for you and your clients, but they seem intent on not being helped.

3. Your clients defamed me, and part of the proof of that defamation is contained in that video set, which was originally within your clients' *sole* possession, custody, and/or control. As a core component of the false criminal accusation and the resulting civil actions, the video is therefore absolutely relevant and discoverable in this suit. (And that's just for defamation; it is intrinsically linked to many of the causes of action in this suit. That it shows the assault and battery by Palmer, just for example, makes it independently discoverable from your clients.) Whether or not they provided the video to the SAO at the time is ultimately irrelevant to your clients' duty to produce it now.

I genuinely thought this would be an exceptionally easy item to produce. Based on what I'm hearing, am I right in thinking your clients no longer have a copy themselves?

4. Thank you for following up. I look forward to seeing the compiled list. Please ensure it has the dates (and times, if available) the content was accessed.

On a related note: I will be sending the first set of interrogatories soon. Also, given that two of your clients are out of state, we should discuss deposition arrangements for them in the near future.

It really is COVID season out there again. Please be safe and stay healthy.

Regards,
Matt

On 16/09/2024 15:11, Gamble, Geoffrey M. wrote:

Matt:

I hope all is well.

I write in response to your e-mail below regarding information and documents requested from the WM Defendants.

1. As I advised in separate correspondence last week, the WM Defendants have authorized me to accept service on behalf of Roy Palmer. We will work with you on an appropriate proof of service and await the withdrawal of your pending motion for alternative service. That should resolve this item.
2. We stand by our position regarding statements made in an excerpt of a purported 2013 CNN Money interview posted to YouTube. We will not falsely admit that Waste Management, Inc. ("WMI") does business in Maryland, because it does not. The interview does not even mention WMI, let alone admit that WMI does business in the State. This is not a dispute over discovery. Nor is our position one of semantics. WMI and Waste Management of Maryland, Inc. are distinct legal entities and general statements about "Waste Management" do not bind either of those corporate bodies.
3. It is unclear how Waste Management's provision of DriveCam footage to the State's Attorneys' Office ("SAO") suggests, in any way, that the SAO committed "perjury and spoliation;" however, to be very clear, we are not accusing the SAO of anything. If you wish to request information from the SAO, there are discovery tools available at your disposal. The WM Defendants, however, are not obligated to produce documents or information outside of their possession, custody, or control. Notwithstanding the foregoing, I will discuss with my client your request for clarifying information regarding the transmittal of the DriveCam footage to the SAO.
4. We have confirmed that access logs showing who has viewed the truck's October 16, 2017 DriveCam footage do not exist. In a good-faith effort to resolve this discovery dispute, I will discuss with my client providing you with a list of people known to have viewed the footage.

Regards,

Geoff

*Geoffrey M. Gamble*****

Partner

SAUL EWING LLP

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Baltimore

*Office: *

(410) 332-8848 <tel:(410)20332-8848>

* Cell: *

(443) 995-6957

*From: * postmaster@moreilly.com <postmaster@moreilly.com>
*Sent: * Monday, September 2, 2024 11:43 AM
*To: * Gamble, Geoffrey M. <geoff.gamble@saul.com>
*Subject: * Re: Waste Management Defendants' Motion to Dismiss Second Amended Complaint

Geoff - Thank you for your reply. Sorry you're having to work on the holiday.

1. Subject to your agreement that you (1) are seeking and will use Roy Palmer's home address solely for purposes of effectuating service of process on him and (2) will direct all other communications to Mr. Palmer through undersigned counsel, then we will provide Mr. Palmer's home address.

This is a bizarre and frankly insulting caveat. I haven't the faintest clue what I would want it for otherwise, but agreed.

2. That is not an admission, it's a semantic evasion. Here's the relevant part of the transcript:

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https://www.youtube.com/watch?v=IxbUR4S_NCI <https://www.youtube.com/watch?v=IxbUR4S_NCI>
CNN Business
9,616 views 28 May 2013
WMI CEO David Steiner talks to Adam Lashinsky about the few places in the U.S. where Waste Management is not able to pickup garbage.

1:31 Q2: Where, um... where in the United States are you *not*?
1:33 A2: [Laughs out loud] Wyoming and Montana.
1:35 I3: Really?
1:36 C3: Yeah.
1:37 I4: [Talking over] Two states you're not in business in.
1:37 C4: Yeah
[...]
2:11 Q3: So you're in 48 others states, but you're not in every big city, right?
2:15 A3: Um, we're not in *every* big city, but we're in *virtually* every big city
=====

Unless your client cares to revise the answer, I'll consider my request denied.

3. You state that your clients turned the DriveCam video over to the SA in 2017. A few things I'll need before I can consider this a complete response:
- a) If this is true, your clients are, in effect, accusing the SA of perjury and spoliation. I will need an affidavit rather than a bare, unsupported assertion for this, including details:
 - i) to whom were the videos delivered
 - ii) in what format
 - iii) on what date and time
 - iv) the video lengths, number, and all other metadata associated (for example, if they are midnight to midnight as requested, state as such)
 - b) If your clients are stating that they are not in possession of the DriveCam videos and the copies sent to the SA are the best available, I will need an affidavit stating so.
 - c) It is neither within the scope of my responsibility nor my authority to retrieve documents on your behalf. When you have the documents, produce them.
4. I appreciate the diligent and ongoing enquiry and look forward to the results.

Please note that while your answers provide a bit more information than I had previously, I am not in possession of any more documents or admissions than I was before I received your letter.

As of day 37, your clients still haven't produced a single document. (And no, they don't get credit for YOUR production of the same "cell phone video" that was sent in 2017 and 2019 and was already in both your and my possession.)

So far the "rolling production" seems not to be much of either.

Regards,
Matt

On 02/09/2024 09:47, Gamble, Geoffrey M. wrote:

- > Matt:
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- > Thanks for sending the motion to compel.
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- > Please see the attached correspondence relating to discovery.
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- > Thanks,
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- > Geoff
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- > *Geoffrey M. Gamble*****
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- > Partner
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- > *SAUL EWING LLP*
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> * Cell: *
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> (443) 995-6957
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> *From: * postmaster@moreilly.com <<mailto:postmaster@moreilly.com>> <postmaster@moreilly.com
<<mailto:postmaster@moreilly.com>>>
> *Sent: * Sunday, September 1, 2024 4:49 AM
> *To: * Gamble, Geoffrey M. <geoff.gamble@saul.com <<mailto:geoff.gamble@saul.com>>>
> *Cc: * maryland.tylerhost.net@moreilly.com <<mailto:maryland.tylerhost.net@moreilly.com>>;
Chammas, Nicole <nicole.chammas@saul.com <<mailto:nicole.chammas@saul.com>>>
> *Subject: * Re: Waste Management Defendants' Motion to Dismiss Second Amended Complaint
>
> Geoff - I've always appreciated when you and your team have linked filings into a single
document for me, and I finally have the opportunity to return the favour.
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> Please find attached the Motion to Compel Production and Admission I filed tonight.
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> Regards,
> Matt
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> On 29/08/2024 16:40, Gamble, Geoffrey M. wrote:
> > Matt:
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> > Attached please find correspondence responding to your August 27, 2024 letter and your
e-mail below.
> >
> > Regards,
> >
> > Geoff
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> >
> > *Geoffrey M. Gamble*****
> >
> > Partner
> >
> > *SAUL EWING LLP*
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(midnight to midnight) from the truck. This includes all access from October 16th, 2017 to the present.

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> > 3. The current home address for Roy Palmer.

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> > 4. An admission that the CNN Money interview at https://www.youtube.com/watch?v=IxbUR4S_NCI <https://www.youtube.com/watch?v=IxbUR4S_NCI> <https://www.youtube.com/watch?v=IxbUR4S_NCI> <https://www.youtube.com/watch?v=IxbUR4S_NCI>> <https://www.youtube.com/watch?v=IxbUR4S_NCI> <https://www.youtube.com/watch?v=IxbUR4S_NCI> <https://www.youtube.com/watch?v=IxbUR4S_NCI>>> is authentic, and that at that time: Steiner was the CEO/President of WMI; that he confirmed in the video that WMI does business in every state except Wyoming and Montana; that Maryland is a state and is neither Wyoming or Montana; and that a reasonable conclusion is therefore that WMI does business in Maryland.

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> > All four of these items are readily, easily, and cheaply available to your clients. (Online viewing and/or direct download access through the DriveCam web portal is an acceptable stopgap if providing video files takes too long.) I am not trying to be intractable or unreasonable here - if any item proves to be problematic, give me a heads-up and let me know what the issue is so we can work through an alternative.

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> > While I would like to think you and I have developed a decent rapport, the entire reason we are embroiled in this suit is because your clients have, for years, been less than honest with me. Having these four items in my hands by Friday will go a long way toward establishing trust all the way around.

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> > As always, I appreciate your input and will do my best to accommodate as much as I am able.

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> > Regards,

> > Matt

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> > On 26/08/2024 20:48, Gamble, Geoffrey M. wrote:

> > > Matt:

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> > > I am glad to hear that you are feeling a little better.

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> > > Thank you for your e-mail regarding the WM Defendants' discovery responses that were served on August 23, 2024 - three days before their due date. As you might imagine, I disagree with most of the assertions in your e-mail below, particularly your claims that (1) the WM Defendants are not complying with the discovery rules, or (2) the objections to your voluminous discovery served during the pendency of a dispositive motion to dismiss are inappropriate. While the Court may have denied our motion for a protective order, without prejudice, we have every right to object to the discovery requests on grounds that, among other things, they are premature given the procedural posture of this case.

> > >

> > > While the original action was filed by you in federal court several years ago, the first time any discovery requests were served in any matter was on July 25, 2024. As we mentioned elsewhere, the discovery you served is both voluminous (244 total requests) and overbroad. It took significant time to provide substantive written responses to the nearly 250 discovery

requests. We are now in the process of collecting and reviewing documents responsive to the 110 document requests you served. This is not an overnight endeavor as you suggest. To the contrary, it takes significant time to collect documents from the clients, to review the records for responsiveness, and to examine the documents for privilege.

> > >

> > > We have advised you of the time that it takes to respond to these discovery requests and requested a modest extension of time to so respond. You declined, citing the discovery deadlines in the scheduling order. We identified a solution, whereby the parties would jointly request an extension of the discovery deadlines in exchange for an extension of the defendants' time to respond to your discovery requests. You declined that proposal as well. Now, the day that the discovery responses are due (all defendants responded ahead of time), you have threatened a motion to compel and for sanctions. Your threats are not warranted and are not at all in the spirit of the Maryland Discovery Guidelines.

> > >

> > > Despite your threats and unreasonable demands, we would like to avoid burdening the Court with a discovery dispute, particularly this early in the case when motions to dismiss have not yet been resolved. Accordingly, we will begin a rolling production starting this evening. If there are specific documents that you believe you need sooner rather than later, please let us know.

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> > > I am hopeful that we can resolve your perceived concerns without troubling the Court with unnecessary and inappropriate discovery motions.

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> > > I am available should you wish to discuss these matters by phone.

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> > > Thanks,

> > >

> > > Geoff

> > >

> > > Geoffrey M. Gamble

> > > Partner

> > > SAUL EWING LLP | Baltimore

> > > Office: (410) 332-8848 Cell: (443) 995-6957

> > > -----Original Message-----

> > > From: postmaster@moreilly.com <<mailto:postmaster@moreilly.com>>

<<mailto:postmaster@moreilly.com> <<mailto:postmaster@moreilly.com>>>

<<mailto:postmaster@moreilly.com> <<mailto:postmaster@moreilly.com> <<mailto:postmaster@moreilly.com> %20%3cmailto:postmaster@moreilly.com>>> <<mailto:postmaster@moreilly.com> <<mailto:postmaster@moreilly.com>

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> > > Sent: Monday, August 26, 2024 3:30 PM

> > > To: Gamble, Geoffrey M. <geoff.gamble@saul.com <<mailto:geoff.gamble@saul.com>

<<mailto:geoff.gamble@saul.com> %20%3cmailto:geoff.gamble@saul.com <<mailto:geoff.gamble@saul.com>

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> > > Cc: maryland.tylerhost.net@moreilly.com <<mailto:maryland.tylerhost.net@moreilly.com>>

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Chammas, Nicole <nicole.chammas@saul.com <<mailto:nicole.chammas@saul.com>

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> > > Subject: Re: Waste Management Defendants' Motion to Dismiss Second Amended Complaint

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> > > ****EXTERNAL EMAIL**** - This message originates from outside our Firm. Please consider carefully before responding or clicking links/attachments.

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> > >

> > > Good afternoon, Geoff - I hope you had an enjoyable weekend.

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> > > I apologise for being out of touch last week; the "under the weather" I was feeling turned out to be a rather nasty bout of COVID. I am finally feeling slightly better today.

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> > > Thank you for sending the discovery responses along - I can see that your client is still being difficult about being willing to comply with the Rules. Obviously many of the objections are inappropriate, not the least of which are those the Court has already rejected in the denial of the stay. I can't say I understand why they're intent on making the process longer and more expensive, but I guess that's not really for me to fathom.

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> > > The responses to items 1, 2, 3, 4, 6, 7, 10, 14, 15, 17, 18, 20, 21, 25, 28, 30, 32, 41, 58, 60, 79, 81, 107, and 108 in the request for documents leave me slightly baffled, however. Based on the wording of the responses, your client is not refusing to provide the documents requested, but have not provided them, and have offered no time when they will be provided. The documents are due by midnight tonight - shall I expect them by then? If not, the responses are inadequate under Rule 2-432(b)(2), as (of course) are the responses to items 9, 12, 22, 26, 27, 29, 31, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 104, 105, and 106.

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> > > This email is just an informal courtesy to let you know that I will be filing a motion to compel for both the admissions and document requests shortly, and given the short timeline we have, it will have to include a request for sanctions based on your clients' refusals. I will follow up with a more formal notice to you detailing the deficiencies and requesting corrections.

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> > > I am of course still amenable to working with you to extend the discovery deadline on some of the more difficult items, but there are basics here that are low-lift that there really is no excuse not to provide.

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> > > If you have any questions, please feel free to email at your convenience.

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> > > Regards,

> > > Matt

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> > > On 15/08/2024 21:35, Gamble, Geoffrey M. wrote:

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> > >> 21202-4359

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> > >> "Saul Ewing LLP (saul.com)" has made the following annotations:

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> > >> This e-mail may contain privileged, confidential, copyrighted, or other legally protected information. If you are not the intended recipient (even if the e-mail address is yours), you may not use, copy, or retransmit it. If you have received this by mistake please notify us by return e-mail, then delete.

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