

In the
Maryland Circuit Court
for
Anne Arundel County

Matthew O'Reilly

Plaintiff, Pro Se

v.

Waste Management, Inc.

*1001 Fannin St.
Houston, TX 77002*

Waste Management of Maryland, Inc.

*6994 Columbia Gateway Drive
Suite 200
Columbia, MD, 21046*

Tsottles, Adam

*507 Braumiller Crossing Drive
Delaware, OH 43015*

Palmer, Roy

*3645 Fairfield Rd.
Baltimore, MD 21226*

Capstone On-Campus Management, LLC

*1500 Urban Center Drive, Suite 400
Vestavia Hills, AL 35242*

Beatty Management Group, LLC

*1300 Thames Street, Suite 10
Baltimore, MD 21231*

Tamla Oates-Forney

*1001 Fannin St.
Houston, TX 77002*

Defendants

Civil Action: C-02-CV-24-000546

THIRD AMENDED VERIFIED
COMPLAINT

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INCORPORATION & VERIFICATION

1. The contents of the *Verified Complaint*, *Amended Verified Complaint*, and *Second Amended Verified Complaint* in this suit are incorporated by reference as if fully set forth herein.
2. The federal Amended and Second Amended Complaints (1:18-cv-03622-GLR, ECF Nos. 12 and 75-6) are incorporated by reference throughout this complaint as if fully set forth herein.
3. Mr. O'Reilly's affidavits before the United States District Court (*Id.*, ECF No. 63-1, ECF No. 7) are incorporated by reference throughout this complaint as if fully set forth herein.
4. Where new facts or understandings have come to light, those contained in the present complaint supersede those of the prior complaints or affidavits.
5. I, Matthew O'Reilly, solemnly affirm under penalty of perjury that upon personal observation and/or to the best of my knowledge and understanding, the following is true:

INTRODUCTION

6. This suit results directly from the Defendants' years-long campaign of shattering of the peace and tranquility of a quiet residential alley in Baltimore; the unprovoked and potentially life-threatening attack Mr. O'Reilly suffered at the hands of the Defendants, being deliberately knocked down bodily using a 40-ton waste removal truck; the Defendants' deliberate and knowing defamation, perjury, and indefensible and malicious prosecution of Mr. O'Reilly using the Baltimore criminal courts; the willful

deprivation of his civil rights and the loss of his liberty; the catastrophic damage to his life, livelihood, family, and mental and physical health; and their continuing, obstinate refusal over the course of seven years to turn over the evidence that would prove his innocence and clear his name.

PARTIES

PLAINTIFF

7. Plaintiff Matthew O'Reilly is a natural person, an individual, and a natural-born citizen of the United States. As of the filing of this action, Mr. O'Reilly is a private citizen of Anne Arundel County, Maryland, and at all material times acted individually.
8. Mr. O'Reilly has not sought any form of publicity, public note or prominence outside of implementing his own affairs with respect to the Defendants' actions, and have not sought or held any public office or position in government.
9. Mr. O'Reilly has not sought or acquired any position of public power or influence which would give him the ability to protect himself apart from the courts within the meaning of *New York Times v. Sullivan*, 376 U.S. 254 (1964), and is not a public figure within the meaning of *New York Times v. Sullivan* or its progeny.
10. Mr. O'Reilly has no prior criminal history of theft, violence, or any other unlawful act (excluding minor motor vehicle moving violations).

DEFENDANTS

Waste Management, Inc.

11. Waste Management, Inc. ("WMI") is a Texas-based and Delaware-incorporated company that is, *inter alia*, engaged in the solicitation and facilitation of private removal of waste in Maryland. WMI regularly and continually engages in the advertising and solicitation of business to Maryland residents and businesses.
12. "Waste Management" applies collectively and individually to any and all persons or entities, corporeal or non-corporeal, employed by or through Waste Management; and itself, its subsidiaries and/or affiliates. Any and all statements concerning agents, subsidiaries, affiliates, contractors, or employees are jointly and severally alleged against Waste Management and Waste Management of Maryland through direct, proximate, negligent, vicarious, or other liability, including *respondeat superior*.
13. In this action, "Waste Management" also collectively, jointly, and/or severally refers to defendants Waste Management, Inc., Waste Management of Maryland, Inc., Adam Tsottles, Roy Palmer, and/or Tamla Oates-Forney.
14. Upon information and belief, each and every employee or agent of WMI's subsidiaries is also an ultimate employee of WMI, and WMI is jointly, severally, and/or vicariously liable for each and every cause of action herein.
15. Waste Management, Inc. regularly and purposefully avails itself of the benefits of conducting business in Maryland, and specifically advertises and

solicits business in the State to residents and businesses of Maryland, thus willfully and knowingly subjecting itself to jurisdiction in Maryland.

16. The President and CEO of Waste Management, Inc. has admitted on national television (CNN) that the company does business in Maryland.
17. WMI directs and is deeply and intimately involved in the operations and management of its agents, employees, and contractors in Maryland, both independently and by and through its subsidiaries, including Waste Management Holdings, Inc., Waste Management of Maryland, Inc., and/or other individuals and entities.
18. As of October 2017, Waste Management, Inc. was the registered owner of the trademark "WM", which it used to advertise to Maryland businesses and individuals. WMI regularly and routinely avails itself of the benefits of doing business in Maryland, and is essentially at home in Maryland, despite not being registered to do business in the state.
19. Waste Management, Inc. controls and operates the domain wm.com, which markets directly to businesses and residents of Baltimore and twenty-two other specific markets within Maryland¹:

¹ <https://www.wm.com/us/en/location/md>



Residential

Commercial

Sustainability & Recycling

About Us

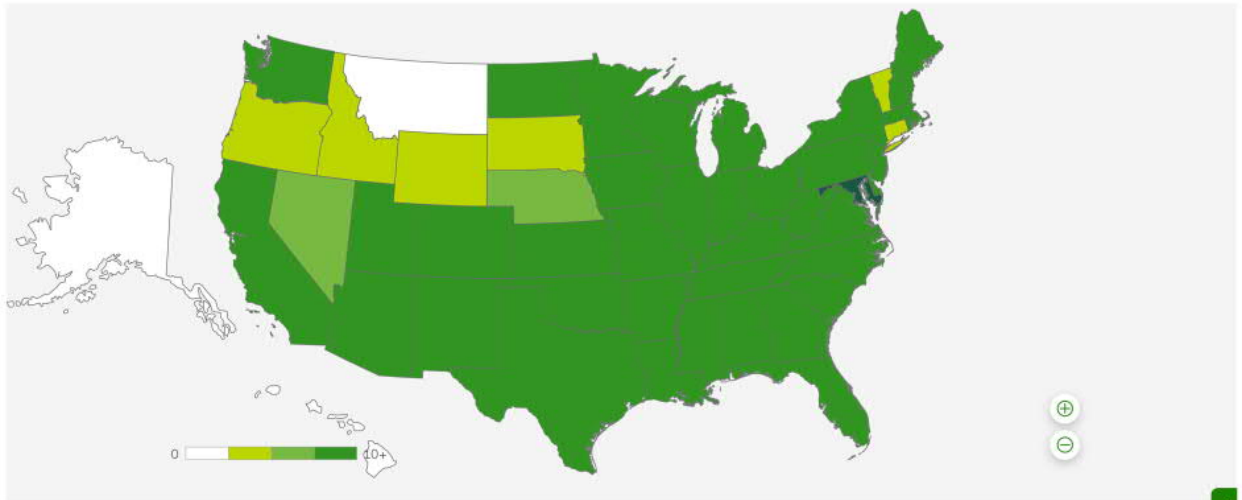
Support



Home > Locations > Maryland

Service Locations

Waste Management is proud to provide trash, garbage, recycling and landfill support across the state. Learn more by selecting your nearest area from the list below.



Feedback

23 location(s) in Maryland

Aberdeen

College Park

Greenbelt

Rockville

Annapolis

Cumberland

Hagerstown

Salisbury

Baltimore

Easton

Havre de Grace

Takoma Park

Bel Air

Elkton

Hyattsville

Waldorf

Bowie

Frederick

Laurel

Westminster

Cambridge

Gaithersburg

New Carrollton



Products & Services

Residential Trash Collection & Recycling

Commercial Waste Disposal & Recycling

Roll-Off Dumpster Rental

Bulk Trash Pickup

Construction Waste Disposal

Bagster® - Dumpster in a Bag®

eWaste

National Accounts

Moving In?

Customer Support

Pay My Bill

Billing & Invoice Help

Manage My Account

Log In to My WM

Customer Support

Request Extra Pickup

Report Missed Pickup

Frequently Asked Questions

WM.com Security

Quick Info

Recycling 101

Our Service Areas

Drop Off Locations

Service Notifications

10 Yard Dumpster

20 Yard Dumpster

30 Yard Dumpster

Holiday Schedule

Our Company

Who We Are

Why WM?

Media Room

Compliance & Ethics

WM Phoenix Open

Sustainability Report

Work With Us

Careers

Investors

Suppliers

Acquisitions & Divestitures



Waste Management of Maryland, Inc.

20. Waste Management of Maryland, Inc. (aka "WMM" or "Maryland Waste"), is a Maryland-based and/or -incorporated company that is, *inter alia*, engaged in the private removal of waste under contract in Maryland, and is a wholly-owned subsidiary of WMI. WMM is under the direct, continuing, and complete control of WMI, and upon information and belief does not operate independently of its parent company in any meaningful capacity relevant to this action. Waste Management of Maryland, Inc. is jointly, severally, and/or vicariously liable for each and every cause of action herein.

Adam Tsottles

21. Adam Tsottles ("Tsottles") is a natural person and individual who lived and/or worked in Maryland, was an employee of WMI and/or WMM at the times relevant to this suit, and was acting in whole or in part in that capacity during the actions in question. Tsottles is jointly, severally, and/or vicariously liable for each and every cause of action herein.

Roy Palmer

22. Roy Palmer ("Palmer") is a natural person and individual who lives and/or works in Maryland, is an employee of Waste Management and/or Waste Management of Maryland, and was acting in whole or in part in that capacity during the events in question. Mr. Palmer is jointly, severally, and/or vicariously liable for each and every cause of action herein.

Tamla Oates-Forney

23. Tamla Oates-Forney is a natural person and individual who was Senior Vice President and the Chief Human Resources Officer for Waste Management, Inc. and (directly or indirectly) for Waste Management of Maryland, Inc., and was acting in whole or in part in that capacity at the time of the filing of the Federal suit. "As senior vice president and chief human resources officer, Tamla Oates-Forney has primary responsibility for the company's human resources strategy including HR operations, employee relations, labor relations, HR information systems, compensation, benefits, culture, learning, talent acquisition, leadership and talent development. She is a member of the Company's senior leadership team and reports to Jim Fish, president and chief executive officer" (from *wm.com*, captured 14 September 2019). Tamla Oates-Forney is jointly, severally, and/or vicariously liable for each and every cause of action herein.

Capstone On-Campus Management, Inc.

24. Capstone On-Campus Management ("COCM") is an Alabama-incorporated company that is, *inter alia*, engaged in the management of the residential space and/or whole building at 9 East 33rd St., and is jointly, severally, and/or vicariously responsible for engaging, controlling, and/or directing the removal of waste from 9E33rd. COCM is jointly, severally, and/or vicariously liable for each and every cause of action herein.

Beatty Management Group, Inc.

25. Beatty Management Group, LLC ("BMG") is a Maryland-based and - incorporated company that is, *inter alia*, engaged in the management of the commercial/ retail space and/or whole building at 9 East 33rd St., and is jointly, severally, and/or vicariously responsible for engaging, controlling, and/or directing the removal of waste from 9E33rd. BMG is jointly, severally, and/or vicariously liable for each and every cause of action herein.

9E33rd

26. 9E33rd applies to the building and grounds with the physical address of 9 East 3rd Street, in Baltimore, Maryland, as well as collectively and individually to any and all persons or entities, corporeal or non-corporeal, affiliated, contracted, and/or employed by or through Capstone On-Campus Management, LLC and/or Beatty Management Group, LLC; and any surrounds, operations, employees, contractors, subsidiaries and/or affiliates of those entities. Any and all statements concerning agents, subsidiaries, affiliates, contractors, or employees are jointly, severally, and/or vicariously alleged against 9E33rd, COCM, and/or BMG through direct, proximate, negligent, or other liability, including *respondeat superior*. In this action, "9E33rd" applies to 9E33rd, COCM, and/or BMG collectively, jointly, severally, individually, and/or vicariously.

AGENCY

27. At all times, each of the Defendants was the agent, servant, partner, aider and abettor, co-conspirator, and/or joint venturer of each of the remaining

Defendants and was at all times operating and acting within the purpose and scope of said agency, service, employment, partnership, conspiracy, abetment, and/or joint venture, and rendered substantial assistance and/or encouragement to the other Defendants, knowing or having reason to know that their conduct was wrong, unlawful, and/or constituted a breach of duty. Each Defendant also had the capacity, knowledge, and ability to limit, correct, modify, or lessen the impact of the transgressions against Mr. O'Reilly on their own or through influence of other Defendants, and had a duty to do so. Each and every Defendant is also jointly, severally, individually, and/or vicariously liable for the acts and/or omissions of others.

JURISDICTION AND VENUE

28. This Court has original and/or supplemental subject matter jurisdiction over all causes of action in this matter under §1-501 of the Courts and Judicial Proceedings Article of the Maryland Code.
29. This Court has personal jurisdiction over Defendants because they either are domiciled in Maryland; were served with process in Maryland; are organized under the laws of Maryland; maintain their principal place of business in Maryland; transact and/or solicit business in Maryland targeted to Maryland residents and/or businesses; perform work in Maryland; contract to supply goods, products, or services in Maryland; caused tortious injury in Maryland; operate in and/or direct the operations of others in Maryland; are registered in Maryland; engage in persistent courses of conduct in Maryland; derive substantial revenue from goods, products, or services used or consumed in

Maryland; and/or have interests in, use, or possess real property in Maryland.

30. With respect to their employees, agents, subsidiaries, etc. (hereafter "affiliates"), COCM, BMG, and Waste Management control and have controlled decisions about the collection of waste, including its manner, time, profitability, and lawfulness.
31. WM determines whether and to what extent to market, produce, and/or complete waste removal services in Maryland; controls and has controlled decisions related to its marketing, advertising, staffing, training, and legal counsel, and at times provides and/or funds legal services for each of the Waste Management-affiliated Defendants.
32. 9E33rd, COCM, BMG, and Waste Management have and do use their power to direct and control the relevant activities of their affiliates, assignees, and contractors, and as such those are agents of 9E33rd, COCM, BMG, Waste Management, or any combination thereof.
33. As agents, the affiliates of 9E33rd, and Waste Management as a non-resident Defendant, conducted activities in Maryland at the direction of 9E33rd and Waste Management and for their benefit. Specifically, the affiliates furthered 9E33rd's and Waste Management's business at Mr. O'Reilly's expense through misrepresentations, omissions, torts, breach of contract, and criminal activities, which directly, proximately, indirectly and foreseeably resulted in severe and lasting damage to Mr. O'Reilly. Therefore, the affiliates' jurisdictional activities are properly attributed to 9E33rd and Waste Management and serve as an independent basis to assert jurisdiction.

9E33rd and Waste Management would have performed the acts and omissions alleged herein themselves if their affiliates did not exist.

34. because Waste Management and Waste Management of Maryland carry on regular business and Mr. O'Reilly habitually engages in a vocation in this jurisdiction.

35. Venue in this Court is proper under MD. Courts and Judicial Proceedings Code §6-201(a) because Waste Management and Waste Management of Maryland carry on regular business in this jurisdiction: "[...] a civil action shall be brought in a county where the defendant [...] carries on a regular business" and (b): "If there is more than one defendant [...], all may be sued in a county in which any one of them could be sued [...]".

36. Because Mr. O'Reilly resides in Anne Arundel County and Waste Management, Inc. has no principal place of business within Maryland, venue is likewise proper under §6-202(3): "In addition to the venue provided in §6-201 or §6-203, the following actions may be brought in the indicated county: (3) Action against a corporation which has no principal place of business in the State -- Where the plaintiff resides".

37. Further, as this is an action for damages and Tsottles, Oates-Forney, and WMI are nonresidents of Maryland, venue is proper under §6-202(11): "In addition to the venue provided in §6-201 or §6-203, the following actions may be brought in the indicated county: (11) Action for damages against a nonresident individual -- Any county in the State".

PROCEDURAL POSTURE

38. Mr. O'Reilly filed suit against Defendants Adam Tsottles and Waste Management, Inc. in the United States District Court for the District of Maryland on 27 November, 2018. Defendants Roy Palmer, Capstone On-Campus Management, Beatty Management Group, and Tamla Oates-Forney (fka "John Doe") were joined by the Second Amended Complaint, filed 20 July 2020.
39. Neither the District Court nor Fourth Circuit opinions were reported, and are ineligible for submission even as persuasive authority in Maryland. All of the District Court's findings were opinions of pure law, not fact.
40. This Court is not bound by any finding or opinion in the federal action, and must review all opinions and decisions from the District Court *de novo*, without deference.
41. The Defendants added by the Second Amended Complaint were given actual notice, including the case number and caption, before the amendment was filed, and were aware that they were being joined.
42. It cannot be claimed that the defendants were not properly joined because the amendment was not allowed by the District Court, because by this logic, the only way to have preserved the claims would have been to file a separate, parallel action in the state court.
43. Filing a parallel suit would have been incorrect on two levels: 1) the causes of action included questions of original federal jurisdiction, which could not have been brought in state court; and 2) the United States Supreme Court has specifically and repeatedly stated that duplicate actions are expressly

disfavored as a waste of resources, and do not serve the interests of judicial economy.

44. Thus joinder in the existing suit, even when the amendment was disallowed, was the only procedurally correct manner in which the additional defendants could have been joined.

45. On 30 March 2020, the day before the COVID-19 lockdown, the District Court declined to exercise jurisdiction over the claims in the complaints and dismissed the case procedurally, without prejudice.

46. An appeal was timely registered to the Fourth Circuit Court of Appeals, who, in an unpublished, one-line affirmance, declined to overturn the District Court's decision.

47. The Supreme Court of the United States declined certiorari to review the District Court's declination on 22 February, 2024.

Supplemental Jurisdiction in the District Court

48. The Amended Complaint before the United States District Court for the District of Maryland included original federal questions including civil rights violations under 42 United States Code §1983. When the District Court dismissed the complaint, it declined to exercise supplemental jurisdiction over the state law claims.

49. The initial complaint before the District Court included only a cause of action for defamation, and the Civil Cover Sheet, a purely administrative document, indicated only diversity as jurisdiction.

50. The Amended Complaint before the District Court added questions over which Federal Courts have original and exclusive jurisdiction, including the deprivation of civil rights under §1983. The amendment nullified the initial complaint and takes precedence over the original Civil Cover Sheet, which is not a part of the pleadings.
51. No technical form of pleadings is required under the Federal Rules of Civil Procedure, and *pro se* pleadings must be liberally construed.
52. Supplemental jurisdiction is a matter of discretion for federal district courts: “pendent jurisdiction is a doctrine of discretion, not of plaintiff's right” *Carnegie Mellon University v. Cohill*, 484 U.S. 350 (1988), citing *Mine Workers v. Gibbs*, 383 U. S. 725 (1966), and is neither automatic nor guaranteed, in fact requiring affirmative action on the part of the court.
53. A court therefore does not need to specifically disclaim it; i.e., no specific “magic words” – or indeed, any words at all – are required for a district court to decline the exercise of supplemental jurisdiction. As a result, the state law claims were tolled under Maryland law for all defendants, and the instant action was timely filed within the grace period for state actions after federal dismissal.
54. The Amended Complaint before the District Court asserted original subject-matter jurisdiction in the federal courts in part via 42 U.S.C. §1983 for violations of the civil rights conferred through the United States Constitution, the Maryland Constitution, and the common law (included, for example, in the causes of action for Deprivation of Liberty, Tortious Interference with Civil Rights, etc.), and made additional Maryland state- and common-law

claims over which the District Court could only assert supplemental jurisdiction, but declined to do so when dismissing the federal claims.

Res Judicata

55. *Res judicata* cannot and does not apply to any cause of action in this suit. The principle of *res judicata* only applies to decisions which are definitive, either due to all rights of appeal being exhausted, or the time limits having expired. Neither of those conditions were met without error in the federal action.
56. There have been no judgments regarding these actions, because no cause of action has ever been litigated to finality on its facts.
57. As purely the trier of law, not of fact, the District Court did not and *could not* reach the merits of any of the causes of action in the federal suit.
58. The Defendants have repeatedly claimed in this action that procedural dismissals are, in fact, “on the merits”. But this proposed approach raises insurmountable practical difficulties, and has no workable defined limits: if procedural dismissals are “final litigations on the merits”, then all procedural dismissals are subject to *res judicata*, without limitation, and the principle swallows itself.
59. While the facts and circumstances of the suit are substantially the same and the complaint before this Court is fundamentally similar to that presented to the District Court, the pleadings are not identical to those in the federal action. This Court must address the pleadings in *this* suit, and may not adopt

the conclusions of the District Court that were based on portions of the pleadings in the antecedent suit that are not present here.

60. The District Court dismissed the vast majority causes of action for "abandonment", a purely procedural device that is not a final judgment on the merits, and did not follow binding precedent by either the United States Supreme Court or Maryland Supreme Court when making its findings of "inquiry notice".

61. This suit also presents newly-discovered evidence that the defendants deliberately withheld in the intervening years and has only now come to light, rendering any past decisions inapplicable.

62. The conditions brought about by the defendants' actions have worsened considerably as a result of their initial and continued breach of duty regarding Mr. O'Reilly, which defeats claims of *res judicata* as well.

TIMELINESS AND STATUTES OF LIMITATION

Generally

63. "Statutes of limitations are primarily designed to [...] 'promote justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared. [...] This policy of repose, designed to protect defendants, is frequently outweighed, however, where the interests of justice require vindication of the plaintiff's rights where [...] a plaintiff has not slept on his rights but, rather, has been prevented from asserting them." *Burnett v. New York Central R. Co.*, 380 U.S. 424, 428 (1965) (*internal citations omitted*).

64. This action is timely filed under Maryland Rule 2-101, as it commences less than 30 days after a Federal Court's final decision declining to exercise jurisdiction.
65. The District Court had original jurisdiction under 42 U.S.C. §1983 and declined to exercise jurisdiction over the state law claims. Per *Cain v. Midland Funding, LLC*, 471 Md. 261 (2021), and *Artis v. District of Columbia*, 138 S. Ct. 594 (2018), the filing of a lawsuit in Federal Court "stops the clock" on the statute of limitations for any claims over which the Federal Court may assume jurisdiction.
66. In addition or in the alternative, because all of the defendants deliberately continue to deprive Mr. O'Reilly of evidence that would help or allow him to clear his name of the false charges, some transgressions continue to the present. In Maryland, the statute of limitations does not begin to run until continuing violations have ceased; thus, the statute of limitations for some causes of action (e.g., IIED) has not yet commenced.

Statutes of Limitation by Cause of Action

67. Defamation (by Defendant Tsottles), Civil Conspiracy to Defame, and Aiding and Abetting Defamation: The statute of limitations in Maryland is one year from the date of the offense, but is tolled when the transgression could not reasonably have been discovered until a later date. Mr. O'Reilly filed suit on November 27th, 2018, rendering any discovery of defamation after November 27th, 2017 within the statute of limitations. Defendant Tsottles defamed Mr. O'Reilly on October 17th, 2017, but the Application for

Statement of Charges containing this defamation was unavailable to Mr. O'Reilly until June of 2018, and Mr. O'Reilly had no reason to believe before seeing the document that Tsottles had defamed him.

68. Defamation (by Defendant Palmer), Civil Conspiracy to Defame, and Aiding and Abetting Defamation: The statute of limitations in Maryland is one year from the date of the offense, but is tolled when the transgression could not reasonably have been discovered until a later date. Defendant Palmer defamed Mr. O'Reilly on October 16th, 2017, but the document containing this defamation was withheld by the defendants from Mr. O'Reilly until September 6th, 2024. Thus the running of the statute of limitations was tolled and does not expire until September 5th, 2025.

69. Health Code Violations: The general statute of limitations is three years from the date of the offense. Mr. O'Reilly filed the federal action against Defendants Tsottles and Waste Management, Inc. on November 27th, 2018, rendering any Health Code Violation after November 28th, 2015 within the statute of limitations. All other defendants were joined on July 20th, 2020, rendering all Health Code Violations between July 21st, 2017 and that date within the statute of limitations for all defendants. Mr. O'Reilly filed the present action on March 4th, 2024, rendering all Health Code Violations between March 5th, 2021 and the date of this amendment within the statute of limitations for all defendants.

70. Promissory Estoppel and Breach of Contract: The statute of limitations is three years for contract claims. WM (by and through Tsottles) agreed to cease operations at 9E33rd before 10AM in September 2017,

breaking that contract continuously beginning on October 16th, 2017. Mr. O'Reilly filed the federal action against Defendants Tsottles and Waste Management, Inc. on November 27th, 2018, rendering any contract breach after November 28th, 2015 within the statute of limitations. All other defendants were joined on July 20th, 2020, rendering all contract breaches between July 21st, 2017 and the date of this amendment within the statute of limitations for the WM Defendants and Tamla Oates-Forney. Mr. O'Reilly filed the present action on March 4th, 2024, rendering all Health Code Violations between March 5th, 2021 and the date of this amendment within the statute of limitations for all defendants.

71. Intentional Infliction of Emotional Distress, Civil Conspiracy to Inflict Emotional Distress, and Aiding and Abetting Infliction of Emotional Distress: The general statute of limitations is three years from the date of the offense, but the defendants' continued refusal to release the exculpatory evidence that would begin the process of clearing Mr. O'Reilly's name and reputation began in 2016 and continues to the present. This qualifies as a continuing violation in Maryland and thus the statute of limitations for IIED and its related offenses has not yet begun to run.

72. Assault: The Maryland statute of limitations for assault is one year, but WMI may not benefit from the statute of limitations for any cause of action in this suit. As a result, WMI, WMM (as a wholly-owned subsidiary of WMI), and Roy Palmer, Adam Tsottles, and Tamla Oates-Forney (as ultimate employees of WMI) may not claim statutes of limitations defenses for any cause of action that would benefit WMI.

73. Battery: The Maryland statute of limitations for civil battery is three years from the date of the offense. Roy Palmer was joined to the federal action with the other defendants on July 20th, 2020, rendering the October 16th, 2017 battery well within the statute of limitations.
74. Malicious Prosecution, Civil Conspiracy to Prosecute Maliciously, and Aiding and Abetting Malicious Prosecution: The general statute of limitations is three years from the date of the offense. WM (by and through Tsottles) began the malicious prosecution of Mr. O'Reilly on October 17th, 2017. Mr. O'Reilly filed the federal action against Defendants Tsottles and Waste Management, Inc. on November 27th, 2018, rendering any offense after November 28th, 2015 within the statute of limitations. All other defendants were joined on July 20th, 2020, rendering any conspiracy, aid, or abetment after July 21st, 2017 within the statute of limitations for the remaining defendants. Mr. O'Reilly filed the present action on March 4th, 2024, rendering all conspiracy, aid, or abetment between March 5th, 2021 and the date of this amendment within the statute of limitations for all defendants.
75. Abuse of Process, Civil Conspiracy to Abuse Process, and Aiding and Abetting Malicious Prosecution: The general statute of limitations is three years from the date of the offense. WM (by and through Tsottles) began the abuse of the criminal process regarding Mr. O'Reilly on October 17th, 2017. Mr. O'Reilly filed the federal action against Defendants Tsottles and Waste Management, Inc. on November 27th, 2018, rendering any offense after November 28th, 2015 within the statute of limitations. All other defendants were joined on July 20th, 2020, rendering any conspiracy, aid, or

abetment after July 21st, 2017 within the statute of limitations for the remaining defendants. Mr. O'Reilly filed the present action on March 4th, 2024, rendering all conspiracy, aid, or abetment between March 5th, 2021 and the date of this amendment within the statute of limitations for all defendants.

76. Fraud I, Civil Conspiracy to Defraud, and Aiding and Abetting

Fraud: The Maryland statute of limitations for Fraud is three years from the date of the offense. WM (by and through Tsottles) defrauded the State of Maryland, and the District and Circuit Courts of Baltimore City regarding Mr. O'Reilly on October 17th, 2017. This fraud continued at least until the conclusion of Mr. O'Reilly's criminal process on February 26th, 2019, or in the alternative, as Tsottles has never corrected the fraud, continues to the present. Mr. O'Reilly filed the federal action against Defendants Tsottles and Waste Management, Inc. on November 27th, 2018, rendering any offense after November 28th, 2015 within the statute of limitations. All other defendants were joined on July 20th, 2020, rendering any conspiracy, aid, or abetment after July 21st, 2017 within the statute of limitations for the remaining defendants. Mr. O'Reilly filed the present action on March 4th, 2024, rendering all conspiracy, aid, or abetment between March 5th, 2021 and the date of this amendment within the statute of limitations for all defendants. In the alternative, because the fraud continues to the present, the statute of limitations for the offense has not yet started to run.

77. Fraud II, Civil Conspiracy to Defraud, and Aiding and Abetting

Fraud: The Maryland statute of limitations for Fraud is three years from the

date of the offense. WM (by and through Tsottles) defrauded the United States District Court for the District of Maryland by filing a falsified affidavit on June 24th, 2019. Mr. O'Reilly filed his Second Amended Complaint in the federal action on July 20th, 2020, rendering the offense and any conspiracy, aid, or abetment after July 21st, 2017 within the statute of limitations for all defendants. Twenty-three months remained on the statute of limitations when it was included in the Second Amended Complaint before the District Court, after which it was tolled during the pendency of the federal action. Eighteen months remain on the statute of limitations for the offense of Fraud II for all defendants as of the date of this amendment.

78. False Light Invasion of Privacy, Civil Conspiracy to Invade Privacy in a False Light, and Aiding & Abetting Invading Privacy in a False Light: The general statute of limitations is three years from the date of the offense. Mr. O'Reilly filed suit on November 27th, 2018, rendering the invasion of his privacy at any time after November 27th, 2015 within the statute of limitations. By knowingly and willingly filing false charges, Defendant Tsottles brought Mr. O'Reilly unwillingly into the public eye under a false light on October 17th, 2017. All other defendants were joined on July 20th, 2020, rendering any conspiracy, aid, or abetment after July 21st, 2017 within the statute of limitations for the remaining defendants. Mr. O'Reilly filed the present action on March 4th, 2024, rendering all conspiracy, aid, or abetment between March 5th, 2021 and the date of this amendment within the statute of limitations for all defendants.

79. Interference with Civil Rights; Deprivation of Due Process; Civil Conspiracy to Deprive of Due Process; Aiding and Abetting the Deprivation of Due Process; Deprivation of Liberty; Civil Conspiracy to Deprive of Liberty; and Aiding and Abetting the Deprivation of Liberty: The general statute of limitations is three years from the date of the offense. The defendants began the interfering with Mr. O'Reilly's civil rights under the Maryland Constitution and the common law on October 16th, 2017, and their interference continues to the present. Mr. O'Reilly filed suit on November 27th, 2018, rendering offenses at any time after November 27th, 2015 within the statute of limitations. By knowingly and willingly filing false charges, the defendants, by and through Tsottles, brought Mr. O'Reilly unwillingly into the public eye under a false light on October 17th, 2017. All other defendants were joined on July 20th, 2020, rendering any conspiracy, aid, or abetment after July 21st, 2017 within the statute of limitations for the remaining defendants. Mr. O'Reilly filed the present action on March 4th, 2024, rendering all conspiracy, aid, or abetment between March 5th, 2021 and the date of this amendment within the statute of limitations for all defendants.

80. Spoliation of Evidence, Civil Conspiracy to Despoil Evidence, and Aiding and Abetting the Spoliation of Evidence: The general statute of limitations is three years from the date of the offense, but the defendants' continued refusal to release the exculpatory evidence that would begin the process of clearing Mr. O'Reilly's name and reputation began in 2017 and continues to the present. This qualifies as a continuing violation in Maryland

and thus the statute of limitations for spoliation and its related offenses has not yet begun to run. The defendants knowingly and deliberately withheld evidence that would have proved or help prove Mr. O'Reilly's innocence of the false charges brought against him by the defendants beginning in October 2017 and continuing to the present. And/or in the alternative, the defendants knowingly and deliberately altered, destroyed, or failed to preserve evidence due to Mr. O'Reilly. Mr. O'Reilly filed suit on November 27th, 2018, rendering offenses at any time after November 27th, 2015 within the statute of limitations. All defendants were joined on July 20th, 2020, rendering any conspiracy, aid, or abetment after July 21st, 2017 within the statute of limitations for the remaining defendants. Mr. O'Reilly filed the present action on March 4th, 2024, rendering all conspiracy, aid, or abetment between March 5th, 2021 and the date of this amendment within the statute of limitations for all defendants.

Statutes of Limitation by Defendant

Waste Management, Inc.

81. Any corporation that avails itself of the benefits of conducting business in Maryland but neither registers nor maintains a registered agent in the State as is required by Maryland law (MD Corp & Assn Code §7) may not benefit from the statute of limitations for any tort or contract offense in Maryland (MD Cts & Jud Pro Code §5-204).

82. Defendant Waste Management, Inc. is a foreign corporation doing business in Maryland that, by its own admission, is not registered in the State, and is therefore ineligible for the benefit of any statute of limitation.

Waste Management of Maryland, Inc.

83. Waste Management, Inc. demurred throughout the antecedent suit in the District Court that its wholly-owned subsidiary, Waste Management of Maryland, Inc., was a more proper party to that action. Waste Management of Maryland, Inc., had actual notice of the federal suit and knew or should have known that it was a proper party beginning in 2018. All remaining time on the statutes of limitation were tolled entirely during the pendency of the Federal action, through the filing of this suit.

Adam Tsottles

84. Until Mr. O'Reilly was permitted to see the document containing the lies written about him in Tsottles' own handwriting for the first time in June 2018, Mr. O'Reilly could not have been aware that he had been defamed and not, as he had thought until that point, simply overzealously charged upon a deviously-crafted statement of true facts.

85. The one-year statute of limitations against Adam Tsottles for defamation and its related offenses therefore did not begin until Mr. O'Reilly could have discovered that he had been defamed.

86. In addition or in the alternative, as an employee and agent of WM, Tsottles may not claim any statute of limitations defense, as doing so would allow Waste Management, Inc. to benefit.

Roy Palmer

87. Roy Palmer filed an affidavit in the District Court, had actual notice of the facts and claims in the federal action, and knew or should have known that he was a proper party at that time.
88. Until Mr. O'Reilly was permitted to see the document containing the lies written about him in Palmer's own handwriting for the first time in September 2024, Mr. O'Reilly could not have been aware that he had been defamed by Palmer.
89. The one-year statute of limitations against Roy Palmer for defamation and its related offenses therefore did not begin until Mr. O'Reilly could have discovered that he had been defamed.
90. In addition or in the alternative, as an employee and agent of WM, Palmer may not claim any statute of limitations defense, as doing so would allow Waste Management, Inc. to benefit.

Capstone On-Campus Management, LLC

91. Capstone On-Campus Management, LLC was joined as a party in the federal action prior the expiry of the statute of limitations. COCM had actual notice of the nature and details of the suit as well as their inclusion as defendants prior to the expiry of the limitations period, and knew or should have known that they were a proper party to the action.

Beatty Management Group, LLC

92. Beatty Management Group, LLC was joined as a party in the federal action prior the expiry of the statute of limitations. BMG had actual notice of the

nature and details of the suit as well as their inclusion as defendants prior to the expiry of the limitations period, and knew or should have known that they were a proper party to the action.

STATEMENT OF FACTS

The Defendants Create a New Nuisance

93. In 2016, a new 13-story building was completed at 9 East 33rd St. (hereafter “9E33rd”) in a residentially-zoned part of Baltimore City’s Charles Village neighborhood, bordering the 3200 block of the N. Lovegrove Street alley, the 3200 block of St. Paul St., and East 33rd St.
94. In August 2016, 9E33rd, managed by COCM and BMG, contracted Waste Management (“WM”) to remove waste from the building’s 1300+ residents, six restaurants, and three commercial shops three times per week. Waste retrieval was done via the Lovegrove St. Alley behind the building at or before 7:00 AM.
95. Unlike the nearly-silent removal done by other companies’ vehicles in the same alley, WM’s enormous, natural gas-powered truck emits noise levels, even at idling, similar to the turbine engines of passenger jet. To collect waste at 9E33rd, the truck stands at idle as the operators wheel six to eight large dumpsters, one at a time, scraping and screeching, out from the loading bay garage of 9E33rd into the street. Heavy metal lifting arms attached to the truck are dropped into place on the dumpster, clanking loudly.
96. To lift the dumpster up for emptying, the truck motor spools up to a deafening and continuous roar, in excess of 115 decibels (dB(A)). The

dumpster is banged several times against the truck to dislodge any stuck waste, then lowered back to the ground with a loud "boom". The lifting arms are noisily removed, and the dumpster is wheeled back inside, thudding and rattling emptily.

97. This process is repeated for the each of the dumpsters remaining. This cycle of screaming, scraping, screeching, clanging, roaring, banging, dropping, rattling, and thudding continues for upwards of fifteen minutes, obliterating the otherwise inoffensive early morning quiet of the area.

98. 9E33rd also contracted for recycling and bio-waste removal from other companies, who sometimes arrived as early as 4:00 AM, generating noise for as much as 20-30 minutes at sound pressure levels up to 124.9 dB as measured as required by the Baltimore City Health Code from the nearest residential boundary.

Mr. O'Reilly Tries to Resolve the Issue Amicably

99. 3209 N. Charles St. ("Wawa House") is another residential building facing N. Lovegrove St., directly across and less than 15 feet from the Waste Management truck. In Wawa House, more than 30 people who slept in bedrooms facing the alley were harshly awakened every time the WM trucks arrived, some days before 5AM, but usually at or before 7AM.

100. Three mornings each week noise roused Plaintiff O'Reilly and/or his partner, a resident of Wawa House who often worked until 4:00 AM, from sleep every time the WM truck began operations.

101. Mr. O'Reilly on behalf of himself, his partner, and the many other residents of the area who were extremely disturbed by the outrageous levels of noise made at 9E33rd, peacefully and amicably interacted with 9E33rd and WM employees (or agents or contractors) who were responsible for scheduling and/or collecting the refuse, requesting that they modify their operations to reduce the severity of the negative impact on the area. For nearly a year, both 9E33rd and WM continually refused to change the time, volume, or type of collection.

102. Mr. O'Reilly also contacted the Baltimore Police, Baltimore 311, the Commissioner of the Health Department, the City Council, and anyone else he could think of to register complaints and try to have WM do their collections more quietly, or at least later in the day when they wouldn't wake the neighborhood. All of these efforts failed.

103. After numerous friendly discussions with operators and drivers of the Waste Management Vehicles over the course of many months, Mr. O'Reilly was given a phone number to reach Defendant Adam Tsottles, the Route Manager for that route at Waste Management. Mr. O'Reilly contacted Tsottles repeatedly over several months, calmly explaining the issue and requesting that Waste Management operate more quietly or change the time of collections to later in the day so nearby people's sleep, including Mr. O'Reilly's, would not be constantly disturbed.

104. Tsottles refused, saying that even though the route was brand new, changing it would be "too expensive" and Waste Management was unwilling to make any changes whatsoever, even though they knew their actions were causing

severe and constant distress and sleeplessness for the surrounding community.

105. When Mr. O'Reilly pointed out that WM was violating Baltimore City law both by operating outside the hours of 7AM and 11PM, and by making noise far beyond the limits set by the Baltimore City Health Code, Tsottles replied that the "law doesn't apply to us".

106. Mr. O'Reilly also spoke with the managers of 9E33rd many times in 2017, asking to have the waste removal service hours or loudness changed. In addition, Mr. O'Reilly requested that 9E33rd address several other environmental nuisances – such as performance-modified vehicles loudly operating in the 9E33rd garage in the early morning hours for fifteen minutes or more (again far exceeding the noise ordinance limits for Baltimore City), 5-6 days per week. Upon information and belief, two of offending vehicles belonged to the building manager and her partner. 9E33rd refused to address any of the issues Mr. O'Reilly raised.

107. Eventually, after months of fruitless discussions, Mr. O'Reilly threatened to sue Waste Management and 9E33rd for the continuing violations and serious deleterious effect they were having on Mr. O'Reilly's (and other's) health and well-being. After this threat, Tsottles finally admitted that WM was not complying with laws that did, in fact, apply, and promised Mr. O'Reilly that Waste Management would "never again" collect from 9E33rd "before 10AM". This promise and agreement was honored for three weeks.

Other Environmental Violations at 9E33rd

108. Beginning in 2016, 9E33rd's operations – including, but not limited to, the waste collection done by WM – disturbed the neighborhood, violated the Baltimore City Health Code and Maryland health laws, and caused Mr. O'Reilly and many others in the vicinity considerable and continued distress.

109. Throughout 2017, 2018, and 2019, Mr. O'Reilly personally met with, phoned, emailed, or otherwise communicated with 9E33rd, including the resident building managers Randi Kaltrider and Kristen Franklin, to request that 9E33rd rectify the issues above.

110. The content of those repeated requests included complaints and notice that:

- a) 9E33rd continually emitted noxious odors from building operations and exhaust from vehicles parked in the 9E33rd garage into the Lovegrove St. alleyway, causing discomfort and illness to himself and others staying at and near 1209 N. Charles St., the rear wall of which faces 9E33rd across Lovegrove less than 15 feet away;
- b) noise from vehicles driving through the parking structure that is integrated within 9E33rd reverberated through the building, the alleyway, and into the surrounding buildings at all hours of the day and night, at times causing severe discomfort and distress;
- c) multiple cars with loudly modified exhaust, including at least one that upon information and belief belonged to an employee (Kaltrider) of 9E33rd, regularly idled in the 9E33rd garage early in the morning, waking him and others and preventing restful sleep. Mr. O'Reilly informed Kaltrider and 9E33rd of this on multiple occasions.

111. Often daily, noise from vehicles making deliveries and pickups; removing waste; cleaning the parking structure and building; and performing many other tasks related to the operations of 9E33rd, exceeded the 24-hour noise thresholds set by the Baltimore City Health Code (BCHC), as measured according to the guidelines in the Health Code from the property line at 1209 N. Charles St.
112. On dozens of occasions, Mr. O'Reilly measured noise levels using an instrument (calibrated by means of accepted acoustical techniques to an accuracy of plus or minus 1 dB(A), per BCHC §9-201(d)) at or near the property boundary of Wawa House and 9E33rd, which are both residentially zoned.
113. WM and other 9E33rd employees, contractors, or affiliates, and at the behest of, in service to, at the direction of, or for the benefit of and under the control of 9E33rd and/or WM, emitted sustained noise levels far in excess of lawful levels for at least five minutes, but often for periods exceeding fifteen minutes.
114. Over the course of years, Mr. O'Reilly repeatedly requested that 9E33rd cease, and require WM and others to cease, the offensive components of its operations which were performed at its behest and for its benefit.
115. 9E33rd refused to require, or was utterly ineffective in requiring, WM to alter its schedule or perform operations at 9E33rd using less offensive means.
116. 9E33rd was aware, through Mr. O'Reilly's consistent, repeated, and detailed communication, of the offensive and often unlawful nature of its action and inaction, but did little or nothing to effect the changes required to eliminate

or even measurably reduce the vast majority of objectionable and illegal activities it performed or caused to perform.

WM Finally Agrees to Modify its Collection Schedule

117. After months of conversation, Tsottles finally agreed to modify the route and personally, on behalf of WM, promised that they would "never" perform the collection "before ten A.M." again. As a result, Mr. O'Reilly ceased his lawsuit preparation, and for three weeks, while the collections were still not in compliance with the law, WM only performed them after 10:00 AM, minimizing the disturbance.

The Defendants Break the Agreement and Attack Mr. O'Reilly

118. On the morning of October 16th, 2017, Roy Palmer and Henry Prioleau had commenced performing waste collection on Lovegrove St. by 6:55AM. Once again, the offensively noisy collection at 9E33rd awoke Mr. O'Reilly and countless others, and at 7:08:22 AM, Mr. O'Reilly peacefully and calmly approached the WM vehicle, casually mentioning to Defendant Palmer that he thought they had agreed not to collect there before 10 o'clock.

119. Mr. O'Reilly's demeanor and body language were deliberately non-threatening and placating, yet Palmer gruffly and aggressively replied, "That's not how this works". This harsh rebuff caused Mr. O'Reilly to disengage and retreat to the front of the vehicle. Less than six seconds elapsed in the entire exchange, ending by 7:08:28 AM.

120. Mr. O'Reilly stood in front of and facing away from the still-running truck for the next 40 seconds as he attempted to reach Defendant Tsottles via

phone. As he did so, at 07:09:08 AM, Palmer peeked around the front of the truck, and, seeing Mr. O'Reilly standing there engrossed in his phone, waved Prioleau away from the rear of the truck and entered the cab. Hearing someone at the driver door, Mr. O'Reilly, still facing away from the truck, tapped lightly on the windscreen, alerting the occupant to his presence. Defendant Palmer has admitted that he saw Mr. O'Reilly before operating the vehicle.

121. Less than two seconds later, at 07:09:19 AM, Palmer put the truck in gear, striking Mr. O'Reilly bodily and knocking him to the ground, causing him to fear for his life.

122. The entire sequence, from Mr. O'Reilly's conciliatory approach to being struck by Palmer using the truck, occurred in fewer than ninety seconds.

123. Mr. O'Reilly tried unsuccessfully to stop Palmer, who fled the scene and parked the truck more than 300 feet away. The other WM employee (Prioleau) then approached the still-shaken Mr. O'Reilly in a hostile manner. Prioleau touched Mr. O'Reilly offensively several times, until finally Mr. O'Reilly stopped him by grabbing his lapel, holding him at arm's length.

124. Meanwhile Palmer, taking the keys and leaving the truck, walked back towards Mr. O'Reilly and Prioleau, pulling out his phone and recording only the last few seconds of their interaction. Noting Palmer walking in their direction, Prioleau's tone changed dramatically and he began plaintively requesting to be let go. It was only these last few seconds that Palmer captured on his phone.

125. It was Palmer's video that on June 24th, 2019 Defendant Tsottles fraudulently attempted to authenticate in the federal action, stating, "I SOLEMNLY AFFIRM under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true" (emphasis in original). Tsottles was not present for any of the events on October 16th, 2017, and so could not have "personal knowledge" of any of the events thereof.

126. After Mr. Prioleau and Mr. O'Reilly disengaged, the three men then casually walked together toward where Palmer had parked the truck to await the arrival of the police. No further adverse interaction occurred between Mr. O'Reilly and the two men. By Palmer's written admission, which Defendant Tsottles read on October 16th, 20217, Palmer had the keys to the truck, and Mr. O'Reilly did not possess the requisite knowledge or experience to move the massive and complex vehicle (which upon information and belief requires a CDL license and extensive training to operate). The DriveCam video captured by the truck's cameras, seen by Defendant Tsottles before he filed the false criminal charges, upon information and belief will clearly show the truth that Mr. O'Reilly at no point made any attempt to "steal the truck".

127. The Baltimore Police finally responded some time later, and declined to file charges against Mr. O'Reilly. Another employee or agent of WM, whose name has been withheld by WM since that day despite repeated requests, also arrived after the police, driving a WM-branded pickup truck. She spoke at length with Palmer and Prioleau, but not Mr. O'Reilly.

128. Defendant Tsottles was not present for any of the events of October 16th, and has never met Mr. O'Reilly. The WM Defendants have admitted that the

DriveCam system installed on the truck recorded the event, but despite myriad discovery requests between 2017 and now, have never produced any of these recordings. Defendant Tsottles and others read Palmer's statement on October 16th and watched the DriveCam video recorded by the truck's cameras.

Defendant Palmer Defames Mr. O'Reilly

129. Later that same day, Palmer hand-wrote a statement, presented to and read by third parties, in which he misrepresented the events of October 16th, stating that Mr. O'Reilly was "mad", that he "beat on the windshield", and that he was "crazy", a "nut case", and "off his meds". All of these statements by Defendant Palmer were false; misrepresented Mr. O'Reilly in a falsely negative light; and caused or helped precipitate the subsequent negative actions of other defendants, including WM and Tsottles, against Mr. O'Reilly. Despite being exculpatory and relevant to the defense of the ensuing false criminal charges brought by the defendants against Mr. O'Reilly, the document containing these falsehoods was deliberately withheld from Mr. O'Reilly until September 4th, 2024, less than six weeks ago.

Defendant Tsottles Defames Mr. O'Reilly

130. The following day, October 17th, 2017, Tsottles travelled in person to the Baltimore City District Court on Wabash Avenue where, acting "OBO [On Behalf Of] Waste Management [sic]" in front of a Commissioner, he gave verbal and written sworn testimony, lying under oath that he was present for the events on October 16th; that Mr. O'Reilly was "enraged that we [sic]

arrived to pick up the trash”, that Mr. O’Reilly had “attempted to steal” the truck, and saying that “all of this was caught on video”. Mr. O’Reilly did not become aware that he had been charged until receiving a summons weeks later, and did not see Tsottles’ defaming words until June 2018.

131. Tsottles’ sworn statement omitted vital and relevant material facts, including completely excluding any mention of Palmer’s presence or involvement, instead testifying that Prioleau was the operator of the truck, and indicating the he himself was present in person for the incident. Tsottles was also aware, having read Palmer’s reporting of the incident, that because Palmer had the keys to the truck, it was not possible for Mr. O’Reilly to have stolen the vehicle, an essential component of the crime of attempted theft. Tsottles also knew, having watched the DriveCam videos, that Mr. O’Reilly never attempted to reach the controls of the vehicle and made no motion or attempt to steal it. Tsottles did not produce any of the video to the Commissioner.

132. Mr. O’Reilly does and did not have the knowledge or ability to have operated the truck; had no intention of permanently depriving anyone of the use or benefit of the truck (an essential element of attempted theft in Maryland); and at no time prevented anyone else from operating the truck.

133. As a direct result of Tsottles’ lies and omissions, the Commissioner found that there was probable cause to charge Mr. O’Reilly with “Attempted Theft between 25,000 and \$100,000”.

134. Mr. O’Reilly did not see the Application for Statement of Charges document for the first time until June 2018, and until that time was not and could not

have been aware that Tsottles had defamed him. None of the other documents in the case contained any indication of defamation, nor would they have led Mr. O'Reilly to believe that he had been defamed.

135. Despite having been instructed that he "MUST bring with you the following: [...] Pictures, records, or other documents that will help prove your complaint", Tsottles never turned over any of the video evidence he claimed he had to the State's Attorney except Palmer's shaky, grainy phone recording.

9E33rd Conspires with and/or Abets WM in Criminal Prosecution

136. 9E33rd was aware that Mr. O'Reilly had been criminally charged as a result of the incident on October 16th, 2017; admitted to him that some of the incident was captured by their video recording system via cameras in the alleyway on Lovegrove St., and admitted that the video clearly showed Palmer striking him with the truck.

137. Mr. O'Reilly spoke with 9E33rd employees and representatives Kaltrider, Franklin, and/or 9E33rd's legal counsel Tammy Cohen in 2017, 2018, 2019, 2020, and 2022 asking for the recordings.

138. Despite his repeated requests for the video recordings, and even after being told that they were *Brady* evidence in his criminal trial, 9E33rd steadfastly refused to release the recordings to Mr. O'Reilly or to his attorney.

139. After Mr. O'Reilly filed criminal charges against Roy Palmer for the assault, 9E33rd released the video to the Maryland State's Attorney on the strict condition that they not be copied or even shown to Mr. O'Reilly.

140. As a pro se litigant in the 2018 District Court action, Mr. O'Reilly was unable to serve 9E33rd with a subpoena for the recordings and records. Mr. O'Reilly provided 9E33rd with the name and case number of the suit.

141. To this day, including in defiance of the Maryland Rules in the present action, 9E33rd has prevented Mr. O'Reilly from even viewing any video footage recorded except for a heavily redacted and edited version showing only portions of the October 16th, 2017 incident.

142. On April 7th, 2020, well within the three-year statute of limitations, Mr. O'Reilly informed 9E33rd's legal counsel Tammy Cohen that Mr. O'Reilly was adding 9E33rd (as COCM and BMG) as a defendant in the existing District of Maryland suit, of which they were already aware.

143. As a pro se litigant in federal court, Mr. O'Reilly was prevented from serving 9E33rd with process in the District Court action.

144. Mr. O'Reilly repeatedly contacted 9E33rd, including Tammy Cohen, confirming that the federal case was still ongoing and that 9E33rd, as COCM and BMG, were still named defendants in the Second Amended Complaint.

145. 9E33rd, with, by, and/or through COCM and BMG, jointly and severally, though their outrageous action and inaction, caused Mr. O'Reilly significant emotional and other distress and permanent, foreseeable harm.

Continuing Violations by All Defendants

146. The Defendants continue to this day to refuse to provide any of the true, complete, and correct exculpatory evidence that would prove his innocence to the false criminal charges brought by WM.

147. All Defendants except Tsottles and Tamla Oates-Forney (who no longer work for WM and do not reside in Maryland) continue to regularly violate the peace and tranquility of Baltimore in the same manner and at the same levels complained of here.

148. Since contracting with WM in August 2016, 9E33rd has contracted, caused, and continues to violate the Baltimore City Health Code some 1,275+ times with waste removal from its premises, and Waste Management violates the Baltimore City Health Code daily with each vehicle that is incapable of operating within the acceptable noise levels as set by Baltimore law.

INJURY

Injury to Mr. O'Reilly's Civil Rights

149. The allegations of the preceding paragraphs are incorporated herein by reference.

150. The Defendants had Mr. O'Reilly falsely and fraudulently charged with a crime of moral turpitude they knew he did not commit, depriving Mr. O'Reilly of his civil rights under the Maryland Constitution and Declaration of Rights.

151. The Defendants knowingly and deliberately withheld (and continue to withhold) exculpatory evidence showing Mr. O'Reilly's innocence, depriving him of due process under the laws of the State of Maryland, and forcing him to remain in the public eye as an accused criminal against his will.

152. The Defendants have deprived Mr. O'Reilly of the pursuit of his chosen profession and ability to earn a living for more than six years.

153. The Defendants deprived Mr. O'Reilly of his liberty for over sixteen months, including the entirety of the period between the filing of charges against him and the conclusion of his probation.

154. The Defendants caused Mr. O'Reilly to be subjected to the real and present possibility of being sentenced to up to twenty-three years in prison on false charges.

Injury to Mr. O'Reilly's Profession and Reputation

155. The allegations of the preceding paragraphs are incorporated herein by reference.

156. Mr. O'Reilly continues to suffer the extreme and deleterious effects of the Defendant's actions to a degree greater today than even on the date of the transgressions. He continues to be falsely in the public light against his will; suffers continuous and intolerable reputational, mental, physical, and familial harm; and has been blacklisted from full-time employment in his profession as a direct result of the attempted theft accusations since at least January 2019.

157. Mr. O'Reilly began working as a Cryptographic Systems Implementation Specialist in 1999, and until the events complained of in this suit, was a recognized authority worldwide as a Public Key Infrastructure Architect and Engineer. Mr. O'Reilly has architected, designed, and implemented Public Trust systems which not only store but *generate* the "keys to the kingdom" for many enterprises, companies, banks, utilities, conglomerates, and public

and private government agencies. The entire nature of his life's work is built on trust, honesty, and unquestionable moral standing.

158. In June of 2018, after an extensive two-year interview process, Mr. O'Reilly was offered the job of his (literal) dreams: as the Director for the design, development, and implementation for the Public Trust Certificate Authority for the government of the United Arab Emirates. But solely because of the false attempted theft charge brought by the Defendants in this case, Mr. O'Reilly did not pass the background check by the UAE and on July 5th, 2018, the offer was permanently rescinded.

159. As a direct and proximate result of the false attempted theft charge, Mr. O'Reilly has been unable to secure full-time work under his own name in his field since that time, losing millions in income, and having his professional reputation and standing in the community ruined.

160. Prior to 2018, Mr. O'Reilly was regularly invited to speak at professional conferences in his field both domestically and internationally. He has not been invited once since the false accusations by the Defendants.

161. Within the past twelve months, at least six job offers have been refused or rescinded as a result of background checks or when questioned about the false attempted theft accusation.

162. Despite having held a Public Trust government certification, Mr. O'Reilly has been unable to secure a government clearance or renewal of his certification since 2017.

163. Mr. O'Reilly has lost more than three million dollars (US\$3,000,000.00) in income and revenue since the events of October 16th, 2017 as a direct or

proximate result of the transgressions of the Defendants, and can only speculate how much additional opportunity or growth cost there has been.

Injury to Mr. O'Reilly's Community Standing

164. The allegations of the preceding paragraphs are incorporated herein by reference.

165. Mr. O'Reilly has repeatedly been questioned by private parties regarding the false attempted theft charge, and has on multiple occasions since 2018 been unable to secure housing, loans, financial assistance, and other benefits as a direct result.

166. Due to his lack of income as a result of the loss of his professional standing, which has only worsened over the past few years, Mr. O'Reilly has been functionally homeless since January 2023, living out of his vehicle or as a guest of friends or family.

167. Mr. O'Reilly has emptied his life's savings, liquidated all of his retirement accounts and assets, and lived primarily on the repayment of personal loans he issued before 2017.

168. The stress of the Defendants' outrageous and extreme actions caused the dissolution of the long-term relationship with Mr. O'Reilly's fiancée, and caused him to completely lose contact with his (former future) step-daughters and granddaughter.

Injury to Mr. O'Reilly's Health

169. The allegations of the preceding paragraphs are incorporated herein by reference.

170. In 2018, Mr. O'Reilly was counseled by a court-ordered psychologist and diagnosed as having Severe Post Traumatic Stress Disorder, in great part as a direct result of the prolonged campaign, attack, battery, and prosecution by the Defendants.

171. In the Application for Statement of Charges, Tsottles estimated Mr. O'Reilly's weight at 175 lbs. Due to stress, malnutrition, and the lack of funds or health insurance by which Mr. O'Reilly has been unable to afford medical care, Mr. O'Reilly now weighs nearly 350 lbs.

172. Despite historically having low blood pressure, as a result of the constant stress over the past seven years caused by the Defendants' continued actions, Mr. O'Reilly now has high blood pressure (recently measured at 183/109).

173. Mr. O'Reilly continues to suffer episodes of sleeplessness, hyperanxiety, forgetfulness, panic attacks, and other mental health issues as a direct result of the continued and prolonged effects and consequences of the Defendants' malfeasance.

174. The sounds made by the type of natural gas-powered trucks WM uses nationwide still induces panic and extreme stress in Mr. O'Reilly.

175. Until 2018, Mr. O'Reilly regularly enjoyed participating in running sports such as soccer, Gaelic football, and ultimate frisbee. But as a result of the health problems and weight gain that are a direct result of the actions of the Defendants, Mr. O'Reilly has been unable to participate in any of those activities. Mr. O'Reilly's knees especially have suffered tremendous long-term injury.

General Injuries

176. The allegations of the preceding paragraphs are incorporated herein by reference.

177. As direct, proximate, and/or indirect but liable consequences of the Defendants' actions alleged in this complaint, the Defendants have caused catastrophic, past, present, and ongoing injury to his professional reputation and career; his mental and physical health; his personal, familial, and romantic relationships; and his overall well-being in nearly every capacity, and exposed Mr. O'Reilly to ridicule, embarrassment, and humiliation, both personally and professionally.

STATEMENT OF CLAIMS

DEFAMATION PER SE

178. The allegations of the preceding paragraphs are incorporated herein by reference.

179. By accusing Mr. O'Reilly of untrue criminal acts, including attempted theft, a crime of moral turpitude, the defendants, with, by, and/or through Tsottles and Palmer, with reckless disregard for its truth, or with actual knowledge of its falsity, did maliciously and intentionally defame him per se through false and misleading statements both written and verbal.

180. The defendants' acts were willful, malicious, deliberate, and/or were done with reckless indifference to the likelihood that such behavior would cause severe emotional distress and with utter disregard for the severe, worldwide, and lifelong consequences to Mr. O'Reilly of such actions.

181. No proof or evidence has ever been offered by the defendants, nor any other entity, to substantiate or even attempt to defend the unsubstantiated, false, perjured, and outrageous claims made.

CIVIL CONSPIRACY TO DEFAME

182. The allegations of the preceding paragraphs are incorporated herein by reference.

183. In addition, the defendants agreed to act substantially and in concert with the intent to defame; as the defendants knew and/or should have known: that the allegations were untrue; that their actions would *per se* falsely defame Mr. O'Reilly; and that none could have brought about the result without the assistance of at least one of the others.

AIDING AND ABETTING DEFAMATION

184. The allegations of the preceding paragraphs are incorporated herein by reference.

185. In addition to or in the alternative, the defendants acted substantially and in concert with the intent to defame; as the defendants knew and/or should have known: that the allegations were untrue; that their actions would *per se* defame Mr. O'Reilly; and that none could have brought about the result without the assistance of at least one of the others.

HEALTH CODE VIOLATIONS

186. The allegations of the preceding paragraphs are incorporated herein by reference.

187. At least three times per week beginning in 2017, the defendants knowingly, willfully, and/or negligently employed or caused to be employed equipment that violated the Baltimore City Health Code (*Health Code of Baltimore City*, §9-206) in close proximity to 3209 N. Lovegrove St., Baltimore, by producing sounds in excess of legal levels, disturbing the peace, creating a nuisance, and causing undue, unnecessary, and avoidable harm to the public in general and Mr. O'Reilly in particular.

188. On at least December 30th, 2017 at 05:56AM and January 13th, 2018 at 06:02AM, Waste Management vehicle number 311525 performed collection operations at 9E33rd, emitting noise in excess of the levels permitted by the Health Code of Baltimore City, §9-206, and collecting outside the hours permitted by §7-221.

PROMISSORY ESTOPPEL

189. The allegations of the preceding paragraphs are incorporated herein by reference.

190. In September 2017, in an attempt to preclude civil action by Mr. O'Reilly against the defendants that would have made them legal adversaries, the Defendants (by and through Tsottles) made a direct promise to Mr. O'Reilly that they would not perform waste removal services on N. Lovegrove St. in Baltimore prior to 10:00 AM on any day from that day forth.

191. Satisfied that the defendants made the promise earnestly and in a forthright manner, Mr. O'Reilly relied on the Defendants' promise in good faith and

ceased all preparations for bringing a civil action and further civic complaints against them.

192. On 16 October, the Defendants unconscionably breached their promise, directly and proximately causing Mr. O'Reilly severe and permanent harm, and leading directly to this action.

193. Had the defendants not breached their promise, Mr. O'Reilly would not have been involved in the incident on October 16th, 2017, and subsequently falsely charged with crimes he did not commit.

194. The defendants acted repeatedly, willfully, and knowingly in breaking the law, and knew they were causing a significant nuisance. To renege on a promise to reduce the impact of their law-breaking cannot be anything but unconscionable, and upon information and belief, the Defendants continue in their behavior to this day.

BREACH OF CONTRACT

195. The allegations of the preceding paragraphs are incorporated herein by reference.

196. In September 2017, to effect establishing a neighborly relationship and cease harming Mr. O'Reilly by other means, the Defendants made a direct promise to Mr. O'Reilly that they would not perform waste removal services on the 3200 block of N. Lovegrove St. in Baltimore prior to 10:00 AM on any day from that day forth in return for the consideration that Mr. O'Reilly would cease his preparations to file suit against them.

197. In the interest of establishing a good neighborly relationship, Mr. O'Reilly relied on the defendants' promise in good faith and ceased all preparations for bringing a civil action and civic complaints against them.

198. But on October 16th, 2017, the defendants unconscionably breached their promise, directly and proximately causing Mr. O'Reilly severe and permanent harm, and leading directly to this action.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

199. The allegations of the preceding paragraphs are incorporated herein by reference.

200. Both the Commissioner of the Baltimore City Health Department and Mr. O'Reilly informed the Defendants on numerous occasions that their actions were extremely offensive to the residents of the area and Mr. O'Reilly.

201. The Defendants thus were or should have been aware that their behavior violates City and State law; offended the health and sensibilities of Mr. O'Reilly and others; and disturbed the peace and tranquility of the area and its occupants and visitors.

202. Although multiple means were readily and inexpensively available to reduce the negative impact of their actions, and Mr. O'Reilly made the Defendants aware of other similar services in the immediate vicinity that adopted those de-escalating techniques and schedules, they maliciously and steadfastly refused to implement any changes to ameliorate their behavior. Even the single instance of apology and a commitment to solve the problem turned out to be merely lip service and an empty promise.

203. The Defendants repeatedly and determinedly continue to violate ordinances, standards, civilized behavior, and common decency by margins both shocking and incredible.

204. The pattern of behavior exhibited by the Defendants was inexcusable at its base, but unbelievably, they escalated their campaign against Mr. O'Reilly knowingly, intentionally, purposefully, and/or recklessly severely harming his mental health and emotional well-being by: assaulting and battering him; falsely having him brought up on criminal charges via fraud and perjury; increasing the frequency and impact of their base and unlawful behavior; and finally, in a manner that any reasonable person would find unconscionable and outrageous, willfully and knowingly violating his constitutional right to due process by withholding evidence of his actual innocence from a court of law.

205. The Defendants' intentional and/or reckless disregard for the peace, tranquility, and health of the surrounding area on more than 600 occasions over a period of four years is both outrageous and extreme.

206. Compounding the incessant campaign of sleeplessness and distress, bearing false witness against another is not only a violation of the Constitution of the State of Maryland, it is a commandment in the Christian and Judean scriptures that is thousands of years old. The Defendants intentionally and/or recklessly bore false witness against Mr. O'Reilly that caused intense emotional, mental, and physical distress so severe it has required continuous mental health treatment for Mr. O'Reilly, and is of such a degree that no reasonable person should have to bear it.

CIVIL CONSPIRACY TO INFLICT EMOTIONAL DISTRESS

207. The allegations of the preceding paragraphs are incorporated herein by reference.

208. In addition, at least two of the Defendants agreed to, implicitly or explicitly, and acted in concert to intentionally and/or negligently inflict distress on Mr. O'Reilly.

AIDING AND ABETTING INFLICTION OF EMOTIONAL DISTRESS

209. The allegations of the preceding paragraphs are incorporated herein by reference.

210. In addition to or in the alternative, at least two of the Defendants acted in concert to intentionally and/or negligently inflict emotional distress on Mr. O'Reilly.

ASSAULT

211. The allegations of the preceding paragraphs are incorporated herein by reference.

212. At 07:09:19 AM on October 16th, 2017, the Defendants, by and through Roy Palmer, without provocation, cause, or justifiable excuse, in offense to Mr. O'Reilly, intentionally assaulted him with a vehicle capable of causing catastrophic or fatal harm, and causing him to instantly fear for his life.

BATTERY

213. The allegations of the preceding paragraphs are incorporated herein by reference.

214. At 07:09:19 AM on October 16th, 2017, the Defendants, by and through Roy Palmer, without provocation, cause, or justifiable excuse, in offense to him, intentionally and offensively physically battered Mr. O'Reilly with a vehicle capable of causing catastrophic or fatal harm, causing Mr. O'Reilly injury.

MALICIOUS PROSECUTION

215. The allegations of the preceding paragraphs are incorporated herein by reference.

216. On October 17th, 2017, the Defendants, by and through Adam Tsottles, willfully, recklessly, maliciously, knowingly and/or negligently and without probable cause, for purposes other than the pursuit of justice, filed criminal charges against Mr. O'Reilly, despite being aware that an official investigation had already exonerated him; that Tsottles' testimony was perjured; that the Defendants had been consistently and brazenly breaking the law and in doing so severely injuring Mr. O'Reilly; and that the Defendants had assaulted him.

217. The Defendants then, in violation of Mr. O'Reilly's rights, knowingly and deliberately withheld exculpatory evidence in their sole control that proved their liability, depriving Mr. O'Reilly of due process and the ability to have a fair trial.

CIVIL CONSPIRACY TO PROSECUTE MALICIOUSLY

218. The allegations of the preceding paragraphs are incorporated herein by reference.

219. In addition to or in the alternative, at least two of the Defendants agreed to, implicitly or explicitly, and acted in concert to abuse the criminal courts for purposes other than the interests of justice, and to the offense and detriment of Mr. O'Reilly, the State, and the very principles of justice.

AIDING AND ABETTING MALICIOUS PROSECUTION

220. The allegations of the preceding paragraphs are incorporated herein by reference.

221. In addition to or in the alternative, at least two of the Defendants acted in concert to abuse the criminal courts for purposes other than the interests of justice, and to the offense and detriment of Mr. O'Reilly, the State, and the very principles of justice.

ABUSE OF PROCESS

222. The allegations of the preceding paragraphs are incorporated herein by reference.

223. In addition to or in the alternative, the Defendants willfully, recklessly, maliciously, knowingly and/or negligently and without probable cause, abused the Maryland criminal courts to pervert the course of justice to their own ends, preventing or attempting to prevent Mr. O'Reilly from enjoying his constitutional and statutory rights, including the right to due process; from benefitting from justice; from seeking relief and redress through the criminal and civil courts for the unconscionable actions of the defendants; and from being secure in his person and liberty.

CIVIL CONSPIRACY TO ABUSE PROCESS

224. The allegations of the preceding paragraphs are incorporated herein by reference.

225. In addition to or in the alternative, at least two of the Defendants agreed to, implicitly or explicitly, and acted in concert to abuse the criminal courts to their benefit and the offense and detriment of Mr. O'Reilly, the State, and the very principles of justice.

AIDING AND ABETTING THE ABUSE OF PROCESS

226. The allegations of the preceding paragraphs are incorporated herein by reference.

227. In addition to or in the alternative, at least two of the Defendants acted in concert to abuse the criminal courts to their benefit and the offense and detriment of Mr. O'Reilly, the State, and the very principles of justice.

FRAUD I

228. The allegations of the preceding paragraphs are incorporated herein by reference.

229. In addition or in the alternative, the Defendants, despite having a moral, ethical, and legal obligation not to, willfully, knowingly, recklessly, and/or negligently defrauded the District Court to his detriment, in part by swearing false and misleading statements which were known or should have been known to be untrue or misleading, and which were unfairly prejudicial to Mr. O'Reilly, or by inaction not correcting or perfecting false and/or misleading

statements they knew or should have known to be false and/or misleading, directly, injuriously, and maliciously depriving Mr. O'Reilly of his civil rights.

FRAUD II

230. The allegations of the preceding paragraphs are incorporated herein by reference.

231. In addition or in the alternative, the Defendants did, by and through Adam Tsottles and his *Affidavit of Adam Tsottles* (ECF No. 43-2), under penalties of perjury, willfully, knowingly, and with malice aforethought, attempt to defraud the District Court of Maryland to their detriment and gain by deliberately swearing false and misleading statements.

232. Tsottles wrote, "I SOLEMNLY AFFIRM, under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true" (*Id.* at 4, emphasis in original), indisputably knowing that because he *was not present* for the events he pretends to affirm, he could not have had "personal knowledge" of them.

233. Tsottles thus unequivocally and unambiguously perjured himself by lying to the District Court of Maryland, and attempting to pervert the course of justice in favor of the Defendants and to the offense and detriment of Mr. O'Reilly, the judicial system, and indeed rending the very fabric of truth.

CIVIL CONSPIRACY TO DEFRAUD

234. The allegations of the preceding paragraphs are incorporated herein by reference.

235. In addition to or in the alternative, at least two of the Defendants agreed to, implicitly or explicitly, and acted in concert to defraud the District Court, directly, injuriously, and maliciously depriving Mr. O'Reilly of his civil rights.

AIDING AND ABETTING FRAUD

236. The allegations of the preceding paragraphs are incorporated herein by reference.

237. In addition to or in the alternative, at least two of the Defendants acted in concert to defraud the District Court, directly, injuriously, and maliciously depriving Mr. O'Reilly of his civil rights.

FALSE LIGHT INVASION OF PRIVACY

238. The allegations of the preceding paragraphs are incorporated herein by reference.

239. In addition or in the alternative, the Defendants, by filing false and objectionable criminal charges against Mr. O'Reilly, gave publicity to negative information placing Mr. O'Reilly in a false light.

240. An invasion of privacy occurs when there is an intentional intrusion upon another person's solitude, seclusion, private affairs or concerns in a manner which would be highly offensive to a reasonable person.

241. By filing false and objectionable criminal charges against Mr. O'Reilly, the Defendants gave publicity to information placing Mr. O'Reilly in a false light.

242. The Defendants failed to use reasonable care in determining whether the statements created a false impression about Mr. O'Reilly.

243. The false light the Defendants' actions placed Mr. O'Reilly into are, being *inter alia* untrue accusations and statements of moral turpitude and afflicted by a loathsome disease, inescapably offensive to a reasonable person in his position.

CIVIL CONSPIRACY TO INVADE PRIVACY IN A FALSE LIGHT

244. The allegations of the preceding paragraphs are incorporated herein by reference.

245. In addition to or in the alternative, at least two of the Defendants agreed to, implicitly or explicitly, and acted in concert to invade his privacy in a false light, including (but not limited to) by failing to disclose information they knew or should have known could be exculpatory.

AIDING & ABETTING INVADING PRIVACY IN A FALSE LIGHT

246. The allegations of the preceding paragraphs are incorporated herein by reference.

247. In addition to or in the alternative, at least two of the Defendants acted in concert to invade Mr. O'Reilly's privacy in a false light, including (but not limited to) by failing to disclose information they knew or should have known could be exculpatory.

INTERFERENCE WITH CIVIL RIGHTS

248. The allegations of the preceding paragraphs are incorporated herein by reference.

249. The Defendants knowingly and deliberately interfered with Mr. O'Reilly's basic civil rights, including (but not limited to) those conferred by the

Constitution of the State of Maryland, and the common right to be free from false accusations of criminal wrongdoing and the infringement of liberty of his person.

250. At all times beginning on October 17th, 2017, the defendants were in nexus with the State and were thus acting “under color of state law”: by charging Mr. O’Reilly directly with crimes by filing the *Application for Statement of Charges* with a Commissioner of the District Court of Baltimore (ECF No. 43, at 3¶2) but for which no criminal proceedings would have been instantiated, and wherein criminal prosecution is “traditionally the exclusive prerogative of the state”.

251. In addition or in the alternative, the defendants were *under the compulsion of the state*, as Tsottles and Palmer were or would have been compelled, coerced, or “significantly encouraged” to participate and/or obligated to perform (e.g., as witnesses of the prosecution) in his criminal proceedings.

252. In addition or in the alternative, were in nexus wherein “the state so far insinuated itself into a position of interdependence with the Defendants that it was a joint participant in the enterprise”, and/or where the state and the Defendants became “intertwined in a symbiotic relationship” in prosecuting Mr. O’Reilly, as neither could have accomplished the prosecution without the other; and the relationship involved “the specific conduct” that injured Mr. O’Reilly, including the prosecution of the criminal proceedings against Mr. O’Reilly, and the withholding of material evidence the Defendants were duty-bound to disclose per his Constitutional rights under *Brady v. Maryland*.

DEPRIVATION OF DUE PROCESS

253. The allegations of the preceding paragraphs are incorporated herein by reference.

254. In addition to or in the alternative, the Defendants, acting under color of state law, despite being in possession of exculpatory and/or impeachment evidence, despite having a moral, ethical, and legal obligation to disclose it, and despite his lawful and proper request for such evidence, in part by withholding said evidence during the criminal process improperly and illegally caused, instantiated, and supported by the Defendants, directly and maliciously deprived Mr. O'Reilly of his constitutional rights, including specifically his right to due process.

CIVIL CONSPIRACY TO DEPRIVE OF DUE PROCESS

255. The allegations of the preceding paragraphs are incorporated herein by reference.

256. In addition to or in the alternative, at least two of the Defendants agreed to, implicitly or explicitly, and acted in concert to directly and maliciously deprive Mr. O'Reilly of his right to due process.

AIDING AND ABETTING THE DEPRIVATION OF DUE PROCESS

257. The allegations of the preceding paragraphs are incorporated herein by reference.

258. In addition to or in the alternative, at least two of the Defendants acted in concert to directly and maliciously deprive Mr. O'Reilly of his right to due process.

DEPRIVATION OF LIBERTY

259. The allegations of the preceding paragraphs are incorporated herein by reference.

260. In addition to or in the alternative, the Defendants, acting under color of state law, despite being in possession of exculpatory and/or impeachment evidence, despite having a moral, ethical, and legal obligation to disclose it, and despite his lawful and proper request for such evidence, in part by withholding said evidence during the criminal process improperly and illegally caused, instantiated, and supported by Defendants, directly and maliciously deprived Mr. O'Reilly of his constitutional rights, including specifically his right to liberty, by restricting his free will of motion for a period of at least 16 months.

CIVIL CONSPIRACY TO DEPRIVE OF LIBERTY

261. The allegations of the preceding paragraphs are incorporated herein by reference.

262. In addition to or in the alternative, at least two of the Defendants agreed to, implicitly or explicitly, and acted in concert to directly and maliciously deprive Mr. O'Reilly of his right to liberty.

AIDING AND ABETTING THE DEPRIVATION OF LIBERTY

263. The allegations of the preceding paragraphs are incorporated herein by reference.

264. In addition to or in the alternative, at least two of the Defendants acted in concert to directly and maliciously deprive Mr. O'Reilly of his right to liberty.

SPOLIATION OF EVIDENCE

265. The allegations of the preceding paragraphs are incorporated herein by reference.

266. In addition to or in the alternative, the Defendants, despite knowing prior to October 2017 that a civil action was imminent, despite being in possession of relevant evidence and having a moral, ethical, and legal obligation to preserve and disclose it, and despite his lawful and proper request for such evidence, deliberately and/or negligently destroyed, altered, or failed to preserve and disclose said evidence, directly and/or proximately causing Mr. O'Reilly harm.

CIVIL CONSPIRACY TO DESPOIL EVIDENCE

267. The allegations of the preceding paragraphs are incorporated herein by reference.

268. In addition to or in the alternative, at least two of the Defendants agreed to, implicitly or explicitly, and acted in concert to directly or proximately despoil evidence, or negligently allow it to be despoiled, directly and/or proximately causing Mr. O'Reilly harm.

AIDING AND ABETTING THE SPOLIATION OF EVIDENCE

269. The allegations of the preceding paragraphs are incorporated herein by reference.

270. In addition to or in the alternative, at least two of the Defendants acted in concert to directly or proximately despoil evidence, or negligently allow it to be despoiled directly and/or proximately causing Mr. O'Reilly harm.

PRAYER FOR RELIEF

271. The allegations of the preceding paragraphs are incorporated herein by reference.

272. Mr. O'Reilly has suffered, and will continue to suffer for the foreseeable future, permanent and severe reputational, social, economic, mental, physical, emotional, and other injuries and cannot reasonably be expected to be made whole in any true sense. Thus with regard to all counts, Mr. O'Reilly demands just and full compensation for the past, present, and future harm done.

273. Mr. O'Reilly demands that the Defendants acknowledge their scienter and be required to facilitate the repair of his reputation and standing, including full payment and all assistance needed to obtain a Writ of Actual Innocence in the crimes of which they falsely accused Mr. O'Reilly.

274. To punish the Defendants for their outrageous, unconscionable, and shocking-to-the-conscience actions, Mr. O'Reilly also demands punitive damages and specific relief to be determined at trial, and such additional relief as the Court and Jury may deem just and proper.

JURY TRIAL DEMAND

275. Mr. O'Reilly demands a jury trial for all issues.

Respectfully submitted this 13th day Of October, 2024


Matthew O'Reilly
Plaintiff, Pro Se