

In the
Maryland Circuit Court
for
Anne Arundel County

Matthew O'Reilly

Plaintiff, Pro Se

v.

Waste Management, *et al.*

Defendants

Case No.: C-02-CV-24-000546

PLAINTIFF'S MOTION TO COMPEL PRODUCTION
AND ADMISSION FROM WM DEFENDANTS AND
REQUEST FOR HEARING

Plaintiff O'Reilly respectfully submits this Motion to Compel Production and Admission from WM Defendants pursuant to Maryland Rule 2-432, which grants this Court the authority to compel discovery when a party fails to respond adequately to discovery requests, and Maryland Rule 2-433, which allows the Court to impose sanctions for discovery abuses.

REQUEST FOR HEARING

Per Maryland Rule 2-311, Mr. O'Reilly requests argument in an in-person hearing.

The WM Defendants' responses to Plaintiff O'Reilly's Requests for Admissions and Documents were evasive, incomplete, and non-responsive, and for the reasons below, Mr. O'Reilly asks this Court to compel the WM Defendants to produce the documents requested, and/or in the alternative, order that the Requests for Admissions are deemed admitted and the documents despoiled.

BACKGROUND

A Scheduling Order was signed for this action on July 15th, 2024. On July 25th and 26th, in an effort to narrow the issues in dispute before the Court, Plaintiff O'Reilly served the WM Defendants with Requests for Admission and Documents, due August 26th.

The WM Defendants filed a Motion for Protective Order to Stay Discovery on August 2nd. After carefully considering the Motion and Plaintiff O'Reilly's opposition thereto, the Court denied the motion in full on August 15th. The defendants have not since re-filed or asked the Court for more time.

For several weeks, Mr. O'Reilly has diligently attempted to work with WM Defendants' counsel to try to relieve some of their burden of cost, volume, and time, even offering a blanket extension on the entirety of production in return for the short-term production of a few inexpensive, readily-available, and low-lift items (see Exhibit 1, *Rule 2-431 Certificate*).

Instead, on August 23rd, the WM Defendants “responded” with hundreds of pages of nonspecific, cookie-cutter objections, three (3) admissions, and a flat refusal to produce more than 60% of the requested documents.

ARGUMENT

Last night, the WM Defendants again declined an offer for a blanket extension in return for four low-cost, easily-provided, relevant items already in their possession, one of which was simply a serviceable home address for one of the WM Defendants, Roy Palmer, a named, represented party in this case who has been actively evading service of process.

This refusal, when combined with the evasive and un-responsive admissions; outright refusal to produce more than half of the discoverable documents; non-compliant objections to every single document request; and utter lack of production of any document over a five week span, strongly indicates that the WM Defendants are trying to run out the clock and avoid discovery altogether rather than engage in a meaningful, forthright, and productive discovery exchange as envisaged by the Rules.

I. THE REQUESTS ARE TIMELY AND URGENT

With only 114 days left until the close of plaintiff’s discovery (and *ten* days until his expert witness list is due), the defendants’ delays in production are disproportionately harmful and unfairly prejudicial,

depriving Mr. O'Reilly of nearly 1% of the total discovery schedule with each passing day.

A large portion of the discovery sought is not only relevant for trial, but is intrinsic to addressing the defenses raised in the Defendants' motion to dismiss, which will be adjudicated long before the close of discovery.

II. THE REQUESTS ARE PROPER, NARROWLY TAILORED AND PROPORTIONATE

Both the Request for Admission and Request for Documents are in strict compliance with the Maryland Rules, and were curated and tailored as much as practical to ensure that all requests are relevant to the causes of action in the complaint or the defenses raised by the WM Defendants and the other defendants, or will lead directly to discoverable evidence.

Mr. O'Reilly has done his level best to limit the cost and burden of discovery only to those documents and admissions at direct issue in this case, and proportionate to the claims at issue. While the number of requests is numerically high, Mr. O'Reilly has requested all discovery in electronic format, with the majority of the requests being documents collected and stored electronically in the course of ordinary business. Admissions were crafted to be easy to answer and limited mostly to the dispositive elements of the causes of action or defenses raised.

III. MR. O'REILLY HAS MADE REPEATED ATTEMPTS TO EASE DEFENDANTS' BURDEN

Plaintiff O'Reilly has consistently sought to ease the burden on the WM Defendants, offering multiple reasonable alternatives to reduce the time, cost, and effort required for discovery. These efforts have included participating in drafting a joint motion and offering blanket extensions in exchange for the prompt production of easily-produced key documents.

In the joint motion draft, the WM Defendants insisted on wording that would not require *any* document production for *any* defendant until 30 days after all responsive pleadings are due, a minimum of 75 additional days *after* rulings on the motions to dismiss – and beyond the close of discovery. When Mr. O'Reilly proposed that the concession be conditional upon the Court's approval of the modification, the WM Defendants withdrew.

The WM Defendants have rejected all proposals and continue to refuse cooperation, insisting on conditions that would effectively nullify their discovery obligations.

IV. THE WM DEFENDANTS' OBJECTIONS ARE BOILERPLATE AND LACK SPECIFICITY

In their responses, the WM Defendants' objections are generic and fail to meet the particularity, fullness, and specificity requirements mandated by Rule 2-422. These boilerplate objections, copied and pasted verbatim

across multiple responses, undermine the discovery process and make a mockery of the Rules.

For instance, the defendants assert privilege *universally* without once providing the requisite detailed information as required by Rule 2-402(e). Exhibits 2 and 3 highlight the true nature of their bare refusals when these generic objections are removed.

V. THE WM DEFENDANTS HAVE PRODUCED NO DOCUMENTS WHATSOEVER

Complaining bitterly about the number of requests, the WM Defendants have not made even a token good faith effort, producing no new documents whatsoever, and refusing to provide *any* documents in exchange for latitude for providing the rest.

The WM Defendants also flatly refuse to produce any information or documents whatsoever for 60% of the requests, offering only a host of copy-and-paste boilerplate objections as excuses. In many cases, it would have been less costly in time, effort, and expense to provide the document requested than to copy and paste the generic objections into the response.

Some requests have been acquiesced to but have yet to be produced. These responses contain the wording, "the WM Defendants state that they will produce [...] after a diligent search and reasonable inquiry", but no timeline is offered for when that "search" and "inquiry" might conclude, and the WM Defendants refuse to commit to a time for *any* document to

be produced. What they could not persuade the Court to give, they appear to now be trying to take by force.

VI. THE WM DEFENDANTS ADMIT NOTHING

The WM Defendants have also not made even a token good faith effort to answer the admission requests, carpet-bombing their responses with improper, inapplicable, and spurious objections and refusing to admit to all but three items.

Thirty-eight additional responses, without explanation or justification, attempt to circumvent the admission through partial concessions and creative wording:

REQUEST NO. 51: The recordings from the truck were available to others at WM.

Admitted only that certain of WMMD had access to certain of the recordings of certain aspects of the Incident taken by WMMD.

REQUEST NO. 53: Palmer communicated information to Tsottles about the events on October 16th.

Admitted only that certain of WMMD's employees discussed the Incident.

REQUEST NO. 73: Tsottles viewed the videos prior to filing the Application for Statement of Charges against Mr. O'Reilly.

Admitted only that Mr. Tsottles had access to certain of the recordings of certain aspects of the Incident taken by WMMD on or around the date Mr. Tsottles filed the Application for Statement of Charges.

Rule 2-424 requires that the responding party a) admit the matter, b) deny the matter, c) state in detail why they cannot truthfully admit or deny it, or d) object to the request, with a clear and specific statement. The rule does not allow for partial admissions unless specifically qualified with a detailed explanation, and none of the WM Defendants' responses even attempt to meet that low bar.

CONCLUSION

As an unrepresented party, Mr. O'Reilly is already at a disadvantage best measured in orders of magnitude when conducting discovery. Every day of delay causes a severely disproportionate impact on his ability to effectively manage discovery and litigate this case, and the bad faith, evasive, and obstructionist responses offered under the thin veneer of compliance here show a blatant contempt for the Maryland Rules and are a flagrant abuse of the discovery process.

Mr. O'Reilly has consistently made diligent, honest, and good faith efforts to work with the defendants in this case to come to meaningful compromises and provide all parties with a fair, full, and just opportunity to be heard. Unfortunately, the WM Defendants have demonstrated time and again that they think they should not be required to comply with the Rules, and this latest example of malicious compliance in an attempt to subvert, evade, and dodge discovery is a prime example.

WHEREFORE, for the reasons above, Plaintiff O'Reilly respectfully requests that this Honorable Court:

1. Delay adjudication of the motions to dismiss until at least 30 days after all discovery relevant to the defenses raised by the defendants in the motions has been fully and properly delivered;
2. Adjust Mr. O'Reilly's deadlines under the Scheduling Order to compensate for the defendants' delay tactics;
3. Compel the defendants to provide timely, full, complete, and unequivocal responses to the Requests for Admission;
4. Strike the defendants' improper objections and compel them to produce all documents responsive to the Requests for Production, without further evasion or delay; and, or in the alternative;
5. Preclude Defendants from introducing any evidence or making any arguments at trial related to the matters that they failed to properly admit or respond to;
6. and for any other relief the Court finds just or appropriate.

Respectfully submitted this 31st day Of August, 2024.


Matthew O'Reilly
Plaintiff, Pro Se

I, Matthew O'Reilly, solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

EXHIBIT LIST

EXHIBIT 1 – CERTIFICATE OF ATTEMPTED RESOLUTION

EXHIBIT 2 – PRODUCTION LIST

EXHIBIT 3 – ADMISSION LIST

EXHIBIT 4 – WM DEFENDANTS' RESPONSES AND OBJECTIONS TO
PLAINTIFF'S REQUESTS FOR PRODUCTION

EXHIBIT 5 – WM DEFENDANTS' RESPONSES AND OBJECTIONS TO
PLAINTIFF'S REQUESTS FOR ADMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August, 2024, a copy of the foregoing was served via MDEC or via first class mail, postage prepaid, to:

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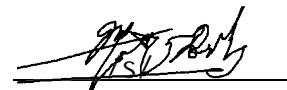
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