

EXHIBIT 10

PARTIES' CORRESPONDENCE BETWEEN
OCTOBER 24TH AND DECEMBER 11TH, 2024

Subject: Re: Proposed Modification of Scheduling Order Deadlines
Date: Tue, 29 Oct 2024 13:28:40 -0400
From: postmaster@moreilly.com <postmaster@moreilly.com>
To: Gamble, Geoffrey M. <geoff.gamble@saul.com>
CC: Fellona, Ashley N. <ashley.fellona@saul.com>, maryland.tylerhost.net@moreilly.com <maryland.tylerhost.net@moreilly.com>

Geoff - it was truly a pleasure to finally meet you face-to-face on Thursday. I hope you had a lovely weekend.

I have made some revisions to the draft joint motion, which I've attached for your review.

Per our conference on Thursday, it is my understanding that we're waiting on your client for a general schedule of when they think the documents they previously agreed to produce will be ready, and for a list of documents they are unwilling to produce for the Court to review at the 12th December hearing. Does that jibe with your take on things?

As always, please let me know if you have any questions or comments.

Regards,
Matt



On 31/10/2024 21:21, Gamble, Geoffrey M. wrote:

> Matt:

>

> Likewise, it was nice meeting you in person last week.

>

> Thank you for providing comments on the joint motion. Attached is a revised draft, which reflects our proposed revisions in tracked changes. We accepted most of your edits and had just a few tweaks. We will need sign off from my client and the other defendants, but I suspect this version will be acceptable to them.

>

> As you will note in the attached, we need to tweak the characterization of the October 24 hearing. The Court did not make any rulings regarding the appropriateness of your discovery requests and/or the adequacy of our responses. Rather, the Court directed us to meet-and-confer to resolve the issues presented in the motion to compel and, thereafter, identify any specific discovery disputes that remain outstanding to be addressed at a further hearing on December 12. As I stated when we met in the law library, I will meet with my client regarding the requests to which we agreed to produce available documents. If there are additional discovery requests that you believe are inadequate, please let me know your availability to meet-and-confer on those points.

>

> For the same reasons, we disagree that "Defendants' discovery obligations have not yet been fulfilled." While we recognize that is your position, it is not one shared by us or determined by the Court. In order to keep the joint motion neutral and accurate, we deleted that sentence.

>

> The rest of the proposed edits reflect that motions to dismiss have now been filed; clarify that the defendants' answer deadline depends on resolution of the motions to dismiss; and adds that, with the motions pending, the scope of discovery is not fully defined. We also deleted the request for the Court to stay any discovery responses or obligations until 30 days after the motions are resolved to align with your deletion of the same request earlier in the motion.

>

> Please let us know if you have any further comments. If you do not, we are happy to seek approval from the parties and then coordinate filing once you and the other parties are signed off on the motion.

>

> Thank you,

>

> Geoff

>

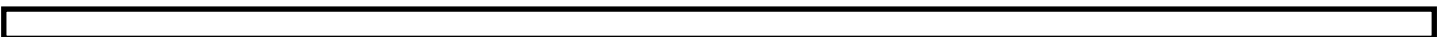
> Geoffrey M. Gamble

> Partner

> SAUL EWING LLP | Baltimore

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

>



Subject: Re: Proposed Modification of Scheduling Order Deadlines

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

Date: 23/11/2024 22:46

To: "Fellona, Ashley N." <ashley.fellona@saul.com>, "Gamble, Geoffrey M." <geoff.gamble@saul.com>

CC: "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Good evening - I hope you're having a lovely (if cold!) weekend.

Attached is a copy of the transcript of the 24th October hearing on the Motion to Compel. It's a short read, but I'll refer you to p.11 at 14-17 and p.12 at 14-15 specifically. Judge Malone does want discovery done before the motions to dismiss are heard, and I'm more comfortable with that statement remaining in the joint motion. From the comparison copy you sent, that seems to be the only non-cosmetic change to the motion, so I think we can use the signed copy I sent last time to submit.

For the calendaring call, I have availability at 1:30PM on Monday 25th November if that works for you.

Cheers,
Matt

On 22/11/2024 13:08, Fellona, Ashley N. wrote:

Matt:

I'm sorry to hear you have to relocate again. Thank you for making time for the joint motion.

Regarding discovery, we are working on collecting and reviewing documents for responsiveness. If you could please forward a copy of the hearing transcript, that would be great.

Finally, I did not hear back regarding your availability to call assignment. If you end up having any openings today (11/22), please let me know and I will make myself available. I do not expect it to take more than 5 or so minutes. If Monday (11/25) is still the only day that works for you, please let me know what time you are available.

Ashley N. Fellona
Associate
SAUL EWING LLP | Baltimore
Office: (410) 332-8701

Ashley N. Fellona
Associate

(410) 332-8701 <tel:(410)%20332-8701>

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

NOTICE OF ORAL DEPOSITION AND DEPOSITION DUCES TECUM

Plaintiff Matthew O'Reilly, under the Maryland Rules, will take the in-person deposition upon oral examination of Defendant Roy Palmer at 08:00 AM on December 3rd, 2024, and continuing from day to day until completed, at 1029 Benfield Blvd in Millersville, Maryland. The deposition will be audio and video recorded.

The deponent is to produce all documents requested in the July 26th, 2024 Request for Documents, electronically and in their native formats, in advance of or at the aforementioned time and place.

In addition, the deponent is to produce:

- A complete copy of the deponent's CDL and non-CDL driving licenses, driving records, and other driving certifications and histories.
- A copy of all driving-related incident and/or accident reports, whether or not occurring in the course of employment.

- A copy of all training obligations, certifications, course attendance, and/or other learning or improvement-related instruction records since the inception of deponent's employment with Waste Management, Inc., Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof.
- A copy of all training materials, including training manuals, videos, recordings, test scores, attendance, and/or other associated records offered or available, whether or not completed, to the deponent since the inception of his employment with Waste Management, Inc., Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof.
- A copy of all non-privileged records, including communications (electronic or otherwise), engagement letters, invoices, bills, payments, and contact history regarding the deponent's association with any person at Saul Ewing or other counsel or firm relevant to this matter.
- A copy of all communications, including (but not limited to) emails, texts, intranet posts, responses, or other presence, and phone call records to or from any of the deponent's communications media under the potential, actual, partial, or full control of Waste Management, Inc., Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof from the period of January 1st, 2017 to the present.
- A copy of all communications relevant to the current action, including (but not limited to) emails, texts, calendar entries, meeting schedules, agendas, intranet posts, responses, or other presence, and phone call records to or

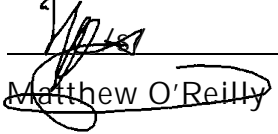
from any of the deponent's communications media not under the potential, actual, partial, or full control of Waste Management, Inc., Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof from the period of January 1st, 2017 to the present.

- A complete copy of all materials including, but not limited to, manuals, memoranda, correspondence, policies, procedures, standards, guidelines, handbooks, or other applicable publications or materials to which the deponent is subject in the course of his employment.
- Any rules, management guidelines, operating guidelines, or other writing or document that purports to show operating procedures for the management, maintenance, operation, safety, or care of the vehicle involved in the October 16th, 2017 incident.
- A copy of the organizational and/or reporting structure to or from the deponent within the enterprise, including the names, titles, contact information, and employing entity of any individual, group, or role with adjudicative, enforcement, disciplinary, advisory, and/or any other authority over the deponent and/or his group, employing entity, or role.
- Any and all photographs the deponent took or has in his possession that has not already been disclosed of the scene of the accident, the surrounds, or resulting injuries to the Plaintiff, or any other relevant time, place, or subject.
- Copies of any and all statements previously made by the deponent or any other witness concerning the subject matter of this lawsuit, including any written statement signed or otherwise adopted or approved by the deponent,

and/or any other type of recording or transcription thereof made by any person.

- A complete, unredacted, unaltered copy of the DriveCam recordings from the vehicle involved in the October 16th, 2017 incident, from 12:00:00 AM to 11:59:59 PM.
- A complete, unredacted, unaltered copy of the DriveCam or other recordings of all Waste Management (including Waste Management of Maryland, Inc.) vehicles present at or near the 3200 block of N. Lovegrove St. in Baltimore, MD from 12:00:00 AM to 11:59:59 PM for any day beginning August 26th, 2016 to the present.
- Any other document or instrument relevant to the case in the possession, custody, or control of the deponent which may not be readily available to the Plaintiff or other parties.

Served this 23rd day Of November, 2024.


Matthew O'Reilly
Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day Of November, 2024, a copy of the foregoing was served via MDEC or via first class mail, postage prepaid, to:

Geoffrey M. Gamble
Saul Ewing LLP
geoff.gamble@saul.com

&

Nicole E. Chammas
Saul Ewing LLP
nicole.chammas@saul.com

*Counsel for Waste Management, Inc.,
Waste Management of Maryland, Inc.,
Adam Tsottles, and Roy Palmer*

Scott H. Phillips
Franklin & Prokopik, P.C.
sphillips@fandpnet.com

*Counsel for
Beatty Management Group, LLC*

Tamla Oates-Forney
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James S. Aist
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Adrianna M. Bethea
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&

Briana N. Maine
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maine@acklaw.com

*Counsel for
Capstone On-Campus Management, LLC*



Matthew O'Reilly

Plaintiff, Pro Se

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

NOTICE OF ORAL DEPOSITION AND DEPOSITION DUCES TECUM

Plaintiff Matthew O'Reilly, under the Maryland Rules, will take the in-person deposition upon oral examination of Waste Management, Inc., CEO/President David Steiner at 08:00 AM on December 4th, 2024, and continuing from day to day until completed, at 1029 Benfield Blvd in Millersville, Maryland. The deposition will be audio and video recorded.

The deponent is to produce all documents requested in the July 26th, 2024 Request for Documents, electronically and in their native formats, in advance of or at the aforementioned time and place.

In addition, the deponent is to produce:

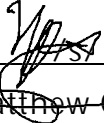
- Copies of the formation and organization documents for Waste Management, Inc., Waste Management Holdings, Inc., Waste Management of Maryland, Inc., and for any other corporate or private entity under the control, ownership, direction, or obligation, directly or indirectly, of Waste

Management, Inc. that advertises in or to, interacts with, or has had any continuing relationship with residents or businesses in Maryland.

- Copies of ownership, management, and control information regarding the previous entities, including (but not limited to) information pertaining to the membership of boards of directors, senior leadership/management, and other roles and responsibilities that would tend to show the level of autonomy and self-governance for each, or the amount of control possibly or actually asserted on those entities by their owners, partners, or associates from the period 2016 to the present.
- Figures and analysis of sales, marketing, advertising, and returns for all above-mentioned entities doing business in Maryland for the years 2016 to the present.
- Fiscal documentation, including (but not limited to) profit and loss statements, tax returns and schedules, and transfers of funds, property, liabilities, or obligations concerning the above-mentioned entities doing business in Maryland for the years 2016 to the present.
- All directives, policies, guidelines, or other authoritative or controlling documents requiring action, inaction, or modification to subsidiaries of Waste Management, Inc. doing business in Maryland beginning in 2016 to the present.
- Any other documentation from 2016 to the present that tends to show that Waste Management, Inc. does business or has done business in Maryland either directly or by directing the actions of its subsidiaries.

- A copy of all non-privileged records, including communications (electronic or otherwise), engagement letters, invoices, bills, payments, and contact history regarding the deponent's association with any person at Saul Ewing or other counsel or firm relevant to this matter.
- A copy of all communications, including (but not limited to) emails, texts, intranet posts, responses, or other presence, and phone call records to or from any of the deponent's communications media under the potential, actual, partial, or full control of Waste Management, Inc., Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof from the period of January 1st, 2017 to the present.
- A complete, unredacted, unaltered copy of the DriveCam recordings from the vehicle involved in the October 16th, 2017 incident, from 12:00:00 AM to 11:59:59 PM.
- A complete, unredacted, unaltered copy of the DriveCam or other recordings of all Waste Management (including Waste Management of Maryland, Inc.) vehicles present at or near the 3200 block of N. Lovegrove St. in Baltimore, MD from 12:00:00 AM to 11:59:59 PM for any day beginning August 26th, 2016 to the present.
- Any other document or instrument relevant to the case in the possession, custody, or control of the deponent which may not be readily available to the Plaintiff or other parties.

Served this 24th day Of November, 2024.



Matthew O'Reilly
Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day Of November, 2024, a copy of the foregoing was served via MDEC or via first class mail, postage prepaid, to:

Geoffrey M. Gamble
Saul Ewing LLP
geoff.gamble@saul.com

&

Nicole E. Chammas
Saul Ewing LLP
nicole.chammas@saul.com

*Counsel for Waste Management, Inc.,
Waste Management of Maryland, Inc.,
Adam Tsottles, and Roy Palmer*

Scott H. Phillips
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*Counsel for
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James S. Aist
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aist@acklaw.com

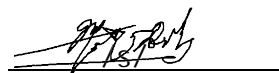
&

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&

Briana N. Maine
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maine@acklaw.com

*Counsel for
Capstone On-Campus Management, LLC*



Matthew O'Reilly

Plaintiff, Pro Se

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

NOTICE OF ORAL DEPOSITION AND DEPOSITION DUCES TECUM

Plaintiff Matthew O'Reilly, under the Maryland Rules, will take the in-person deposition upon oral examination of Adam Tsottles at 08:00 AM on December 5th, 2024, and continuing from day to day until completed, at 1029 Benfield Blvd in Millersville, Maryland. The deposition will be audio and video recorded.

The deponent is to produce all documents requested in the July 26th, 2024 Request for Documents, electronically and in their native formats, in advance of or at the aforementioned time and place.

In addition, the deponent is to produce:

- Copies of all statements, documents, communications (including metadata and content), advice, conversations (including metadata and content), video, audio, or any other information or documentation upon which the deponent relied which influenced or informed the decision to file criminal charges against Mr. O'Reilly on October 17th, 2017 and/or the contents, format,

and/or presentation of the Application for Statement of Charges and related colloquy thereof.

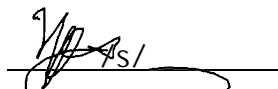
- A list of all persons or other entities with whom the deponent interacted on October 16th and 17th, 2017 regarding Mr. O'Reilly or the events of those days, and a summary and/or the contents of all communications (however recorded) and/or interactions resulting from or relating (even in the abstract) to events of those days or to Mr. O'Reilly.
- Copies of all documents or communications mentioning, relating to, or deriving from the deponent's or the deponent's subordinates' interactions, even in the abstract or impressions, with Mr. O'Reilly at any time.
- Copies of any other Application for Statement of Charges or other similar attempts to have any individual other than Mr. O'Reilly arrested or charged with any crime ever created by the deponent.
- Any and all guidance, documents, trainings, standards, policies, or other document or communication available to the deponent or others in similar positions with any Waste Management company or affiliate (including, but not limited to, Waste Management of Maryland, Inc., Waste Management, Inc., Waste Management Holdings, Inc., or other affiliate, contractor, attorney, or associate of any type) that offers, directs, facilitates, or explains the recourses available when an adverse interaction occurs between a Waste Management employee, agent, or contractor and a member of the public.
- The deponent's full human resources file/record from Waste Management.
- A copy of all non-privileged records, including communications (electronic or otherwise), engagement letters, invoices, bills, payments, and contact history

regarding the deponent's association with any person at Saul Ewing or other counsel or firm relevant to this matter.

- A copy of all communications, including (but not limited to) emails, texts, intranet posts, responses, or other presence, and phone call records to or from any of the deponent's communications media under the potential, actual, partial, or full control of Waste Management, Inc., Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof from the period of January 1st, 2017 to the present.
- A copy of all communications relevant to the current action, including (but not limited to) emails, texts, calendar entries, meeting schedules, agendas, intranet posts, responses, or other presence, and phone call records to or from any of the deponent's communications media not under the potential, actual, partial, or full control of Waste Management, Inc., Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof from the period of January 1st, 2017 to the present.
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- A complete, unredacted, unaltered copy of the DriveCam or other recordings of all Waste Management (including Waste Management of Maryland, Inc.) vehicles present at or near the 3200 block of N. Lovegrove St. in Baltimore, MD from 12:00:00 AM to 11:59:59 PM for any day beginning August 26th, 2016 to the present.

- Any rules, management guidelines, operating guidelines, or other writing or document that purports to show operating procedures for the management, maintenance, operation, safety, or care of the route involved in the October 16th, 2017 incident.
- A copy of the organizational and/or reporting structure to or from the deponent within the enterprise, including the names, titles, contact information, and employing entity of any individual, group, or role with adjudicative, enforcement, disciplinary, advisory, and/or any other authority over the deponent and/or his group, employing entity, or role.
- Copies of any and all statements previously made by the deponent or any other witness concerning the subject matter of this lawsuit, including any written statement signed or otherwise adopted or approved by the deponent, and/or any other type of recording or transcription thereof made by any person.
- Any other document or instrument relevant to the case in the possession, custody, or control of the deponent which may not be readily available to the Plaintiff or other parties.

Served this 25th day Of November, 2024.


Matthew O'Reilly
Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day Of November, 2024, a copy of the foregoing
was served via MDEC or via first class mail, postage prepaid, to:

Geoffrey M. Gamble
Saul Ewing LLP
geoff.gamble@saul.com

&

Nicole E. Chammas
Saul Ewing LLP
nicole.chammas@saul.com

*Counsel for Waste Management, Inc.,
Waste Management of Maryland, Inc.,
Adam Tsottles, and Roy Palmer*

Scott H. Phillips
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Adrianna M. Bethea
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&

Briana N. Maine
Anderson, Coe & King, LLP
maine@acklaw.com

*Counsel for
Capstone On-Campus Management, LLC*



Matthew O'Reilly
Plaintiff, Pro Se

Subject: O'Reilly v. Waste Management Inc, et al., Case No. C-02-CV-24-000546 -- Notices of Deposition

From: "Gamble, Geoffrey M." <geoff.gamble@saul.com>

Date: **25/11/2024 22:10**

To: "postmaster@moreilly.com" <postmaster@moreilly.com>

CC: "Fellona, Ashley N." <ashley.fellona@saul.com>, "Scott H. Phillips" <sphillips@fandpnet.com>, James Aist <aist@acklaw.com>, "maine@acklaw.com" <maine@acklaw.com>, "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Matt:

I am in receipt of documents titled "Notice of Oral Deposition and Deposition Duces Tecum," which were served on November 23, November 24, and November 25 and which purport to seek depositions of Defendant Roy Palmer, Nonparty David Steiner, and Defendant Adam Tsottles. As Mr. Phillips noted in an e-mail earlier today, you did not confer with any of the attorneys for the defendants before issuing the notices in contravention of Guideline 8 of the Discovery Guidelines. Had you done so, I would have advised that I am not available on December 3, December 4, or December 5. I have additional concerns with the notices, which I will provide in written objections pursuant to the Rules. This includes seeking a deposition of a nonresident nonparty without issuing a subpoena, seeking a deposition in Maryland of a nonresident nonparty, requesting that documents be produced in conjunction with depositions in a period shorter than the time prescribed by the rules, requesting documents of a nonparty without a subpoena, and seeking deposition discovery while motions to dismiss are pending.

I respectfully ask that you withdraw your notices of deposition so that we are not required to move for a protective order prior to the unilaterally chosen deposition dates. If we do not receive confirmation of their withdrawal by 2:00PM tomorrow, November 26, we will file a motion for protective order and any other filings necessary to protect our rights, including a motion for sanctions should we be required to seek relief from improper discovery efforts. I would very much like to avoid burdening the Court with another discovery issue that is capable of resolution without court intervention.

Thanks,

Geoff

Geoffrey M. Gamble

Partner



 [\(410\) 332-8848](tel:(410)332-8848)  [\(443\) 995-6957](tel:(443)995-6957)

 geoff.gamble@saul.com

[Read my bio](#) >>

1001 Fleet Street, 9th Floor

Baltimore , MD 21202-4359

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

+~~~~~+

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

+~~~~~+



Subject: Re: O'Reilly v. Waste Management Inc, et al., Case No. C-02-CV-24-000546 -- Notices of Deposition

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

Date: 26/11/2024 17:45

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

CC: "Fellona, Ashley N." <ashley.fellona@saul.com>, "Scott H. Phillips" <sphillips@fandpnet.com>, James Aist <aist@acklaw.com>, "maine@acklaw.com" <maine@acklaw.com>,

"maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

BCC: "S.J. Cromwell" <s.j.cromwell13@gmail.com>, plasticman750@yahoo.com

Geoff - thank you for your prompt response.

I have thoroughly reviewed Chapter 400 of the Maryland Rules, and I cannot find any section titled "Discovery Guidelines". To the best of my understanding, the notices are fully compliant with Rule 2-412, "Deposition-Notice". Can you elaborate on what these "Discovery Guidelines" are and how they modify the published Rules? If there are additional procedures required by the Rules that are not published or provided with the Rules, that is quite a surprise and I am uncertain how I could a) be expected to know they exist, and b) be expected to comply with them.

It is my understanding that Mr. Steiner is the CEO and President (and de facto head) of Defendant Waste Management, Inc. and therefore may be noted for deposition. Per Rule 2-413(b), depositions may be taken in the county where the action sits, regardless of the residency status of corporate defendants.

In addition, Rule 2-411 states that leave of the court is only required "to take a deposition BEFORE the earliest day on which any defendant's initial pleading or motion is required". All defendants have filed motions to dismiss; thus the earliest day has already long passed. And as the Court made you aware on October 24th, the Maryland Rules simply do not suspend discovery (which includes depositions) while dispositive motions are pending.

As you have read my responses to Mr. Phillips, you know that the circumstances surrounding the booking and scheduling of the space to take the depositions and the videographer were extraordinary, even requiring me to borrow money to pay the non-refundable fees. The scheduling of the depositions is set, and I literally cannot afford to change them. I can only offer what I offered Mr. Phillips: if your client is willing to cover the full costs of rescheduling up front, I am open to having that discussion.

I see from your out-of-office reply that you are in court this week - I hope it's going well. Thanks as always for your time.

Everyone, please have a safe and happy holiday.

Regards,
Matt

On 25/11/2024 22:10, Gamble, Geoffrey M. wrote:

Matt:

I am in receipt of documents titled "Notice of Oral Deposition and Deposition Duces Tecum," which were served on November 23, November 24, and November 25 and which purport to seek depositions of Defendant Roy Palmer, Nonparty David Steiner, and Defendant Adam Tsottles. As Mr. Phillips noted in an e-mail earlier today, you did not confer with any of the attorneys for

Subject: RE: O'Reilly v. Waste Management Inc, et al., Case No. C-02-CV-24-000546 -- Notices of Deposition
From: "Gamble, Geoffrey M." <geoff.gamble@saul.com>
Date: 26/11/2024 20:18
To: "postmaster@moreilly.com" <postmaster@moreilly.com>
CC: "Fellona, Ashley N." <ashley.fellona@saul.com>, "Scott H. Phillips" <sphillips@fandpnet.com>, James Aist <aist@acklaw.com>, "maine@acklaw.com" <maine@acklaw.com>, "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Matt:

The Discovery Guidelines are contained at the beginning of Rules 2-401, et seq. They are available electronically here: <https://govt.westlaw.com/mdc/Browse/Home/Maryland/MarylandCodeCourtRules?guid=N6AOD6E309CCF11DB9BCF9DAC28345A2A&transitionType=Default&contextData=%28sc.Default%29>. I would direct your attention to Guideline 8. However, I am not sure that a guideline is necessary to appreciate why one should clear depositions dates with the other parties and the deponent (through counsel) before unilaterally scheduling dates the week after Thanksgiving. It is not sufficient to say that the parties can simply read the transcript. We each have a right to ask the witness questions and I have a right to defend the Waste Management depositions.

My understanding is that Mr. Steiner was the CEO of Waste Management, Inc. until 2016, a year before the incident at issue in this litigation. He is not a WMI employee and has not been for some time. He is, therefore, a non-party nonresident who cannot be compelled to sit for a deposition in this state. Rule 2-413(b) has no applicability to Mr. Steiner's deposition.

As I have previously noted, the dates you unilaterally selected for depositions do not work for me. As lead counsel for the Waste Management defendants, I insist on the opportunity to be present for these depositions.

It is unclear to me why Mr. Phillips, myself, or any other defendants should be responsible for any alleged costs associated with rescheduling the depositions. However, so that I understand your proposal, please send me the name of the court reporting agency you have retained, proof of their retention, and information reflecting the costs associated with rescheduling the depositions.

As we seem to be at an impasse regarding these depositions and given the scheduling predicament that we have been placed in unnecessarily, we will be filing motions to protect our rights and we will seek fees for the expense of preparing these motions.

Geoff

Geoffrey M. Gamble
Partner
SAUL EWING LLP | Baltimore
Office: (410) 332-8848 Cell: (443) 995-6957

-----Original Message-----

From: postmaster@moreilly.com <postmaster@moreilly.com>
Sent: Tuesday, November 26, 2024 5:45 PM
To: Gamble, Geoffrey M. <geoff.gamble@saul.com>
Cc: Fellona, Ashley N. <ashley.fellona@saul.com>; Scott H. Phillips <sphillips@fandpnet.com>; James Aist <aist@acklaw.com>; maine@acklaw.com; maryland.tylerhost.net@moreilly.com
Subject: Re: O'Reilly v. Waste Management Inc, et al., Case No. C-02-CV-24-000546 -- Notices of Deposition

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

Geoff - thank you for your prompt response.



INVOICE

RESYN VIDEO PRODUCTIONS
302-298-9675
resynvideo@yahoo.com



INVOICE TO: **MATTHEW O'REILLY** Date: 11/26/20124 TOTAL DUE: **USD: \$3200.00**
#237

Description	Amount
<ul style="list-style-type: none"> Film Deposition Video -- HD Video/Audio/Lighting Date - December 3rd to December 6th, 2024 Location : 1029 Benfield blvd. Millersville, Maryland Cost per Day (includes up to 8hrs) \$800.00 Number of Days Booked to Film (4) 	
TOTAL AMOUNT DUE	--- \$3200.00
Amount Paid To Date - November 26, 2024	--\$3200.00

Payment Method

Deposit Paid in Advance - \$3200.00
To Hold The Filming Date
made to : Resyn Thomas

Total Cost	\$3200.00

Terms and Conditions

Delivery of Deposition Video on Thumb Drive



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

NOTICE OF ORAL DEPOSITION AND DEPOSITION DUCES TECUM

Plaintiff Matthew O'Reilly, under the Maryland Rules, will take the in-person deposition upon oral examination of Waste Management, Maryland Inc., at 08:00 AM on December 6th, 2024, and continuing from day to day until completed, at 1029 Benfield Blvd in Millersville, Maryland. The deposition will be audio and video recorded. The corporate defendant, Waste Management of Maryland, Inc., shall designate one or more officers, agents, or other persons who can testify on behalf of Waste Management of Maryland, Inc., with respect to the following matters:

- The formation, corporate structure, ownership, direction, and organization for Waste Management of Maryland Inc., including (but not limited to) its relationships with Waste Management, Inc., Waste Management Holdings, Inc., and any other corporate or private entity under the control, ownership, direction, or obligation, directly or indirectly, of Waste Management, Inc.

that advertises in or to, interacts with, or has had any relationship with residents or businesses in Maryland.

- The ownership, management, and control information regarding the previous entities, including (but not limited to) information pertaining to the membership of boards of directors, senior leadership/management, and other roles and responsibilities that would tend to show the level of autonomy and self-governance for each, or the amount of control possibly or actually asserted on those entities by their owners, partners, or associates from the period 2016 to the present.
- Figures and analysis of sales, marketing, advertising, and returns for all above-mentioned entities doing business in Maryland for the years 2016 to the present.
- The level of awareness, involvement, and/or control capability (whether or not regularly asserted) of Waste Management, Inc., of the business dealings, advertising, contracts, interstate commerce, inter-company coordination, training, operations, and/or other aspects of presence by Waste Management of Maryland, Inc. or any Waste Management subsidiaries in or outside of Maryland with which Waste Management of Maryland directly interacts.
- Fiscal information, including (but not limited to) profit and loss, tax returns and schedules, and transfers of funds, property, liabilities, or obligations concerning the above-mentioned entities for the years 2016 to the present.
- Directives, policies, guidelines, or other authoritative or controlling documents from, by, or through Waste Management, Inc. requiring action,

inaction, or modification to any aspect of Waste Management of Maryland, Inc.'s business.

- The Human Resources structure, organization, disciplinary procedures and protocols, and other aspects of personnel management (including, but not limited to operator and managerial training) within Waste Management of Maryland, Inc. and/or any aspects coordinated, performed, directed, or otherwise influenced by any outside affiliate, owner, agent, or contractor.
- Knowledge that Waste Management, Inc. does business or has done business in Maryland either directly or by directing the actions of Waste Management of Maryland, Inc.
- Communications (electronic or otherwise), engagement letters, invoices, bills, payments, and contact history regarding the deponent's association with any person at Saul Ewing or other counsel or firm relevant to this matter.
- Communications, including (but not limited to) emails, texts, intranet posts, responses, or other presence, and phone call records to or from any of the deponent's communications media under the potential, actual, partial, or full control of Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof from the period of January 1st, 2017 to the present.
- The DriveCam system used by Waste Management of Maryland, Inc., including technical details such as network connections, camera and other devices, storage, cloud infrastructure, archiving, incident reporting and

management, e-discovery policies and procedures, chain of custody, authentication, access logging, and security.

- The provisioning and tasking of routes, customer stops, scheduling, and logistics, including costs, for the routes over which Adam Tsottles had direction, control, or influence in 2017.
- The decision, review, consultation, and approval process that guided the aftermath of the incident on the morning of October 16th, 2017, including the parties notified, decision makers, and/or consulted entities (such as supervisors, managers, inside or outside counsel, etc.) whose input, influence, or guidance resulted in the filing of the Application of Statement of Charges by Adam Tsottles on October 17th, 2017.

The deponent is to produce all documents requested in the July 26th, 2024 Request for Documents, electronically and in their native formats, in advance of or at the aforementioned time and place.

In addition, the deponent is to produce:

- Copies of the formation and organization documents for Waste Management of Maryland, Inc., and for any other corporate or private entity under the control, ownership, direction, or obligation, directly or indirectly, of Waste Management, Inc. that advertises in or to, interacts with, or has had any continuing relationship with residents or businesses in Maryland.
- Copies of ownership, management, and control information regarding the previous entities, including (but not limited to) information pertaining to the membership of boards of directors, senior leadership/management, and other

roles and responsibilities that would tend to show the level of autonomy and self-governance for each, or the amount of control possibly or actually asserted on those entities by their owners, partners, or associates from the period 2016 to the present.

- Figures and analysis of sales, marketing, advertising, and returns for all above-mentioned entities doing business in Maryland for the years 2016 to the present.
- Fiscal documentation, including (but not limited to) profit and loss statements, tax returns and schedules, and transfers of funds, property, liabilities, or obligations concerning the above-mentioned entities doing business in Maryland for the years 2016 to the present.
- All directives, policies, guidelines, or other authoritative or controlling documents requiring action, inaction, or modification to subsidiaries of Waste Management, Inc. doing business in Maryland beginning in 2016 to the present.
- Any other documentation from 2016 to the present that tends to show that Waste Management, Inc. does business or has done business in Maryland either directly or by directing the actions of its subsidiaries.
- A copy of all non-privileged records, including communications (electronic or otherwise), engagement letters, invoices, bills, payments, and contact history regarding the deponent's association with any person at Saul Ewing or other counsel or firm relevant to this matter.
- A copy of all communications, including (but not limited to) emails, texts, intranet posts, responses, or other presence, and phone call records to or

from any of the deponent's communications media under the potential, actual, partial, or full control of Waste Management, Inc., Waste Management of Maryland, Inc., or any affiliated, contracted, owned, or associated entity thereof from the period of January 1st, 2017 to the present.

- A complete, unredacted, unaltered copy of the DriveCam recordings from the vehicle involved in the October 16th, 2017 incident, from 12:00:00 AM to 11:59:59 PM.
- A complete, unredacted, unaltered copy of the DriveCam or other recordings of all Waste Management (including Waste Management of Maryland, Inc.) vehicles present at or near the 3200 block of N. Lovegrove St. in Baltimore, MD from 12:00:00 AM to 11:59:59 PM for any day beginning August 26th, 2016 to the present.
- Any other document or instrument relevant to the case in the possession, custody, or control of the deponent which may not be readily available to the Plaintiff or other parties.

Served this 26th day Of November, 2024.


Matthew O'Reilly
Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day Of November, 2024, a copy of the foregoing was served via MDEC or via first class mail, postage prepaid, to:

Geoffrey M. Gamble
Saul Ewing LLP
geoff.gamble@saul.com

&

Nicole E. Chammas
Saul Ewing LLP
nicole.chammas@saul.com

*Counsel for Waste Management, Inc.,
Waste Management of Maryland, Inc.,
Adam Tsottles, and Roy Palmer*

Scott H. Phillips
Franklin & Prokopik, P.C.
sphillips@fandpnet.com

*Counsel for
Beatty Management Group, LLC*

Tamla Oates-Forney
9800 Fredericksburg Road
San Antonio, TX 78288

James S. Aist
Anderson, Coe & King, LLP
aist@acklaw.com

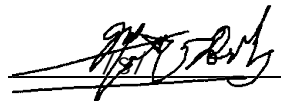
&

Adrianna M. Bethea
Anderson, Coe & King, LLP
bethea@acklaw.com

&

Briana N. Maine
Anderson, Coe & King, LLP
maine@acklaw.com

*Counsel for
Capstone On-Campus Management, LLC*



Matthew O'Reilly

Plaintiff, Pro Se

Subject: O'Reilly v. Waste Management Inc, et al., Case No. C-02-CV-24-000546 -- Motion to Shorten Time
From: "Gamble, Geoffrey M." <geoff.gamble@saul.com>
Date: **27/11/2024 12:54**
To: "postmaster@moreilly.com" <postmaster@moreilly.com>, "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>
CC: "Fellona, Ashley N." <ashley.fellona@saul.com>

Matt:

As I mentioned yesterday, we will be filing today a motion for protective order seeking protection from the deposition notices you served over the weekend and earlier this week. The rules contemplate that such a motion will be resolved before the challenged discovery (here, the depositions) occur. Because the depositions are scheduled to commence next week (starting on Tuesday, December 3), we are taking all steps to get the issue before the Court in advance of the deposition dates. To that end, we are asking that the time to respond to our motion for protective order be shortened to Friday, November 29 and that a hearing be set for December 2, 2024. As to the former, please let us know if you consent to the shortening of the time to respond to our motion for protective order.

Thanks. I hope you have a nice Thanksgiving holiday.

Geoff

Geoffrey M. Gamble

Partner



 [\(410\) 332-8848](tel:(410)332-8848)  [\(443\) 995-6957](tel:(443)995-6957)

 geoff.gamble@saul.com

[Read my bio](#) >>

1001 Fleet Street, 9th Floor



Case # C-02-CV-24-000546 - Matthew O Reilly vs. Waste Management Inc, e...

Envelope Information

Envelope Id 19004094	Submitted Date 30/11/2024 23:42 EST	Submitted User Name maryland.tylerhost.net@moreilly.com
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Case Information

Location Anne Arundel Circuit Court	Category Civil	Case Type Tort - Defamation
Case Initiation Date 04/03/2024	Case # C-02-CV-24-000546	

Filings

Filing Type EFileAndServe	Filing Code Notice of Deposition
-------------------------------------	--

Filing Description
Plaintiff's Notice of Deposition of Waste Management, Inc.

Filing Status
Submitting

Lead Document

File Name	Description	Security	Download
WMI - WMI Designee Notice of Deposition.signed.pdf	Notice of Deposition	Public	Original File

eService Details

Status	Name	Firm	Served	Date Opened
Not Sent	Geoffrey M Gamble	Saul Ewing LLP	No	Not Opened
Not Sent	Geoffrey M Gamble	Saul Ewing LLP	No	Not Opened
Not Sent	Geoffrey M Gamble	Saul Ewing LLP	No	Not Opened
Not Sent	Ashley Fellona	Saul Ewing LLP	No	Not Opened
Not Sent	James S. Aist	Anderson, Coe & King, LLP	No	Not Opened
Not Sent	Ralph L. Arnsdorf	Franklin & Prokopik	No	Not Opened
Not Sent	Linda S Ruffner		No	Not Opened
Not Sent	Audrea Coad		No	Not Opened
Not Sent	Matthew O'Reilly		No	Not Opened
Not Sent	Ruby Boone		No	Not Opened
Not Sent	Tracy Stanforth	Saul Ewing LLP	No	Not Opened
Not Sent	Sarah M Maier	Anderson, Coe & King, LLP	No	Not Opened
Not Sent	Briana N. Maine	Anderson, Coe & King, LLP	No	Not Opened
Not Sent	Scott Phillips	Franklin & Prokopik	No	Not Opened
Not Sent	Ellorie Davis	Franklin & Prokopik	No	Not Opened
Not Sent	Judy L Peters	Franklin & Prokopik	No	Not Opened

Parties with No eService

Name Matthew O Reilly	Address 14316 Reese Blvd B101 Huntersville North Carolina 28078
Name Waste Management of Maryland Inc	Address 6994 Columbia Gateway Drive Suite 200 COLUMBIA Maryland 21046

Name

Tamla Oates Forney

Address

9800 Fredericksburg Road SAN ANTONIO Texas
78288

Name

Ronald A Silkworth

Address

Fees

Notice of Deposition

Description

Amount

Filing Fee

\$0.00

Filing Total: \$0.00

Total Filing Fee

\$0.00

Envelope Total: \$0.00

Transaction Amount

\$0.00

Transaction Id

26276951

Order Id

Transaction Response

Authorized

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Version: 2022.0.3.9946



Case # C-02-CV-24-000546 - Matthew O Reilly vs. Waste Management Inc, e...

Envelope Information

Envelope Id 19004111	Submitted Date 01/12/2024 00:10 EST	Submitted User Name maryland.tylerhost.net@moreilly.com
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Case Information

Location Anne Arundel Circuit Court	Category Civil	Case Type Tort - Defamation
Case Initiation Date 04/03/2024	Case # C-02-CV-24-000546	

Filings

Filing Type EFileAndServe	Filing Code Notice of Deposition
-------------------------------------	--

Filing Description
Plaintiff's Notice for Deposition of Defendant Waste Management, Inc.

Comments to Court
I received an email that envelope number 19004094 failed to submit due to an unknown error. This is a re-submission of the same document.

Filing Status
Submitting

Lead Document

File Name	Description	Security	Download
WMI - WMI Designee Notice of Deposition.signed.pdf	Notice of Deposition	Public	Original File

eService Details

Status	Name	Firm	Served	Date Opened
Not Sent	Geoffrey M Gamble	Saul Ewing LLP	No	Not Opened
Not Sent	Geoffrey M Gamble	Saul Ewing LLP	No	Not Opened
Not Sent	Geoffrey M Gamble	Saul Ewing LLP	No	Not Opened
Not Sent	Ashley Fellona	Saul Ewing LLP	No	Not Opened
Not Sent	James S. Aist	Anderson, Coe & King, LLP	No	Not Opened
Not Sent	Ralph L. Arnsdorf	Franklin & Prokopik	No	Not Opened
Not Sent	Linda S Ruffner		No	Not Opened
Not Sent	Audrea Coad		No	Not Opened
Not Sent	Matthew O'Reilly		No	Not Opened
Not Sent	Ruby Boone		No	Not Opened
Not Sent	Tracy Stanforth	Saul Ewing LLP	No	Not Opened
Not Sent	Sarah M Maier	Anderson, Coe & King, LLP	No	Not Opened
Not Sent	Briana N. Maine	Anderson, Coe & King, LLP	No	Not Opened
Not Sent	Scott Phillips	Franklin & Prokopik	No	Not Opened
Not Sent	Ellorie Davis	Franklin & Prokopik	No	Not Opened
Not Sent	Judy L Peters	Franklin & Prokopik	No	Not Opened

Parties with No eService

Name	Address
Matthew O Reilly	

14316 Reese Blvd B101 Huntersville North Carolina
28078

Name
Waste Management of Maryland Inc

Address
6994 Columbia Gateway Drive Suite 200 COLUMBIA
Maryland 21046

Name
Tamla Oates Forney

Address
9800 Fredericksburg Road SAN ANTONIO Texas
78288

Name
Ronald A Silkworth

Address

Fees

Notice of Deposition

Description	Amount
Filing Fee	\$0.00
Filing Total:	\$0.00

Total Filing Fee	\$0.00
Envelope Total:	\$0.00

Transaction Amount	\$0.00
Transaction Id	26276962
Order Id	
Transaction Response	Authorized

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Version: 2022.0.3.9946



Subject: Re: Request for Hearing

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

Date: 01/12/2024 01:03

To: "Gamble, Geoffrey M." <geoff.gamble@saul.com>, "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

CC: "Fellona, Ashley N." <ashley.fellona@saul.com>

Geoff - as I said in a previous email and iterated to Ashley during our conversation on the phone, I am in the midst of (once again) having to relocate this week. Thankfully I was able to avoid having to fight for space in a homeless shelter over the holiday, but the past few days have been rather hectic and I am only now able to begin to read the 97 pages you filed the afternoon before Thanksgiving.

As a preliminary note... I have now asked this six times and you have not yet replied to the question: When will your clients produce the documents they agreed to produce in their August RFD Response?

Second, I am afraid I don't agree with the wording contained in your proposed "Unopposed Motion" and cannot assent to its characterisation of my position. We have discovery issues that MUST be resolved in order for the motions to dismiss to be fairly adjudicated, and the hearings should not be held until the discovery that is relevant to the motions has been completely produced (with time for them to be read and processed once delivered). I am after providing you a copy of the transcript from 24th October, and I believe Judge Malone was very clear when he told us he wants discovery produced prior to the dismissal motions' hearings. I have attached it here again in case it was lost in the shuffle previously.

The Court cannot make a just and fair ruling without the documents your clients a) refuse to release, and/or b) have promised to deliver but withheld for more than four months. To wit:

* Your clients have claimed privy but refuse to release any employment or organisational documentation as proof.

* Your clients have claimed lack of jurisdiction but refuse to release any information about the extent of their contacts in Maryland.

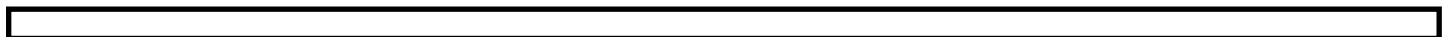
* etc., etc.

Besides, as we have discussed, it is an abuse of discretion in Maryland for a court to dismiss a case on jurisdictional grounds until jurisdictional discovery has been completed.

I intend to oppose the scheduling of the hearings on the motions to dismiss until all related discovery has been produced. While we will eventually need to have a hearing on the motions, I will not support a request for one before the completion of discovery.

On a personal note, I hope you had a lovely holiday.

Regards,
Matt



Subject: Re: O'Reilly v. Waste Management Inc, et al., Case No. C-02-CV-24-000546 -- Notices of Deposition
From: "postmaster@moreilly.com" <postmaster@moreilly.com>
Date: 02/12/2024 00:52
To: "Gamble, Geoffrey M." <geoff.gamble@saul.com>
CC: "Fellona, Ashley N." <ashley.fellona@saul.com>, "Scott H. Phillips" <sphillips@fandpnet.com>, James Aist <aist@acklaw.com>, "maine@acklaw.com" <maine@acklaw.com>, "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Geoff - Thank you for the link. In one respect, I suppose I should take it as a compliment that you assumed I would have already known about and chosen to voluntarily adhere to the "Discovery Guidelines". But it seems you have some misplaced assumptions about what is obvious or even commonly known to non-attorneys regarding depositions practice.

I do my level best to not only read, but understand and comply with the text and spirit of the Maryland Rules. While I regret that my dire circumstances - including the homelessness, unemployment, and severe financial straits from which I suffer that are directly attributable to the actions of your clients - prevented me on this occasion from extending these courtesies to your clients (that are, as I now understand, not requirements), I still do not see where I have done anything that violated the Maryland Rules.

I am ineligible for membership to the Bar Association, and while the Discovery Guidelines do seem like reasonable considerations, by their own admission, they are not mandates. From the preamble: 'they are not officially part of the Maryland Rules and have not been adopted or approved by the Court of Appeals'.

Thus your admonishment that I am in 'contravention' of them - especially to the extent that you would immediately seek sanctions from the Court for not complying with them - seems unnecessarily harsh.

Regarding Steiner's exit from Waste Management: Perhaps if your clients had provided the organisational documentation I requested that was due in August, I would have known that he was no longer at the company. Regardless, I have issued a new Notice for WMI designees for December 10th.

Regarding the right to ask questions: Rule 2-415(b) allows for questions to be asked in absentia. And while you have stated that the dates 'do not work' for you, you give no indication why, nor why they would also not work for Ms. Fellona, who is also counsel of record for your clients. Your firm, not only your person, represents your clients.

Finally, I asked you repeatedly beginning in September to sit down and schedule depositions, most of which you simply ignored. To complain that you didn't get a say in them now is about as specious as it gets.

I hope you had decent weekend. I'll talk to you in the morning.

Regards,
Matt

On 26/11/2024 20:18, Gamble, Geoffrey M. wrote:

Matt:

The Discovery Guidelines are contained at the beginning of Rules 2-401, et seq. They are

Subject: RE: [EXTERNAL] O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

From: "[Scott H. Phillips](mailto:Scott.H.Phillips@sphillips@fandpnet.com)" <sphillips@fandpnet.com>

Date: 02/12/2024 11:42

To: "postmaster@moreilly.com" <postmaster@moreilly.com>

CC: "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>, "aist@acklaw.com" <aist@acklaw.com>, "Fellona, Ashley N." <ashley.fellona@saul.com>, "Gamble, Geoffrey M." <geoff.gamble@saul.com>, "Briana N. Maine" <maine@acklaw.com>

Mr. O'Reilly,

Based on your response I assume you have no objection to those defendants who wish to attend the depositions you have noticed by phone. If that is the case, please provide contact information for the court reporting company you intend to use so that arrangements can be made. Thanks

Scott H. Phillips, Esq.
Franklin & Prokopik, P.C.
Direct 410-230-3576

-----Original Message-----

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

Sent: Monday, November 25, 2024 5:50 PM

To: Scott H. Phillips <sphillips@fandpnet.com>

Cc: maryland.tylerhost.net@moreilly.com; aist@acklaw.com; Fellona, Ashley N. <ashley.fellona@saul.com>; Gamble, Geoffrey M. <geoff.gamble@saul.com>; Briana N. Maine <maine@acklaw.com>

Subject: Re: [EXTERNAL] O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

With my meagre budget, I was only able to book a location and videographer I could afford for a very limited range of dates, and even then I had to secure a loan to be able to schedule them in time. Those funds came through Saturday afternoon and Rule 2-412 requires ten days' notice before a deposition, so I was forced to execute immediately and there wasn't an opportunity to confer beforehand.

I do ordinarily try to notify the parties in advance for scheduling, and dislike that I was unable to extend that courtesy on this occasion. I will continue to endeavour to give more notice in the future when at all possible.

Cheers,
Matt

On 25/11/2024 14:39, [Scott H. Phillips](mailto:Scott.H.Phillips@sphillips@fandpnet.com) wrote:

Is there a reason the defendants were not consulted re deposition dates?

**

Scott H. Phillips, Esq.

*Franklin & **Prokopik**, P.C.*

Direct 410-230-3576

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

*Sent: * Monday, November 25, 2024 12:58 PM

*To: * Scott H. Phillips <sphillips@fandpnet.com>

*Cc: * maryland.tylerhost.net@moreilly.com; aist@acklaw.com; Fellona, Ashley N. <ashley.fellona@saul.com>; Gamble, Geoffrey M. <[maine@acklaw.com](https://urldefense.proofpoint.com/v2/url?u=http-3A__geoff.gamble-40saul.com&d=DwlGa0&c=euGZstcaTDI1vi mEN8b7jXrwq0f-v5A_CdpgnVfi iMM&r=a1lXJ58vz-dDu7Uk3gg7f0sgHWhp850vMesYs5srXuU&m=0yOwPa_80B_BOXUXuYXx293GSJYTgy28uxa01uq2QMi waf2VmWLRKbEXk4Bb0qNI &s=TpF4er0DU7cLVfX5rIRm7Qi l5zwcYMO4yALWYvj mwkA&e=>>; Briana N. Maine <

*Subject: * RE: [EXTERNAL] O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

Good morning, Mr. Phillips.

Unfortunately due to my circumstances those are the only dates and times available to me for taking these depositions by the deadlines set by the Court.

I understand you have prior commitments, but fortunately your presence is not required and your client will not be unfairly prejudiced if you are not present.

The deponents are parties represented by another firm and the depositions will be audio and video recorded. Copies will be made available upon request.

The costs of securing the location and videography were considerable and non-refundable and I was forced to take out a loan just to secure them in the first. Simply put, I cannot afford to change them to accommodate your schedule. If your client feels strongly enough about your presence to be willing to cover the full costs of rescheduling, I would be willing to have that discussion.

Regarding your objections, there is no provision for delaying depositions while dispositive motions are pending in Maryland law or under the Maryland Rules. In addition, the information under enquiry in the depositions is in part directly applicable to the issues raised in your motion to dismiss and, given the paucity of your client's production in response to my requests for documentation, are essential to the fair adjudication of the dispositive motions.

If there are any ways in which I can accommodate you within these constraints, please let me know and I will do my best to do so.

Respectfully,
Matthew O'Reilly

On November 25, 2024 2:16:06 PM UTC, "Scott H. Phillips" <sphillips@fandpnet.com> <<mailto:sphillips@fandpnet.com>>> wrote:

Mr. O'Reilly,

I am in receipt of your notices scheduling depositions for Dec. 3 and 4. I was not consulted on either date and have other commitments scheduled for both mornings. As such, I ask that you withdraw your notices. I also object to depositions proceedings while dispositive motions are pending. Please advise as to your intentions. Thanks

Scott H. Phillips, Esq.
Franklin & Prokopiak, P.C.
Direct 410-230-3576

-----Original Message-----

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

Subject: RE: Proposed Modification of Scheduling Order Deadlines
From: "[Gamble, Geoffrey M.](mailto:geoff.gamble@saul.com)" <geoff.gamble@saul.com>
Date: **02/12/2024 21:31**
To: "postmaster@moreilly.com" <postmaster@moreilly.com>, "Fellona, Ashley N." <ashley.fellona@saul.com>
CC: "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Matt:

I am writing to circle back on what I believe was the last substantive exchange on the proposed joint motion to modify the scheduling order deadlines. I have reviewed the transcript a couple times now and I do not see where Judge Malone says or even contemplates the completion of all discovery prior to December 12. Instead, what the transcript provides - consistent with what I heard the Judge say in the courtroom - is that the parties shall meet and confer in an effort to resolve any outstanding issues prior to the December 12 hearing, He further expects that there are additional documents (relevant documents) that the WM Defendants would produce and asked that such production be done prior to December 12, which we will do. But we cannot agree to say that discovery must be done before December 12 because that is not accurate.

As much as I would prefer to present a joint request to modify the scheduling order deadlines, it seems we are at an impasse with the language of the motion. Accordingly, we will file our own motion with the court and, if while that motion is pending we can agree on some language and make a joint request after all, I am happy to file a supplemental motion or even a line to that effect.

Thanks,

Geoff

Geoffrey M. Gamble
Partner
SAUL EWING LLP | Baltimore
Office: (410) 332-8848 Cell: (443) 995-6957

-----Original Message-----

From: postmaster@moreilly.com <postmaster@moreilly.com>
Sent: Saturday, November 23, 2024 10:46 PM
To: Fellona, Ashley N. <ashley.fellona@saul.com>; Gamble, Geoffrey M. <geoff.gamble@saul.com>
Cc: maryland.tylerhost.net@moreilly.com
Subject: Re: Proposed Modification of Scheduling Order Deadlines

Good evening - I hope you're having a lovely (if cold!) weekend.

Attached is a copy of the transcript of the 24th October hearing on the Motion to Compel. It's a short read, but I'll refer you to p.11 at 14-17 and p.12 at 14-15 specifically. Judge Malone does want discovery done before the motions to dismiss are heard, and I'm more comfortable with that statement remaining in the joint motion. From the comparison copy you sent, that seems to be the only non-cosmetic change to the motion, so I think we can use the signed copy I sent last time to submit.

For the calendaring call, I have availability at 1:30PM on Monday 25th November if that works for you.

Cheers,
Matt

Subject: Re: Proposed Modification of Scheduling Order Deadlines

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

Date: 02/12/2024 22:00

To: "Gamble, Geoffrey M." <geoff.gamble@saul.com>, "Fellona, Ashley N." <ashley.fellona@saul.com>

CC: "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Geoff - thanks for following up on this. Fortunately next week we will have the opportunity to ask Judge Malone about it directly.

I propose that we discuss filing the joint motion after next week's hearing. As Ms. Fellona posited last week, the Court will likely be more receptive to changing the schedule with concrete dates to pin the changes to.

Speaking of dates, I notice your reply doesn't address the question I asked (once again) in my last email: for the 40 document requests the WM Defendants have said 'will be produced', when will that happen? It has now been more than three months and nothing responsive to those items has been produced.

Regards,
Matt

On 02/12/2024 21:31, Gamble, Geoffrey M. wrote:

Matt:

I am writing to circle back on what I believe was the last substantive exchange on the proposed joint motion to modify the scheduling order deadlines. I have reviewed the transcript a couple times now and I do not see where Judge Malone says or even contemplates the completion of all discovery prior to December 12. Instead, what the transcript provides - consistent with what I heard the Judge say in the courtroom - is that the parties shall meet and confer in an effort to resolve any outstanding issues prior to the December 12 hearing. He further expects that there are additional documents (relevant documents) that the WM Defendants would produce and asked that such production be done prior to December 12, which we will do. But we cannot agree to say that discovery must be done before December 12 because that is not accurate.

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Thanks,

Geoff

Geoffrey M. Gamble
Partner
SAUL EWING LLP | Baltimore
Office: (410) 332-8848 Cell: (443) 995-6957

-----Original Message-----

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

Sent: Saturday, November 23, 2024 10:46 PM

To: Fellona, Ashley N. <ashley.fellona@saul.com>; Gamble, Geoffrey M. <geoff.gamble@saul.com>

Cc: maryland.tylerhost.net@moreilly.com

Subject: Re: Proposed Modification of Scheduling Order Deadlines

Subject: RE: Proposed Modification of Scheduling Order Deadlines
From: "[Gamble, Geoffrey M.](mailto:geoff.gamble@saul.com)" <geoff.gamble@saul.com>
Date: **02/12/2024 22:22**
To: "postmaster@moreilly.com" <postmaster@moreilly.com>, "Fellona, Ashley N." <ashley.fellona@saul.com>
CC: "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Matt:

Thanks for the quick response.

I am always interested in reaching a resolution that can be presented to the court jointly and by agreement. Unfortunately, we cannot wait any longer to seek relief from the unworkable scheduling order deadlines, particularly now that there is a motions hearing scheduled for February 3, after discovery closes and a week before dispositive motions are due. While I understand your desire for discovery, a motion to dismiss challenges the sufficiency of the complaint. Discovery has no place in the resolution of such a motion.

We circulated a draft motion to modify the scheduling order three months ago. We cannot afford a further delay and we need to get something on file with the court immediately to have any hope of securing a decision before all deadlines have passed us.

I am hopeful that Judge Malone can weigh in on a request to modify the scheduling order, but he stated during the last hearing that he has limitations in granting such relief. Accordingly, the better path in my view is to file the motion and take it up with the Court on December 12 if that is at all possible.

Ms. Fellona was proposing specific new scheduling order dates rather than an open-ended request to vacate the scheduling order, which will be better received by the Court.

Judge Malone asked me how long it would take to make a further production of documents and set a hearing date based upon the time I estimated it would take to make such a supplemental production. We hope to be in a position to produce additional documents this week and any additional documents before the December 12 hearing.

Thanks,

Geoff

Geoffrey M. Gamble
Partner
SAUL EWING LLP | Baltimore
Office: (410) 332-8848 Cell: (443) 995-6957

-----Original Message-----

From: postmaster@moreilly.com <postmaster@moreilly.com>
Sent: Monday, December 2, 2024 10:01 PM
To: Gamble, Geoffrey M. <geoff.gamble@saul.com>; Fellona, Ashley N. <ashley.fellona@saul.com>
Cc: maryland.tylerhost.net@moreilly.com
Subject: Re: Proposed Modification of Scheduling Order Deadlines

Geoff - thanks for following up on this. Fortunately next week we will have the opportunity to ask Judge Malone about it directly.

I propose that we discuss filing the joint motion after next week's hearing. As Ms. Fellona posited last week, the Court will likely be more receptive to changing the schedule with concrete dates to pin the changes to.

Speaking of dates, I notice your reply doesn't address the question I asked (once again) in my last email: for the 40 document requests the WM Defendants have said 'will be produced', when will

Subject: Re: Proposed Modification of Scheduling Order Deadlines

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

Date: 03/12/2024 11:51

To: "Gamble, Geoffrey M." <geoff.gamble@saul.com>, "Fellona, Ashley N." <ashley.fellona@saul.com>

CC: "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Geoff - sorry, I crashed before seeing your reply last night. The past week has been brutal.

While I understand conceptually that discovery often has limited application for dispositive motions, I don't agree that it categorically has 'no place', especially when the defences presented are heavily fact-dependent.

Privity, for example, depends entirely on the facts concerning the relationship between two entities. The ONLY evidence currently on the record is a statement or two from a self-serving affidavit from Waste Management, Inc.'s own in-house counsel stating that Tsottles and Palmer never worked for Waste Management, Inc. How would the Court even be able to come to the conclusion that Tsottles and WMI are in privity without additional information?

The State's position on jurisdiction is even more clear-cut. Personal jurisdiction is such a heavily fact-dependent area that it is presumptively improper for a court to dismiss a complaint without allowing jurisdictional discovery. And again, the only evidence supporting WMI's position is the same affidavit that says, conclusorily, that WMI doesn't do business in Maryland, without any factual support. I can't imagine your clients are so bold as to be asking the Court to simply take their word on it, especially in light of the evidence I'm after presenting showing that WMI advertises extensively in the state.

Yes, a motion to dismiss is intended to test the sufficiency of a complaint - but only prima facie. In the purest sense, the analysis is not intended to look "beyond the four corners of the complaint", and the standard is that "no reasonable jury" could find for the plaintiff as a matter of law based on the complaint itself. The defences you're after introducing have added another, factually-dependent layer to the review. Plus the motions to dismiss have introduced evidence to support that position, which alone belies the idea that discovery has no place in dispositive motions. If facts are needed to support the decision, then discovery is appropriate to uncover the facts.

I realise my arguments here will not convince you to change your belief and the discussion is almost purely academic, but I hope it sheds a bit of light for you on my position and why I am taking this line in this instance. Regardless of my role in this case, I happen to agree much more with Maryland's approach than the Federal one, even though it is more expensive for defendants earlier on. Personally I think that both Rule 12 and 2-322 would be best served by the addition of the same requirement that is already in the pleadings: namely, that the defence be required to admit the portions of the complaint that are true as an integral component of any dispositive motion. But strangely, so far neither of the Rules Committees have sought my input on the Rules, lol.

Regarding the joint motion: I fully support a modification to the schedule that does not affect discovery obligations. But that seems to be the bridge too far here, which is understandable. If there's a way around that - where we request schedule changes apart from the discovery deadlines - I'll be happy to sign back on.

On a more personal note, yesterday the Court's ruling cost me \$5,000 that I borrowed to be able to schedule the depositions. That's more money than I have spent on food this year. You clients' constant harping on how 'unfair', 'burdensome', and 'oppressive' the costs of this lawsuit are - when one of those clients earns more money per day than I will in my lifetime - is more than a little tone-deaf. I'm not asking you to change anything based on this information, but I thought

you might appreciate knowing the impact your clients' decisions are having.

Last, but certainly not least, while I appreciate that you "hope to be in a position" to deliver some "additional documents" in the next week, that doesn't come close to answering my question. In August, you complained bitterly that 30 days was not enough to be able to produce all of the documents I requested, but even four months has turned out to be not enough to deliver more than a few paltry returns. So far, your four clients combined have produced less than one page of discovery per day, and almost half of that number is from one (useless) spreadsheet that should have been delivered in its native format rather than splattered across a 41-page PDF.

I am still waiting on a privilege log and a date when the *uncontested* items will be delivered. Until these are delivered, your clients continue to be in unambiguous contravention of both the Maryland Rules and the Discovery Guidelines.

Sorry for the rambling missive. I hope you had a lovely holiday with your family. Looking forward to hearing from you soon.

Regards,
Matt

On 02/12/2024 22:22, Gamble, Geoffrey M. wrote:

Matt:

Thanks for the quick response.

I am always interested in reaching a resolution that can be presented to the court jointly and by agreement. Unfortunately, we cannot wait any longer to seek relief from the unworkable scheduling order deadlines, particularly now that there is a motions hearing scheduled for February 3, after discovery closes and a week before dispositive motions are due. While I understand your desire for discovery, a motion to dismiss challenges the sufficiency of the complaint. Discovery has no place in the resolution of such a motion.

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Ms. Fellona was proposing specific new scheduling order dates rather than an open-ended request to vacate the scheduling order, which will be better received by the Court.

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Subject: Re: O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

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

Date: 09/12/2024 19:00

To: "Gamble, Geoffrey M." <geoff.gamble@saul.com>, "Fellona, Ashley N." <ashley.fellona@saul.com>

CC: "Scott H. Phillips" <sphillips@fandpnet.com>, "aist@acklaw.com" <aist@acklaw.com>, "Briana N.

Maine" <maine@acklaw.com>, "maryland.tylerhost.net@moreilly.com"

<maryland.tylerhost.net@moreilly.com>

Good afternoon, all.

I have not seen orders today regarding the Motion for Protective Order or Motion for Clarification, but regardless I will be at the location Noted and ready to depose at 0800 tomorrow should the Court indicate that the deposition may proceed. We can start late if necessary and proceed to the next day as needed.

Cheers,
Matt

On 06/12/2024 14:24, Gamble, Geoffrey M. wrote:

Matt:

Having not heard from you, Ashley is en route to the court. She will arrive between 2:35PM and 2:40PM.

Geoff

Geoffrey M. Gamble
Partner
SAUL EWING LLP | Baltimore
Office: (410) 332-8848 Cell: (443) 995-6957

-----Original Message-----

From: Gamble, Geoffrey M.
Sent: Friday, December 6, 2024 12:02 PM
To: postmaster@moreilly.com; Fellona, Ashley N. <ashley.fellona@saul.com>
Cc: Scott H. Phillips <sphillips@fandpnet.com>; aist@acklaw.com; Briana N. Maine <maine@acklaw.com>; maryland.tylerhost.net@moreilly.com
Subject: RE: O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

Matt:

We are in receipt of the line that you filed this morning. In that filing, you note that the Court denied your motion to shorten time. I have not seen that order - could you please send it to me?

In light of the Court's ruling on the motion to shorten time, I assume you will not be appearing at the courthouse this afternoon. If I have that wrong, please advise.

Thanks,

Geoff

Geoffrey M. Gamble

Subject: RE: O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

From: "[Gamble, Geoffrey M.](mailto:Geoffrey M. Gamble)" <geoff.gamble@saul.com>

Date: **09/12/2024 20:33**

To: "postmaster@moreilly.com" <postmaster@moreilly.com>, "Fellona, Ashley N." <ashley.fellona@saul.com>

CC: "Scott H. Phillips" <sPhillips@fandpnet.com>, "aist@acklaw.com" <aist@acklaw.com>, "Briana N. Maine" <maine@acklaw.com>, "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Matt:

Thanks for your e-mail.

In addition to the various deficiencies identified in our motion for protective order, the notice of deposition directed to Waste Management, Inc. was not served ten (10) days before the date of the deposition. It is, therefore, facially invalid and unenforceable.

For that reason, among those stated in our motion for protective order, and in accordance with Judge Thompson's ruling staying all depositions pending resolution of the motion for protective order, Waste Management will not attend and we will not make any witness available for any proceeding tomorrow.

Should you attempt to open a record tomorrow, then I insist that you make available a telephone line for the other parties, so that we can note our objection to any efforts to conduct a deposition in violation of the Maryland Rules.

Thanks,

Geoff

Geoffrey M. Gamble
Partner
SAUL EWING LLP | Baltimore
Office: (410) 332-8848 Cell: (443) 995-6957

-----Original Message-----

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

Sent: Monday, December 9, 2024 7:01 PM

To: Gamble, Geoffrey M. <geoff.gamble@saul.com>; Fellona, Ashley N. <ashley.fellona@saul.com>

Cc: Scott H. Phillips <sPhillips@fandpnet.com>; aist@acklaw.com; Briana N. Maine

<maine@acklaw.com>; maryland.tylerhost.net@moreilly.com

Subject: Re: O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

Good afternoon, all.

I have not seen orders today regarding the Motion for Protective Order or Motion for Clarification, but regardless I will be at the location noted and ready to depose at 0800 tomorrow should the Court indicate that the deposition may proceed. We can start late if necessary and proceed to the next day as needed.

Cheers,
Matt

Subject: RE: O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

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

Date: 09/12/2024 23:25

To: "Gamble, Geoffrey M." <geoff.gamble@saul.com>,"Fellona, Ashley N." <ashley.fellona@saul.com>

CC: "Scott H. Phillips" <sPhillips@fandpnet.com>,"aist@acklaw.com" <aist@acklaw.com>,"Briana N. Maine" <maine@acklaw.com>,"maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Geoff - Please refer to envelope number 19004111, which was submitted for service on 30th November, 2024, ten days prior to the date of deposition in accordance with the Maryland Rules.

It is my understanding from your email here that Waste Management, Inc. will not make any witnesses available for depositions under any circumstances on 10th December, 2024. If that understanding is incorrect, please clarify.

I will establish a phone bridge in the morning and send that information to all parties as soon as possible.

Should the Motion for Protective Order be denied, or the Court otherwise establish that the depositions are not stayed, any party is welcome to join the bridge and establish their objections on the record.

Cheers,
Matt

On December 10, 2024 1:33:08 AM UTC, "Gamble, Geoffrey M." <geoff.gamble@saul.com> wrote:

Matt:

Thanks for your e-mail.

In addition to the various deficiencies identified in our motion for protective order, the not

For that reason, among those stated in our motion for protective order, and in accordance with

Should you attempt to open a record tomorrow, then I insist that you make available a telephon

Thanks,

Geoff

Geoffrey M. Gamble
Partner
SAUL EWING LLP | Baltimore

Subject: RE: O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

From: "Gamble, Geoffrey M." <geoff.gamble@saul.com>

Date: 10/12/2024 07:15

To: "postmaster@moreilly.com" <postmaster@moreilly.com>, "Fellona, Ashley N." <ashley.fellona@saul.com>

CC: "Scott H. Phillips" <sPhillips@fandpnet.com>, "aist@acklaw.com" <aist@acklaw.com>, "Briana N. Maine" <maine@acklaw.com>, "maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Matt:

The notice of deposition with the referenced envelope number is attached for your convenience. It was submitted and served on December 1, 2024, nine days ago.

We will not make a witness available for a deposition that was not properly noticed and that was stayed by the Court.

Thanks,

Geoff

Geoffrey M. Gamble

Partner

SAUL EWING LLP | Baltimore

Office: [\(410\) 332-8848](tel:4103328848) Cell: (443) 995-6957

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

Sent: Monday, December 9, 2024 11:26 PM

To: Gamble, Geoffrey M. <geoff.gamble@saul.com>; Fellona, Ashley N. <ashley.fellona@saul.com>

Cc: Scott H. Phillips <sPhillips@fandpnet.com>; aist@acklaw.com; Briana N. Maine

<maine@acklaw.com>; maryland.tylerhost.net@moreilly.com

Subject: RE: O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

Subject: RE: O'Reilly v. Waste Management Inc, et al. (C-02-CV-24-000546)

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

Date: 10/12/2024 08:07

To: "Gamble, Geoffrey M." <geoff.gamble@saul.com>,"Fellona, Ashley N." <ashley.fellona@saul.com>

CC: "Scott H. Phillips" <sPhillips@fandpnet.com>,"aist@acklaw.com" <aist@acklaw.com>,"Briana N. Maine" <maine@acklaw.com>,"maryland.tylerhost.net@moreilly.com" <maryland.tylerhost.net@moreilly.com>

Geoff - I can't speak to the vagaries of MDEC. The Notice was submitted before midnight on the 30th. That you possibly weren't served with it until a few minutes after midnight is not within my control. If you like, we can raise the issue with the Court on Thursday and see if those few minutes are critical.

Regarding your client's participation in today's deposition: your response indicates that should the protective order be denied (which will lift the stay automatically), or the stay invalidated, your client will participate. (An objection without a protective order is not a valid excuse to refuse to participate in a deposition in Maryland.)

As a result, I will continue to be prepared to take the deposition in the event that the Court gives the go-ahead.

Conference bridge instructions will follow.

On December 10, 2024 12:15:00 PM UTC, "Gamble, Geoffrey M." <geoff.gamble@saul.com> wrote:

Matt:

The notice of deposition with the referenced envelope number is attached for your convenience. It was submitted and served on December 1, 2024, nine days ago.

We will not make a witness available for a deposition that was not properly noticed and that was stayed by the Court.

Thanks,

Geoff

