

IN THE CIRCUIT COURT  
FOR ANNE ARUNDEL COUNTY, MARYLAND

- - - - - x

MATTHEW O'REILLY :

:

Plaintiff, Pro Se :

:

v. : CASE NUMBER:

: C-02-CV-24-000546

WASTE MANAGEMENT, et al. :

:

Defendants :

- - - - - x December 26, 2024

PURSUANT TO NOTICE, the following video deposition of JEFFREY M. VIOLA was held before me, Kathleen S. Wilson, Notary Public, at 1029 Benfield Boulevard, Millersville, Maryland 21108 commencing at 11:23 a.m. when were present on behalf of the respective parties:

1 APPEARANCES

2

3

4 MATTHEW O'REILLY, Pro Se

5 14316 Reese Boulevard

6 B101

7 Huntersville, NC 28078

8

9 On Behalf Of The Plaintiff

10

11

12 SCOTT H. PHILLIPS, ESQUIRE

13 Franklin & Prokopik, P.C.

14 2 North Charles Street

15 Suite 600

16 Baltimore, Maryland 21201

17 (410) 409-0986

18

19 On Behalf Of the Defendant,

20 Beatty Management Group, LLC

21

1 GEOFFREY M. GAMBLE, ESQUIRE

2 Saul Ewing

3 Harbor East

4 1001 Fleet Street

5 9th Floor

6 Baltimore, MD 21202

7

8 On Behalf of the Defendants,

9 Waste Management, Inc.,

10 Waste Management of Maryland, Inc.

11 Adam Tsottles and Ray Palmer

12

13 ALSO PRESENT

14

15 Demetris Luck

16 Samantha Cromwell, Video Operator

17 Kelly Lynette Lucas, Notary Public

18

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I-N-D-E-X

WITNESS

JEFFREY M. VIOLA

Examination by Mr. O'Reilly

Page 8

E-X-H-I-B-I-T-S

No. 1 Sixteenth Amended and Restated

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Management Agreement

No. 2 Waste Management Registration

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No. 3 Waste Management Home Page

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No. 4 Baltimore Search Inquiry

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No. 5 Paul Marker Email Chain

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No. 6 CNN Video

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(Retained by Counsel)

1 Whereupon,

2 JEFFREY M. VIOLA,  
3 was called for examination by the Plaintiff,  
4 Matthew O'Reilly, pro se, and having been duly  
5 sworn, was examined and testified as follows:

6 VIDEO OPERATOR: My name is Samantha  
7 Cromwell. I am working for Circus Siren Events,  
8 LLC, 14625 Baltimore Avenue 20245, PMB 245 in  
9 Laurel, Maryland 20707.

10 Today's date is December 26th, 2024. We  
11 are at Unallocated Space, located at 1029 Benfield  
12 Boulevard, in Millersville, Maryland.

13 All right. And the caption of the case is  
14 the Circuit Court of Anne Arundel County, Matthew  
15 O'Reilly vs. Waste Management, et al., CV-02-24-  
16 000546.

17 And the deponent is Jeffrey Viola,  
18 designee for Waste Management, Inc., who is being  
19 deposed by Plaintiff, Matthew O'Reilly.

20 MS. LUCAS: Good morning. Kelly Lucas,  
21 Notary Public for the State of Maryland, the County

1 of Anne Arundel. If you would raise your right  
2 hand and state your name.

3 MR. O'REILLY: Matthew O'Reilly.

4 (Whereupon, the Plaintiff was duly sworn.)

5 MS. LUCAS: Would you raise your right  
6 hand and state your name, please?

7 MR. VIOLA: Jeffrey Michael Viola.

8 (Whereupon, the Deponent was duly sworn.)

9 MR. O'REILLY: All right. I just would  
10 note, just a few things. We have two hours for the  
11 initial, half hour for cross, half hour for  
12 redirect. I note the two times here are --  
13 certainly my time now for the two hour.

14 And if the -- we'll take a break if you  
15 want more time for however long you need to -- any  
16 questions?

17 MR. GAMBLE: Yeah. I just want to make a  
18 preliminary statement on the record. We object to  
19 this deposition of Waste Management, Inc. The  
20 Waste Management defendants in this case have filed  
21 a motion for a protective order seeking to hold off

1 on this deposition for several reasons, including  
2 that there is a pending motion to dismiss for lack  
3 of personal jurisdiction for Waste Management, Inc.  
4 We incorporate those arguments into -- and into our  
5 objections here this morning.

6 We are appearing -- Waste Management, Inc.  
7 is appearing today, pursuant to a court ruling that  
8 was issued on December 12th. The deposition today  
9 is limited to issues relating to personal  
10 jurisdiction.

11 The amount of time for the Plaintiff to  
12 ask questions has been limited by a court ruling to  
13 two and a half hours.

14 In addition, we served objections to  
15 deposition topics in the notice of the deposition  
16 of Waste Management, Inc., dated December 20th,  
17 2024, limiting the subject matter on which the  
18 witness for Waste Management, Inc. can testify this  
19 morning.

20 We also object to the location of the  
21 deposition for the reasons stated in our motion for

1 protective order. The Waste Management defendant's  
2 position is it is unfair to -- into Maryland a  
3 Delaware corporation that's headquartered in  
4 Houston, Texas. We are doing so, again pursuant to  
5 the ruling of the court issued on December 12th,  
6 2024. Thank you.

7 MR. O'REILLY: Thank you.

8 EXAMINATION

9 BY MR. O'REILLY:

10 Q. Sir, welcome. So sorry to drag you out  
11 the day after Christmas. Thank you for coming.  
12 This is the only date that was available to  
13 everyone, so here we are.

14 Could you please state your full name for  
15 the record?

16 A. Jeffrey Michael Viola. V-i-o-l-a.

17 Q. And you work for?

18 A. Waste Management.

19 Q. Okay. Can you be a little more specific?

20 Do you work for Waste Management? Is that an  
21 entity?



1           A.    I -- my employer is a Waste Management  
2 subsidiary, WM Corporate Services, Inc.

3           Q.    Okay.

4           A.    That is one of about 500 Waste Management  
5 separate corporations that operate in the United  
6 States and Canada. That is my official employer.

7           Q.    Okay. All right. And, as you are aware,  
8 you are being deposed in this case that we just  
9 talked about.

10                    Have you been deposed before?

11           A.    I have not.

12           Q.    Really. Okay. So this is our first time  
13 together.

14                    So, in your deposition I'm going to be  
15 asking you questions and you are answering under  
16 oath. So, you acknowledge that you are under oath  
17 and the testimony you give will be --

18           A.    I so acknowledge.

19           Q.    Okay. So there are a few differences  
20 between a deposition and a typical conversation.  
21 First, the court reporter is attempting to

1 transcribe everything we say, not in real time, of  
2 course, but will. In a normal conversation  
3 obviously we do, you know, interrupt, talk over  
4 each other. But here we need to respect the  
5 decorum so that the -- so that we're not  
6 interrupting each other. And so, hopefully, we'll  
7 both be able to do that.

8           And so, obviously, if there is an  
9 objection or something like that, we'd ask that you  
10 wait for the question to be finished before the  
11 objection gets stated.

12           If there is an objection, I will ask  
13 several questions, like the nature of the objection  
14 and all that and we'll go from there.

15           So, are we -- is everybody okay with that?

16           And so, obviously, since this is an oral  
17 transcript, then you are already doing well at  
18 this, the court reporter can't indicate head nods  
19 or anything like that, so everything needs to be  
20 verbal.

21           And so, unlike typical conversation --

1 because you are under oath, so I've asked you to,  
2 you know -- giving false, misleading, or incomplete  
3 testimony under oath. All right?

4 A. Understood.

5 Q. Okay. Is there any reason -- are you  
6 under unusual stress, or mental condition, or under  
7 the influence of any substance or sleep deprivation  
8 that would prevent you from giving truthful answers  
9 to my questions?

10 A. There is not.

11 Q. Okay. There is nothing wrong with asking  
12 me to repeat a question or to explain a term if you  
13 don't understand a question. But if you answer my  
14 question, I'm going to assume that you understood  
15 the question. Do you understand?

16 A. Yes.

17 Q. Okay. If you do need clarification of the  
18 question, look to me and I will clarify it. That's  
19 -- you know -- here to help you with this, but not  
20 in that capacity.

21 And sometimes when I ask a question, you

1 will have partial knowledge, but you will not be  
2 absolutely certain or have complete knowledge. So  
3 if I ask you the temperature right now, you  
4 wouldn't necessary be able to tell me the exact  
5 degree, but you can give me an approximate answer.  
6 And even if you couldn't, you'd probably know  
7 whether it's hot, or cold, or somewhere in between.  
8 So, in that circumstance, an answer of "I don't  
9 know," isn't appropriate, but an answer giving a  
10 range or estimate based on your knowledge with an  
11 explanation that it's a range is perfect. Does  
12 that make sense?

13 A. It does.

14 Q. Okay. And you agree to abide by that?

15 A. I think we are going to have to take that  
16 as we go.

17 Q. How so?

18 A. I will answer your questions to the best  
19 of my ability, but I don't know that I'll be able  
20 to give you a range.

21 Q. Okay. But -- but understanding that a

1 partially true answer is not a complete answer and  
2 is not responsive under the rules of the court.

3 A. Understood.

4 Q. Okay. All right.

5 A. Mr. O'Reilly, I'm an attorney, so --

6 Q. Okay. All right.

7 A. I might as well state that for the record.

8 Q. Okay. So you do know a -- okay.

9 I'm not going to skip over any of this  
10 because I need to hear it, but sometimes I might  
11 ask you a question which you aren't sure of the  
12 answer, but you can reference some document to  
13 answer it -- after you reference it. So, if you  
14 need to reference something, please let me know and  
15 we'll give you the opportunity to do that.

16 A. Okay.

17 Q. I am entitled to what are considered  
18 complete answers. This means an answer that is  
19 fully and completely answers my question.

20 So, for example, if you had orange juice,  
21 toast, and coffee for breakfast, and I ask you what

1 you ate for breakfast, and you answered orange  
2 juice, this is not a complete answer, and you would  
3 not have properly answered the question.

4 But you are under no obligation to answer  
5 that question by telling me what you had for lunch,  
6 even if that was a more interesting meal.

7 A. Understood.

8 Q. Understood. Okay.

9 Sometimes when I ask a question, you will  
10 have partial knowledge, but not absolutely certain  
11 or complete knowledge. Sorry. I already did that.

12 Okay. So in answering the questions, if  
13 you have any knowledge available to answer the  
14 question, a response indicating a lack of knowledge  
15 is not appropriate. Instead, we need you to  
16 provide all available information to answer the  
17 question. Response indicating lack of knowledge is  
18 only appropriate if you have absolutely no  
19 information on the question being asked.

20 A. Understood.

21 Q. Now, you are here as the designee for

1 Waste Management, Incorporated; is that correct?

2 A. I am the -- let me put in context what I  
3 do and that might help answer the question a little  
4 better.

5 I'm the Assistant General Counsel for the  
6 Eastern United States for Waste Management. In  
7 that capacity, I provide legal services for the  
8 Waste Management enterprise, all of the companies  
9 of Waste Management, at least with respect to the  
10 Eastern United States. And I am here for this  
11 deposition in that capacity.

12 Q. Okay. Waste Management, Incorporated has  
13 nominated you as the designee for this deposition.  
14 So you are speaking for Waste Management,  
15 Incorporated in your capacity here in this  
16 deposition.

17 A. I don't speak for Waste Management,  
18 Incorporated. I represent Waste Management, the  
19 entire family of companies, which includes Waste  
20 Management, Incorporated. I provide legal services  
21 to that enterprise. Being here for this deposition

1 is part of the legal services I provide for the  
2 enterprise.

3 MR. O'REILLY: Okay. Mr. Gamble, I have  
4 to object to this witness, that he is not the  
5 designee. If he is not going to answer as the  
6 designee for Waste Management, Incorporated, he's  
7 not responsive.

8 MR. GAMBLE: This is the designee that is  
9 available for Waste Management, Inc. for this  
10 deposition today.

11 BY MR. O'REILLY:

12 Q. Okay. Are you going to acknowledge that  
13 he is speaking for Waste Management, Incorporated,  
14 responsively as the designee for the purposes of  
15 this deposition by designee?

16 A. In my capacity as counsel for Waste  
17 Management, which includes all of the Waste  
18 Management entities, including Waste Management,  
19 Inc., I'm here to give this deposition.

20 Q. But that is not what you were called to do  
21 and that is not what Waste Management, Incorporated



1 nominated you to do. The reason that you are here  
2 is responsive to a court order for a deposition by  
3 designee by Waste Management, Incorporated, which  
4 means that the person who is sitting in your chair  
5 needs to be prepared and able to speak on behalf of  
6 Waste Management, Incorporated in order to comply  
7 with the court order.

8 A. I am Waste Management, Inc., our ultimate  
9 parent company's designee for this deposition.

10 Q. And so you are prepared to speak with  
11 knowledge about Waste Management, Incorporated?

12 A. I'm prepared to speak with knowledge about  
13 the topics that the court ordered for this  
14 deposition.

15 Q. Okay. All right. So you are  
16 acknowledging that you are, in effect, Waste  
17 Management, Incorporated sitting in the chair?

18 MR. GAMBLE: Objection.

19 MR. O'REILLY: How so?

20 MR. GAMBLE: He is here as a designee of  
21 Waste Management, Inc. and --

1 MR. O'REILLY: He has not yet said that he  
2 will speak on behalf of Waste Management,  
3 Incorporated.

4 MR. GAMBLE: He noted that position for  
5 Waste Management, Inc. Mr. Viola is the designee  
6 for Waste Management, Inc. and will testify to the  
7 subject matter in the deposition notice, as  
8 modified by our objection -- December 20 --

9 MR. O'REILLY: Right. But, Mr. Gamble, I  
10 appreciate what you're saying, but you are not on  
11 the ropes here, and you are not the person giving  
12 testimony. I need the person who is giving  
13 testimony -- the witness to actually acknowledge  
14 that they are speaking on behalf of Waste  
15 Management, Incorporated for all things regarding  
16 Waste Management, Incorporated that were noted in  
17 the deposition.

18 MR. GAMBLE: I am familiar with the rules,  
19 Mr. O'Reilly.

20 MR. O'REILLY: Yes, sir.

21 MR. GAMBLE: When you note a deposition of

1 a corporate entity, that corporate entity is  
2 allowed to designate a representative who will  
3 testify on behalf of Waste Management, Inc.

4 MR. O'REILLY: Correct.

5 MR. GAMBLE: Mr. Viola has testified this  
6 morning that he is providing information as the  
7 designee of Waste Management, Inc.

8 Please move on and ask questions of the  
9 witness.

10 MR. O'REILLY: Okay. All right.

11 BY MR. O'REILLY:

12 Q. So as the deponent, Waste Management,  
13 Incorporated's designee, you are required to  
14 testify fully and knowledgeably about the topics  
15 listed in the designation -- deposition notice.

16 Did you prepare for this deposition?

17 A. Yes.

18 Q. Okay. Who did you meet with during your  
19 preparation? I need names, titles, and  
20 responsibilities.

21 A. No one.

1 Q. So you did not do any -- you did not speak  
2 with anyone about this?

3 MR. GAMBLE: Objection. Asked and  
4 answered.

5 MR. O'REILLY: It has not been answered.  
6 He said that he -- the question that I asked, who  
7 did you meet with during your preparation.

8 MR. GAMBLE: Objection. Asked and  
9 answered.

10 BY MR. O'REILLY:

11 Q. So you had met with absolutely no one?

12 MR. GAMBLE: Objection. Asked and  
13 answered. Please move on.

14 MR. O'REILLY: Mr. Gamble, it won't hurt  
15 him to answer a question.

16 THE WITNESS: I was picked up at the train  
17 station by my attorney, Mr. Gamble.

18 MR. O'REILLY: Okay. All right.

19 BY MR. O'REILLY:

20 Q. So you have spoken to no one else about  
21 this?

1 MR. GAMBLE: Objection.

2 BY MR. O'REILLY:

3 Q. What documents did you review in  
4 preparation for today's deposition?

5 A. The affidavit of Courtney Tippy.

6 The order of the court setting this  
7 deposition.

8 The objections that were filed by our  
9 counsel to the deposition notice.

10 And I think it's the Sixteenth Management  
11 Services Agreement executed by a number of Waste  
12 Management entities, which goes into an explanation  
13 for how various subsidiaries provide services to  
14 various other subsidiaries within the Waste  
15 Management family of companies. My guess is we'll  
16 get into that document at some point.

17 Q. Okay. Do you have a copy of that document  
18 with you?

19 MR. GAMBLE: That's a question best as  
20 directed for me if we do have a copy.

21 MR. O'REILLY: Okay. And I have --

1           Okay. And I have -- I don't know if I  
2 need to enter this into evidence as a document. Do  
3 you think I should?

4           THE REPORTER: Would you like it marked as  
5 an exhibit?

6           MR. O'REILLY: Yes. I think I would like  
7 it marked.

8           THE REPORTER: Exhibit Number One marked.  
9           (Whereupon, Deposition Exhibit Number One  
10 was marked for identification.)

11          BY MR. O'REILLY:

12          Q. All right. So, let's go through the  
13 topics that were noted for deposition.

14                 So, you certified you are -- you are --  
15 you are saying that you are prepared to speak for  
16 Waste Management, Incorporated about the formation,  
17 corporate structure, ownership, direction, and  
18 organization for Waste Management, Incorporated,  
19 included, but not limited to, its relationships  
20 with Maryland Waste Management, which should be  
21 construed throughout here to be comprised of Waste

1 Management, Incorporated, Waste Management of  
2 Maryland, Incorporated, Waste Management Holdings,  
3 Incorporated, and any other incorporated public,  
4 private, or corporate entity under the control,  
5 ownership, direction, or obligation directly or  
6 indirectly of Waste Management, Incorporated, that  
7 either advises in or to, interacts with, or has any  
8 relationship with residents or businesses in  
9 Maryland from the Year 2000 to the present?

10 MR. GAMBLE: Objection. Subject to the  
11 objections in the December 20th, 24 objections.

12 MR. O'REILLY: Your objection is noted.  
13 Please answer the question.

14 THE WITNESS: Yes. I've only been with  
15 Waste Management since January of 2005 only.

16 BY MR. O'REILLY:

17 Q. Only. Okay. That does not relieve you of  
18 the obligation to me. So Waste Management is under  
19 an obligation to provide --

20 A. I understand.

21 Q. I am going to say it anyway. Under an

1 obligation to provide the most knowledgeable  
2 person, or if they choose someone else who is not  
3 the most knowledgeable person for these topics to  
4 make that person the most knowledgeable. I have  
5 serious concerns about your lack of preparation.

6 MR. GAMBLE: Objection. You can ask the  
7 witness questions. You cannot -- cannot speak to  
8 him that way. Thank you.

9 THE WITNESS: I am ready to answer your  
10 questions on those topics.

11 BY MR. O'REILLY:

12 Q. We are going to go over each topic because  
13 I need to hear you say it.

14 So you are prepared to speak as Waste  
15 Management, Incorporation about the ownership,  
16 management, and control information regarding the  
17 Maryland Waste Management entities, including  
18 information pertaining to the membership of board  
19 of directors, senior leadership/management, and  
20 other roles and responsibilities that would tend to  
21 show the level of autonomy and self-governance for



1 each, or the amount of control possibly or actually  
2 asserted on those entities by their owners,  
3 partners, associates, for the period of 2016 to the  
4 present?

5 MR. GAMBLE: Objection. Subject to the  
6 objections in clarification of the topic number two  
7 in the December 20th, 2024 objections of the Waste  
8 Management defendants.

9 MR. O'REILLY: Objection is noted.

10 THE WITNESS: I'm ready to answer your  
11 questions.

12 BY MR. O'REILLY:

13 Q. Okay. Are you prepared to speak on behalf  
14 of Waste Management, Incorporated for figures and  
15 analysis of sales, marketing, advertising, and  
16 returns for all Maryland Waste Management entities  
17 doing business in Maryland for the Years 2016 to  
18 present?

19 A. I am not.

20 MR. O'REILLY: Okay. I am going to renew  
21 my objection to the witness for being unprepared.

1 MR. GAMBLE: I am going to object to topic  
2 number three. It has been narrowed in the December  
3 20, 2024 objections.

4 BY MR. O'REILLY:

5 Q. Okay. So, are you prepared to speak for  
6 Waste Management, Incorporated pertaining to  
7 figures and analysis of sales, marketing,  
8 advertising, and returns for all Maryland Waste  
9 Management entities doing business in Maryland for  
10 the years 2016 to present?

11 MR. GAMBLE: Objection. As limited and  
12 objected to in the December 20, 24 filing.

13 THE WITNESS: I'm prepared to answer  
14 questions regarding Waste Management, Incorporated  
15 and whether or not it is subject to the  
16 jurisdiction of a Maryland court.

17 BY MR. O'REILLY:

18 Q. That does not answer my question, sir.

19 A. That's what I'm prepared to testify on.

20 Q. Okay. So you're saying that you are not  
21 prepared to testify on behalf of Waste Management

1 regarding the figures, analysis, sales, marketing  
2 or advertising returns for all matters of Waste  
3 Management --

4 MR. GAMBLE: Objection. We have objected  
5 to that deposition topic and we have narrowed it to  
6 include -- let me read that.

7 MR. O'REILLY: Okay. Hang on.

8 MR. GAMBLE: Waste Management -- no. I  
9 get to object.

10 Waste Management, Inc. will produce a  
11 witness to testify regarding the assets of Waste  
12 Management, Inc's sales, marketing, and advertising  
13 in Maryland during the relevant time period. Mr.  
14 Viola will be -- is prepared and will testify  
15 regarding that subject, as limited by my December  
16 20th, 2024 letter.

17 MR. O'REILLY: Mr. Gamble, I appreciate  
18 your objection and it is noted. But the objection  
19 is between you and the court, not you and me.

20 MR. GAMBLE: That's incorrect, sir.

21 MR. O'REILLY: No. The -- this is a

1 deposition. The witness will answer the question  
2 and the court will decide whether there is merit to  
3 the objection. It doesn't stop the witness from  
4 answering the questions in the meantime.

5 BY MR. O'REILLY:

6 Q. Sir, are you prepared to answer on behalf  
7 of Waste Management, Incorporated to the level of  
8 awareness, involvement, and/or control capability,  
9 whether or not regularly asserted of Waste  
10 Management, Incorporated on the business dealings,  
11 advertising contract, interstate commerce, inter-  
12 company coordination, training, operations and  
13 other aspects -- by Waste Management of Maryland,  
14 Incorporated, other Waste Management entities, or  
15 any Waste Management subsidiaries in or outside of  
16 Maryland with which the Maryland Waste Management  
17 entities directly interact?

18 MR. GAMBLE: Objection. You're submitting  
19 the letter. Objecting to the scope of topic number  
20 four and limited testimony by which this witness is  
21 going to provide today.

1 MR. O'REILLY: Geoffrey, would you --  
2 sorry. Mr. Gamble, would you care to make this a  
3 standing objection for that one thing?

4 MR. GAMBLE: No.

5 MR. O'REILLY: Okay. Fair enough.

6 BY MR. O'REILLY:

7 Q. Sir, are you prepared to testify on behalf  
8 of Waste Management, Incorporated regarding fiscal  
9 information, including but not limited to profit  
10 and loss, tax returns and schedules, and transfer  
11 of funds, property, liabilities, or obligations  
12 concerning Waste Management, Incorporated and  
13 Maryland Waste Management entities for the years  
14 2016 to the present?

15 MR. GAMBLE: We've objected to that topic  
16 in its entirety.

17 MR. O'REILLY: Okay.

18 THE WITNESS: I can testify about what  
19 Waste Management, Inc. does in the state or it  
20 doesn't do in the state of Maryland, what Waste  
21 Management of Maryland, Inc. or a subsidiary that

1 operates in the state of Maryland does or doesn't  
2 do in the state of Maryland.

3 BY MR. O'REILLY:

4 Q. Regarding fiscal information, profit and  
5 loss, tax returns, schedules --

6 A. I don't know fiscal information, profit  
7 and loss off the top of my head. This is all  
8 publicly available information. I certainly don't  
9 have that at my fingertips.

10 Q. So the answer to the question is no?

11 A. Correct.

12 Q. Okay. Are you prepared to speak on behalf  
13 of Waste Management, Incorporated regarding  
14 directives, policies, guidelines, or other  
15 authoritative or controlling documents from, by, or  
16 through Waste Management, Incorporated requiring  
17 action, inaction, or modification to any -- any  
18 aspect of any Maryland Waste Management entity's  
19 business?

20 MR. GAMBLE: Objection. Subject to the  
21 objections in the December 20, 2024 letter. He

1 can't answer questions about that.

2 MR. O'REILLY: He can't answer questions.

3 Okay.

4 BY MR. O'REILLY:

5 Q. Can you answer questions -- will you  
6 answer on behalf of Waste Management,  
7 Incorporated's about human resources structure,  
8 organization, disciplinary procedures, and  
9 protocols and any other aspects of personnel  
10 management, including, but not limited to, operator  
11 and managerial training within the Maryland Waste  
12 Management entities and any other aspects,  
13 coordinated, performed, directed, or otherwise  
14 influenced by any outside affiliate, owner, agent,  
15 or contractor?

16 MR. GAMBLE: Objection. Waste Management  
17 defendants have objected to that deposition topic.  
18 It is not relevant to the issue of personal  
19 jurisdiction.

20 MR. O'REILLY: Noted.

21 THE WITNESS: It's a broad topic. I can

1 testify to some of that. I'll have to take your  
2 questions one at a time.

3 BY MR. O'REILLY:

4 Q. You are required to be here to testify on  
5 behalf of --

6 A. I understand, Mr. O'Reilly. I --

7 Q. So the answer is -- the answer is no?

8 A. That's what you're saying. I gave my  
9 answer.

10 Q. All right. So if you are not prepared to  
11 fully testify on that topic, then the answer is not  
12 yes.

13 MR. GAMBLE: The topics in that -- the  
14 information sought in that topic is not relevant to  
15 the issue of personal jurisdiction. The court has  
16 issued that someone from Waste Management, Inc.  
17 testify to matters of personal jurisdiction. That  
18 is not one of them.

19 MR. O'REILLY: Mr. Gamble, it is not up to  
20 you to police what is relevant or not in the  
21 seeking of information.



1 MR. GAMBLE: Actually, it is, sir. We are  
2 allowed to serve objections.

3 MR. O'REILLY: You are allowed to --

4 MR. GAMBLE: Excuse me. If we are going  
5 to interrupt, that's going to be much more --

6 MR. O'REILLY: Understood.

7 MR. GAMBLE: -- longer than your two and a  
8 half hours.

9 MR. O'REILLY: Understood.

10 MR. GAMBLE: Under the rules, we are  
11 allowed to serve objections. If you have an issue  
12 with an objection, you need to -- we need to  
13 reconfer and reach an agreement or seek court order  
14 to require that deposition topic be given.

15 That was not provided. We are objecting  
16 to the deposition topics, as noted in my letter.

17 MR. O'REILLY: Understood. Please answer  
18 the question.

19 THE WITNESS: You've asked a very broad  
20 question with an entire litany of -- of potential  
21 topics.

1 MR. O'REILLY: Okay.

2 THE WITNESS: I can probably answer some,  
3 maybe even many of your questions. I don't know  
4 that I can answer all of them.

5 BY MR. O'REILLY:

6 Q. Okay. So you cannot give me a complete  
7 answer on those topics?

8 A. I don't know until you ask.

9 Q. So I need you to say no.

10 MR. GAMBLE: Objection. Asked and  
11 answered. You don't need anything. You need to  
12 ask the questions and he'll give you the answers.  
13 Move on.

14 BY MR. O'REILLY:

15 Q. Are you prepared to testify about Waste  
16 Management, Incorporated's knowledge that Waste  
17 Management, Incorporated does or does not do  
18 business or has or has not done business in  
19 Maryland, or their direct -- or by directing the  
20 actions of Waste Management entities?

21 MR. GAMBLE: Objection. One moment. That

1 topic as you read, Mr. O'Reilly, is different than  
2 the topic number eight. So I think we will be able  
3 to provide that information about knowledge that  
4 Waste Management, Inc. has not conducted business  
5 in Maryland during the relevant time period.

6 THE WITNESS: I think I can probably  
7 answer those questions. I'll have to hear what the  
8 questions are.

9 BY MR. O'REILLY:

10 Q. Okay. Are you prepared to speak on behalf  
11 of Waste Management, Incorporated about all non-  
12 privileged communications, electronic or otherwise,  
13 engagement letters, invoices, bills, payments and  
14 contact history regarding Waste Management's  
15 associations with any person at Saul Ewing or other  
16 counsel or firm relevant to this matter?

17 A. I couldn't possibly testify to all --  
18 every communication.

19 MR. GAMBLE: And I'm going to object to  
20 that on the grounds that it is beyond the scope of  
21 the deposition, as stated in our December 20, 24

1 letter.

2 MR. O'REILLY: The objection is noted.

3 BY MR. O'REILLY:

4 Q. We're almost there.

5 Are you prepared to testify on behalf of  
6 Waste Management, Incorporated regarding  
7 communications, including -- including, but not  
8 limited to, emails, texts, intranet posts --  
9 intranet posts, responses, or other presence, and  
10 phone call records to or from any of the -- your  
11 communications media under the potential, actual,  
12 partial, or full control of Waste Management,  
13 Incorporated, any Maryland Waste Management entity,  
14 or any affiliated, contracted, owned, or associated  
15 entity thereof from the period of January 1st, 2016  
16 to the present?

17 MR. GAMBLE: Objection. We object to that  
18 topic as not relevant to the subject matter of the  
19 deposition in our December 20, 24 letter.

20 MR. O'REILLY: Noted.

21 THE WITNESS: I can't possibly testify as

1 to that entire litany of communications between  
2 people.

3 BY MR. O'REILLY:

4 Q. All right. Are you prepared to testify on  
5 behalf of Waste Management, Incorporated about the  
6 DriveCam system used by Waste Management,  
7 Incorporated, or any Maryland Waste Management  
8 entity, including technical details, such as  
9 network connections, camera, and other devices  
10 stored by infrastructure or private interest  
11 incident report, engagement, management, --  
12 policies and procedures -- of education, asset  
13 loading, and secure --

14 MR. GAMBLE: Objection. As noted in our  
15 December 20, 24 letter. That has nothing to do  
16 with the subject matter of this deposition.

17 THE WITNESS: The answer is no.

18 BY MR. O'REILLY:

19 Q. Okay. The -- taking of routes, customer  
20 stops, scheduling, and logistics between -- for the  
21 routes over which Adam Tsottles had direction,

1 control, or influence in 2017 on behalf of Waste  
2 Management, Incorporated?

3 MR. GAMBLE: Objection. As stated in the  
4 December 20, 24 letter, that topic has nothing to  
5 do with the subject matter of this deposition.

6 THE WITNESS: The answer is no.

7 BY MR. O'REILLY:

8 Q. Are you prepared to speak on behalf of  
9 Waste Management, Incorporated about the decision,  
10 review -- and approved process that -- the  
11 aftermath of the incident on the morning of  
12 October 16, 2017, including the parties' notes  
13 decision makers and/or consulted entities, such as  
14 supervisors, managers, in and outside counsel, et  
15 cetera, whose influence or guidance resulted in the  
16 filing of the application of statement of charges  
17 by Adam Tsottles on October 17, 2017?

18 MR. GAMBLE: Objection. As stated in the  
19 December 20, 2024 letter, that topic is beyond the  
20 scope of the subject matter of this deposition.

21 THE WITNESS: I cannot testify to that.

1 BY MR. O'REILLY:

2 Q. Are you prepared to testify on behalf of  
3 Waste Management, Incorporated about any property,  
4 real, intellectual, or other owned or controlled by  
5 Waste Management, Incorporated used in Maryland for  
6 the purposes of advertising, brand building,  
7 awareness, solicitation, licensing, customer  
8 retention, or any other type of interactions with  
9 Maryland businesses or residents?

10 MR. GAMBLE: Objection. Subject to the  
11 objections in our December 20, 2024 letter.

12 THE WITNESS: I can testify to that.

13 BY MR. O'REILLY:

14 Q. Okay. Thank you. We (Inaudible).

15 So, first things first. So you said that  
16 you haven't received and you haven't seen any of  
17 the -- any other documents. And I presume you have  
18 not seen the DriveCam video that was recorded on  
19 the 16th of October?

20 MR. GAMBLE: Objection. I'm not sure  
21 that's what he testified to.

1 THE WITNESS: I don't recall seeing the  
2 DriveCam video in this -- the incident you are  
3 referring to from October of 2017.

4 BY MR. O'REILLY:

5 Q. Okay. You worked for Waste Management,  
6 though, in October 2017.

7 A. I did.

8 Q. Okay. Were you aware of this incident?

9 A. I wasn't.

10 Q. Okay. When were you first made aware of  
11 the incident?

12 A. Probably when it became a litigation  
13 matter. I believe you instituted a lawsuit against  
14 Waste Management in federal court at some point  
15 afterwards. I think that's the first time I became  
16 aware of it. I don't recall it before then.

17 Q. All right. Do you know of anyone else who  
18 was aware of the incident, prior to that?

19 A. I can't answer that. I have no idea who  
20 else within the company was aware of it or weren't.

21 Q. Again, I'm just going to renew the



1 objection that the witness is unprepared and --

2 MR. GAMBLE: Mr. O'Reilly, Waste  
3 Management, Inc. has nothing to do with this  
4 lawsuit. They have nothing to do with the  
5 operations in Maryland. And so, it would come as  
6 no surprise that a Waste Management, Inc. witness  
7 does not have knowledge of the subject matter of  
8 something that happened outside his purview. Thank  
9 you.

10 BY MR. O'REILLY:

11 Q. Have you been instructed not to review any  
12 documents to speak (Inaudible)?

13 A. I am not answering what my attorney has  
14 instructed me to do.

15 Q. Okay. Anyone else? Anyone who is not --  
16 there is attorney/client privilege on that one.

17 A. Correct.

18 Q. And no one with whom you do not have  
19 privilege has been -- advised you to do that?

20 A. To not review documents?

21 Q. Right.

1           A.    Nobody has asked me about that, one way or  
2 the other.

3           Q.    Okay.  Does Waste Management have a copy  
4 of the DriveCam video in its possession?

5           A.    When you say "Waste Management," who do  
6 you mean?

7           Q.    Well, I mean any of the Waste Management  
8 entities.

9           MR. GAMBLE:  Objection.  That's beyond the  
10 scope of the deposition.  I'm happy to have you lay  
11 some foundation about the incident, Mr. O'Reilly,  
12 but this deposition is about whether or not Waste  
13 Management, Inc. does business in Maryland or not.

14           THE WITNESS:  I don't know whether the  
15 DriveCam video still exists, whether it was  
16 provided.  I don't know.

17           MR. O'REILLY:  Okay.  All right.

18           BY MR. O'REILLY:

19           Q.    So talk to me about the DriveCam video  
20 system.  So, DriveCam video is used throughout  
21 Waste Management.

1           Now, according to what -- Waste Management  
2 is -- Waste Management, Inc. is doing business as  
3 Waste Management, but I don't know if that's a  
4 legal -- is that a legal entity that it is doing  
5 business as?

6           MR. GAMBLE: Objection. I think there  
7 were four or five questions in there, but I'm going  
8 to object to the question asking about the  
9 DriveCam. That's beyond the scope of this  
10 deposition testimony. And I am instructing the  
11 witness not to answer that question.

12           MR. O'REILLY: You are instructing the  
13 witness. I think that's highly improper, sir.

14           MR. GAMBLE: This is a deposition that is  
15 limited to the issue of personal jurisdiction.  
16 DriveCam video has nothing to do with that in the  
17 way that you framed that question.

18           MR. O'REILLY: Shared infrastructure  
19 between subsidiaries of Waste Management,  
20 Incorporated and -- and tend to lend itself to  
21 providing personal jurisdiction to a company that

1 is not resident in Maryland. And so, from that  
2 perspective, we are going to continue with this  
3 line of questioning.

4 THE WITNESS: The question you have asked  
5 is broad. I'm going to try to answer it, as best I  
6 can.

7 Waste Management, Incorporated, the  
8 ultimate parent company of the Waste Management  
9 family of companies, is a holding company. As a  
10 holding company, all it does is hold the stock of  
11 its direct subsidiary, Waste Management Holdings,  
12 Inc.

13 MR. O'REILLY: Okay.

14 THE WITNESS: Waste Management,  
15 Incorporated, the company at the top, doesn't have  
16 any employees, doesn't own any property, doesn't  
17 own any intellectual property. Well, the only  
18 property it owns is the stock of Waste Management  
19 Holdings, Inc. Beyond that, it doesn't own any  
20 real property. It doesn't own any vehicles. It's  
21 simply a holding company.

1 MR. O'REILLY: Okay.

2 THE WITNESS: Waste Management Holdings,  
3 Inc., directly beneath Waste Management, Inc., is  
4 also nothing but a holding company. It holds the  
5 stock of other subsidiaries.

6 There's about 500 subsidiaries in the  
7 United States. They are not all owned by Waste  
8 Management Holdings, Inc., but Waste Management  
9 Holdings, Inc. holds the stock of about -- I think  
10 it's somewhere in the neighborhood of 100 other  
11 corporate entities. Those corporate entities, in  
12 turn, hold the stock of other corporate entities  
13 beneath them.

14 I tell you all this so that you have an  
15 understanding of the structure for Waste  
16 Management, Inc. through Waste Management Holdings,  
17 Inc., and then down to the operating subsidiaries,  
18 including Waste Management of Maryland, Inc.

19 So there's a corporate tree, so to speak.  
20 So, intellectual property, computer systems, things  
21 like that, aren't owned by Waste Management, Inc.

1 One of those 500 subsidiaries that I mentioned owns  
2 those types of things.

3 And by contract, those subsidiaries  
4 provide all of those services. And I can give you  
5 the litany of services that are provided to the  
6 entire family of companies by a handful of  
7 subsidiaries, that we refer to as service  
8 providers.

9 Every one of the other companies,  
10 including Waste Management, Inc., is a service  
11 recipient under those contracts.

12 Exhibit One is the most recent version of  
13 the agreement that establishes that relationship.

14 So when you talk about DriveCam, Waste  
15 Management, Inc. doesn't own DriveCam. Another  
16 entity owns DriveCam.

17 Another entity owns all the intellectual  
18 property and all of that is licensed to all of the  
19 other Waste Management family companies under this  
20 agreement.

21 Fees are paid for that and accounted for.

1 It's all done at arm's length. This is a  
2 relatively standard way for big corporate entities  
3 that operate through a number of subsidiaries, to  
4 set up the services that some or many, or maybe  
5 even all of those subsidiaries would utilize.

6 Each individual entity doesn't need to  
7 have its own accounting, or auditing, or computer  
8 service providers, or legal representation, or tax  
9 -- even management. That would be inefficient for  
10 all 500 companies to have to set all of that up  
11 separately. So there are service providers  
12 identified in that agreement that provide all of  
13 those services to the rest of the company.

14 So, I'm giving you this long answer to try  
15 to put into context why DriveCam, while trucks  
16 operated by Waste Management of Maryland use  
17 DriveCam. They don't use DriveCam because Waste  
18 Management, Inc. provided DriveCam to them. They  
19 use DriveCam because a different service provider  
20 is in charge of DriveCam and licenses it to the  
21 entire family of companies.

1           That's a lot, I know, but I think the  
2 context will help you understand a little better.  
3 When you ask questions like that, I hear them  
4 through the structure as I know it and I'm just  
5 trying to explain the structure to you.

6           MR. O'REILLY: I understand, sir. Thank  
7 you for the information.

8           THE WITNESS: Okay.

9           BY MR. O'REILLY:

10          Q. So, am I to understand that Waste  
11 Management of Maryland is not required to use the  
12 structural, or the infrastructure, or the DriveCam  
13 structure, or any of the other services that are  
14 provided through the Waste Management family?

15          A. Well, Waste Management of Maryland is  
16 owned by Waste Management Holdings. Waste  
17 Management of Maryland has officers and directors  
18 of its own.

19                 Waste Management Holding has officers and  
20 directors of its own. It tells its subsidiaries  
21 what it should be doing to operate the business.



1           So, Waste Management in Maryland doesn't  
2 just get to do whatever it wants, whenever it  
3 wants. It's part of the Waste Management family of  
4 companies.

5           Q.    And does Waste Management Holdings provide  
6 that through high level strategic guidance in terms  
7 of, you know, Waste Management -- Waste  
8 Management's --

9           A.    Well, Waste Management of Maryland has its  
10 own offices and directors that dictate its business  
11 strategy and its business pursuits. So, Waste  
12 Management of Maryland dictates what it's going to  
13 do, through its own officers and directors.

14          Q.    Okay. And just as an aside, you mentioned  
15 that Waste Management Holdings doesn't have --  
16 doesn't hold stock in all of the companies. Who is  
17 the parent company? Who actually holds stock in  
18 Waste Management of Maryland?

19          A.    Waste Management of Maryland, 100 percent  
20 of its stock is owned by Waste Management Holdings,  
21 Inc.

1 Q. Okay. Are there other business entities  
2 in Maryland that are part of the Maryland -- part  
3 of the Waste Management's family?

4 A. Yes. There -- Waste Management of  
5 Maryland is -- has three sister companies, also  
6 owned by Waste Management Holdings, Inc.

7 They -- one is called Pappy's, P-a-p-p-y,  
8 Inc.

9 One is called Harwood, Inc.

10 And one was called Waste Management  
11 Disposal Services of Maryland, Inc.

12 Those three entities, the only thing they  
13 did was operate landfills in the state of Maryland  
14 that are now closed. So those sister companies own  
15 closed landfills and that's all they do.

16 Q. Okay.

17 A. Waste Management of Maryland, Inc. is the  
18 parent of a subsidiary of its own called Garnet, G-  
19 a-r-n-e-t, of Maryland, Inc., which owns and  
20 operates a rail transfer station in Annapolis.

21 I'm trying to think if Waste Management of

1 Maryland, Inc. owns any other corporate  
2 subsidiaries. I don't -- I don't believe it does.  
3 So it has three sister companies, one subsidiary.

4           Within Waste Management of Maryland, Inc.  
5 there are different divisions -- not separate  
6 corporations, but different divisions. And they  
7 are, for the most part, hauling outlets.

8           What I mean by that is, its locations  
9 where our trucks are based. So, Waste Management  
10 of Maryland, Inc. -- these are divisions, not  
11 separate corporations -- there is a hauling  
12 division in Baltimore. There's one in  
13 Gaithersburg, Maryland. There's one in Upper  
14 Marlboro, Maryland. There's one in Southern  
15 Maryland. I can't remember the exact town the  
16 Southern Maryland hauling company is -- is located  
17 in. And there's one in Western Maryland, and I  
18 can't remember the exact town the Western Maryland  
19 hauling company is located in.

20           These are just locations where trucks are  
21 based and they run routes, collect trash from our

1 customers, deliver it to landfills or transfer  
2 stations, and then return home.

3 So that's the basic structure of Waste  
4 Management of Maryland.

5 Q. Okay. You mentioned that Waste Management  
6 of Maryland has its own board of directors and who  
7 appoints that board?

8 A. Waste Management of Maryland appoints its  
9 board.

10 Q. Appoints its own board?

11 A. Yes.

12 Q. From what -- how does that work?

13 A. It selects board members that will operate  
14 it. I --

15 Q. I'm not -- just a trickle down employer.  
16 I don't actually understand how board selection  
17 works. So is it a pool of people that preapproved?  
18 Is it simply, can they just go out on the street  
19 and say, "Hey, you look like a good board member"?

20 A. No. It's a corporation selects -- a  
21 corporation, according to its documents of

1 incorporation and its bylaws, must have a board. A  
2 board can be one person. So that board is selected  
3 by Waste Management of Maryland. Its officers are  
4 selected by Waste Management of Maryland. It's an  
5 independent corporation that operates as an  
6 independent corporation, even though its part of a  
7 family of companies.

8 Q. That makes sense. All right.

9 So -- but, let me go back to what you said  
10 earlier. So it is entirely free make its own  
11 decisions on a day-to-day basis?

12 A. It's part of the Waste Management family  
13 of companies, so it is operating as a Waste  
14 Management entity. So it is going to continue to  
15 operate as a Waste Management entity.

16 Q. Okay.

17 A. It's not going to become an ice cream  
18 shop. It's going to be a solid waste recycling  
19 company.

20 Q. Okay. Well, you don't have to go to that  
21 extreme. So, I know this is what I'm not -- I'm

1 not quite grasping.

2 So in terms of the -- so, if you wanted to  
3 say, like, you know, you've got that beautiful  
4 green and gold color scheme that goes on there.  
5 Certainly, if they wanted to change it to, you  
6 know, red and purple, they -- you're saying that  
7 Waste Management of Maryland has the independent  
8 authority to be able to make that decision on its  
9 own behalf so that it can change the colors?

10 A. No.

11 MR. GAMBLE: Objection.

12 THE WITNESS: No, it does not.

13 MR. O'REILLY: What's the objection?

14 MR. GAMBLE: Calls for speculation.

15 You're asking a hypothetical.

16 MR. O'REILLY: That's allowed in  
17 deposition.

18 MR. GAMBLE: For an expert, yes.

19 MR. O'REILLY: No, it's generally allowed.

20 BY MR. O'REILLY:

21 Q. So -- yeah. So you're saying that they

1 would not be necessarily allowed to change that?

2 A. They would not be allowed to do that. No.

3 Q. Okay. All right. Who would make the  
4 decision about its disallowance for that? Where  
5 does that decision come from? Who is the person,  
6 or people, or entity that is in charge of that?

7 A. Well, its officers wouldn't decide to do  
8 that. I mean, I don't understand your  
9 hypothetical. Why -- why would a waste management  
10 operating subsidiary decide to change its color  
11 scheme? Okay. It's just not an issue that they  
12 would ever decide upon.

13 Q. Well, it's not a matter of whether they  
14 would. It's a matter if they are able to.

15 A. No. It's beyond the purview of what they  
16 are officers and directors to do. I mean, they are  
17 governed by the bylaws of the company.

18 So Waste Management of Maryland, Inc. has  
19 a set of bylaws. The officers and directors have  
20 to enforce those bylaws. So they couldn't just run  
21 amuck and --

1 Q. What do the bylaws say that would prevent  
2 them from doing that? What's the --

3 A. You'd have to read the bylaws. I'm not  
4 going to paraphrase the bylaws. The bylaws require  
5 them to operate the company as a Waste Management  
6 operating subsidiary in the state of Maryland.

7 Q. Okay. Outside of the board of Waste  
8 Management, are there any people or any entities  
9 that have the ability to hire and fire within Waste  
10 Management of Maryland?

11 A. Waste Management of Maryland, Inc. would  
12 make all decisions regarding hiring and firing  
13 employees of Waste Management of Maryland, Inc.

14 Q. Okay. And in terms of removing board  
15 members, it's all self contained as well?

16 A. The bylaws would describe exactly how  
17 board members can and can't be added or removed. I  
18 mean, so it's all in the bylaws.

19 Q. I haven't seen the bylaws, so -- you're  
20 citing them to me, but I don't have anything to  
21 reference.



1           In terms of the -- I'm sorry. From the  
2 perspective of -- I had another thought and it's  
3 gone.

4           So, does Waste Management handle its own  
5 HR department? Waste Management of Maryland  
6 handles its own HR department?

7           A. Human resources are one of the services  
8 provided by the WM Service providers, under that  
9 management services agreement. It's -- we wouldn't  
10 have 500 separate HR departments. We would have a  
11 management service provider provide HR services for  
12 all of the subsidiaries in a certain area.

13          Q. You know, for efficiency sake, I agree  
14 with you. But my question is from an -- mean to  
15 you if the entities are not available or not  
16 allowed to do things on their own, even if they  
17 might need to do them? Even if they don't exercise  
18 that right, they still don't have the right to do -  
19 - to make operational decisions on their own  
20 behalf.

21           MR. GAMBLE: Objection. I'm objecting to

1 the form of the question.

2 MR. O'REILLY: Okay.

3 MR. GAMBLE: It was compound and  
4 confusing.

5 MR. O'REILLY: Okay. All right. I can  
6 rephrase.

7 THE WITNESS: Corporate entities need to  
8 operate according to their bylaws. That's the only  
9 way I can answer your question.

10 If I might, the way the management  
11 services agreements are set up, again, everything  
12 from audit and accounting and cash management, so  
13 that's accounts payable and accounts receivable,  
14 tax, human resources, legal services, insurance and  
15 risk management, and even corporate management  
16 services, information systems, intellectual  
17 property, all of that is provided for all of the  
18 entities by -- again, it's about a half dozen,  
19 maybe eight, service providers and those are some  
20 of those 500 entities.

21 The cost of all of that is tracked and

1 then allocated amongst every one of those 500  
2 companies every year, every quarter, under  
3 generally accepted accounting principles. I think  
4 the agreement even allows the service providers to  
5 profit at six percent. I think everybody pays a  
6 106 percent payment for what's allocated to them as  
7 their portion of all of that.

8           So that's all defined in the agreement.  
9 So Waste Management of Maryland would get its HR  
10 services in that manner and pay for those services  
11 through an accounting entry.

12           So that's what we -- a long way to come  
13 back to your request about what do you mean by  
14 arm's length. That's what I mean by arm's length.  
15 It's a contract relationship, independent  
16 contractor, contract relationship. Money changes  
17 hands at 106 percent of the value of the services  
18 provided, as defined in that agreement.

19           Q. Okay. And so it sounds -- I have worked  
20 in a number of large -- you know, large  
21 organizations. And what you're describing sounds

1 to me very similar to departments within a large  
2 corporate entity. You know, some organizations  
3 will actually set these up in -- they are the same  
4 way. Shared services, shared infrastructure,  
5 shared resources. You know, you get all the  
6 benefits and the efficiencies. But they don't set  
7 them up as individual companies. They set them up  
8 as just divisions within the same company.

9 Other than just the fact that there are  
10 bylaws and there is a charter, and there are --  
11 there is a board of directors, what is this that  
12 makes this different from a -- just a division  
13 within an ordinary company, as opposed to a  
14 separate entity?

15 A. All I can say in response to that is every  
16 company is a separate corporate entity. What  
17 you're describing, divisions, we have divisions  
18 within corporations. But I'm talking about every  
19 single one of our corporate entities are separate  
20 corporations with their own officers and directors,  
21 bylaws, corporate documents. They maintain all

1 corporate formalities.

2 So if you are likening one company with  
3 many divisions to many companies, I don't know that  
4 I -- I don't know that those two things overlap the  
5 way you think they do.

6 Q. I'm just trying to -- I'm trying to  
7 envision how the -- the appearance -- the actual --  
8 the assignment of the board of directors, the  
9 adopting of bylaws, changes the operational control  
10 that the parent company has over the subsidiary?

11 A. Well, the parent -- you know, the parent  
12 always controls when its subsidiaries -- I mean, it  
13 owns the stock of those subsidiaries. It requires  
14 that the subsidiaries follow their bylaws.

15 The bylaws establish what that subsidiary  
16 can and can't do.

17 Q. Okay. And the bylaws are established as a  
18 part of the formation of the company by the parent  
19 company?

20 A. Yes.

21 Q. Okay.

1           A.    Well, each company establishes their own  
2 bylaws.

3           Q.    Okay.  Are they -- these are like a stock  
4 bylaws that they have adopted, or is it --

5           A.    I can't say that.  I haven't looked at the  
6 bylaws of every company.

7           Q.    Okay.  All right.  And (Inaudible).

8                    And in terms of -- so, as far as Waste  
9 Management -- so each of these companies is  
10 actually doing business with Waste Management of  
11 Maryland;  right?

12                   MR. GAMBLE:  Objection.  Which companies?

13                   MR. O'REILLY:  So --

14                   THE WITNESS:  The service providers?

15                   MR. O'REILLY:  The service providers.

16                   THE WITNESS:  Yes.

17                   BY MR. O'REILLY:

18           Q.    Okay.  All right.  And Waste Management  
19 Holdings is doing business with Waste Management of  
20 Maryland?

21           A.    Waste Management Holdings doesn't do

1 business. Waste Management Holdings holds stock.  
2 That's all it does.

3 Q. Okay. All right.

4 But it does -- but Waste Management  
5 Holdings does some advertising in Maryland; right?

6 A. Waste Management Holdings does no  
7 advertising in Maryland. Waste Management of  
8 Maryland does advertising in Maryland.

9 Q. I haven't been able to find anything about  
10 -- does Waste Management of Maryland have its own  
11 website?

12 A. Usually not. We have a Waste Management  
13 website for the entire enterprise. One of the  
14 service providers controls our information  
15 technology, like our website.

16 Q. Okay.

17 A. And all of that is provided to all of the  
18 WM companies that operate in the various states.

19 Q. Who actually owns the website?

20 A. I think WM Intellectual Property, LLC is  
21 probably the owner of the website. I'd have to

1 check that. I don't know that off the top of my  
2 head, but that's something that is -- is easy to  
3 determine.

4 We -- we own WM.com. That's not the only  
5 website we own. We own WM.com. That is our  
6 homepage, for lack of a better description.

7 But, again, Waste Management, Inc. doesn't  
8 own that. Waste Management Holdings, Inc. doesn't  
9 own that. But one of the service provider  
10 subsidiaries would be the owner of that, if -- to  
11 the extent there is an owner of that.

12 If we license it from some web provider we  
13 like -- you know, there's the license holder would  
14 be one of those service providers. It wouldn't be  
15 one of the parents.

16 MR. O'REILLY: I'm going to enter this  
17 into evidence, just because I want to try to get  
18 verification on this. So this is the Whois record  
19 for WM.com, which was captured yesterday. And I  
20 can -- I'm sorry. Again, without having paper, so  
21 you can see that this is actually, you know, the --



1 the Whois.com. And this shows the Whois record of  
2 the actual ownership of --

3 THE WITNESS: I don't mean to interrupt  
4 you. I don't know what Whois is.

5 MR. O'REILLY: I'm sorry. So this is the  
6 domain registration information that is registered  
7 with the internet -- the internet registrar.

8 THE WITNESS: Okay.

9 MR. O'REILLY: So this is the record that  
10 shows who is -- who actually has claimed ownership  
11 of WM.com. Any objection to this?

12 MR. GAMBLE: Yeah. I object on the  
13 grounds that the witness can't control the  
14 document, can't see it --

15 MR. O'REILLY: I'm sorry.

16 MR. GAMBLE: -- and I don't think we're  
17 marking it, but --

18 THE WITNESS: I'm not sure I can say much  
19 about it.

20 MR. O'REILLY: Well, there's a very  
21 specific question I have for you here.

1 THE WITNESS: Okay.

2 MR. O'REILLY: Can you check and see if  
3 that's on? It's a button on the back with a red  
4 light.

5 There we go. All right. Yeah. Take your  
6 time and you're welcome to read it through. If you  
7 need me to scroll up or down, let me know.

8 (Shares screen.)

9 MR. GAMBLE: We're marking this as an  
10 exhibit?

11 MR. O'REILLY: Yes. We're going to mark  
12 this as an exhibit.

13 THE WITNESS: I see the document on the  
14 screen. I'm not sure --

15 THE REPORTER: Exhibit Number Two marked.

16 MR. O'REILLY: Thank you.

17 THE REPORTER: It will be marked after the  
18 deposition.

19 (Whereupon, Deposition Exhibit Number Two  
20 was marked for identification.)

21 MR. O'REILLY: All right.

1 BY MR. O'REILLY:

2 Q. So this is the Waste Management's  
3 registration for WM.com. And you can see that the  
4 name is registered under Waste Management. But you  
5 said that that's not actually an entity?

6 A. Waste Management, without any corporate  
7 indicia, like Inc. or corporate, or anything like  
8 that, is just a service mark. We -- one of our  
9 intellectual property -- and we have many, many,  
10 many pieces of intellectual property, which I think  
11 are attached to the -- to the management services  
12 agreement. One of our service marks is just Waste  
13 Management.

14 WM standing alone is another of our  
15 service marks. So when you see the name "Waste  
16 Management," that's the service mark Waste  
17 Management, not the corporate entity, Waste  
18 Management, Inc.

19 If it was the corporate entity, it would  
20 say Waste Management, Inc.

21 Q. Okay.

1           A.    People get that wrong all the time.  
2    People that we don't control sometimes lists Waste  
3    Management, Inc. in places that they shouldn't list  
4    Waste Management, Inc.

5           Q.    I can't imagine that's confusing.

6           A.    But this -- when we are in control of what  
7    gets stated, we would use the service mark Waste  
8    Management.

9           Q.    Okay. All right. That's great to hear.  
10   And I -- this is what I was trying to think of  
11   earlier.

12                    So, the Waste Management brand name that -  
13   - that they use, so Waste Management of Maryland,  
14   where does it get that? Is that from one of those  
15   service companies?

16           A.    One of the service providers owns all the  
17   intellectual property, including the green and gold  
18   colors, and the color scheme that -- that is used  
19   for advertisements on the side of trucks, on the  
20   side of containers. That is all licensed under  
21   that service agreement. That is part of the fee

1 paid by each corporate entity is the license fee  
2 for that.

3 Q. Okay. And so, the owner of that -- that  
4 brand name, that is the entity that Waste  
5 Management of Maryland is doing business with who  
6 actually controls the --

7 A. Under -- doing business under the  
8 management services agreement. I mean, that is --

9 Q. (Inaudible.) Yes. Yes. So I'm saying  
10 that the -- whoever -- the company that owns that  
11 trademark or owns that, you know, the registered  
12 owner of that trademark is the company that Waste  
13 Management of Maryland is doing business with to  
14 make that -- make that connection?

15 A. Correct.

16 Q. Okay. And in terms of the -- so, I heard  
17 you said that that was Waste Management  
18 intellectual property --

19 A. Yeah. I believe that's --

20 Q. All right. And so, how long has Waste  
21 Management of Maryland been around? When were

1 they incorporated?

2 A. Waste Management of Maryland is 30 or 40  
3 years old. I don't know --

4 Q. Okay.

5 A. -- the exact date of incorporation off the  
6 top of my head. And I don't want you to read  
7 anything into it --

8 Q. No. I understand.

9 A. -- facts -- I could get that answer easily  
10 enough. I can't say that I remember off the top of  
11 my head.

12 Q. No. I appreciate our discussion --

13 A. It's a Maryland corporation.

14 Waste Management, Inc. is a Delaware  
15 corporation.

16 Waste Management Holdings, Inc. is a  
17 Delaware corporation.

18 Waste Management of Maryland, Inc. is a  
19 Maryland corporation.

20 I don't know the federal ID number off the  
21 top of my head, but each one of the companies has

1 their own ID number.

2 Q. Okay. All right. So would you say that  
3 if -- so if, for instance, if Waste Management  
4 Holdings, Inc. held a -- held the trademark, Waste  
5 Management of Maryland had to license the trademark  
6 from Waste Management of Maryland -- or Waste  
7 Management Holdings, Inc.?

8 A. If they did.

9 Q. Yes. Okay.

10 And in terms of the -- so, how was Waste  
11 Management -- when did Waste Management get  
12 started? Give or take like -- you know -- the  
13 current iteration. Like what we recognize now as  
14 Waste Management.

15 A. Waste Management has been in operation  
16 continuously since the late 60s, I believe. But  
17 it has gone through a number of different corporate  
18 iterations, mergers. So the Waste Management most  
19 people are dealing with now was in some ways born  
20 in 1998, when USA Waste and Waste Management  
21 merged. And so, a lot of the current structure of

1 the company is the result of a 1998 merger between  
2 those two large companies.

3 But Waste Management, Inc. was in  
4 operation before that. I think back in the 60s.

5 Q. Okay. So Waste Management of Maryland was  
6 incorporated as a subsidiary -- so it wasn't like a  
7 company they bought and folded in the umbrella?

8 A. And I don't mean to be hyper technical.

9 Q. That's fine.

10 A. They -- there might have been an  
11 acquisition company that was acquired and made  
12 Waste Management of Maryland, Inc.

13 Q. Got it. Okay.

14 A. I don't know. But --

15 Q. But you have corporate records now.

16 A. We would have corporate records that  
17 demonstrates exactly where Waste Management of  
18 Maryland, Inc. started, if it changed its name  
19 through merger or anything. We would have records  
20 of that all the way back to the start.

21 Q. Right. That sounds great.



1           And so -- so Waste Management -- has it  
2 always been this kind of -- you know, the services  
3 infrastructure, like that's always been how the --  
4 was that setup like from that 1998 date?

5           A. I -- all I can say is the current version  
6 of the management services agreement is the 16th or  
7 17th version. I'm not sure what Exhibit One says,  
8 if it was the 16th. It's the 16th. It's renewed  
9 every couple of years.

10          Q. Okay.

11          A. So, it goes back at least that long under  
12 that structure. What existed before then, I don't  
13 know.

14          Q. Yeah. That's fine.

15                 But in terms of Waste Management of  
16 Maryland, it has always been using the WM, you  
17 know, branding? It has always had the green and  
18 yellow trucks for as long as that's existed?

19          A. Correct. That -- before 1998 we were  
20 actually maroon in color. So, when green and gold  
21 was adopted by the -- by the enterprise, Waste

1 Management of Maryland adopted the green and gold.

2 Q. Okay. Fantastic. All right.

3 And so -- and it has always been licensed  
4 through like Waste Management Intellectual Property  
5 and all that sort of thing?

6 A. It's always licensed under this agreement.

7 Q. Under this agreement. Okay. Yes. And  
8 I'm not trying to ask you to go back to like before  
9 your tenure or things like that but...

10 So, in terms of the -- so one thing that  
11 brings to mind is that the current -- the arm of  
12 WM.com, and I can bring it up if it will help --  
13 sorry. It looks like MWM.com here.

14 Down at the bottom here, so this is where  
15 it says -- Intellectual Property Holdings, LLC.  
16 And so this is how we know that this is actually  
17 under Waste Management -- Property Holdings as --

18 A. It's the copyright. It says that the  
19 copyright of this material belongs to WM  
20 Intellectual Property Holdings, LLC. That --

21 Q. Okay. And that's always been the case, as

1 far as you know?

2 A. As far as I know.

3 Q. Okay. And in terms of -- okay.

4 So, Waste Management of Maryland has  
5 nothing to do necessarily with WM.com; right;  
6 other than when -- you know, someone at the service  
7 company gets a phone call, or a contract or, you  
8 know, an inquiry, get an email, or through the web  
9 -- or something like that, Waste Management of  
10 Maryland is not the -- where those things are  
11 directed right from the off?

12 A. The only way I can answer that is to say  
13 it depends on what somebody who goes to WM.com is  
14 trying to do. If they are just looking for  
15 information, they can get the information. It will  
16 be --

17 Q. Okay.

18 A. If you are trying to do business with  
19 Waste Management and you are based in Maryland, and  
20 you -- if you are a customer, you have an account  
21 and your account takes you into your own personal

1 or business account. And you can -- and if you are  
2 based in Maryland and you're getting Maryland  
3 services, you can do certain things through the  
4 website for your account?

5 If you're attempting to establish service  
6 with Waste Management, you can go to WM.com and --  
7 and set up an account, hire us.

8 Q. Got it.

9 A. And it's based upon where you're located  
10 is the entity that you would ultimately be doing  
11 business with.

12 So if a new customer in -- in Baltimore  
13 wanted to establish service with Waste Management  
14 and try to do that through the website, and say it  
15 was a commercial customer and a service agreement  
16 would be generated by that transaction, that  
17 service agreement would be generated in the name of  
18 Waste Management of Maryland, Inc. because the  
19 customer is located in Waste Management -- or in  
20 Maryland. And the trucks that would then service  
21 that customer would be trucks owned by Waste

1 Management of Maryland, Inc.

2 So it's all driven by where the customer  
3 is located.

4 Q. Okay. For the record, I have typed in --  
5 into the search bar on WM.com just Maryland and I  
6 have navigated to a link that says services in the  
7 Baltimore, Maryland area.

8 So it's not Waste Management of Maryland  
9 that is operating this website that is advertising  
10 to Maryland residents and businesses?

11 A. It's Waste Management.

12 Q. Yes. But there was an entity or entities  
13 that are actually responsible for targeted  
14 advertising to Waste Management -- or to potential  
15 customers in Maryland?

16 A. Waste Management Intellectual Property,  
17 LLC.

18 Q. So that is the entity that is actually  
19 involved in the doing of the --

20 A. They copyrighted all of this content, so  
21 it is their content.

1 Q. Okay. Are there any other companies that  
2 are involved, say in the, you know cloud storage,  
3 or in the, you know -- how are the other services  
4 arranged?

5 A. Other than how the management services  
6 agreement operates, I -- I don't know how our cloud  
7 services is --

8 Q. Yeah. Not necessarily -- I'm not asking  
9 for the technical details. But I mean are you --  
10 which organizations are responsible for, you know --  
11 -- we've talked about the spread over --

12 A. The service providers -- one of the  
13 service providers would do -- I mean, information  
14 systems management. Big -- big category.  
15 Information systems management is provided by one  
16 of the service -- one or more of the service  
17 providers to the service recipients. Waste  
18 Management of Maryland would be a service  
19 recipient.

20 Q. Okay. All right.

21 A. But, again, they are defining the

1 agreement. It's not Waste Management, Inc. and  
2 it's not Waste Management Holdings, Inc. that does  
3 those. It's one of the service providers.

4 Q. That makes sense.

5 How do we find out from -- from the  
6 websites -- I mean, one of the initial problems I  
7 had and I got (Inaudible) from this in the federal  
8 lawsuit, was that -- that I should have known that  
9 Waste Management of Maryland was the proper entity  
10 to bring the suit. But I can't find any  
11 information about it on-line. You don't know to  
12 search for Waste Management of Maryland. There is  
13 no -- there is no information. There is no -- it  
14 has almost no public presence. Unless, do you know  
15 of any that --

16 A. Of Waste Management of Maryland, Inc. is  
17 on file with the corporations department of the  
18 government of Maryland. You could find --

19 Q. Sorry. I don't mean to -- I don't mean to  
20 that level. I meant as far as like -- so Waste  
21 Management of Maryland doesn't do its own

1 advertising?

2 MR. GAMBLE: Let him answer the question.

3 MR. O'REILLY: Sorry. Yes.

4 MR. GAMBLE: Put that question back --

5 THE WITNESS: Waste Management of  
6 Maryland, Inc. has records with the corporations  
7 office. It has a registered agent for services  
8 process under the -- maintained by the corporations  
9 office.

10 If -- WM, the enterprise, has a website.  
11 If you use a Maryland address, you will be doing  
12 business with Waste Management of Maryland, Inc.

13 MR. O'REILLY: Okay. Yeah.

14 THE WITNESS: It depends on how --

15 BY MR. O'REILLY:

16 Q. So part of the -- part of the Maryland  
17 code talks about us, you know, advertising,  
18 targeting directly to Maryland businesses and  
19 residents. And so I'm trying to understand which  
20 is -- which of the Waste Management -- the actual  
21 entity, not the Waste Management umbrella, but like



1 the actual entities are actually doing business  
2 with -- you know, providing targeted advertising to  
3 Maryland residents and businesses.

4 MR. GAMBLE: I object. I think he has  
5 already asked and answered that question. There is  
6 a legal component to what you asked him as well.  
7 Those objections --

8 THE WITNESS: Yeah. Let me just try to  
9 say that -- Waste Management has WM.com. If people  
10 come to our website, they come to our website.

11 Waste Management of Maryland owns the  
12 trucks that run down the street with advertising on  
13 the side. If there's any advertising done in the  
14 state of Maryland, that's Waste Management of  
15 Maryland doing that advertising.

16 So it's Waste Management of Maryland doing  
17 that advertising. They're going to use the service  
18 mark Waste Management or WM. They're not going to  
19 use Waste Management of Maryland, although I think  
20 a lot of the trucks specifically have the name  
21 Waste Management of Maryland on the side with the

1 address, phone number. The permits and other  
2 approvals might require that.

3 MR. O'REILLY: Sure.

4 THE WITNESS: But -- so I don't -- you can  
5 access WM.com from Timbuktu. I don't know --  
6 anyone and everyone can access WM.com, as long as  
7 they have internet access.

8 But physically, things happening in  
9 Maryland, like the sides of our trucks, and any  
10 other signage you see would be Waste Management of  
11 Maryland doing that advertising.

12 MR. O'REILLY: Okay. Yeah.

13 BY MR. O'REILLY:

14 Q. And I interrupted. I understand that  
15 Waste Management of Maryland does sort of passive  
16 advertising in terms of, you know, advertising on  
17 the trucks and things like that. My concern more  
18 is with the website itself.

19 And so, would it be fair to say that Waste  
20 Management of Maryland is not responsible for any  
21 of the advertising as a direct -- you know, input -

1 - is not doing advertising to Maryland businesses  
2 and residents through WM.com?

3 That was a convoluted question.

4 A. No. But, I mean, all I can say is, as a  
5 service recipient, through a service provider under  
6 the management services agreement, you are able to  
7 access WM.com in Maryland.

8 Q. Sure.

9 A. I mean, it's all part and parcel of -- one  
10 of the WM entities controls all of that for the  
11 enterprise. And Waste Management of Maryland is  
12 one of the recipients of that.

13 Q. Okay. And so, but any -- would you say  
14 that any entity that is providing services or  
15 listing services, or has -- you know, has claimed  
16 control over the Waste Management website, WM.com,  
17 or any of those things, is -- you know, is doing  
18 business in Maryland?

19 MR. GAMBLE: Object to the form.

20 MR. O'REILLY: Okay.

21 MR. GAMBLE: The question calls for a

1 legal conclusion.

2 MR. O'REILLY: All right. That's still  
3 allowed.

4 THE WITNESS: I -- if there is  
5 intellectual property, it's being licensed to Waste  
6 Management of Maryland.

7 If there is information systems that are  
8 being managed by one entity, Waste Management of  
9 Maryland is one of the recipients that gets the  
10 benefit of that information system management.

11 I don't know how else to answer it.

12 MR. O'REILLY: No. And I don't mean to --  
13 to beat a dead horse here.

14 BY MR. O'REILLY:

15 Q. You know, clearly, at least in your  
16 opinion, but -- that you think I have sued the  
17 wrong company. And so I'm trying to understand  
18 what company you think would have been the  
19 appropriate company to sue.

20 MR. GAMBLE: Well, I'm just going to  
21 object.

1 MR. O'REILLY: Sure. Yeah.

2 MR. GAMBLE: It calls for a legal  
3 conclusion. But if --

4 THE WITNESS: I don't know that we're  
5 having a conversation. I'm here to answer your  
6 questions.

7 MR. O'REILLY: No.

8 THE WITNESS: But let me say this. A  
9 Waste Management of Maryland truck was servicing  
10 customers in Baltimore in October of 2017 when the  
11 incident that is at the start of all of this  
12 occurred. That was a Waste Management of Maryland,  
13 Incorporated truck. The crew on that truck were  
14 employees of Waste Management of Maryland, Inc.  
15 The supervisors of that crew were employees of  
16 Waste Management of Maryland, Inc. So you were  
17 dealing with Waste Management of Maryland, Inc. on  
18 that day.

19 You see service marks that might be owned  
20 by someone else.

21 You see the color scheme that might be

1 owned by someone else. But all of that was  
2 provided to Waste Management of Maryland, Inc. by  
3 contract at arm's length so that it can do business  
4 in Baltimore as Waste Management.

5 MR. O'REILLY: Okay.

6 THE WITNESS: So Waste Management of  
7 Maryland, Inc. is who you were engaged with.

8 MR. O'REILLY: Yeah. That is fair to say.

9 BY MR. O'REILLY:

10 Q. In terms of -- so you're saying that Waste  
11 Management, Incorporated does not have anything to  
12 do with WM.com that is -- you know, it is so far  
13 removed that it has no claim to any of it?

14 A. That characterization is inaccurate.  
15 Waste Management, Incorporated is a holding  
16 company. It doesn't even have employees. It  
17 doesn't even issue W-2's.

18 Q. So it has zero employees?

19 A. Zero employees.

20 Q. Does it have a board? I don't know.

21 A. I think, management services for the

1 parent company are provided by employees employed  
2 by someone else.

3 Waste Management, Inc. doesn't issue W-  
4 2's. It doesn't have employees. It gets  
5 management services through a management services  
6 agreement. Those employees are actually employed  
7 by someone else.

8 I provide legal services for the family of  
9 companies in the Eastern United States. I am  
10 employed by WM Corporate Services, one of the  
11 service providers.

12 Q. Right.

13 A. That's the way it's all structured. Waste  
14 Management, Inc. is the publicly traded corporate  
15 parent that has no employees, no operations except  
16 subsidiaries.

17 It doesn't own property in Maryland or  
18 anywhere else.

19 It doesn't own intellectual property in  
20 Maryland or anywhere else.

21 It owns the stock of Waste Management

1 Holdings, Inc. and that's all it does. I can't say  
2 it any more plainly than that.

3 Q. And I'm really -- forgive the commentary,  
4 but why couldn't we have -- six years ago. It  
5 would have saved us all a lot of time and hassle.

6 But the -- so, anything that -- yeah. So  
7 Waste Management didn't -- you're saying that Waste  
8 Management never owned any -- any of that  
9 intellectual property. It's never licensed any of  
10 that intellectual property. It's never been  
11 involved with WM.com. Am I getting that correct?

12 A. It's the parent at the top that owns the  
13 stock of Waste Management Holdings. Everything  
14 else is somewhere below --

15 Q. Yes. Yes. Go ahead.

16 A. And again, any time -- any things,  
17 intellectual property, services, it's done at arm's  
18 length by contract for payment. That's accounted  
19 for.

20 Q. That makes sense to me. Okay.

21 MR. GAMBLE: Mr. O'Reilly, the -- do you



1 want to mark your -- those --

2 MR. O'REILLY: Oh, yes. I'm --

3 MR. GAMBLE: -- for the record?

4 MR. O'REILLY: Yes. Thank you, Mr.

5 Gamble. I truly appreciate it. That's -- quite  
6 literally.

7 So the WM.com domain -- or the -- which  
8 record that's already been -- has been noted?

9 THE REPORTER: Whois will be marked as  
10 number three.

11 MR. GAMBLE: That was two.

12 MR. O'REILLY: That was two. Okay.

13 MR. GAMBLE: The screen shot was --

14 THE REPORTER: The screen shot. I have it  
15 as Waste Management registration. Okay. That's  
16 number two.

17 MR. O'REILLY: And then the Waste  
18 Management.com website itself --

19 MR. GAMBLE: You can say the homepage.

20 MR. O'REILLY: The homepage.

21 MR. GAMBLE: Exhibit Three.

1 MR. O'REILLY: Will be Exhibit Three.

2 (Whereupon, Deposition Exhibit Number  
3 Three was marked for identification.)

4 MR. O'REILLY: And then the Baltimore  
5 advertising -- you know, the markets within  
6 Maryland will be --

7 MR. GAMBLE: Baltimore search inquiry.

8 MR. O'REILLY: Sure. And the results  
9 thereof.

10 (Whereupon, Deposition Exhibit Number Four  
11 was marked for identification.)

12 MR. GAMBLE: My second question is, we  
13 have been going for an hour and 12 minutes. Could  
14 we take a --

15 MR. O'REILLY: Absolutely. Yeah. I would  
16 like that very much. I'm parched.

17 THE REPORTER: Going off the record.

18 (Whereupon, a brief recess was taken.)

19 THE REPORTER: We are back on the record.

20 BY MR. O'REILLY:

21 Q. So since you brought it up, I'd like to

1 talk about the incident that happened in Baltimore.  
2 And I'd like to show you a little bit of the video  
3 that you all --

4 MR. GAMBLE: I'm going to object. It has  
5 no relevance to the subject matter of this  
6 deposition. I think the witness has already  
7 testified that he did not view the video and I  
8 don't see the relevance of the question of whether  
9 Waste Management does -- does business in Maryland.

10 THE WITNESS: I know that the incident  
11 happened. I don't know anything else about the  
12 incident and I'm not here to talk about the  
13 incident. I'm here to talk about our corporate  
14 structure.

15 BY MR. O'REILLY:

16 Q. Right. And so, the -- my interest in this  
17 is regarding the support that the -- the owner  
18 received after the incident. Talking about the --  
19 and who they dealt with, who they interacted with  
20 on the outside.

21 So it is a -- it speaks to the overall

1 Waste Management, Incorporated's umbrella, you  
2 know, as Waste Management. And so -- beg your  
3 indulgence in allowing me --

4 MR. GAMBLE: You can play the video and  
5 then we'll just take your questions one at a time.

6 MR. O'REILLY: Okay. Yeah. That's  
7 perfectly fine.

8 MR. GAMBLE: I'm not convinced that that  
9 is going to be of -- possible relevance.

10 MR. O'REILLY: Yeah. Thank you. I  
11 appreciate it.

12 MR. GAMBLE: Can you identify this for the  
13 record?

14 MR. O'REILLY: Yes. So the -- I don't  
15 know if this -- were these from you or were they  
16 from -- do you know?

17 THE WITNESS: I don't know.

18 MR. O'REILLY: Okay.

19 Either safety management or (Inaudible)  
20 management provided copies of the portions of the  
21 two cameras that were mounted on the side of the

1 building that captured part of the incident.

2 A couple of things to note here is that  
3 there are portions of this that are either  
4 redacted. There are portions of this that are sped  
5 up. But it is no -- no longer than the actual  
6 incidents took place (Inaudible) compressed. I  
7 haven't gotten a full copy of it yet.

8 So this is the beginning of the video that  
9 was sent. And I pulled this together, edited  
10 together so that they're -- the two camera links  
11 are actually synchronized in time.

12 MR. GAMBLE: So this is an edited version  
13 of -- of the video -- in connection with this case?

14 MR. O'REILLY: It is a new video that  
15 incorporates the full copies of both of the  
16 original videos and synchronizes them in time.

17 MR. GAMBLE: Synchronized by you. Edited  
18 and synchronized by you?

19 MR. O'REILLY: Yeah. And it should be  
20 clear that, you know, the flashing of the -- things  
21 like that is, you know, are actually lined up. It

1 took me about 30 hours to do this, so this is a  
2 meticulous piece.

3 So here we see the Waste Management truck  
4 picking up -- collecting -- I'm sorry it's so  
5 small, but this is what they gave me. So  
6 collecting, prior to getting -- and I'll give you  
7 some context here.

8 This building on the right you can see  
9 there is a -- the camera is looking down an  
10 alleyway. Across the alleyway from the camera  
11 there is a telephone pole and a gray door. That  
12 building is 3209 North Charles Street, which was  
13 the building that was -- you know, where all of  
14 this happened in front of or behind.

15 And so, we see them coming up the alleyway  
16 here. Actually -- collecting.

17 And we're going to skip ahead and so we  
18 are seeing Mr. Priolau, Mr. Palmer actually  
19 beginning the operation of removing waste from the  
20 -- and this happened for about nine or ten minutes.

21 MR. GAMBLE: Just --

1 MR. O'REILLY: Yes, sir.

2 MR. GAMBLE: I'm just going to object on  
3 the narrative. You know, it's highly unusual to  
4 create a narrative on a video that you have edited  
5 prior to asking questions about it.

6 MR. O'REILLY: I'm sorry. Yes.

7 MR. GAMBLE: It is your deposition. You  
8 can do what, you know, what you want within reason,  
9 but I'm just going to note my objection.

10 MR. O'REILLY: I appreciate that. Yes.

11 MR. GAMBLE: This is your characterization  
12 of a video that you've edited.

13 MR. O'REILLY: So that's the reason why I  
14 had myself sworn in, so I can lay the foundation  
15 for the --

16 MR. GAMBLE: That's unusual. I haven't  
17 seen that done. You know, this is not your  
18 deposition.

19 MR. OWEN: Understood.

20 MR. GAMBLE: This is not a court  
21 proceeding, so I object that any of this is sworn

1 testimony, other than anything that Mr. Viola says  
2 in response to a question that you ask.

3 MR. O'REILLY: Okay. Give me a minute  
4 here.

5 What we see, right above that blue  
6 container in the upper lefthand corner of this  
7 portion of the video, and this is at ten minutes  
8 and eight seconds into the video. You can see me  
9 walking out towards the -- toward the truck.

10 MR. GAMBLE: Objection. I mean, how are  
11 we to know that that's you?

12 MR. O'REILLY: (Inaudible.)

13 THE WITNESS: I'm not here to talk about  
14 any of this, sir. I -- can you ask me a question  
15 that -- that leads to something about the structure  
16 of our family of companies and whether or not Waste  
17 Management, Inc. is subject to the jurisdiction of  
18 the court in Maryland? I don't know how this gets  
19 you there.

20 BY MR. O'REILLY:

21 Q. Okay. So -- so does the mission -- what



1 is it, Mission to Zero (Inaudible)?

2 A. Mission to Zero is a slogan. It's a  
3 service mark and slogan that we have used about  
4 safety.

5 Q. Okay. And that safety is regarding  
6 drivers and operators of vehicles?

7 A. Everyone.

8 Q. Okay. Can you tell me a little bit more  
9 about that? So it's not just a slogan, right?  
10 It's a program. It's actually something that was  
11 going rather?

12 A. Mission to Zero -- well, there's safety  
13 services. Forgive me for being repetitive.

14 Q. No. I --

15 A. That is one of the things that is provided  
16 to the service recipients by the service providers.  
17 With that comes slogans and signage and -- and  
18 things like that.

19 Every corporate entity is responsible for  
20 its own safety. The safety of its employees. The  
21 safety of the public, et cetera, et cetera.

1           So I -- does that answer your question?

2           Q.    It did.  It did.  Yeah.  Yeah.  I'll move  
3 on to another one.

4           So, Ray Palmer is the driver and the  
5 operator of this -- of this particular vehicle;  
6 right?

7           A.    I don't know that.

8           Q.    Okay.  All right.

9           A.    I'm not doubting you.

10          Q.    No.  I understand.

11          A.    If you say that he was the driver, that's  
12 fine.

13          Q.    Right.  Let me just -- I think that's been  
14 fairly well established.

15                So we know that -- can you say that Mr.  
16 Palmer did or did not attend one of -- you know,  
17 the driver training that was provided by the Waste  
18 Management Safety Services or --

19                MR. GAMBLE:  Objection as to relevance.  
20 I'm directing the witness not to answer.  He is not  
21 going to know the answer to it.  It has nothing to

1 do with the subject of this deposition.

2 MR. O'REILLY: Well, I'd prefer the  
3 witness to answer for himself. He can say the same  
4 thing, but --

5 MR. GAMBLE: I'm instructing him not to  
6 answer. It has nothing to do with the deposition.

7 THE WITNESS: No. There is no  
8 relationship between whether or not Mr. Palmer  
9 attended a course and whether Waste Management,  
10 Inc. is subject to personal jurisdiction.

11 MR. O'REILLY: If Waste Management,  
12 Incorporated has enough clout, power, influence on  
13 the subsidiary companies to be able to enforce  
14 things like safety when an employee of one of those  
15 subsidiaries violates one of those directives, it  
16 is actually violating a Waste Management,  
17 Incorporated directive. Not a Waste Management of  
18 Maryland, Incorporated directive or not only a  
19 Waste Management of Maryland --

20 MR. GAMBLE: As Mr. Viola testified  
21 probably a dozen or so times because it is -- the

1 document that is actually relevant to the subject  
2 matter of this deposition, there are other service  
3 providers that provide those services that you're  
4 asking about.

5 Waste Management, Inc. is not them. It  
6 is a holding company that owns stock. It is not a  
7 service provider.

8 So the hypothetical that you're attempting  
9 to establish to create some sort of relevance to  
10 your question doesn't exist.

11 And so I'm going to again direct the  
12 witness not to answer that question.

13 BY MR. O'REILLY:

14 Q. So you're saying that each of those  
15 corporations, the service companies, has the  
16 ability to dictate that Waste Management of  
17 Maryland follow their --

18 MR. GAMBLE: Objection. I don't believe  
19 he testified to that.

20 THE WITNESS: No. That's not --

21 BY MR. O'REILLY:

1 Q. Could you rephrase it for me, please?

2 A. Waste Management of Maryland is  
3 responsible for the safety of its people. The fact  
4 that it gets safety service information from one of  
5 the service providers, it's just material provided  
6 to Waste Management of Maryland for Waste  
7 Management of Maryland to implement safety  
8 routines, safety protocols, safety training, all of  
9 that.

10 Waste Management of Maryland, Inc. takes  
11 care of that for Waste Management of Maryland, Inc.  
12 employees.

13 Waste Management, Inc. just isn't involved  
14 in that. They are just the holding company at the  
15 top. I don't want to keep repeating that.

16 Q. I understand. But the -- but Waste  
17 Management of Maryland didn't originate the Mission  
18 to Zero; right? It was not a Waste Management of  
19 Maryland idea?

20 A. I don't know.

21 Q. Where did that --

1           A.    It's a company wide, an enterprise wide  
2 program. So safety services, whichever of the  
3 service providers provides safety services to the  
4 other operating subsidiaries -- you're asking me to  
5 speculate. I don't know where Mission to Zero  
6 originated. I don't know which corporate entity  
7 came up with that slogan.

8                   All I can tell you is in general we have  
9 safety services provided by one of the service  
10 providers. It's advice and information and then  
11 each corporate entity takes that and develops their  
12 own service plan. Their own safety plan.

13                   Are they going to use Mission to Zero? Of  
14 course they are because that is the -- the branding  
15 that -- that the entire enterprise was using at the  
16 time. That was the slogan around safety that the  
17 entire enterprise was using at the time.

18                   But the employees on the screen were the  
19 employees of Waste Management of Maryland.

20           Q.    Okay. So they were under no direction  
21 from Waste Management Holdings, Waste Management,

1 Incorporated?

2 A. No.

3 THE REPORTER: I'm sorry. Could we just  
4 take a minute to stop the toilet from running?

5 MR. O'REILLY: Oh, yes.

6 THE REPORTER: I'm hearing it in my  
7 microphone. Sorry. Just shut the door maybe.

8 THE WITNESS: Are we on the record?

9 THE REPORTER: Yes.

10 THE WITNESS: To try to help direct you a  
11 little bit, paragraph 1.11 of the management  
12 service agreement talks about environmental health  
13 and safety services.

14 The service providers shall provide  
15 consulting in environmental health and safety  
16 related matters as necessary in connection with the  
17 business performed by the service recipient.

18 So what I described, the service providers  
19 service consultants, at arm's length, they get paid  
20 for that. It's accounted for in safety.

21 But Waste Management of Maryland is

1 responsible for implementing its safety program  
2 after it gets consulting services from one of the  
3 service providers.

4 I think that answers your question, but --  
5 but paragraph 1.11 in the agreement. And  
6 intellectual property is covered in a different  
7 paragraph. I mean, this agreement kind of is the  
8 road map for how the service providers provide, as  
9 paid consultants, services to the service  
10 recipients, which -- and Waste Management of  
11 Maryland would be a service recipient.

12 Sorry for --

13 MR. O'REILLY: No. Quite all right.

14 BY MR. O'REILLY:

15 Q. Forgive me. It is a little bit -- this is  
16 very new, so I'm -- I'd like to know who Mr. Paul  
17 Marker actual -- who his actual employer is.

18 A. I'm not sure I know who Paul Marker is.

19 Q. I don't really know -- but apparently he  
20 has a WM.com email address and so he is part of the  
21 WM family.



1 MR. GAMBLE: Could you identify the  
2 document for the record? Not you -- Mr. O'Reilly.

3 MR. O'REILLY: Yes.

4 MR. GAMBLE: I would say I would identify  
5 it for the record because the court reporter won't  
6 be able to --

7 MR. O'REILLY: Understood. Yes. So this  
8 is the -- this is Bates number WM\_0000109.

9 THE REPORTER: And did you want to make  
10 that an exhibit?

11 MR. O'REILLY: Please.

12 THE REPORTER: Okay. And what are we  
13 calling that? Email?

14 MR. O'REILLY: This is the Tuesday,  
15 October 17th, 2017 email at 9:29 a.m. from Paul  
16 Marker -- I don't know if we need to put --

17 (Whereupon, Deposition Exhibit Number Five  
18 was marked for identification.)

19 BY MR. O'REILLY:

20 Q. I'd also like to know who Frank Pagano,  
21 who his employer is. Is he a Waste Management of

1 Maryland --

2 A. It is Waste Management of Maryland.

3 Q. Okay.

4 A. I don't know that for certain. I -- just  
5 looking at the email on the screen, it appears that  
6 he is a Waste Management of Maryland employee.

7 Q. I'd like to read the content of this  
8 particular email from Paul Marker. I -- just  
9 introduce it as an exhibit. Is it appropriate for  
10 me to read this or --

11 MR. GAMBLE: You can read it. I'm going  
12 to object because it doesn't have any relevance.

13 THE WITNESS: I don't know who Paul Marker  
14 is.

15 MR. O'REILLY: Okay.

16 THE WITNESS: Other than -- if he has a WM  
17 email address, then he was a WM employee. But I'm  
18 just telling you, I don't know who Paul Marker is.

19 MR. O'REILLY: Right. Yeah. But we are  
20 trying to establish what the correct entity is  
21 here. If it's not Waste Management, Incorporated,

1 then let's move forward.

2 BY MR. O'REILLY:

3 Q. But this is the part that I find very  
4 disturbing. This is again from Paul Marker to  
5 Frank Pagano, sent on -- I'm going to introduce  
6 this as part of that same email chain that -- so  
7 this is an email sent -- sent to me in data format  
8 that was sent to me as pdf's, so -- it's the same  
9 WM -- it's the same Bates number, so I guess it's  
10 the same exhibit.

11 But Mr. Marker says, "10.4 most likely we  
12 can have Mr. O'Reilly dealt with' and this won't  
13 be an issue."

14 I'd very much like to find out who Paul  
15 Marker works for -- or worked for.

16 MR. GAMBLE: I'm going to object. This  
17 witness has never seen this email before. He said  
18 he doesn't know who Paul Marker worked for, so  
19 that's asked and answered. And the question you  
20 asked does relate to personal jurisdiction  
21 potentially, but -- the witness has answered he

1 doesn't know who Paul Marker is.

2 MR. O'REILLY: Okay. And I'm trying not  
3 to bother you with questions that are going to be  
4 irrelevant.

5 We are at the hour and a half mark. I  
6 think I will reserve my remaining time for redirect  
7 after you have asked --

8 MR. GAMBLE: I do not have any questions  
9 of the witness at this point.

10 MR. O'REILLY: Okay.

11 MR. PHILLIPS: No questions from me.

12 MR. O'REILLY: All right.

13 Would it be all right to take a break?

14 MR. GAMBLE: Sure.

15 THE REPORTER: Going off the record.

16 (Whereupon, a brief recess was taken.)

17 THE REPORTER: We are back on the record.

18 BY MR. O'REILLY:

19 Q. I am -- I'm torn a bit because there are  
20 questions that I want to ask you because I'm afraid  
21 that if I don't, I'm going to have to make the --

1 note depositions for other Waste Management  
2 entities and -- sort of being -- and be -- in the  
3 dark about trying to identify which Waste  
4 Management entity I need to bring in to do the  
5 questioning to find out if they were involved or  
6 responsible for, you know, or in part for the  
7 incident that happened. And I'm hoping to avoid  
8 that for your, mine, and everybody's -- trying to  
9 be mindful of the scope within the (Inaudible).

10 Does Waste Management Safety Services  
11 provide all of the training materials and  
12 everything like that that goes towards driver  
13 safety?

14 A. Waste Management -- you said Waste  
15 Management Safety Services?

16 Q. Yeah. That was who you mentioned, isn't  
17 it?

18 A. Well, safety services is one of the -- the  
19 things provided by the service providers. I'm not  
20 sure of the exact name of the service provider.  
21 But using that term just generically, safety

1 services. Again, the service providers, on a  
2 consulting basis, provide materials for each of the  
3 entities -- the service recipients, like Waste  
4 Management of Maryland, to adopt, modify as  
5 necessary, to fit their operations. You know, I  
6 mean, each -- each entity needs to take what the  
7 consultants provided and sometimes third parties  
8 are engaged to provide some of that material as  
9 well. And then develop their own safety plan.

10 But each corporate entity is responsible  
11 for adopting and deploying the safety protocols.

12 Q. Right. Right. But, you know, if -- if it  
13 turns out that Mr. Paul Marker does, in fact, work  
14 for an entity that is not Waste Management of  
15 Maryland and not a part of the suit, there's an  
16 independent call to action -- really not want to go  
17 down that route. I'm trying to find --

18 A. It's your representation. I'm not sure as  
19 to what you are talking about.

20 Q. Okay. Then the independent, you know --  
21 is part of that and (Inaudible).

1           And so, Waste Management, Incorporated --  
2           again, can Waste Management, Incorporated request  
3           things from its subsidiaries? Could they request  
4           documents? Could they request that its  
5           subsidiaries actually do things? Is it possible --  
6           is the entity capable of --

7           A.    I'm trying to understand that question.  
8           Again, Waste Management, Inc. is a holding company.  
9           I don't know who would be requesting and what they  
10          would be requesting. I need more from you.

11          Q.    So I'm -- there's a lot of documentation  
12          which was requested to be brought along today and  
13          Waste Management, Incorporated was, you know -- was  
14          required to produce documentation that is within  
15          its control or -- sorry, I lost the word -- or was  
16          available to it. And since that documentation  
17          hasn't been provided that leaves us with a large  
18          dearth of knowledge and information here. And why  
19          wasn't the -- you know, other than -- you said the  
20          objections themselves. Was that the only -- was  
21          the objections that you've noted the only reason

1 that more documentation was not provided today?

2 MR. GAMBLE: We can talk about that off-  
3 line. I'm not being deposed today.

4 MR. O'REILLY: I'm actually directing the  
5 question to the witness.

6 MR. GAMBLE: That's a question directed to  
7 me and we can discuss that off-line.

8 BY MR. O'REILLY:

9 Q. Mr. Viola, why did you not bring more  
10 documentation here today?

11 A. I brought the documentation I believe I  
12 needed to bring with me to answer your questions  
13 about whether Waste Management, Inc. is subject to  
14 the jurisdiction of a Maryland court.

15 Q. But it did not comply with the request in  
16 the deposition notice?

17 MR. GAMBLE: Objection.

18 MR. O'REILLY: Nature?

19 MR. GAMBLE: That's not a question.

20 THE WITNESS: That was a statement.

21 MR. O'REILLY: Okay.



1 BY MR. O'REILLY:

2 Q. Did it comply with the request noted in  
3 the deposition?

4 MR. GAMBLE: Objection. This is a witness  
5 who is providing testimony. The requests were  
6 served through counsel and I responded to those  
7 requests. Again, we can discuss that off-line.  
8 This witness is not going to answer those  
9 questions.

10 MR. O'REILLY: Okay.

11 One last thing that I have here. If I may  
12 -- but I want to bring this up here. I want to --  
13 I'm sorry. I'm bringing up CNN.com, specifically  
14 Edition.CNN.com. I would like to mark this as an  
15 exhibit. It is entitled "Where Waste Management  
16 Can't Collect Trash."

17 It is the CEO, David Steiner, talks to  
18 Adam Tsottles about the few places in the United  
19 States where Waste Management is not able to pick  
20 up garbage, two minutes, 18 seconds, source is CNN.

21 For some reason, it is not playing. So I

1 am going to switch to YouTube.com and this will be  
2 the next -- and it is CNN's businesses verify  
3 YouTube channel. The same title, "Where Waste  
4 Management Can't Collect Trash." Same length. Two  
5 minutes, 18 seconds. And we're just going to watch  
6 this.

7 (Plays video. Not transcribed herein.)

8 BY MR. O'REILLY:

9 Q. I'm going to pause it here for a second.  
10 So that is David Steiner, who was the president and  
11 CEO of Waste Management?

12 A. Correct.

13 Q. Was he president and CEO of Waste  
14 Management, Incorporated?

15 A. He was president and CEO of Waste  
16 Management -- yes. He is Waste Management  
17 corporate.

18 Q. Okay. All right. So he is speaking on  
19 behalf of Waste Management, Incorporated?

20 A. He is -- he is one of the officers. And  
21 at the time he would have also been on the board of

1 directors for Waste Management, Inc.

2 His employer would not have been Waste  
3 Management, Inc. His employer very likely would  
4 have been USA Waste Management Resources, LLC, one  
5 of the service providers.

6 I know this might strike you as odd, but  
7 it's true. Even the officers and directors for a  
8 pure holding company are provided by someone else.

9 Waste Management, Inc. is -- pays for  
10 these employees to serve as its officers and  
11 directors. And so, he was the CEO -- president and  
12 CEO of Waste Management. The president and CEO of  
13 Waste Management, Inc., but that wasn't his  
14 employer.

15 Q. No. I understand. Yeah. But -- I  
16 appreciate the clarification -- so Waste  
17 Management, Inc. doesn't actually do anything?

18 A. It holds the stock of Waste Management --

19 Q. It holds the stock of other and reports  
20 the income back that it funnels through it from all  
21 of its subsidiaries?

1           A.    It reports its financial results according  
2 to generally accepted accounting practices.

3           Q.    No.  No.  I understand that.  But in terms  
4 of -- so like -- so Waste Management, Incorporated  
5 is a -- you know, I think Fortune had it listed as  
6 earning 20 billion, 450 million dollars in 2023.  
7 And that is -- so, all it did was collect that --  
8 that money from the subsidiaries and --

9           A.    That's --

10          Q.    -- distribute it generally?

11          A.    That's a consolidated number.

12          Q.    Okay.  All right.

13          A.    Consolidated amongst its 500 operating  
14 entities across the United States.  Financial  
15 results are always reported on a consolidated  
16 basis.

17          Q.    Okay.  Do we know how much -- what  
18 percentage of that Maryland comprises?

19          A.    I don't.

20          Q.    Okay.

21          A.    I don't.  When you report on a

1 consolidated basis, you very often -- well, I  
2 don't. I think the answer to your question is I  
3 don't.

4 Q. Okay. All right. I mean --

5 A. But there are accounting books and records  
6 that would demonstrate that.

7 Q. Okay. Under the control of Waste  
8 Management, Incorporated?

9 A. Well, Waste Management of Maryland would  
10 have them. And then Waste Management, the publicly  
11 traded entity that's reporting on a consolidated  
12 basis, would also have them.

13 Its audit and accounting services,  
14 provided by a service provider, would have them.  
15 And then they would be reported on behalf of Waste  
16 Management, Inc.

17 Q. Okay. They were specifically noted in the  
18 -- in the deposition notice to be -- requested to  
19 be brought today.

20 A. I don't have access to those documents. I  
21 wouldn't have access to --

1 Q. Yes. But you are the designee on behalf  
2 of Waste Management, Incorporated, so --

3 A. To talk about the structure of the Waste  
4 Management family of companies.

5 Q. Well, and --

6 MR. GAMBLE: Objection. You are arguing  
7 with the witness. Take it up with me.

8 THE WITNESS: I'm not an accountant.

9 BY MR. O'REILLY:

10 Q. No. I understand. I understand.

11 So, Waste Management, Inc. doesn't  
12 actually know how much -- doesn't know how much of  
13 its business is -- Waste Management of Maryland has  
14 generated?

15 A. Of course it does.

16 Q. Does it know how much of its -- but you're  
17 telling me that you don't know, but you are  
18 speaking for Waste Management, Incorporated. You  
19 don't know --

20 A. Yes.

21 MR. GAMBLE: Mr. O'Reilly, you're asking

1 him a data point of a \$25 billion publicly held  
2 company.

3 MR. O'REILLY: That was specifically noted  
4 in the deposition and --

5 MR. GAMBLE: It is beyond the scope.

6 MR. O'REILLY: -- for which --

7 MR. GAMBLE: Beyond the scope.

8 MR. O'REILLY: If it goes to jurisdiction.

9 MR. GAMBLE: He is giving you the  
10 organization and the ownership, which you have  
11 acknowledged. There is a complete distinction  
12 between these entities. It's been acknowledged on  
13 the record today in his answers and in your  
14 questions, and -- on the record.

15 MR. O'REILLY: All right.

16 THE WITNESS: Percentage, I can't give you  
17 an exact percentage, but I'm going to guess that a  
18 percentage that they do probably in the 15 percent  
19 -- 15 - 20 percent of the --

20 MR. O'REILLY: Yeah.

21 THE WITNESS: It may vary --

1 MR. O'REILLY: (Inaudible.) Right?

2 THE WITNESS: Yeah. Exactly. And so,  
3 more and more of these -- and then you've also got  
4 cities and other municipalities now -- that are in  
5 the landfill business. So generally what they'll  
6 do is they'll have landfills for their communities,  
7 right. So all the waste management duty goes to  
8 that community. That's probably another -- on the  
9 landfill side, that's probably another ten to 15  
10 percent.

11 So, you know, there's times when we work  
12 with -- with municipalities. We'll use their  
13 landfill if they have a -- if they have a landfill  
14 -- we work with them by telling them to privatize  
15 their system. And then at other times, work with  
16 them -- scheduling collection. We'll do recycling.  
17 We'll do lots of different things.

18 But you've got -- mostly what you've got  
19 is -- is a partnership with the communities that we  
20 serve. I don't view them. Somebody who --  
21 frankly as --



1 BY MR. O'REILLY:

2 Q. Where -- where in the United States, are  
3 you not?

4 A. Wyoming. Montana.

5 Q. (Inaudible.)

6 A. Yeah. I was in Jacksonville, Wyoming two  
7 years ago.

8 Q. So this is a bit of a sticking point for  
9 us here. So Mr. Steiner said -- he was asked where  
10 in the United States are you not. And his response  
11 was Wyoming and Montana.

12 And so, do you agree that Waste Management  
13 is in all 48 other states?

14 MR. GAMBLE: Objection. Objection. It  
15 hasn't been established that Mr. Viola has seen  
16 this video. I just want to establish that for the  
17 record, a foundational point.

18 THE WITNESS: All I can say in response to  
19 that question is we have, like I mentioned a couple  
20 of times, about 500 operating entities all across  
21 the United States. I guess what David is saying

1 there is we don't have an operating entity in  
2 Wyoming or Montana. I don't cover the Western  
3 United States, so --

4 BY MR. O'REILLY:

5 Q. Okay. But Waste Management, Incorporated  
6 is aware that it has subsidiaries in Maryland?

7 A. What -- I'm going to suppose what David is  
8 speaking about there is that through all of our  
9 operating subsidiaries, we cover a large footprint  
10 of the company. All of those independent companies  
11 that I've mentioned. He's referring to that on a  
12 consolidated basis.

13 Q. And (Inaudible) and that replica of a  
14 Waste Management truck -- instead of the WM -- on  
15 it, it has MW. Now what --

16 A. No. I went back and I asked -- I said,  
17 what's that all about? We sold to Mountain Waste a  
18 few years ago. I guess they just renamed the  
19 trucks. They just turned the MW upside down and  
20 called them Mountain Waste.

21 Q. You are in 48 other states, but you're not

1 in every big city; right?

2 A. We're not in every big city, but we're in  
3 virtually every big city.

4 Q. So are you saying that Mr. Steiner is  
5 saying that Waste Management (Inaudible) is in  
6 every big city?

7 MR. GAMBLE: I'm going to note another  
8 objection on the record. I'm not sure you've  
9 established what the date of this is or what we had  
10 established outside of this deposition. Mr.  
11 Steiner stopped being the CEO and president of  
12 Waste Management in 2016. So anything that he's  
13 talking about here by virtue of that and by virtue  
14 of the fact that this clearly is allegedly taken 11  
15 years ago, has nothing to do with the status of  
16 Waste Management, Inc. in 2017 or present day.

17 THE WITNESS: What I can say in addition  
18 to that is I hear that as he's just referring on a  
19 consolidated basis. Waste Management of Maryland  
20 has operations in Baltimore.

21 Waste Management of New York has

1 operations in New York City.

2 Waste Management of Pennsylvania has  
3 operations in Philadelphia.

4 He is talking about major cities. That's  
5 what David is referring to there.

6 He doesn't refer to each individual entity  
7 in giving a broad answer like that but that's the  
8 way we are structured. So that's what he's  
9 describing.

10 BY MR. O'REILLY:

11 Q. And presumably there would be a certain  
12 sense under which Waste Management, Incorporated  
13 would be considered doing business with -- directly  
14 with one of its, you know, subsidiaries or  
15 something along those lines?

16 MR. GAMBLE: Objection.

17 THE WITNESS: I don't know what you mean  
18 by that.

19 THE REPORTER: I'm sorry. I didn't hear  
20 your response.

21 THE WITNESS: I just said I don't know

1 what you mean by that. I described how it works a  
2 few different times in a few different ways. Our  
3 operating entities, like Waste Management of  
4 Maryland, operate in the states where they are  
5 based. They are our operators. They're the ones  
6 that do the work.

7 BY MR. O'REILLY:

8 Q. All right. We talked about this a little  
9 bit earlier. So I'm just going to recap a couple  
10 of things.

11 So, Waste Management, Inc. recognizes that  
12 Adam Tsottles and Ray Palmer are -- were employees  
13 of Waste Management of Maryland, Inc.?

14 A. If that's who their employers are, yes.

15 Q. Well, no. I'm asking -- you know, I'm  
16 asking --

17 A. My understanding is they are employees of  
18 Waste Management of Maryland. That's all I can  
19 tell you. They are not employees of Waste  
20 Management, Inc. because Waste Management, Inc.  
21 doesn't have employees.

1 Q. Understood. Understood. But Waste  
2 Management, Inc. is aware of and has insight into  
3 its subsidiary companies and so it knows what its -  
4 - what employees are (Inaudible) right?

5 MR. GAMBLE: Objection.

6 MR. O'REILLY: Basis?

7 MR. GAMBLE: Form.

8 MR. O'REILLY: Okay. So -- so you're  
9 saying that -- I'm trying to rephrase it.

10 BY MR. O'REILLY:

11 Q. Are Adam Tsottles or were Adam Tsottles,  
12 at the time of the incident, and Ray Palmer  
13 employees of Waste Management of Maryland, Inc.?

14 A. Yes.

15 Q. Okay. And Waste Management of Maryland,  
16 Inc. is a Maryland based company?

17 A. It's organized and existing under the laws  
18 of the state of Maryland.

19 Q. All right.

20 A. It's a Maryland corporation.

21 Q. All right. And the -- the other Waste

1 Management entities that do business with the  
2 service providers and all that sort of thing, they  
3 interact directly with Maryland -- Waste Management  
4 of Maryland purchases those -- those services and  
5 resources from those --

6 A. Yes.

7 Q. -- other companies? All right.

8 And I'm trying to be very careful about  
9 the scope here, so I -- pardon me that it is taking  
10 so long.

11 And --

12 A. Can we take one more ten minute break?

13 MR. O'REILLY: Oh, fine.

14 THE REPORTER: Going off the record.

15 (Whereupon, a brief recess was taken.)

16 THE REPORTER: We are back on the record.

17 BY MR. O'REILLY:

18 Q. And so we were -- so, any company that  
19 Maryland -- Waste Management of Maryland interacts  
20 with or owns any intellectual property that Waste  
21 Management of Maryland purchases or licenses is a

1 company that does business with Waste Management of  
2 Maryland?

3 A. I'm sorry. Was that a question?  
4 I didn't --

5 Q. Yes. Sorry. Yes. So I'm just trying to  
6 pick up where we left off.

7 So any company that Waste Management of  
8 Maryland does business with that provides the  
9 services, provides, you know -- that owns the  
10 intellectual property, that -- you know, that Waste  
11 Management of Maryland either licenses or  
12 purchases, or uses, does business with Waste  
13 Management of Maryland?

14 MR. GAMBLE: Objection. I'm not sure what  
15 the question is.

16 MR. O'REILLY: Okay.

17 MR. GAMBLE: I'll just object to form.

18 THE WITNESS: Yeah. So the contract by  
19 which some services are provided to the service  
20 recipients --

21 MR. O'REILLY: Yeah. Let me break it



1 down.

2 BY MR. O'REILLY:

3 Q. So Waste Management would receive  
4 services, right, provides whatever it provides --  
5 training, materials -- whatever, right. So Waste  
6 Management of Maryland purchases those -- those  
7 services or goods from Waste Management Safety  
8 Services, or whatever the company name is. And so  
9 that is a business transaction where Waste  
10 Management of Maryland is actually purchasing that  
11 from a separate company?

12 A. It's a contractual transaction, as laid  
13 out in Exhibit One, done at arm's length between  
14 two independent contractors.

15 Q. Okay. Yeah. And the same goes for -- so  
16 the -- you know, Waste Management Intellectual  
17 Property Holdings, so any --

18 A. That would be a license, I believe. WM  
19 Intellectual Property owns the IP that would be  
20 licensed to one -- to Waste Management of Maryland  
21 for a fee.

1 Q. Okay. All right. And, yeah, so that's a  
2 business transaction between two independent  
3 entities?

4 A. Correct.

5 Q. Okay. All right. And that's whether it's  
6 Waste Management Intellectual Property Services or  
7 any of the other service companies. So they -- so  
8 like they're -- I'm sorry. Waste Management of  
9 Maryland licenses or uses the email services from,  
10 you know, like an IT company, that kind of thing?

11 A. There is a service provider that does our  
12 computer systems, information systems. So email,  
13 sure.

14 Q. Okay.

15 A. Again, a service provided for a fee.

16 Q. Right. And so, along those lines, so  
17 provided -- given that there is an interaction or  
18 there is actually business being done between a  
19 Maryland entity and a non-Maryland entity -- these  
20 are not -- I shouldn't -- are any of those other  
21 entities actually incorporated in Maryland?

1           A.    I don't know. I would be surprised if  
2 they were. I hate speculating. My guess is they  
3 are probably Delaware corporations or Texas  
4 corporations is my -- but that's just a guess.

5           Q.    Okay. But you're -- but for any company  
6 that is not a Maryland incorporated company, that's  
7 an interstate transaction between Maryland -- Waste  
8 Management of Maryland and that other company?

9           A.    I guess. Yes.

10          Q.    Okay. I'm sorry if I'm repeating myself,  
11 but it's been -- we have about 35 minutes remaining  
12 of the time and bear with me. Let me collect my  
13 thoughts here.

14                    So if one of these companies, let's say --  
15 so Waste Management's Intellectual Property  
16 Holdings, is that registered to do business in  
17 Maryland? Do they have a registered agent for that  
18 in Maryland?

19          A.    I don't know that off the top of my head.  
20 That's something I'd be able to determine. So it's  
21 just not a fact I would keep in the top of my head.

1 Q. Okay. But does the fact -- whether or not  
2 it's registered in -- you know, registered in  
3 Maryland, the fact that it does continuing business  
4 with Waste Management of Maryland with a Maryland  
5 based company, would that be enough to suggest  
6 Waste Management's -- the Intellectual Property  
7 Holdings to --

8 MR. GAMBLE: Objection.

9 MR. O'REILLY: Okay.

10 MR. GAMBLE: I just want -- finish your  
11 question. Sorry for interrupting. The witness can  
12 answer.

13 THE WITNESS: You're asking for a legal  
14 conclusion. I don't have an answer to that  
15 question.

16 BY MR. O'REILLY:

17 Q. Okay. All right. And based on that --  
18 based on that set of circumstances, is there -- is  
19 there anything that you know of that would prevent  
20 that from being a -- that would prevent it from  
21 being subject to (Inaudible)?

1 MR. GAMBLE: Objection. Calls for a legal  
2 conclusion. Calls for speculation.

3 THE WITNESS: Same thing. I -- you're  
4 asking me to make an ultimate legal conclusion  
5 here. I'm not going to do that.

6 MR. O'REILLY: That's fair.

7 BY MR. O'REILLY:

8 Q. And so, to go back to that -- and I think  
9 we have a lot clearer understanding now of, you  
10 know, the way the Waste Management family works.  
11 And so, I think I better understand the legal  
12 conclusion of Waste Management does not do business  
13 in Maryland, whether or not I agree with it, and  
14 that they -- Waste Management is maintaining that  
15 it does not do business in Maryland.

16 A. Correct.

17 Q. Okay. All right.

18 And I apologize if I go over my two hours  
19 -- and going back to what we had talked about at  
20 the beginning. Waste Management Holdings,  
21 Incorporated, does that do business in Maryland at

1 all?

2 A. It does not.

3 Q. It does not. Okay. And --

4 A. I don't want to paint it with a broad  
5 brush, but the answers I gave for Waste Management,  
6 Inc. pretty much apply to Waste Management  
7 Holdings, Inc. The difference is Waste Management  
8 Holdings, Inc. holds the stock of about 100  
9 companies, whereas Waste Management, Inc. only  
10 holds the stock of one company, Waste Management  
11 Holdings.

12 But Waste Management Holdings, Inc.,  
13 similar to Waste Management, Inc., is just a  
14 holding company.

15 Q. Right.

16 A. No employees. No property. It doesn't  
17 pay taxes in those states. It doesn't have  
18 operations in those states. The subsidiaries below  
19 are the ones that operate state, by state, by  
20 state.

21 Q. All right. I think Waste Management, Inc.

1 would get sued a lot less if that were clearer.

2 A. If you're asking --

3 Q. No. No.

4 A. We can't control who is sued. We try to  
5 set the record straight when it happens, which is  
6 what this deposition is about.

7 Q. Yeah. And I appreciate it greatly.

8 So I think we're -- oh, there is one  
9 question I wanted to ask. It will generate an  
10 objection, but I'm going to ask it anyway.

11 What does Waste Management know about me?

12 MR. GAMBLE: Objection.

13 MR. O'REILLY: Understood.

14 THE WITNESS: Other than this lawsuit, I  
15 have absolutely no idea what we know about you.  
16 Were you ever a Waste Management customer?

17 MR. O'REILLY: Not that I'm aware of, or  
18 not directly.

19 THE WITNESS: Then we wouldn't have a  
20 customer account in our system somewhere. I have  
21 absolutely no idea what Waste Management knows

1 about you. We are aware of this lawsuit.

2 MR. O'REILLY: Okay. All right. All  
3 right. I think that -- let me just look at -- one  
4 more time.

5 Nothing else is coming to mind, so I think  
6 that -- I think I'm going to relinquish the rest of  
7 my time.

8 MR. GAMBLE: No questions for me.

9 MR. PHILLIPS: No questions.

10 THE REPORTER: I have a couple questions  
11 just before we go off the record. I need to know  
12 about signature.

13 MR. GAMBLE: Yeah. We'd like to read and  
14 sign.

15 THE REPORTER: And I just want to double  
16 check that I have all of the exhibits correctly. I  
17 have five and the last one is the Paul Marker email  
18 chain. Is that correct with everyone?

19 MR. GAMBLE: Five I think is the video.  
20 The video -- email chain. Six was the document  
21 Bates stamped WM109.



1 THE REPORTER: That is six. And five was  
2 the video? Did we mark that?

3 MR. GAMBLE: I don't think it was marked  
4 but it probably should be, as the CNN video.

5 MR. O'REILLY: Yes. We'll mark the CNN --

6 THE REPORTER: Okay. Can we mark that as  
7 six?

8 MR. GAMBLE: Sure.

9 THE REPORTER: Okay. So just CNN video?

10 MR. GAMBLE: I think that would be seven.

11 MR. O'REILLY: I'm going to hold off on  
12 marking the --

13 THE REPORTER: So there's two videos then?

14 MR. GAMBLE: You've asked about it and  
15 then we'll get a copy of it.

16 MR. O'REILLY: Well, I mean, it's all --  
17 what you already have.

18 MR. GAMBLE: No.

19 MR. O'REILLY: Okay. I'll provide you  
20 with the --

21 MR. GAMBLE: You asked questions about it.

1 I think it should be identified for the record so  
2 that when we review the transcript we know what  
3 we're talking about.

4 MR. O'REILLY: Okay.

5 THE REPORTER: So we have two videos that  
6 were marked? Is that --

7 MR. GAMBLE: I mean, it's not my  
8 deposition. My recommendation is that we mark  
9 every document, whether it was shown in digital  
10 media or on paper.

11 THE REPORTER: I have that one --

12 MR. GAMBLE: (Inaudible.)

13 THE REPORTER: Which ones did you want --  
14 did you want to mark the videos?

15 MR. O'REILLY: So, we'll mark the CNN  
16 video. Yeah. Just the CNN video.

17 THE REPORTER: Not the --

18 MR. O'REILLY: Not the -- yeah.

19 THE REPORTER: Thank you. I just wanted  
20 to make sure I had them all correct. Okay. And  
21 that's all I have.

1                   (Whereupon, Deposition Exhibit Number Six  
2 was marked for identification.)

3                   MR. O'REILLY: And just finally, before we  
4 go off the record, I -- just to get it said. I do  
5 object to the lack of preparation and the lack of  
6 document production in response to the -- to the  
7 notice. And -- and I believe that the -- there  
8 were some -- useful information and I very much  
9 appreciate you being here. It was not -- in  
10 compliance with the actual notice itself.

11                   Are there any documents, besides the --  
12 the management services agreement that are being  
13 produced today?

14                   MR. GAMBLE: There are not. This was  
15 being produced as a good faith effort to create  
16 some clarity around the issues as to whether Waste  
17 Management, Inc. does business in Maryland. I  
18 think it has been further conclusively established  
19 during today's deposition.

20                   But as you know, Mr. O'Reilly, the  
21 documents that were requested as part of a

1 deposition notice require that there be 30 days  
2 from the date of notice until the date of the  
3 deposition. That was not provided and so, it was  
4 basically invalid.

5 MR. O'REILLY: The --

6 MR. GAMBLE: And in response -- producing  
7 records. Thank you for allowing me to --

8 MR. O'REILLY: Sorry. So -- was served on  
9 the 24th of November to Waste Management,  
10 Incorporated.

11 MR. GAMBLE: No. That was the deposition  
12 for David Steiner, a former employee of Waste  
13 Management, Inc. The Waste Management, Inc.  
14 deposition was served on December 1st, 2024, which  
15 was, by my count, since Christmas was yesterday, 25  
16 days ago.

17 THE WITNESS: The financial information  
18 you've asked about, of course, Waste Management  
19 reports its financial results publicly. All of  
20 that is available on our FCC webpage.

21 MR. O'REILLY: Hopefully, it will give the

1 court enough to make a -- at least an informed  
2 decision at this point about whether Waste  
3 Management, Inc. is -- Inc. is or is not in  
4 Maryland.

5 So thank you all. I appreciate it. And I  
6 don't know what we need to do to get off the  
7 record. I know that the operator needs to do  
8 something and --

9 THE REPORTER: I'll announce us off.

10 MR. O'REILLY: Okay. All right.

11 THE REPORTER: Going off the record.

12 MR. O'REILLY: Thank you.

13 (Whereupon, at 1:46 p.m., the deposition  
14 was concluded.)

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CERTIFICATE OF NOTARY REPORTER

I, Kathleen S. Wilson, a Notary Reporter, in and for the State of Maryland, County of Anne Arundel, do hereby certify that the Witness whose testimony appears in the foregoing transcript was taken by me and thereafter transcribed by me or under my direction; that said transcript is a true and accurate record of the testimony given to the best of my ability; that I am neither counsel for, related to nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

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Kathleen S. Wilson

Notary Reporter

My Commission Expires March 14, 2026