

ROSALYNNE R. ATTERBEARY  
REVOCABLE TRUST *et. al.*

Plaintiffs/Counter-Defendants

v.

PROPERTY OWNERS ASSOCIATION  
OF ARUNDEL ON THE BAY, INC.

Defendant/Counter-Plaintiff  
Cross-Claim Plaintiffs

and

ALL PROPERTY OWNERS IN THE  
SUBDIVISION OF ARUNDEL ON THE BAY

Defendants/  
Cross-Claim Defendants

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* ANNE ARUNDEL COUNTY,  
\* MARYLAND

Case No. C-02-CV-15-003736

\* \* \* \* \*

**REQUEST FOR PRODUCTION OF DOCUMENTS**

To: Arundel on the Bay Lot Owner(s) Identified on attached Memorandum, Defendant(s)

From: Rosalynne R. Atterbeary, Trustee, Rosalynne R. Atterbeary Revocable Trust, Plaintiff

Pursuant to Maryland Rule 2-422, you are required to file within thirty (30) days a written response to the request on the following Document Schedule and to produce those documents for inspection and copying on or before **May 22, 2017 at 10:00 a.m.** in the offices of Blumenthal, Delavan, Powers, & Palmer, 888 Bestgate Road, Suite 413, Annapolis, MD 21401.

**Instructions**

1. If any part of this request is deemed to call for the production of any privileged documents or materials and such privilege is asserted, a list is to be furnished identifying each document so withheld together with the following information:

- (a) the reason for withholding;
- (b) a statement of facts constituting the basis for any claim of privilege, work product or other ground of non-disclosure; and
- (c) a brief description of the document, including:

- (i) the date of the document;
- (ii) the name of its author, authors, or preparers and an identification by employment and title of each such person.
- (iii) the name of each person who was sent or has had access to, or custody of the document, together with an identification of each such person;
- (iv) the paragraph of this request to which the document relates; and
- (v) in the case of any document relating in any way to a meeting or conversation, identification of such meeting or conversation.

2. If any documents requested herein have been lost or destroyed, the documents so lost or destroyed shall be identified by author, date and subject matter. In addition, the date of disposal, the manner of disposal, the reason for disposal, the person authorizing disposal and the person disposing of the document shall also be identified.

3. This request shall be deemed continuing so as to require further and supplemental production should the party to whom this request is directed obtain additional documents falling within its scope between the time of initial production and the time of hearing or trial.

4. All documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond to the paragraph of this request to which they are primarily responsive.

5. All documents produced in response to this request shall be produced *in toto*, notwithstanding the fact that portions thereof may contain information not requested, shall include drafts and interim editions, as well as final editions, or a document, and shall include all editions or copies of a document which are not identical (whether due to handwritten notations, revisions or otherwise) to the original or other produced copy of a document.

6. With respect to each request herein, the party to whom this request is directed shall identify and produce all documents (as defined above without limitation) which are known or which can be located or discovered by reasonably diligent effort, regardless of location, including, without limitation, all such documents requested to be produced which are in the files (whether personal, business or any other files), possession, custody or control of the attorneys, accountants, agents, representatives or employees of the parties to whom this request is directed.

### **Definitions**

In these requests, the following definitions apply:

(a) **Communication** means each and every form of memoranda, electronic mail, voice mail, or message that is or has been in your possession, custody, or control.

(b) **Document** includes electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form, including, but not limited to, all copies of electronic mail,

correspondence, memoranda, tapes, stenographic or handwritten notes, written forms of any kind, charts, blueprints, drawings, sketches, graphs, plans, articles, specifications, diaries, calendars, letters, telegrams, photographs, minutes, contracts, agreements, surveys, computer printouts, data compilations of any kind, teletypes, telexes, facsimiles, invoices, order forms, checks, drafts, statements, credit memoranda, reports, position reports, summaries, indices, books, ledgers, notebooks, schedules, transparencies, recordings, catalogs, advertisements, promotional materials, films, video tapes, audio tapes, compact disks, brochures, pamphlets, or any written or recorded materials of any other kind, however stored, recorded, produced, or reproduced, and also including, but not limited to, drafts or copies of any of the foregoing that contain any notes, comments, or markings of any kind not found on the original documents or that are otherwise not identical to the original documents.

(c) **Identify, identity, or identification**, (1) when used in reference to a natural **person**, means that **person's** full name, last known address, home and business telephone numbers, and present occupation or business affiliation; (2) when used in reference to a **person** other than a natural **person**, means that **person's** full name, a description of the nature of the **person** (that is, whether it is a corporation, partnership, etc. under the definition of **person** below, and the **person's** last known address, telephone number, and principal place of business; (3) when used in reference to any **person** after the **person** has been properly **identified** previously means the **person's** name; and (4) when used in reference to a **document**, requires you to state the date, the author (or, if different, the signer or signers), the addressee, the **identity** of the present custodian of the **document**, and the type of **document** (e.g. letter, memorandum, telegram, chart, etc.) or to attach an accurate copy of the **document** to your answer, appropriately labeled to correspond to the interrogatory.

(d) **Person** includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership, limited liability company, the State, an agency or political subdivision of the State, a court, and any other governmental entity.

(e) **You and your** includes each and every person(s) to whom these requests are addressed, and all of that person's agents, representatives, or attorneys.

(f) **Arundel on the Bay** is that subdivision shown on a plat created in 1890 entitled "Arundel on the Bay," which plat is recorded among the Land Records of Anne Arundel County, Maryland in Plat Book S.H. 34, folio 509, a copy of which is attached as Exhibit A to the **Complaint**, and on a revised plat created in 1927 entitled "Revised Plat of Arundel on the Bay," which plat is recorded among the Land records of Anne Arundel County, Maryland in Plat Book 9, folio 25, a copy of which is attached as Exhibit B to the **Complaint**.

(f) **Association** is the Property Owners Association of Arundel on the Bay, Inc.

(g) **Atterbeary** refers to the plaintiff, Rosalynne R. Atterbeary, Trustee of the Rosalynne R. Atterbeary Revocable Trust, which owns the **Atterbeary Property**.

(h) **Atterbeary Property** is the property located at 3551 Narragansett Avenue, Annapolis, Maryland 21403, and identified as Lots A and B, Block 11, Arundel on the Bay.

(i) **Coble** is the plaintiff, Clyde T. Coble, Trustee of the Wilma L. Coble Qualified Personal Residence Trust, which owns the **Coble Property**.

(j) **Coble Property** is the property located at 3557 Narragansett Avenue, Annapolis, Maryland 21403, and identified as Lots K, L, and M, Block 12, Arundel on the Bay, which lots are shown as **Parcel 1** on the attached Exhibit 1, Special Purpose Boundary Survey by John J. Dowling dated January 12, 2016.

(k) **Complaint** refers to the Second Amended Complaint filed by Plaintiffs on January 13, 2017 and attached as a link on the websites for the Anne Arundel County Circuit Court and Arundel-on-the-Bay.

(j) **Disputed Roads** refers to those portions of Magnolia Avenue and Chesapeake Walk that bind on the Atterbeary Property and the Coble Property and are located between Narragansett Avenue and the waters of the Chesapeake Bay as shown on the **Arundel on the Bay** plats, and as more particularly shown as "Magnolia Avenue" and "Chesapeake Walk" on the Special Purpose Survey attached as Exhibit 1. Unless otherwise specified, **Disputed Roads** does NOT include **Parcel 1**, **Parcel 2** or **Parcel 3** as shown on the Special Purpose survey attached to the accompanying Interrogatories as *Exhibit 1*.

#### Requests

**DOCUMENT REQUEST NO. 1.** All documents identified in your Answers to Interrogatories.

**DOCUMENT REQUEST NO. 2.** All documents, including any survey, plat, plan, photograph, aerial photograph, or other written or electronic graphic representation of the Atterbeary Property, the Coble Property, or the Disputed Roads.

**DOCUMENT REQUEST NO. 3.** All correspondence, memoranda, or documents that contain information about, describe, refer, or otherwise relate to the Atterbeary Property, the Coble Property, or the Disputed Roads, including those documents which are to or from the Atterbearys or the Cobles.

**DOCUMENT REQUEST NO. 4.** Any written statements by any person(s) concerning or relating to the ownership, use, maintenance, or occupation of the Atterbeary Property, the Coble Property, or the Disputed Roads.

**DOCUMENT REQUEST NO. 5.** All documents that support any claim or defense you have raised or intend to raise in this action regarding title to and use of Parcel 2 and Parcel 3 as shown on *Exhibit 1* attached to Plaintiffs' Interrogatories.

**DOCUMENT REQUEST NO. 6.** All statements, memoranda, or other written or electronic document given by you to any person concerning the subject matter of this action.

**DOCUMENT REQUEST NO. 7.** All documents, including correspondence, notes, memoranda or other communications, between you and the plaintiffs related to or concerning the subject matter of this action.

**DOCUMENT REQUEST NO. 8.** All documents, including correspondence, notes, memoranda, or other communications, between you and the Association relating to or concerning the subject matter of this action.

**DOCUMENT REQUEST NO. 9.** All documents, including correspondence, notes, memoranda, or other communications, between you and any other lot owner in Arundel on the Bay relating to or concerning the subject matter of this action.

**DOCUMENT REQUEST NO. 10** All documents relating to and/or supporting any claim or defense you have raised or intend to raise in this action regarding ownership, use, maintenance, or occupation of the Disputed Roads.

**DOCUMENT REQUEST NO. 11.** All documents that support your claim that you use or have used the Disputed Roads for any purpose.

**DOCUMENT REQUEST NO 12.** All documents that support your claim that any other person uses or has used the Disputed Roads for any purpose.

**DOCUMENT REQUEST NO. 13** All documents associated with your involvement on social media related to or concerning the subject matter of this action.

**DOCUMENT REQUEST NO. 14** All documents, including statements, correspondence, memoranda, or other written or electronic communications between you and the Association's counsel in this action that relate to or concern the subject matter of this action.



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