

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

MATTHEW O'REILLY,

Civil Docket

Plaintiff,

Case No. C-02-CV-24-00546

vs.

WASTE MANAGEMENT, INC., et al,

Defendant.

OFFICIAL TRANSCRIPT OF PROCEEDINGS

HEARING ON DISCOVERY

Annapolis, Maryland

Thursday, December 12, 2024

BEFORE: THE HONORABLE MICHAEL E. MALONE, Judge

APPEARANCES:

For the Plaintiff:

Matthew O'Reilly, appearing pro se

For the Defendant:

Jeff Gamble, Esq., for Waste Management, et al
Scott H. Phillips, Esq., for Beatty Management Group

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P R O C E E D I N G S

(2:36 p.m.)

THE COURT: All right. Now we'll move on to the matter of *Matthew O'Reilly vs. Waste Management Inc., et al.*, I believe. If everyone could approach in that matter. And that is case number C-02-CV-24-546. And Mr. O'Reilly, if you can identify yourself for the record with the spelling of your last name, and everyone here on behalf of the defendants, I'd ask for counsel to do the same.

MR. O'REILLY: Yes, sir. This is Matthew O'Reilly, O apostrophe, capital R E I L L Y.

MR. GAMBLE: Good afternoon, Your Honor. Jeff Gamble of Saul Ewing on behalf of Waste Management, Inc., Waste Management of Maryland, Inc., Roy Palmer and Adam Tsottles.

MR. PHILLIPS: Good afternoon, Your Honor. Scott Phillips, P H I L L I P S, on behalf of defendant Beatty Management Group.

THE COURT: All right. And who do we have in the back? Not them.

MR. O'REILLY: Oh, this is my best friend.

THE COURT: All right.

MR. O'REILLY: Here for moral support.

THE COURT: All right. Well, sir, you can be seated if you wish.

1 UNIDENTIFIED SPEAKER: Thank you.

2 THE COURT: For everyone else, all right; so we're
3 here on three things. A motion to compel production
4 regarding discovery, and also two other basically, in
5 essence, discovery issues in particular regarding
6 depositions. My thought is we'll work on the motion to
7 compel first. And then candidly, I mean, I looked over the
8 things regarding the depositions; my thought is I'm going to
9 probably take a pragmatic approach and just suggest we find
10 some dates that work. Just kind of giving you a little bit
11 of telegraphing where I'm probably going to be going with
12 them. Assuming everyone that -- everyone that at least
13 clearing the dates, doesn't mean service, doesn't have to
14 happen, it doesn't have to happen if it's a non-party. You
15 know, obviously I recognize, I think there might have been
16 one non-party which there has to be direct service on that,
17 everything will still have to be within the rules. But
18 rather than there being another fight and maybe another
19 motion, I thought well my plan is we'll probably just
20 address that today. And I'll hear from everyone. I
21 recognize there could be more to it, but I'm telegraphing
22 you to where I'm likely to go.

23 All right. So the first thing up was Mr.
24 O'Reilly's motion. So I'll hear from you, Mr. O'Reilly,
25 since you're representing yourself. How it works, I'll hear

1 from you. Then I'll hear from defense. What I do sometimes
2 and what I often do with discovery is I will sometimes say,
3 what do you really need? And I know you all were before me
4 before. I, and I -- you know, I was one of those attorneys
5 I remembered every case I had, but since I went on the
6 bench, it's not as good as it used to be. One might be age
7 or one might just be volume. So I'm going to look at, you
8 know, what is truly needed.

9 I know -- I know, Mr. O'Reilly, the rule is all
10 information that is relevant or could lead to relevant
11 information, but these hearings are really only 30-minute
12 hearings. So we're not going to get super into the weeds.
13 I'm looking to provide assistance on direction of what is
14 needed to be ready for your pre-trial, which I believe is
15 March 27th. So I want everybody to be in the best position
16 possible for -- for there to be good settlement discussions
17 on, I think, it's March 27th is when the pre trial is. All
18 right, so I'll hear from you, Mr. O'Reilly, and I do have
19 your motion in front of me.

20 MR. O'REILLY: Thank you, Your Honor. The last
21 time we were here, Your Honor, I -- I was under the
22 impression that we were having a genuine dispute about
23 discovery. Since then, it has become very clear that we
24 don't actually have a discovery dispute. What we have is
25 the defense having a rules dispute with the Court and using

1 me as a proxy. So I'm stuck being the one who has to bring
2 this to the Court and call it to the Court's attention.

3 Your Honor, I'm not an attorney. I have scoured
4 the Maryland rules front to back to front, for the life of
5 me, I can't find the exception that says I don't think we
6 should have to, but we keep hearing it over and over again.

7 I mean, in the last hearing he said in front of you, I
8 don't think we should have to do that. And the amount of
9 discovery that's been produced is reflective of that.
10 They've made no secret that they have refused to participate
11 in discovery at all. Well --

12 THE COURT: All right. Well, so now here's where
13 I want you to start focusing. What do you really need that
14 you believe you are entitled to?

15 MR. O'REILLY: All right, if I may, Your Honor.
16 This might jog your memory a little bit, the green folder,
17 that this was the entirety of everything that I received
18 from all of the defendants as of the last hearing. This is
19 what I've received since. There's absolutely nothing, I
20 have gotten no discovery whatsoever in the entire time
21 between these two hearings. And -- and we are now 10
22 days --

23 THE COURT: I understand. But what --

24 MR. O'REILLY: Oh, what do I need?

25 THE COURT: -- what are you looking for? We have

1 30 minutes.

2 MR. O'REILLY: I'm sorry, Your Honor. So we don't
3 have enough information to get through the motions to
4 dismiss yet. We have talked about **privacy**. There's no
5 information about who works for who. We've talked about
6 jurisdiction. There's no information, you know, I
7 prevented -- provided information about the Waste Management
8 advertisers in Maryland, but they refuse to get us -- give
9 me anything whatsoever. So we can't even get to the --
10 through the motions to dismiss at this point, much less
11 getting into the meat and potatoes. We don't even know what
12 is going to be.

13 THE COURT: And I missed. When is your motion?
14 You have a motion to dismiss hearings?

15 MR. O'REILLY: It is. It is scheduled for the 3rd
16 of February, Your Honor --

17 THE COURT: Okay.

18 MR. O'REILLY: -- after the close of discovery.

19 THE COURT: Okay.

20 MR. O'REILLY: But counsel has said repeatedly
21 that they will not provide any discovery or do any
22 depositions or anything else until after the motion to
23 dismiss are heard.

24 THE COURT: Well, let me maybe jump ahead, since
25 we're also dealing with depositions, and I recognize this is

1 a unique lawsuit, and I did look over the initial complaint.

2 It involves, just to sort of paraphrase, Mr. O'Reilly, you
3 were displeased initially with the arrival time to what
4 might be characterized as a trash truck.

5 MR. O'REILLY: Yes, sir.

6 THE COURT: And that started sort of this
7 disagreement between you and the trash truck, whoever owns
8 the trash truck, whoever manages the trash truck or -- or
9 the like. And then apparently, there was, you communicated
10 with somebody, and then the arrival time changed, and then
11 after a few weeks, the arrival time went back, and then
12 there was -- then the dispute escalated. And then that's
13 sort of the genesis of your lawsuit. I'm not saying it's
14 everything, but that's sort of the genesis.

15 MR. O'REILLY: Yeah. The operator of the truck
16 decided to run the truck into me bodily and knock me to the
17 ground.

18 THE COURT: All right. I read that.

19 MR. O'REILLY: Yeah.

20 THE COURT: I read that. And then --

21 MR. O'REILLY: And then they tried to put me in
22 prison for --

23 THE COURT: And then there was some --

24 MR. O'REILLY: -- 23 years on false charges.

25 THE COURT: There were some charges filed. All

1 right. So let's -- but let me -- if you -- I know you
2 figured this out last time. I try to be pragmatic.

3 MR. O'REILLY: Yes, sir.

4 THE COURT: And the beauty of a deposition is, you
5 know, you can -- it's part of why I don't like text, you
6 know, always. Text is great for, like, simple answers, but
7 it's not great to flush something out. Depositions are much
8 better. So maybe we just figure out the deposition and then
9 may -- that may resolve some other things.

10 MR. O'REILLY: I agree, Your Honor.

11 THE COURT: All right. So why don't we talk about
12 who did you wish to depose?

13 MR. O'REILLY: So the notices that I sent, the
14 first notice was for Roy Palmer, who was the operator of the
15 truck that hit me.

16 THE COURT: Okay. Who else?

17 MR. O'REILLY: The second was to -- I labeled it
18 to David Steiner, who I was under the impression was the CEO
19 of Waste Management. I know he was previously. And -- and
20 counsel have said that they believe that he is no longer the
21 president. Had they got me the organizational charts and
22 things like that that I had asked for last time, we would
23 have known that. But, so, I have recast that as a Waste
24 Management designee. Whoever is, you know, responsible or
25 available to act, you know, to answer questions on behalf of

1 Waste Management.

2 The third is Adam Tsottles, who is the route
3 manager who filed the false charges.

4 THE COURT: What is Adam's last name?

5 MR. O'REILLY: T S O T T --

6 THE COURT: Oh, I saw that --

7 MR. O'REILLY: -- L E S.

8 THE COURT: I saw that in your complaint.

9 MR. O'REILLY: Yes, he's a defendant.

10 THE COURT: Okay. So you're looking to take three
11 different depositions.

12 MR. O'REILLY: And the fourth one is a designee
13 for Waste Management of Maryland, which is a subsidiary
14 company of Waste Management, who actually purports to be the
15 employer of Tsottles and Palmer.

16 THE COURT: Well, let's start -- let's talk about
17 the two individuals, and then we'll move on to the designee.
18 So regarding Roy Palmer, who you, I believe, served
19 individually, correct?

20 MR. O'REILLY: Correct.

21 THE COURT: Is counsel --

22 MR. GAMBLE: Served through counsel, but, yeah,
23 he's been served in this case.

24 THE COURT: Okay. So has -- and I know there was
25 a dispute about dates regarding depositions. I saw that.

1 Yeah.

2 MR. GAMBLE: Yeah, I think -- I think what you're
3 saying fairly characterized it. There was -- we were -- we
4 were sort of just bombarded with these dates without
5 covering them, you know, without having any notice of them.

6 THE COURT: Well, that sort of --

7 MR. GAMBLE: Nine -- nine or ten days.

8 THE COURT: -- if you haven't figured out,
9 let's -- let's clear a date now. Did you -- did you receive
10 a notice of deposition?

11 MR. GAMBLE: I received five notices of
12 deposition.

13 THE COURT: Okay, well, you did -- let's -- are
14 you also counsel for -- counsel for -- I'm just going to say
15 Adam --

16 MR. GAMBLE: Yes.

17 THE COURT: -- rather than butcher his last name.

18 MR. GAMBLE: Yes, Your Honor.

19 THE COURT: Well, let's talk about clearing a date
20 for Mr. Palmer and Mr. -- Mr. -- I want to say Mr. T, but
21 that's --

22 MR. GAMBLE: Yeah. Mr. Tsottles. Yeah.

23 THE COURT: Tsottles, okay.

24 MR. GAMBLE: I think the T is silent, from what I
25 -- so --

1 THE COURT: That helps me. I'm a sight reader, so
2 that kind of stuff really messes with me.

3 MR. GAMBLE: Yeah. So, Judge, if I may, I know
4 you've seen -- you've seen the papers and you've seen Mr.
5 Phillips joinder. There is a third party Capstone here who
6 did not join in -- in the -- in the motion for protective
7 order.

8 But just, if I may, for just a few minutes, I
9 think your recitation of the -- of the core facts in the
10 case is absolutely correct. And you may recall from last
11 time. If not, I'll just remind you this is the second
12 lawsuit of its kind arising from an event that happened in
13 2017. The first was filed in federal court under Chief
14 Judge Russell, and it was dismissed in its entirety with
15 prejudice. It was appealed to the Fourth Circuit, and it
16 was affirmed, and that was on the merits. So --

17 MR. O'REILLY: I object to the characterization
18 law on the merits, Your Honor.

19 MR. GAMBLE: Plaintiff refiled -- plaintiff
20 refiled the suit in state court and in a pleading early on,
21 identified it as a functionally identical complaint. And on
22 that very point, the defense agrees it is functionally -- it
23 is the same law lawsuit, Your Honor. Okay.

24 He's allowed to -- he's allowed to file. You're
25 allowed to file a suit. We moved to dismiss within the time

1 allotted, 45 days after it was filed. We have not been
2 heard or received a ruling on our motion to dismiss. And,
3 Your Honor, with all due respect, this is not a motion to
4 dismiss where we're saying, well, I think you could have
5 pled more facts here or the elements don't -- aren't quite
6 adding up here. This is -- this case has already been
7 resolved and adjudicated in its entirety before --

8 THE COURT: Well, say the grounds --

9 MR. GAMBLE: -- a federal judge on *res judicata*.

10 THE COURT: -- I think I know the grounds, but I
11 don't want -- I don't like to -- I don't -- although I would
12 be amazed if I provide -- provide you what I think it is,
13 but I -- I don't want to -- I'm not supposed to do legal
14 advice.

15 MR. GAMBLE: **There was no federal cause of action**
16 **in the federal -- in the federal lawsuit.**

17 THE COURT: Huh?

18 MR. GAMBLE: There was no federal cause of action
19 --

20 THE COURT: Oh, I understand that.

21 MR. GAMBLE: -- in the federal law suit.

22 THE COURT: But --

23 MR. GAMBLE: It was brought in for --

24 MR. O'REILLY: I object to that as well, Your
25 Honor.

1 THE COURT: Well, this is argument right now.

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

3 MR. GAMBLE: Diversity -- diversity of

4 jurisdiction was what was alleged to keep it in court, and
5 that's what Judge Russell -- that's what --

6 THE COURT: Okay.

7 MR. GAMBLE: -- how jurisdiction was --

8 THE COURT: Okay. So diversity of jurisdiction, a
9 dismissal on that --

10 MR. GAMBLE: No, no, it wasn't -- that wasn't the
11 dismissal. That was the basis of jurisdiction. There's
12 a -- I thought you were asking about whether there was any
13 stay of the --

14 THE COURT: No, no, no, no, no. I'm looking,
15 like, what was the basis of the dismissal in federal court?

16 MR. GAMBLE: Failure to state the claim upon which
17 relief could be granted, and lack of personal jurisdiction
18 over Waste Management, Inc., who is also a party here, and
19 statute of limitations. It was -- it was all on the merits.

20 THE COURT: Okay. Was -- so was statute of
21 limitations one of the --

22 MR. GAMBLE: Statute of limitations, personal
23 jurisdiction, and failure to state a claim upon which relief
24 could be granted.

25 THE COURT: Okay.

1 MR. GAMBLE: It' on the merits -- on the full
2 merits of the -- of the claims. It was not a procedural
3 deficiency. It was -- it was not some other shortcoming.
4 It was on the merits. And it falls squarely within res
5 *judicata* grounds. Your Honor, there's also a statute of
6 limitations argument. The incident occurred in 2017. The
7 federal claim --

8 THE COURT: And now I assume that's part of the
9 basis of the February 3rd motion to dismiss.

10 MR. GAMBLE: Correct. Correct. And there's
11 personal jurisdiction over Waste Management, Inc. Judge
12 Russell found that there was no jurisdiction in federal
13 court over the nonresident party in that case. And the same
14 claims are here. And that's really where we have some --
15 some concern, Judge.

16 There's a party that's essentially going on the --
17 to the doorstep of trial that the Court doesn't have
18 jurisdiction over, and Judge Russell also found it whether
19 that's under *res judicata* grounds or *de novo* look. And
20 they're being --

21 THE COURT: Well, let me ask --

22 MR. GAMBLE: -- forced to adjudicate this entire
23 case. Thank you.

24 THE COURT: All right. Let me ask you this, Mr.
25 O'Reilly, for the purpose of the issues of statute

1 limitations, *res judicata*, or collateral estoppel, what
2 discovery do you need to defend the motion to dismiss?

3 MR. O'REILLY: Okay. So from -- let me deal with
4 the statute of limitations. There was only one of the
5 causes of action that was dismissed on the statute of
6 limitations ground before the federal court.

7 THE COURT: All right. Do you agree that cause of
8 action now --

9 MR. O'REILLY: No, no, Your Honor.

10 THE COURT: -- and any similar -- and any similar
11 cause of action is not -- is gone from you?

12 MR. O'REILLY: No, Your Honor, I do not.

13 THE COURT: Why not?

14 MR. O'REILLY: The Court made an error in it's
15 application of inquiry notice. Did not follow the
16 federal --

17 THE COURT: But did you -- but it sounds like you
18 appealed it.

19 MR. O'REILLY: It was a *per curiam*, one sentence
20 affirmation.

21 THE COURT: Yeah, but I think you're stuck with
22 it.

23 MR. O'REILLY: It is not a -- I don't want to get
24 too far into the legal theory, Your Honor, but I think that
25 the -- and I don't -- I don't really don't want to pre argue

1 the motion to dismiss here. Right. We have a hearing for
2 that.

3 THE COURT: I understand that. And I think you
4 could possibly do discovery.

5 MR. O'REILLY: Well, they --

6 THE COURT: I think at this point, from what I
7 understand, I think you can -- I'm not saying you're not
8 entitled to more discovery, but I think for, candidly, if
9 they can -- I think you're entitled to discovery on the
10 issues of statute of limitations, *res judicata*, and
11 collateral estoppel.

12 MR. O'REILLY: I agree that I am entitled to
13 discovery on all three of those.

14 THE COURT: And --

15 MR. O'REILLY: Especially if Mr. Tsottles actually
16 said the same words that he said to the Court --

17 THE COURT: But I'm not willing --

18 MR. O'REILLY: -- to someone else.

19 THE COURT: For right now, between now and
20 February 3rd, I'm not inclined to go past that for your
21 discovery purposes.

22 MR. O'REILLY: That is fair.

23 THE COURT: Because, candidly, if -- if the
24 defense wins today on those, then they've won.

25 MR. O'REILLY: Well, and that's understandable,

1 Your Honor, but we can't stop discovery because they might
2 win --

3 THE COURT: Well --

4 MR. O'REILLY: -- on things that would -- might
5 bring other causes of action to light.

6 THE COURT: Well, I'm not going to stop discovery.

7 MR. O'REILLY: Right. Yeah.

8 THE COURT: I guess --

9 MR. O'REILLY: We've already, I mean, we've
10 already wasted four months since the discoveries were
11 propounded.

12 THE COURT: I recognize that. And you can -- I'm
13 the discovery Judge.

14 MR. O'REILLY: Understood, Your Honor.

15 THE COURT: And you can also raise that with, in
16 essence, Judge Vitale about whether or not the pretrial
17 needs to get moved. But for now, candidly, I think I'm
18 going to -- I'm going to let -- between now and February
19 3rd, I'm going to limit -- I'm going to limit discovery
20 pursuit as far as those things; statute of limitations,
21 collateral estoppel, and *res judicata*.

22 MR. O'REILLY: Can we add jurisdiction there, Your
23 Honor, because we still have not gotten any information from
24 Waste Management about whether it actually does business in
25 Maryland, which --

1 THE COURT: Is that part of your motion to
2 dismiss?

3 MR. GAMBLE: It is, Judge, and I'm not quite sure
4 why he gets discovery on *res judicata*, collateral estoppel,
5 or -- or statute of limitations.

6 THE COURT: Well, I think he can get -- it may --
7 it may not be very big.

8 MR. GAMBLE: I understand, but what is -- what
9 is -- what is that going to do to the motion? It's
10 completely briefed. The deadline for amending claims has
11 already passed. It's not like he's going to go into court
12 and play a deposition testimony to the judge that's hearing
13 a motion on the sufficiency of pleadings.

14 THE COURT: I mean, it might only -- it might only
15 be transcripts or rulings. That might be all it is --

16 MR. GAMBLE: But it's the four --

17 THE COURT: -- as far as the --

18 MR. GAMBLE: -- but it's the four corners of the
19 complaint. I think personal jurisdiction is the only -- is
20 the only -- is the only basis where he would get any -- any
21 discovery that would -- that a court could consider under
22 the law on a motion to dismiss. You don't get to ask
23 questions about privity or other things like that. Personal
24 jurisdiction is the exception to the rule of --

25 THE COURT: I think everybody needs to exchange

1 and be sure that everybody has all the rulings, you know,
2 from the federal court. For you to prove your *res judicata*,
3 you've got to -- you've got to -- you know, what is it? One
4 is -- one's got three parts, one's got four parts. And so
5 anything related to that, which all, then, I guess the
6 question is, why do you -- why would you need depositions on
7 those? Because those are all basically court records. I'm
8 not saying you can't get --

9 MR. O'REILLY: Depositions for the *res judicata*?

10 THE COURT: *Res judicata* or collateral estoppel.

11 MR. O'REILLY: Only insofar as new information may
12 come to light that shows that there are additional causes of
13 action or resets on the time limit because there were
14 additional transgressions that have been hidden for these
15 past seven years since we -- since we started the case.

16 So, for instance, Mr. Tsottles, we know for a
17 fact, we have it in his handwriting, that he made a
18 complaint to the court and lied about me; so that is
19 defamation per se. That he may have done that other times
20 where that is memorialized in notes, in emails, in other --

21 THE COURT: Mr. Who? Tsottles?

22 MR. O'REILLY: Tsottles, yes, Mr. Adam. So he may
23 have defamed me other times again, which is something that
24 will only come out as a result of Waste Management, the
25 defendants, giving me the information to be able to disclose

1 that. And Maryland case law is very clear, I think, Your
2 Honor, that -- that that is a -- that is an allowed portion.
3 That is part of the reason that we have discovery prior to
4 dispositive motions within Maryland -- within the Maryland
5 rules.

6 And additionally, I think it's on Drusos
7 (phonetic.) It is presumptively improper for a circuit
8 court to dismiss a case where personal jurisdiction is in --
9 is in dispute without allowing for discovery on that
10 jurisdiction.

11 THE COURT: Okay. So who -- whose deposition do
12 you need to take regarding -- do you need to take regarding
13 jurisdiction?

14 MR. O'REILLY: The Waste Management Incorporated
15 and possibly the Waste Management of Maryland Incorporated
16 designees.

17 THE COURT: All right, I'll hear from you,
18 Counsel.

19 MR. GAMBLE: It's you don't get discovery before a
20 motion to dismiss, and you don't get discovery to try to
21 develop new claims.

22 THE COURT: Why don't you? I'm not sure I agree
23 with that.

24 MR. GAMBLE: Because you're testing the
25 sufficiency of the pleadings, Your Honor. And if in the

1 course of discovery, you learn more --

2 THE COURT: Yeah, but I don't know anything that
3 tell --

4 MR. GAMBLE: -- then you have a summary judgment
5 motion.

6 THE COURT: I don't anything on the State Rules
7 that says you can't get discovery before a motion to
8 dismiss.

9 MR. GAMBLE: You can get discovery. You can't use
10 that discovery to then fend off a then pending motion to
11 dismiss an operative complaint. You can amend the
12 complaint, but that time has already passed to do that. So
13 there's nothing that he's going to gain in discovery that's
14 going to allow him to defeat the motion to dismiss when we
15 finally get hurt a year after we initially filed.

16 Summary judgment, that's different. And with all
17 due respect to plaintiff, here, he is talking about
18 dispositive motions. Yeah, you get to -- you get discovery
19 and you get to argue that on dispositive motions, but you
20 don't on a motion to dismiss. That's are we -- do you have
21 claims before this Court? We get the opportunity to tell
22 the Court why we don't think that's the case. And Your
23 Honor, you're 100 percent right. Facts relevant to *res*
24 *judicata* are the pleadings that Mr. -- that Mr. O'Reilly
25 participated in. That's it. Statute of limitations long

1 since passed. The event happened on October 16th, 2017, and
2 we have three videos. We have three videos showing the
3 entire incident.

4 THE COURT: Who took the videos?

5 MR. GAMBLE: Two were the defendant not here,
6 Capstone, had two videos facing the alley. And then Mr. Roy
7 Paul Martin.

8 THE COURT: Okay. Who is Capstone? Somehow I --

9 MR. GAMBLE: So, Mr. Phillips represents the
10 management company, I believe, of the building where this
11 was occurring. And Capstone had --

12 THE COURT: Okay. So it was basically the
13 building.

14 MR. GAMBLE: Yeah, Capstone had some role. So
15 it's got the buildings, the two still shot. And then
16 defendant Mr. Roy Palmer took a cellphone video when his --
17 when his colleague, Mr. Prelu (phonetic) was being assaulted
18 by the plaintiff. That's all been produced. As have --

19 MR. O'REILLY: What about the --

20 MR. GAMBLE: -- as have a hundred --

21 MR. O'REILLY: -- what about the --

22 MR. GAMBLE: Excuse me.

23 MR. O'REILLY: Sorry.

24 MR. GAMBLE: Judge, as have a hundred pages of
25 documents that were produced this week since our last

1 hearing, this week they were produced.

2 MR. O'REILLY: When, today?

3 MR. GAMBLE: It's last night and -- and yesterday
4 morning. It includes -- Judge, you asked how much time I
5 needed, I said 60 days. We did -- we did our best. It's
6 not going to change the arguments. Okay. We produced an
7 org chart. Okay. We've -- we've produced these documents.

8 But the point is, on the defenses that we're raising, this
9 is why it's so prejudicial to the defense here, there's --
10 there are no facts other than personal jurisdiction, which I
11 agree, that -- that -- you could have a factual question on
12 that. You don't get to take -- you don't get to take
13 discovery to figure out whether the prior pleading is -- is,
14 you know, makes this --

15 THE COURT: On the jurisdiction --

16 MR. GAMBLE: -- (indiscernible) *res judicata*.

17 THE COURT: -- who is -- who do you think is the
18 most appropriate person to appear for a deposition on the
19 jurisdiction issue?

20 MR. GAMBLE: I think that there's someone with
21 knowledge of the -- of the organizational structure and the
22 operations --

23 THE COURT: All right.

24 MR. GAMBLE: -- of Waste Management, Incorporated.

25 THE COURT: Well, who is it?

1 MR. GAMBLE: Well, I don't -- well, we have an
2 affidavit that we submitted with our motion to dismiss that
3 laid out that was sufficient for Judge Russell.

4 THE COURT: Well, I'm now asking you to pick the
5 person.

6 MR. GAMBLE: Judge, I -- I'm not prepared to do
7 that right here. I will -- I will identify that person.

8 THE COURT: All right. Here's what -- here --

9 MR. GAMBLE: It may be the -- it may be a
10 corporate secretary, that could be circumstance. That's who
11 our affiant was in our -- in our motion to dismiss papers,
12 which Judge Russell found to be sufficient to dismiss based
13 on lack of jurisdiction. And I -- I just need to make sure.
14 I want to make sure I have the right person to get the
15 right answers to the questions being asked.

16 THE COURT: All right. So here's what I'm going
17 to do. Let's pick a date for the appropriate corporate
18 designee for a deposition; so get your calendars out. Mr.

19 O'Reilly, I disagree with you regard -- I think discovery
20 enables you to see whether there's been additional
21 violations by Mr. Tsottles. But for a motion to dismiss
22 purpose, you're with this complaint now. If you found

23 out -- if you find out that he defamed you or you believed
24 he defamed you on a different date, that's a different
25 complaint.

1 MR. O'REILLY: Understood, Your Honor, yes.

2 THE COURT: So for a motion to dismiss purpose,
3 you're stuck with it. So how you go after that -- but for
4 today's purpose, we're going to -- we're going to line up
5 depositions for the jurisdiction issue, and then I'll
6 continue this until the end of February, assuming the suit's
7 still alive at the end of February.

8 MR. O'REILLY: Just as a -- there's a couple of
9 things, if I may response.

10 THE COURT: Yes.

11 MR. O'REILLY: We have -- the counsel glides over
12 that the truck itself captured the entire incident on
13 drivecam video that -- that they have admitted they do not
14 have. And I am due it as part of discovery, they haven't
15 turned it over, and it is certainly relevant.

16 THE COURT: But how is that relevant on the motion
17 to dismiss?

18 MR. O'REILLY: Because the motion to dismiss is
19 supposed to test the sufficiency of the four corners of the
20 complaint.

21 THE COURT: No, it's --yeah, on the four corners.

22 MR. O'REILLY: On the four corners of the
23 complaint. Right.

24 THE COURT: Well, but all you have to do is you
25 can say what you think happened.

1 MR. O'REILLY: Indeed. But they have submitted an
2 affidavit, so now they have evidence --

3 THE COURT: Well, that's a summary judgment.

4 MR. O'REILLY: -- as part of the motion to
5 dismiss.

6 THE COURT: That's not a motion to dismiss.

7 MR. O'REILLY: They put it in as a motion --

8 THE COURT: Well, but you --

9 MR. O'REILLY: -- as part of a motion to dismiss.

10 THE COURT: -- you're going to have to argue that
11 appropriately.

12 MR. O'REILLY: Okay. All right. So no -- so no
13 discovery should be present -- presented as part of the
14 motions.

15 THE COURT: Well, I'm going to continue today, but
16 candidly, on a pragmatic standpoint, I'm not sure it makes
17 sense at this point for there to be further discovery. So
18 I'm just going to continue today's hearing until the end of
19 February. But we're going to clear a date for a corporate
20 representative of Waste Management. I think it's actually
21 Waste Management --

22 MR. GAMBLE: Inc.

23 THE COURT: -- Inc. Well, there's two, right?

24 MR. GAMBLE: Yeah. One is subject to jurisdiction
25 entity. It's the entity that employed the folks that were

1 at the scene --

2 THE COURT: Okay. Well, that's who --

3 MR. GAMBLE: -- and that -- that runs the trucks.

4 THE COURT: -- we're going to have to -- so let's
5 clear a date and then --

6 MR. O'REILLY: Your Honor, that's not the one
7 that's -- that's contesting the jurisdiction now.

8 MR. GAMBLE: Right. It's Waste Management, Inc.
9 that was decided dismissed from the federal suit due to lack
10 of personal jurisdiction. It's a Delaware corporation
11 that's principal place of business is in Texas.

12 MR. O'REILLY: It was dismissed at first, but then
13 the Court reversed itself on the second opinion and said
14 that Mr. O'Reilly has -- has provided sufficient *prima facie*
15 evidence to be able to -- that the Court actually in the
16 second opinion, the Court actually changed its opinion and
17 said, okay, Waste Management is -- is not out of the
18 jurisdiction of this Court and reinstated them and then
19 dismissed it on a different ground.

20 MR. GAMBLE: It did not. But it said even
21 assuming that I find that Mr. O'Reilly has provided -- even
22 if -- even assuming, I'm still dismissing --

23 MR. O'REILLY: Assuming without concluding. But
24 it is --

25 MR. GAMBLE: -- I'm still dismissing Waste

1 Management, Inc. --

2 THE COURT: All right. Let's -- let's pick a
3 date. MR. GAMBLE: -- on the merits of the

4 complaint.

5 THE COURT: The suit is in Anne Arundel County.

6 Also we're going to pick a location. We're going to do
7 everything and we're going to have a, you know, I mean, I
8 want to say we're going to have a where and a -- a where and
9 a when. I guess we won't have the who, other than corporate
10 designee.

11 MR. PHILLIPS: Your Honor, can I ask a practical
12 question?

13 THE COURT: Yes.

14 MR. PHILLIPS: The motions to dismiss that all the
15 defendants have filed multiple times now, but the current
16 one, I think, is with regard to the third -- third amended
17 complaint. Those are fully briefed, as -- as Mr. Gamble
18 points out.

19 Query. How does discovery that the Court is now
20 contemplating going to affect what the Court on February 3rd
21 will consider in terms of what is the universe of the
22 argument and evidence that will be considered? Will it
23 include this discovery? That, of course, is now --

24 THE COURT: I think all discovery related to the
25 issues, I will say this for today's purpose. All discovery

1 related to jurisdiction, *res judicata*, collateral estoppel.

2 Felt like there was a fourth thing, I --

3 MR. GAMBLE: Statute of limitations.

4 MR. O'REILLY: Statute of limitations.

5 THE COURT: -- statute of limitations should be

6 provided by -- what day of the week is January 15th.

7 MR. O'REILLY: It is a Wednesday, Your Honor.

8 THE COURT: All right. Should be provided by that
9 date. I'm reserving on any other discovery issues until a
10 date we'll pick here in a moment. And we're going to line
11 up the deposition of what's the corporate entity that I --

12 MR. GAMBLE: Waste Management, Inc.

13 THE COURT: Waste Management, Inc.

14 MR. GAMBLE: It's a holding -- a Delaware holding
15 company.

16 THE COURT: I kind of get it. There's a reason
17 why I didn't go into corporate law.

18 MR. GAMBLE: Your Honor --

19 THE COURT: I started out thinking I was going to,
20 and then I said you two, and at least you two, not just
21 granting you, you two were way smarter for me to compete in
22 that world. Yes, sir.

23 MR. PHILLIPS: Just further to my inquiry is it
24 contemplated that once the discovery on these discrete
25 issues that Your Honor has pointed out is closed on January

1 15th, that the parties will then supplement the now existing
2 briefing on the motion to dismiss?

3 THE COURT: Well, I leave it to you based upon --
4 I give you leave to do so.

5 MR. PHILLIPS: Okay.

6 THE COURT: That's probably the way to phrase it.

7 MR. PHILLIPS: Okay. Thank you.

8 THE COURT: So you'll have, I guess, 19 days to,
9 you know, 18 days to --

10 MR. PHILLIPS: Right.

11 THE COURT: -- do that.

12 MR. O'REILLY: Your Honor, as The Court is aware,
13 I do not have a domicile. I have been offered a position,
14 part time seasonal work in Arizona. And I have to leave on
15 the 30th of or 29th of December to head, and I will be there
16 for several months. I will be -- try to figure out how to
17 get back here for the times I need to be back here for
18 hearings. But I would like to have the deposition handled
19 before I leave.

20 THE COURT: We'll try.

21 MR. O'REILLY: Yes, sir.

22 MR. GAMBLE: Can you --

23 THE COURT: I'll say this. When did you first --
24 know the dates weren't cleared. When were you all first
25 served?

1 MR. GAMBLE: I think it was over the weekend. The
2 weekend before Thanksgiving? I think it was midnight.

3 MR. O'REILLY: Twenty-third.

4 MR. GAMBLE: Midnight the weekend before
5 Thanksgiving.

6 THE COURT: Well, let's try to get it done by the
7 end of the year. And here's my rationale, Mr. Gamble, is
8 unfortunately, I've been in these battles maybe once with
9 Mr. Brown, who was just in the year before. I'm not saying
10 you were being obstructive to clearing a date, but I was in
11 battles where people were obstructive. So sometimes you
12 just noted it, then you fought it out because at least then
13 you had your marker on the board.

14 MR. GAMBLE: What you do is you note it and you
15 say, let's talk about dates that work instead of saying you
16 have -- I'm not -- I'm not bending at all. You must file a
17 motion for protective order the day before Thanksgiving to
18 be able to protect yourself. That's what happened, Judge.

19 THE COURT: I'm not disputing. I'm trying, again,
20 I'm trying to be pragmatic.

21 MR. GAMBLE: I know you are and I'm sorry, I just.
22 I'm the one personally who's being -- who's losing out on
23 all of these fights here. I'm having to give up personal
24 time. I'm getting put against the wall. Now I'm going to
25 ask for it. I want to defend a deposition the week of

1 Christmas. I mean, it's just, it's not fair.

2 MR. O'REILLY: I'd trade places with you Jeff,
3 anytime.

4 MR. GAMBLE: Yeah, okay. I didn't file the
5 lawsuit.

6 MR. O'REILLY: I did.

7 THE COURT: Okay. Well, do we got a date yet? I
8 want to --

9 MR. GAMBLE: I can't -- I don't know who my
10 corporate representative is, Judge. I'm -- I'm not being
11 obstructionist. I wasn't --

12 THE COURT: Can't you -- you have -- it's not just
13 one person, right? They cannot -- they can make different
14 people.

15 MR. GAMBLE: But I don't know what their -- it's
16 the week of Christmas, Your Honor. With all due respect,
17 I'm just going to --

18 THE COURT: Well, we can do it sooner than that.
19 We can do it next week.

20 MR. PHILLIPS: There's also the Capstone issue.

21 MR. GAMBLE: Capstone is not here. I think it
22 would make sense for give me until tomorrow at noon or
23 tomorrow at close the business to tell Mr. -- give Mr.
24 O'Reilly three dates between now and the year end when I can
25 identify who the witness is --

1 THE COURT: All right.

2 MR. GAMBLE: -- where the deposition is going
3 to --

4 THE COURT: I'll do that. If you -- if -- with
5 that, I'll do that.

6 MR. GAMBLE: I don't know where the deposition is
7 going to occur.

8 THE COURT: All right. Well, we've got to --

9 MR. GAMBLE: Ninety percent of --

10 THE COURT: I want to -- I want to --

11 MR. GAMBLE: -- ninety percent of depositions
12 are --

13 THE COURT: I want to resolve that, too, because
14 that's your burden.

15 MR. O'REILLY: Yes, sir.

16 THE COURT: I mean, either -- either -- either you
17 all work it out and you make it friendly to Mr. Gamble or
18 you -- I -- I had to -- I rented places so I found people
19 that --

20 MR. O'REILLY: I have a place that I can rent that
21 will do it.

22 THE COURT: Well, I need to know. Where did you
23 name it for in your -- on your notice of deposition.

24 MR. O'REILLY: It was 102 -- 1029 Benfield
25 Boulevard right here in Millersville. It's -- it's right up

1 the road.

2 THE COURT: What is that?

3 MR. O'REILLY: It's called Unallocated Space.

4 It's a -- it's basically a makerspace, local use space.

5 They have a classroom that is amply sized. Has all of the

6 equipment there.

7 THE COURT: Well, actually, I want you to -- I
8 want you to go out -- will they have -- do they have enough
9 space that any date between now and the end of the year will
10 be available?

11 MR. O'REILLY: Yes, sir.

12 THE COURT: All right. So, Mr. Gamble, do you
13 have any problem with that being the location, Benfield.

14 MR. GAMBLE: If it has to -- if you're ordering
15 that it be in person as opposed to by Zoom or some other
16 remote where we're dealing with folks that are in Delaware
17 and Texas.

18 THE COURT: I'm not a big Zoom fan.

19 So, unfortunately, I mean --

20 MR. GAMBLE: If you're ordering it, then we
21 will -- --

22 THE COURT: I mean it --

23 MR. GAMBLE: -- we will proceed in Millersville.

24 THE COURT: So that -- that's where it'll be and
25 the date will be -- and there -- you can make yourself

1 available any date between now and December 30th?

2 MR. O'REILLY: Yes, sir, I can.

3 MR. GAMBLE: All right. Well, any date.

4 MR. O'REILLY: Any date. Even Christmas.

5 THE COURT: Wow.

6 MR. O'REILLY: Not that -- not that I'm expecting
7 that, but I --

8 THE COURT: Any day between -- what is the scope
9 of hours? 9:00 a.m. and starting at anywhere between 9:00
10 and 3:00, or 9:00 and -- and how long do you think the
11 deposition will be?

12 MR. O'REILLY: I'm anticipating making time for
13 cross examination -- redirection --

14 THE COURT: Well, they may not cross. It's not --

15 MR. O'REILLY: Okay. Yeah, but I usually -- I'm
16 anticipating --

17 THE COURT: How long do you think your direct
18 examination will be?

19 MR. O'REILLY: I've never given one before, so I
20 don't know. I'm allocating for four hours to myself for
21 that.

22 THE COURT: I don't think it's going to take more
23 than four hours.

24 MR. O'REILLY: Probably not.

25 THE COURT: I'll tell you what, I'm going to limit

1 you to three.

2 MR. O'REILLY: Yes, sir.

3 THE COURT: So that you can also advise your -- you
4 got a choice. It can either be -- it either can be 9:00 --
5 where do you think your designee will be coming in from?
6 Are they local?

7 MR. GAMBLE: Texas, in all likelihood, that's
8 where this company is headquartered.

9 THE COURT: So would they rather have 1:00 to --
10 1:00 to 4:00 then, you think to fly to get in? If they want
11 to do an in and an out.

12 MR. GAMBLE: Probably like a 10:00 to 1:00
13 would -- might be preferred. It's harder to get those
14 afternoon. It's better to catch an afternoon flight that
15 day. It's easier to just come in the night before.

16 THE COURT: Well, I'll let you pick the time.
17 Yeah, I'll let you pick the time starting anytime between --
18 I'm going to limit the deposition of three hours starting
19 anytime between 9:00 and 2:00.

20 MR. GAMBLE: Okay.

21 THE COURT: So, Mr. Gamble, I recognize -- I'm
22 trying -- I recognize because of the timing, but I'm trying
23 to be as accommodating as I can that I think within reason.

24 So you're going to provide three dates. Starting time
25 between 9:00 and 2:00. Corporate testimony of Waste

1 Management, Inc., and it's going to be -- what's the exact
2 address on Benfield? I mean, I certainly know where
3 Benfield is. They got a soccer complex there. I went
4 many --

5 MR. O'REILLY: It is literally at the soccer
6 complex. It's right next door. Unallocated Spaces right in
7 the corner.

8 THE COURT: Is it right across the street?

9 MR. O'REILLY: No, it's actually in that same --
10 where all the sports places are in -- in that V right there.
11 A brand new space just opened up. We just moved, yeah.

12 THE COURT: Okay. I remember there being an
13 upholstery thing.

14 MR. O'REILLY: There, well, it's between
15 upholstery and the --

16 THE COURT: I had a kid play soccer. It's a --
17 it's a soccer --

18 MR. O'REILLY: -- sports, yeah.

19 MR. GAMBLE: Yeah, I know. I'm on the other end
20 of Benfield; so I know where that is.

21 THE COURT: Okay. And if you ever have kids that
22 play soccer, you may end up.

23 MR. GAMBLE: I got a couple of them, yeah.

24 THE COURT: You may end up there. So, all right.
25 So what's the address?

1 MR. O'REILLY: I believe it's 1029, Your Honor.

2 THE COURT: 1029 Benfield.

3 MR. O'REILLY: Benfield Boulevard, I think it is.

4 THE COURT: I think that's a boulevard there.

5 MR. O'REILLY: I think so, yes.

6 THE COURT: I think there's a road also, but
7 that's different. And that is -- is that Millersville?

8 MR. O'REILLY: That is Millersville. Yeah, 1029
9 Benfield Boulevard.

10 THE COURT: 21108?

11 MR. O'REILLY: I do not have a post code for it.

12 MR. GAMBLE: Yes.

13 THE COURT: All right. I think that covers today.
14 Hopefully things move forward.

15 MR. O'REILLY: I do have a couple of questions,
16 Your Honor.

17 THE COURT: Okay.

18 MR. O'REILLY: If I may. The first is, was there
19 actually anything out of the bounds of the rules with the
20 deposition notices that I sent?

21 THE COURT: Well, I can't give you legal advice.
22 And I --

23 MR. O'REILLY: Oh, I'm not asking for. I'm just
24 saying that if there was, you know --

25 THE COURT: I can't. I mean, I --

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

2 THE COURT: I can't go there.

3 MR. O'REILLY: The other is the -- this -- drive
4 cam videos that counsel --

5 THE COURT: I may not be able to go there either
6 I got a feeling.

7 MR. O'REILLY: Oh, okay. Because they've -- they
8 have admitted that they exist. There are 40 things that
9 were -- that were on the request for documents that Waste --
10 that the Waste Management defendants have said will be
11 produced. And to date, they have not produced them. And
12 they refuse to give me a date when they will be produced.

13 THE COURT: How about the will be produced? When
14 do you think you have them.

15 MR. GAMBLE: There's 36 categories of will be
16 produced.

17 THE COURT: Okay.

18 MR. GAMBLE: There's eight categories of we have
19 no objection, but those documents don't exist. We have
20 produced our documents. We produced them this week. I wish
21 it would have been produced last week. So you didn't give
22 me that look, Judge.

23 THE COURT: Okay.

24 MR. GAMBLE: But we have produced the documents.
25 And I understand that there's 241 requests. But as Your

1 Honor, where we started the hearing, it's about one incident
2 that happened seven years ago and criminal filings that
3 happened. Most of that's public record, and we've produced
4 everything else.

5 THE COURT: All right. So it sounds like you have
6 some stuff you need to look at.

7 MR. O'REILLY: Yeah, indeed, Your Honor, yes.

8 THE COURT: All right. We're going to do a quick
9 follow up end of February.

10 MR. GAMBLE: Okay.

11 MR. O'REILLY: Thank you, Your Honor.

12 THE COURT: Let's get calendars, again. Once
13 again, I don't have to clear it through Assignment, end of
14 February. Any chance I'm being a little bit accommodating
15 because candidly, Mr. O'Reilly, you put Mr. Gamble -- and
16 I'm sorry, Cornerstone (sic), I forgot -- sir, I forgot your
17 name.

18 MR. PHILLIPS: I'm sorry, Mr. Phillips on behalf
19 of Beatty --

20 THE COURT: I actually told myself to help me
21 remember that you have the same last name, and I don't think
22 you're related unless you grew up -- unless your father
23 owned an Annapolis restaurant and not the Phillips of
24 Annapolis. Actually, it was a different name, even though
25 their name was Phillips, but a very good law school friend

1 was last named Phillips; so I should be able to remember it.

2 So are you -- do you all -- do you two happen to be here
3 for any purpose or at the end of February?

4 MR. GAMBLE: We have court ordered mediation
5 deadline at the end of February, but I don't think that puts
6 us in this -- in this courthouse necessarily.

7 THE COURT: All right. So let's just find a date
8 that sort of works.

9 COURT CLERK: With Pat or Assignment?

10 THE COURT: Just Pat, 30-minute discovery
11 continuance --

12 MR. O'REILLY: The last week, I think, February
13 would be ideal.

14 THE COURT: Well, I think to might be ideal for
15 this purpose is maybe you have a ruling on the motion to
16 dismiss. I don't have any idea who -- who catches that.

17 MR. O'REILLY: Judge Crooks, I think, Your Honor.

18 THE COURT: Oh, is it -- would you be -- is
19 there -- oh, is it a complex motion, which --

20 MR. GAMBLE: It is, but does that change in
21 January?

22 COURT CLERK: For 30 minutes?

23 THE COURT: Not with --

24 MR. GAMBLE: No, no, no. Rotate the rotation
25 wouldn't. Okay.

1 THE COURT: No, he's stuck with it.

2 MR. GAMBLE: I wasn't sure. We politely emailed
3 their law clerk to sort of clear some dates and she said,
4 well, it's not ours right now. You have to figure out who
5 it's coming to. And I thought that was --

6 THE COURT: Why do you believe it's Judge Crooks?

7 MR. O'REILLY: We were -- it was with Judge Crooks
8 when it was scheduled previously.

9 THE COURT: GAMBLE: I think it stays with Judge
10 Crooks.

11 MR. O'REILLY: Yeah, I think so.

12 MR. GAMBLE: Yeah, that was my impression.

13 THE COURT: All right. Well, I'll try to go to
14 Judge Crooks to make a rule. I say urgent.

15 MR. GAMBLE: And, Judge, we also have a -- I know
16 this -- I just want to mention it for the record. The
17 defendants have submitted a motion to modify the scheduling
18 order so that we can sort of -- so the February --

19 THE COURT: That might be wise. But that's
20 handled by Judge Vitale..

21 MR. GAMBLE: I understand. I just want to make
22 you aware of it.

23 THE COURT: Trust me. Trust me. There's --
24 there's days I kind of wish I was in a one-judge county and
25 I could just do all this, and then there's days I'm like,

1 why would I want to have to do all this, so.

2 MR. GAMBLE: I could see both arguments? I
3 clerked in a two-judge county; so it was much different.
4 And Judge on the three-hour deposition --

5 THE COURT: Yes.

6 MR. GAMBLE: -- that's all inclusive. So even
7 though it's limited to personal jurisdiction, to the extent
8 that Mr. Phillips or I have questions, that's within the
9 three hours.

10 THE COURT: Yes.

11 MR. GAMBLE: Okay. I just wanted to be clear.

12 THE COURT: So I would -- if you want make it
13 clear, I mean, it was my -- it was my experience the defense
14 didn't normally ask a lot of questions.

15 MR. GAMBLE: And on a personal jurisdiction issue,
16 we're not going to have probably any. I just want to make
17 sure that we understand.

18 THE COURT: So, I mean, to make it clear time, I
19 mean, do you see you needing more than 30 minutes?

20 MR. GAMBLE: No.

21 THE COURT: So two and a half hours, that is
22 absolutely reserved to you.

23 MR. O'REILLY: Okay.

24 THE COURT: So you're going to have to find a way
25 to be efficient.

1 MR. O'REILLY: I will do so, sir.

2 THE COURT: Okay. But usually designees aren't
3 real long. Not -- I just don't see -- if you go past two
4 and a half hours, no offense, you're probably phishing, Mr.
5 O'Reilly. And that's depositions I know are to attain
6 information that's relevant to the case or could lead to
7 relevant. But from what I've heard of this case, if you're
8 going past that time window, I think you're phishing, and
9 I'm not sure it goes that far.

10 COURT CLERK: She says that you were available all
11 day on the 25th of February and the 28th, and then the
12 afternoon of the 27th.

13 THE COURT: 25th, 27th after -- all day 25th,
14 28th, afternoon of the 27th. Doesn't really matter to me.

15 MR. O'REILLY: 25th would be even better.

16 MR. PHILLIPS: Your Honor, I'm in court in
17 Towson --

18 THE COURT: All right. So the --

19 MR. PHILLIPS: in the morning of the 25th.

20 THE COURT: So 25th is off. Afternoon of the 27th
21 or any time on the 28th?

22 MR. O'REILLY: Is it just the morning or are you
23 there all day?

24 MR. GAMBLE: It's the morning.

25 MR. O'REILLY: Can we do afternoon on the 25th?

1 THE COURT: Does that work for you all?

2 MR. GAMBLE: It's fine by me.

3 THE COURT: Afternoon of the 25th.

4 MR. O'REILLY: Thank you, Your Honor.

5 COURT CLERK: 1:30?

6 THE COURT: 1:30.

7 COURT CLERK: And for hearing sheet purposes,
8 we're just rescheduling this discovery.

9 THE COURT: Well, we're rescheduling it, except I
10 am -- I did direct discovery is to be done by the 15th of
11 January regarding those issues.

12 MR. GAMBLE: On the defenses that are being raised
13 on the motion to dismiss.

14 THE COURT: I don't really want to put -- force
15 that on the hearing sheet. So just as stated on the record,
16 discovery to be produced by January 15th. Further discovery
17 issues continued until, you know, February 25th in the
18 afternoon. And counsel, if you want an order, you can

19 prepare an order. I'm not telling you you have to better
20 summarize today.

21 MR. GAMBLE: Thank you.

22 THE COURT: But I do all these, so I'd stay away
23 from orders. I'm being perfectly --

24 MR. GAMBLE: I understand why.

25 THE COURT: All right. I think that -- I'm not

1 saying that resolves everything. I recognize it doesn't,
2 but I'm hopeful it has moved things further and resolves
3 sort of the emergency protective order issues.

4 MR. GAMBLE: We appreciate the pragmatic approach.

5 THE COURT: I may not have been able to -- no. I
6 do the best I can. All right. So that resolves things for
7 today. Good luck to all. Safe travels. May everyone have
8 a good holiday. Thank you.

9 MR. O'REILLY: Same to you, sir.

10 MR. GAMBLE: Thank you, Your Honor. Same to you.

11 (At 3:17 p.m., hearing concluded.)

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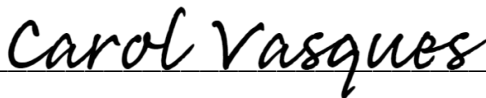
CERTIFICATE OF TRANSCRIPTIONIST

I hereby certify that the proceedings in the matter of *Matthew O'Reilly vs. Waste Management, Inc., et al*, Case No. C-0-cv-24-00546, heard in the Circuit Court for Anne Arundel County, Maryland, on Thursday December 12, 2024, before the Honorable Michael E. Malone, Judge, were recorded by means of digital recording.

I further certify that, to the best of my knowledge and belief, the preceding pages 2 through 46 constitute a complete and accurate transcript of the proceedings.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In Witness Whereof, I have affixed my signature this 20th day of December, 2024.



Carol Vasques, Transcriptionist