

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

PETITION OF
QUANTUM MARYLAND, LLC,

and

JOAN AQUILINO,

FOR JUDICIAL REVIEW OF
THE DECISION OF THE FREDERICK
COUNTY BOARD OF ELECTIONS,

and

BARBARA WAGNER

IN THE MATTER OF THE PETITION OF
THE FREDERICK COUNTY DATA
CENTER REFERENDUM COMMITTEE
FOR REFERENDUM OF FREDERICK
COUNTY COUNCIL ORDINANCE
26-01-001

Case No. C-10-CV-26-000309

* * * * *

QUANTUM MARYLAND, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

Defendants.

Case No. C-10-CV-26-000309

* * * * *

PETITION OF WINDRIDGE
PROPERTIES, L.C. et al.,

Petitioners,

FOR JUDICIAL REVIEW OF
THE DECISION OF THE FREDERICK
COUNTY BOARD OF ELECTIONS,

and

BARBARA WAGNER

IN THE MATTER OF THE PETITION OF
THE FREDERICK COUNTY DATA
CENTER REFERENDUM COMMITTEE
FOR REFERENDUM OF FREDERICK
COUNTY COUNCIL ORDINANCE
26-01-001

Case No. C-10-CV-26-000321

* * * * *

WINDRIDGE PROPERTIES, L.C. et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

Defendants.

Case No. C-10-CV-26-000321

* * * * *

PETITION OF NDR PROPERTIES, LLC et
al.,

Petitioners,

FOR JUDICIAL REVIEW OF
THE DECISION OF THE FREDERICK
COUNTY BOARD OF ELECTIONS,

and

BARBARA WAGNER

IN THE MATTER OF THE PETITION OF

Case No. C-10-CV-26-000325

ROWAN FREDERICK, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF ELECTIONS, et al.

Defendants.

Case No. C-10-CV-26-000326

* * * * *

PETITION OF FREDERICK DATA CENTER OWNER, LLC, et al.,

Petitioners,

FOR JUDICIAL REVIEW OF THE DECISION OF THE FREDERICK COUNTY BOARD OF ELECTIONS,

and

BARBARA WAGNER

IN THE MATTER OF THE PETITION OF THE FREDERICK COUNTY DATA CENTER REFERENDUM COMMITTEE FOR REFERENDUM OF FREDERICK COUNTY COUNCIL ORDINANCE 26-01-001

Case No. C-10-CV-26-000327

* * * * *

FREDERICK DATA CENTER OWNER, LLC et al.

Plaintiffs,

v.

Case No. C-10-CV-26-000327

FREDERICK COUNTY BOARD OF *
ELECTIONS, et al. *
 *
Defendants. *

* * * * *

**NOTICE OF DEPOSITION OF STEPHEN BLACK AS DESIGNEE OF
FREDERICK COUNTY DATA CENTER REFERENDUM COMMITTEE**

c/o David B. Fischer
Victoria D. Tinker
Galen D. Rende
Keller and Heckman LLP
1001 G Street, NW, Suite 500 West
Washington, DC 20001
Phone: (202) 434-4100

*Attorneys for Defendant
Frederick County Data Center Referendum Committee*

PLEASE TAKE NOTICE that pursuant to Maryland Rules 2-412(a), (b) and (d), on **June 8, 2026 at 1:30 pm** at McNees Wallace & Nurick LLC, 8490 Progress Drive, Suite 225, Frederick, Maryland 21701, Plaintiff Joan Aquilino will take the deposition upon oral examination before a notary public or duly qualified officer authorized to administer oaths of Stephen Black, the designee of **Defendant Frederick County Data Center Referendum Committee**, on the topics set forth on the attached “Schedule A”.

Pursuant to Maryland Rule 2-412(d), Stephen Black will be deposed on behalf of Defendant Frederick County Data Center Referendum Committee regarding the matters described in “Schedule A” attached hereto.

The deposition is to commence at the above-stated date and time. This deposition will be taken for use in discovery, at trial, and for any other use as permitted by the Maryland Rules and will be recorded by stenographic means. This deposition will also be recorded by electronic audio/video recording. *See* Maryland Rule 2-412(b).

You are invited to attend and cross-examine. The deposition will continue from day to day until completed, subjected to such adjournment as may be agreed upon.

LONGMAN & VAN GRACK, LLC

By: /s/ Adam L. Van Grack
Adam L. Van Grack, Esquire
(CPF# 0212190262)

By: /s/ Theodore B. Kiviat
Theodore B. Kiviat, Esquire
(CPF# 0101110004)

10411 Motor City Drive, Suite 750
Bethesda, Maryland 20817
(301) 291-5027 Telephone
(301) 291-5028 Facsimile
avagrack@lvglawfirm.com
tkiviat@lvglawfirm.com

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

Keith H. Forst
(Specially Admitted)

Asher Griffin
(Specially Admitted)

José R. Pereyó
(Specially Admitted)

Paul D. Henderson
(Specially Admitted)

555 13th Street NW, Suite 600
Washington, District of Columbia 20004
Telephone: (202) 538-8000
Fax: (202) 538-8100
keithforst@quinnemanuel.com
ashergriffin@quinnemanuel.com
josepereyo@quinnemanuel.com
paulhenderson@quinnemanuel.com

Counsel for Plaintiff Joan Aquilino

CERTIFICATE OF SERVICE

I, Theodore B. Kiviat, HEREBY CERTIFY that on this 1st day of June, 2026, a copy of the foregoing *Notice* was filed electronically in the Maryland Electronic Courts (MDEC) system in the above-captioned matter and served upon all parties and/or their counsel as registered in the Maryland Electronic Courts (MDEC) system for this matter and all consolidated matters.

/s/ Theodore B. Kiviat
Theodore B. Kiviat, Esq.
(CPF# 0101110004)

SCHEDULE A

DEFINITIONS FOR MATTERS UPON WHICH EXAMINATION IS REQUESTED

1. “**Campaign Materials**” means any flyer, pamphlet, poster, handout, script, talking points, social media post or advertisement, video, audio recording, website content, or other written, electronic, or printed material created, distributed, displayed, or published in connection with the Petition Campaign, including any draft thereof.

2. “**Committee**” means the Frederick County Data Center Referendum Committee.

3. “**Circulator**” means a Person who collected or attempted to collect Petition signatures in support of or to otherwise advance the Referendum.

4. “**Communication**” shall have the broadest meaning permitted under applicable rules and means any act or instance of transferring, transmitting, passing, delivering, giving, or recording information by oral, written, or electronic means, including but not limited to statements, admissions, denials, inquiries, discussions, conversations, negotiations, agreements, contracts, notes (handwritten, typed, or otherwise), summaries, memoranda, reports, presentations, submissions or filings to any government agency or entity, understandings, meetings, letters, telegrams, facsimiles, electronic mail, voicemail, text message, instant message, iMessage, WhatsApp, Signal, Viber, Slack, or any other ephemeral or electronic messaging service, or any other direct or indirect disclosure in any form, including but not limited to audio, video, digital, electronic, or paper form, and any draft Communication in such form, whether or not the Communication was ever disclosed, sent, or transmitted.

5. “**Document**” has the broadest possible meaning pursuant to Maryland Standard General Definition (a) and 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. Any copy of a Document that differs in any respect from the original of a Document constitutes a separate Document. Unless otherwise indicated herein, the term Document or Documents refers to and includes Hard-Copy Documents.

6. “**Person**” has the broadest possible meaning pursuant to Maryland Standard General Definition (c) and 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.

7. “**Petition Campaign**” means any and all efforts to promote, or collect signatures from, educate, or inform any Person about, the Referendum.

8. “**Petition Signature**” or “**Petition Signatures**” means signatures to the petition, including on the completed signature page, in support of the Referendum.

9. “**Promoter**” means a Person who distributed information (including verbally) in connection with the Petition Campaign, regardless of whether he or she collected or attempted to collect Petition Signatures.

10. “**Referendum**” means the initiative to submit Ordinance 26-01-001 to popular vote by the electorate of Frederick County.

11. “**Rural Legacy Area**” means land designated as part of Maryland’s Rural Legacy Program.

12. “**Priority Preservation Area**” means land designated as part of Maryland’s Priority Preservation Areas program.

13. The term “**including**” means including but not limited to.

14. The terms “**relating to,**” “**related to,**” “**reflecting,**” and “**in connection with**” are synonymous and mean analyzing, concerning, containing, dealing with, constituting, defining, describing, embodying, interpreting, evidencing, comprising, commenting on, recording, reflecting, relating to, regarding, responding to, explaining, identifying, discussing, mentioning, referring to, setting forth, showing, having any relationship or connection to, stating, summarizing, supporting, or in any way pertaining to the subject matter of the request, explicitly or implicitly. These terms shall be construed to bring within the scope of the requested matter to be examined on and any information and Document that was reviewed in conjunction with, or was generated as a result of, the subject matter of the matter to be examined on. The use of more than one of these terms in any requested matter for examination shall not alter this definition in any way.

MATTERS UPON WHICH EXAMINATION IS REQUESTED

1. The Committee’s organizational structure, leadership, and personnel, and each member of the Committee’s role and efforts in connection with the Committee and the Petition Campaign.
2. The Committee’s finances, including the financial institution(s) the Committee banks with; the Person(s) who have authority to spend the Committee’s funds; the process of and documentation associated with tracking the Committee’s revenue and expenditures; the Person(s) responsible for tracking and documenting the Committee’s revenue and expenditures; the Committee’s revenue (and sources of that revenue); the Committee’s expenditures (and recipients and the purpose of those expenditures); reporting of the Committee’s revenue or expenditures; and policies, procedures, or guidance concerning fundraising or expenditures.

3. Campaign Materials, including but not limited to social media posts (e.g., Facebook, X (formerly Twitter), Instagram, YouTube, Nextdoor), online advertisements, website content, email blasts, text messages, and hard copy flyers; talking points, scripts, instructions, training materials, or notes to Circulators; who created any of the aforementioned materials and the process for their creation; the Committee's approval process, if any, for the aforementioned materials, including Campaign Materials prior to distribution; and how and where the aforementioned materials (both electronic and hard copy) are stored.
4. The plans and processes for collecting Petition Signatures, including decisions about when, where, and how to collect Petition Signatures; requirements applicable to collecting Petition Signatures; numerical targets, goals, or thresholds; policies, procedures, training, or guidance, either formal or informal (and regardless of whether documented or not) communicated to Circulators or Promoters in relation to collecting Petition Signatures and communicating with voters; and the Person(s) who created, disseminated, or administered those policies, procedures, training or guidance.
5. Communications involving the Committee or any its members and Frederick County (or any agency, division, elected official, or employee thereof), including but not limited to communications dated January 5–8, 2026; January 9–16, 2026; January 20–21, 2026; January 22–23, 2026; March 4, 2026; March 6, 2026; or March 13, 2026. *See* Administrative Record Items 3(a)–3(i).
6. The Committee's understanding of, position on, and representations about the acreage, geographic scope, or territorial extent of Ordinance 26-01-001, including whether Ordinance 26-01-001 applies to the full approximately 2,600 acres of land within the CDI

Overlay Zone or any portion thereof, and the source of the information that forms the basis for that understanding, position(s), and representation(s).

7. The Committee's understanding of, position on, and representations about the Rural Legacy Area, Priority Preservation Area, or any agricultural land use designation as it relates to the parcels subject to Ordinance 26-01-001, including but not limited to whether voiding or staying the Ordinance would affect, restore, or alter any such designation, and the source of the information that forms the basis for that understanding, position(s), and representation(s).
8. The Committee's understanding of, position on, and representations about Ordinance 26-01-001's effects on the progress, timing, or scope of any and all projects, construction, or development relating to the land within the CDI Overlay Zone or any portion thereof.
9. The Committee's understanding of, position on, and representations about the presence, boundaries, or status of any wetland, waterway, floodplain, or regulated water resource on or adjacent to the parcels subject to Ordinance 26-01-001, and the source of the information that forms the basis for that understanding, position(s), and representation(s).
10. The Committee's understanding of, position on, and representations about the referability of Ordinance 26-01-001, and the source of the information that forms the basis for that understanding, position(s), and representation(s).