

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

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QUANTUM MARYLAND, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

Defendants.

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

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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

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WINDRIDGE PROPERTIES, L.C. et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

Defendants.

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

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

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

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NDR PROPERTIES, LLC et al.

Plaintiffs,

v.

FREDERICK COUNTY BOARD OF ELECTIONS, et al.

Defendants.

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

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PETITION OF ROWAN FREDERICK,
LLC et al.,

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

Petitioners,

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

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and

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BARBARA WAGNER

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

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ROWAN FREDERICK, LLC et al.

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Plaintiffs,

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v.

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

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FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

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Defendants.

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TO: **Defendant Frederick County Data Center Referendum Committee**
c/o Anne E. Black
2313 New Design Road
Adamstown, MD 21710

FROM: **Plaintiff Joan Aquilino**
c/o Longman & Van Grack, LLC
Adam L. Van Grack, Esq.
Theodore B. Kiviat, Esq.
10411 Motor City Drive, Suite 750
Bethesda, Maryland 20817

Pursuant to Rule 2-422, and the Court’s ruling at the May 29, 2026 Hearing in this action, Plaintiff Joan Aquilino (“Plaintiff”), by and through her counsel, requests that Defendant Frederick County Data Center Referendum Committee (“Defendant”) respond to the following requests for production in accordance with the following definitions and instructions on or before 4:30 pm on June 4, 2026.

INSTRUCTIONS

1. **Timeframe:** Unless otherwise indicated, the responsive timeframe for these requests for production is July 1, 2025 to the present (the “Relevant Period”). If a response to a request necessitates a broader timeframe, You must produce responsive Documents, notwithstanding that such Documents were composed, sent, received, or are otherwise dated, before July 1, 2025.

2. **Responses:** Pursuant to Maryland Rule 2-422(c), You shall serve a written response on Plaintiff as to each request for production. The written response shall state, with respect to each item or category, that (1) inspection and related activities will be permitted as requested, (2) the request is refused, or (3) the request for production in a particular form is refused. The grounds for each refusal shall be fully stated. If the refusal relates to part of an item or category, the part shall be specified. If a refusal relates to the form in which electronically stored information is requested to be produced (or if no form was specified in the request) the responding party shall state the form in which it would produce the information. You shall produce each requested Document in its entirety, along with every family Document (such as any appendices, attachments, cover letters, enclosures, exhibits, and schedules), that is in Your possession, custody,

or control. If no Document in Your possession, custody, or control is responsive to a particular request, provide a written response stating so.

3. **Construction:** These requests for production shall be deemed to be requests for all Documents, whether prepared by You or by any other Person, which are in Your custody, possession, or control; or that You own in whole or in part; or that You have a right by contract, statute, or otherwise to use, access, inspect, examine, or copy on any terms; or that You have, as a practical matter, the ability to use, access, inspect, examine, or copy on any terms. These requests must be construed in the broadest possible manner consistent with the Rule 2-422, 2-402, and 2-401. The words “all,” “any,” “each,” “every,” “and,” and “or” must be construed conjunctively and disjunctively as necessary to make the requests inclusive rather than exclusive. The singular includes the plural and vice versa. A masculine, feminine, or neuter pronoun includes all other genders. Any verb used in any tense includes the verb in all its tenses.

4. **Objections:** If Your refusal to produce any document responsive to any request, in whole or in part, is based on an objection, You must state in Your written response the objection and the basis for the objection with particularity.

5. **Lost or Destroyed Document:** If any requested Document has been lost or destroyed, state the type of Document, its subject matter, author, and date, and the circumstances in which it was lost or destroyed.

6. **Ambiguity:** If You claim any ambiguity in interpreting a request or any applicable definition or instruction, such claim shall not be used as a basis for refusing to respond. You shall set forth in Your response the language You deem ambiguous and the interpretation You have used in responding, and shall respond based on that interpretation to the fullest extent possible.

7. **Privilege Log:** If You withhold or redact any responsive Document on the basis of any assertion of any privilege or protection – including but not limited to the attorney-client privilege, work product doctrine, law enforcement privilege, deliberative process privilege, public interest privilege, and confidentiality or other similar federal, state, or local statute prohibiting or limiting the disclosure of information – You must provide a log setting forth the basis for any such assertion of privilege or protection, in accordance with Rule 2-402. Where a Document is withheld or redacted in part, You must produce all portions of the Document not subject to a claim of privilege or protection by excising or otherwise protecting only those portions for which privilege or protection is asserted, provided that such technique does not itself disclose the privileged or

protected content. Where anything has been deleted or redacted from a Document produced in response to these requests, You must specify the nature of the material deleted or redacted, the reason for the deletion or redaction, and the location of any deletion or redaction on the produced copy of the Document.

8. **Form of Production:** Produce each responsive Document (Hard-Copy Documents and Electronically Stored Information) as it is kept in the ordinary course of business, with all metadata intact. Documents must be produced in hard copy or as Electronically Stored Information in the form outlined in Section 10 below, delivered to Keith Forst, Quinn Emanuel Urquhart & Sullivan LLP, 555 13th Street NW, Suite 600, Washington, DC 20004 **on or before 4:30 pm on June 4, 2026.**

9. **Continuing Obligation:** These requests are ongoing. If, after responding, You obtain or become aware of any additional responsive Document in Your possession, custody, or control, You must produce that Document promptly, as required by Rule 2-401(e).

10. **Electronically Stored Information:** Pursuant to Rule 2-422 of the Maryland Rules, with respect to any Documents or information stored electronically on any device, computer, computer server, memory card, memory device, USB drive, cache memory, optical disc, magnetic disc, mobile phone, or cloud/internet based storage (such as Dropbox, Box or Office 365 One Cloud) within Your custody, possession, or control, these requests call for You to produce those Documents “as they are kept in the usual course of business or organize and label them to correspond with the categories in the request” as well as produce them in the “form specified in the request or, if the request does not specify a form, in the form in which it is ordinarily maintained or in the form that is reasonably usable.” Maryland Rule 2-422(d). Plaintiff requests that any electronically stored information, data and/or Documents be produced as kept in the usual course of business, in the original native electronic format with the load file, without any reduction or elimination of any metadata.

DEFINITIONS

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

2. “**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.

3. “**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.

4. “**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.

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

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

7. “**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.

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

9. “**You**” and “**Your**” refers to the Defendant responding to these requests for production, including any department, division, unit, and agency over which You exercise control and all of Your respective agents, accountants, attorneys, and advisors.

10. “**Campaign Materials**” means any petition, 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.

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

12. 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 each request any information and Document that was reviewed in conjunction with, or was generated as a result of, the subject matter of the request. The use of more than one of these terms in any particular request shall not alter this definition in any way.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Any and all Documents, including Communications, reflecting or regarding 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 created, distributed, displayed, or published in connection with the Petition Campaign, including any draft thereof.

REQUEST FOR PRODUCTION NO. 2:

Any and all Documents, including Communications, concerning Ordinance 26-01-001, including Ordinance 26-01-001's purported effect, the result of the Referendum on Ordinance 26-01-001, the development of the petition to refer Ordinance 26-01-001 to popular vote, and any internal talking points, scripts, instructions, training materials, or notes to Circulators.

REQUEST FOR PRODUCTION NO. 3:

Any and all Documents concerning Communications regarding the Referendum with any governmental entity, including Communications with Frederick County (or any agency, division, elected official, or employee thereof) or the State of Maryland (or any agency, division, elected official, or employee thereof).

Date: June 1, 2026

Respectfully submitted,

LONGMAN & VAN GRACK, LLC

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

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

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

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

Keith H. Forst
(*Special Admission*)

Asher Griffin
(*Special Admission*)

José R. Pereyó
(*Special Admission*)

Paul D. Henderson
(*Special Admission*)

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 Petitioner-Plaintiff Joan Aquilino

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of June 2026, a copy of the foregoing has been served on all parties registered to be served in the above-captioned matter in the MDEC System, including all counsel for Defendant Frederick County Data Center Referendum Committee.

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