

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PATRICK MATTHEWS BOGART :
and BENJAMIN KURTZ, :
Plaintiffs, :
vs. : Civil Case No. 273518-V
CARDEROCK SPRINGS CITIZENS :
ASSOCIATION, INC., :
Defendant. :

DEFENDANT'S INTERROGATORIES TO PLAINTIFFS
(Rule 2-421)

TO: Patrick Matthews Bogart and Benjamin Kurtz
c/o Samuel D. Williamowsky, Esq.
VanGrack, Axelson, Williamowsky,
Bender & Fishman, P.C.
401 North Washington Street, Suite 550
Rockville, MD 20850

FROM: Carderock Springs Citizens Association, Inc.
c/o John F. McCabe, Jr.
200A Monroe Street, Suite 300
Rockville, MD 20850

Pursuant to Maryland Rules 2-401, 2-402, and 2-421, Defendant Carderock Springs Citizens Association, Inc., by its undersigned attorney, hereby propounds the following Interrogatories to Plaintiffs Patrick Matthews Bogart and Benjamin Kurtz. The Interrogatories are to be read and interpreted in accordance with the instructions set forth below, and fully and separately answered, in writing, under oath, within thirty (30) days after receipt thereof.

INSTRUCTIONS

(a) These interrogatories are continuing in nature so as to require a supplement to the answers to these Interrogatories should you subsequently acquire or discover additional information responsive to any of these Interrogatories.

(b) Where the knowledge or information of a party or other person is requested, such request includes the knowledge and information of that party's or that person's directors, officers, employees, servants, agents, representatives, and, unless privileged, attorneys.

(c) Unless otherwise indicated, these Interrogatories refer to the time, place, and circumstances of the occurrence mentioned or complained of in the Verified Complaint (or any amendment thereof) and all subsequent pleadings filed in these proceedings.

(d) Certain terms used in these Interrogatories shall have the meanings set forth below unless the context clearly requires otherwise.

DEFINITIONS

1. The pronouns "you" and "your" refer to the party to whom these Interrogatories are addressed, and that party's agents, representatives, and, unless privileged, attorneys.

2. The word "Verified Complaint" refers to the Verified Complaint filed in this action and any amendment thereof filed in this action.

3. The word "OCCURRENCE" refers to the event described in the Verified Complaint and any amendment thereof that is the subject of this lawsuit.

4. The terms "person" and "persons" mean and include any individual, sole proprietorship, corporation, partnership, limited partnership, joint venture, trust, association or any other type of business or commercial entity.

5. The terms "identify" and "identity" shall have the following meanings:

a. When referring to a natural person, such terms mean to provide an identification sufficient to notice a deposition of such person and to serve such person with process to require his or her attendance at a place of examination, which identification shall include, without limitation, his or her full name, present or last known address, present or last known business affiliation, title or occupation, and each of his or her positions during the applicable period of time covered by any answer referring to such person;

b. When used in reference to a person other than a natural person, such terms mean to state whether such person is a corporation, partnership or other organization, and set forth its name, present or last known address, and principal place of

business;

c. When referring to an oral communication such terms mean to (i) name each person who participated in and/or was present at the time of the communication, the employer of each such person, and the person whom each such person represented or purported to represent in making such communication, (ii) state with particularity the nature, substance and details of such communications as precisely as possible, and (iii) give the date when and the place where such communication was made; and

d. When used in reference to a document or written communication, such terms mean to provide the bates number or numbers of the document, if the document has been produced in this litigation and such a bates number has been assigned to it, or, if the document has not been produced in this litigation or has not been assigned a bates number, to (i) state the date of the document or communication, (ii) identify the author (and if different, the signer or signers) and the addressee, and (iii) describe the type of document (e.g. letter, memorandum, telegram, chart, etc.). If any such document or written communication was in your possession, custody or control, furnish a description of that document or communication and indicate the manner and circumstances under which it left your possession, custody or control, and its present whereabouts, if known. In lieu of identifying any document or written communication, a true and correct copy thereof may be annexed to and incorporated into your answers to these Interrogatories.

6. The terms "document" and "documents" mean and include any recorded, written, printed, typed, or graphic material of any kind, variety, type and character (whether copy or original), including information created or stored electronically within any computer system or memory device (including email, PDA files, voice mail and archived or compressed computer files), and any information retrieved from such computer or memory device, such as computer generated reports and printouts.

7. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Interrogatories any information that might otherwise be construed not be responsive to these Interrogatories.

INTERROGATORIES

Interrogatory No. 1 If you contend that Defendant is barred by laches from enforcing its covenants, bylaws, rules and regulations state the factual basis for your contention, including in particular every example upon which you rely for contending that Plaintiffs have been prejudiced by any delay.

Interrogatory No. 2 If you contend that Defendant is estopped from enforcing its covenants, bylaws, rules and regulations state the factual basis for your contention.

Interrogatory No. 3 If you contend that Defendant has acquiescence in previous violations of its covenants, bylaws, rules and regulations and therefore is not able to enforce them against you state the factual basis for your contention including for each violation upon which you rely the dates, names of parties, identification of property and nature of activity involved.

Interrogatory No. 4 If you contend that there has been a change in the neighborhood or other change which prevents the enforcement of Defendant's covenants, bylaws, rules and regulations state the factual basis for your contention including a list of every such change with property identification and dates.

Interrogatory No. 5 If you contend that there has been a waiver or abandonment of the covenants, bylaws, rules and regulations which prevents Defendant from enforcing them state the factual basis for your contention including for each instance of waiver or abandonment upon which you rely the dates, names of parties, identification of property and nature of activity involved.

Interrogatory No. 6 If you contend that the Defendant's covenants, bylaws, rules and regulations are unenforceable and/or invalid due to misuse or inequitable or unreasonable or arbitrary or capricious conduct state in detail the factual basis for your contention including an identification of each instance where there has been misuse or inequitable or unreasonable or arbitrary or capricious conduct.

Interrogatory No. 7 If you contend that the covenants, bylaws, rules and regulations are unenforceable due to lack of uniform or sufficient guides or standards state in detail the factual basis for your contention.

Interrogatory No. 8 If you contend that the Defendant's covenants, by-laws, rules and regulations are unenforceable as a result of selective enforcement state the factual basis for your contention including for each instance for selective enforcement upon which you rely the dates, names of parties, identification of property and nature of activity involved.

Interrogatory No. 9 If you contend that the action of the Architectural Review Committee in this particular case has been arbitrary, capricious, unreasonable or inequitable state in detail the factual basis for your contention.

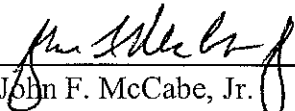
Interrogatory No. 10 If you contend that the covenants, bylaws, rules and regulations of the Defendant are enforceable for any other reason not named above state in detail the factual basis for your contention.

Interrogatory No. 11 Identify any and all experts whom you intend to call as witnesses at the trial of this matter stating each expert's area of expertise and the anticipated substance of his or her testimony. Attach to your answers to these Interrogatories copies of any written reports provided to you by any experts whom you propose to call as witnesses at the trial of this matter.

Interrogatory No. 12 Identify all persons known to you with direct personal knowledge of any facts relevant to this case.

Interrogatory No. 13 Describe in detail the precise additions, changes and modifications you desire to make to your property, including an identification of any plans or other documents showing those changes and modifications.

Respectfully submitted,




John F. McCabe, Jr.
200A Monroe Street, Suite 300
Rockville, Maryland 20850
(301)279-9500

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of September, 2006, a copy of the foregoing "Defendant's Interrogatories to Plaintiffs" was mailed, regular first-class mail, postage prepaid, to:

Samuel D. Williamowsky, Esq.
VanGrack, Axelson, Williamowski,
Bender & Fishman, P.C.
401 North Washington Street, Suite 550
Rockville, MD 20850



John F. McCabe, Jr.