

Transcript of Dennis Philipson
Conducted on October 30, 2023

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1 Switzerland that got my account number and -- and
2 charged it.

3 Q What -- what account number? What --

4 A What account number?

5 Q Yeah. I mean what --

6 A (Crosstalk) account number.

7 Q What were they -- are you talking about
8 to your credit card?

9 A To my credit card.

10 Q All right. Is there any evidence that
11 that incident had anything to do with your e-mail
12 accounts or your --

13 A I mean, there's no evidence that they --
14 they say they are looking into it and they
15 probably don't do anything, so I would have to ask
16 them and subpoena them, and --

17 Q How much was the charge?

18 A Well, this happened three months in a
19 row for \$79. And every time I dispute it, they
20 gave me a new card. They said -- and I -- I asked
21 them to turn off reoccurring transactions so it
22 doesn't happen anymore, and they said it wouldn't
23 happen and then it happened. So yeah.

24 Q What credit card?

25 A It was a Capital One.

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1 Q Capital One. All right. Okay. Other
2 than that Capital One charge or recurring charge
3 and the two e-mail notifications, anything else
4 that's concrete that --

5 A I mean, I had 2021 unemployment
6 insurance fraud. Someone filed for uninsurance in
7 my name -- or not uninsurance, unemployment
8 insurance and Virginia would not tell me anything.

9 Q So what -- how did that get resolved?

10 A They just sent me a updated tax
11 statement and said it was fixed, but it was not a
12 good thing.

13 Q What do you mean?

14 A I mean, they wouldn't -- they had -- I
15 mean, they got sued for all the problems during
16 COVID and -- and stuff like that.

17 Q So they had some kind of data breach?

18 A Well, no, they had that, plus -- I -- I
19 don't know if they had a data breach, but they got
20 sued because -- I would have to look. I remember
21 looking at the time it was happening because they
22 literally sent me my statement with my Social
23 Security number and all my information to my house
24 in an unsealed envelope. So it's --

25 Q That was the Virginia Department -- what

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1 -- what -- what is the body there that sent
2 that?Virginia --

3 A That was the Virginia Unemployment
4 Commission, I think.

5 Q All right.

6 A So someone -- so at the time, MAA also
7 got a notice and they disputed my unemployment.
8 And that's -- that's actually how I found out
9 about it because I just -- like, I didn't claim
10 unemployment, so --

11 Q Oh, okay. So you didn't claim
12 unemployment but someone applied in your name and
13 MAA thought you were applying for unemployment?

14 A Correct. Correct.

15 Q Okay. And then it just sort of got --

16 A No, I mean, I argued. I contacted
17 congressmen. I contacted senators. I was
18 e-mailing the governor just to, you know, try to
19 get -- I just wanted to -- all I wanted to know
20 was what they had of mine. And -- and -- and, you
21 know, they just kept -- the unemployment said I
22 had to contact the labor department. I contacted
23 the labor department. The labor department says I
24 had to contact the governor. The governor says
25 that.

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1 So I went through those channels and I
2 couldn't find out anything. And then, I actually
3 talked to a lawyer and they said I would -- like,
4 there was nothing that they were going to be able
5 to do.

6 Q And -- but I mean, did it get resolved
7 by just -- the -- the -- the -- whoever applied in
8 your name didn't get any insurance; right? Didn't
9 get a --

10 A No, they did.

11 Q They did?

12 A They did, yeah.

13 Q How did that happen?

14 A I don't know. They -- I don't know.
15 They wouldn't tell me anything. Virginia, they
16 said they'll investigate the fraud.

17 Q So someone collected unemployment
18 benefits in your name?

19 A In my name, yes.

20 Q Okay. And MAA disputed that?

21 A They disputed it, but I guess you get --
22 because I've never collected unemployment. But I
23 guess, like, with COVID and everything going on,
24 they were, like, paying people right up front and
25 stuff like that. So they were able to get a few

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1 weeks --

2 Q Few payments.

3 A -- few payments before I noticed. And I
4 don't remember if I noticed from MAA. I think
5 maybe I got the tax statement and then I got a
6 notice from MAA. I got -- the notice goes to the
7 unemployment, the unemployment sends me the notice
8 from MAA. I don't really remember how everything
9 transpired.

10 Q Okay.

11 A I just remember I didn't collect
12 unemployment and Virginia wouldn't tell me who
13 did, what they had for me. I couldn't even get if
14 they had my birthday or Social Security number.

15 Q Okay. All right. So any other examples
16 of -- or evidence of where someone has compromised
17 your systems?

18 A I mean, Capital One got data breached
19 and I got free protection. LinkedIn got data
20 breached and supposedly my stuff was taken.

21 Q Who?

22 A LinkedIn.

23 Q LinkedIn got -- okay.

24 A There's even -- I mean, there's been a
25 few of them. That's why when stuff ended up on my

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1 credit, and the thing with Virginia Hospital -- or
2 not Virginia Hospital Center, Virginia
3 Unemployment Commission, that's when I started
4 monitoring my credit and started disputing things.
5 So I mean, I've had some stuff happen in the last
6 few years.

7 Q What evidence do you have related to
8 LinkedIn that someone has compromised your account
9 there?

10 A At -- at the time, I got an e-mail that
11 said you were part of the data breach. I don't
12 remember what year it was, but I just remember
13 being a part of the data breach. And my wife's,
14 someone charged to her work account thousands of
15 dollars. I don't know how they get the money, but
16 they put up fake ads and she got all these charges
17 on her work credit card for --

18 Q So somebody charged fake ads to her --
19 her work account?

20 A Yes.

21 Q This was a while back.

22 A How long ago?

23 Q 2021, maybe.

24 A So, they were, like, \$10,000 -- like it
25 was just -- and I -- I don't -- I don't understand

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1 how -- like, what do you get by charging a fake
2 ad? Like, how are they getting the \$10,000?
3 Like, how is that, other than annoying someone? I
4 don't see how that works.

5 Q And how was that resolved?

6 A I mean, she -- she just disputed the
7 credit card, cut off the thing. LinkedIn refunded
8 the money, and that -- that was pretty easy for
9 her.

10 Q Okay. Any other evidence that your
11 account has been somehow compromised with
12 LinkedIn?

13 A I -- I would have to really go and think
14 about it. I'm not -- I'm sure there's probably
15 more, but I don't -- I can't recall anything right
16 now.

17 Q Okay. What could you review to help you
18 be confident?

19 A I would just have to think about it. I
20 don't really have anything to review, so --

21 Q Okay. Have you had anyone do a forensic
22 analysis of your computer to determine if it's
23 been compromised?

24 A No.

25 Q Have you had any professional look at

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1 it?

2 A No.

3 Q In response to your suspicions caused by
4 these e-mail -- you know, e-mails that somebody
5 was trying to reset the password, I guess --

6 A I mean, the -- the e-mail wasn't someone
7 was trying to reset the password. The e-mail was
8 someone has your password, change your password,
9 or, you know, if you -- if it's not -- it wasn't
10 someone's guess. It was someone has your --
11 someone has guessed your password was the last one
12 after I put the two-step verification on.

13 So, someone has guessed your password,
14 two-step verification stopped it, and change your
15 password. So, in order to do that, from what I've
16 read, I mean, Phili -- my last e-mail's very
17 unknown to people. So, someone has to have that
18 e-mail address, and someone had to pay a lot of
19 money. That's why, like, I don't -- I don't --

20 Q Why would somebody have paid a lot of
21 money?

22 A Like I said, I -- I -- I really honestly
23 don't know what MAA would do. I worked for them
24 for five years, I saw things they did, and I don't
25 believe they wouldn't do anything, so --

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1 Q So, it's your belief that MAA hired
2 someone to guess your passwords?

3 A Again, I'm not making any accusations.
4 I have no concrete evidence. I -- I don't -- I
5 don't know what they would do.

6 Q Okay.

7 A If they would -- if someone falls on the
8 ice, they wouldn't even pay for their medical
9 bills half the time, so --

10 Q So, are you willing to allow a forensic
11 analysis of your computer and phones to determine
12 if they've been hacked?

13 A I would have to -- I'm not going to
14 agree to anything. I would have to talk about
15 specifics, because I'm sitting here today for
16 agreeing something that I didn't look at specifics
17 for. So, I would have to -- we would have to
18 revisit that later.

19 Q Okay.

20 A I mean, most likely I'll put it out
21 there, yes, because I don't have anything on there
22 to hide. If -- if they're reviewing to see what's
23 on there -- I mean, it doesn't matter. Probably I
24 would let them do it, but we would still have to
25 have a discussion.

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1 Q Okay. So, why did you put in your
2 notice at MAA?

3 A So, I put in my notice because I was
4 making a lot less than people. My service manager
5 was making, at the time, more than me. I'm the
6 service manager's superior, so I did not feel it
7 was right. So, I -- also, my dad got COVID.

8 Their fire systems weren't working correctly.
9 They wouldn't pay to have someone on fire watch.
10 So, basically -- and I relayed this to them, and
11 they told me to stop telling them. Basically, if
12 the place burnt down, I would be the one
13 responsible. And, eventually, a fire did happen.
14 I just happened to be there on the weekend. And
15 the response was yikes. So --

16 Q The response from MAA?

17 A From my boss at MAA was yikes.

18 Q Okay.

19 A So, at that time, this was when the
20 whole Florida condo thing happened and the
21 collapse of the condo and everything like that,
22 and I didn't want to be personally responsible if
23 something happened. And it was the anxiety, the
24 money, everything like that. We were working on
25 it. We're working on it.

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1 So, I -- I -- I did put in notice. And then
2 they were -- I didn't mention the anxiety at
3 first. I -- sorry. I'm -- I got to really think
4 of this. It was more the money at first; and then
5 as soon as I mentioned the anxiety, the
6 conversation changed. So --

7 Q What do you mean?

8 A I was told that they would look into
9 more money; had a nice conversation; was supposed
10 to take the weekend off to recuperate. The last
11 thing -- and then -- then I mentioned the anxiety.
12 And then when I came back, the next conversation
13 was pretty much, We accept your notice. I and --
14 from what I remember, I don't remember everything
15 behind it, but I was called on the phone.

16 I think I mentioned the anxiety. Sorry. I
17 don't mean to be all over the place, but it's hard
18 to remember. I remember my boss -- when I
19 mentioned the anxiety on the phone, my boss, was
20 just at my property, said he would come back and
21 talk to me. And I said -- right there I'm, like,
22 they're going to say goodbye.

23 Q Okay.

24 A And that's what --

25 Q And -- and --

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1 A -- they did.

2 Q -- your boss, you're referring to Jay
3 Blackman?

4 A Yes.

5 Q So, what -- when you mentioned the
6 anxiety, what were you wanting him to do?

7 A I mean, I didn't want him to do
8 anything. It was more if I'm going to go through
9 this anxiety, I want to be compensated with --
10 with money and just be understanding, you know, of
11 -- of the fact. And I -- he was about to move me
12 to another property to fix, and I didn't want him
13 to move me to that property; but he did the same
14 thing with Tysons. I didn't want to go there.

15 So, it was -- it was -- you know, I just --
16 part of it was I didn't want to move to this
17 property. I finally got that. Part of it was
18 spend the -- whatever we have to spend to fix the
19 fire. It was -- it was a lot -- it was a lot of
20 stuff. So, MAA has all this stuff in their
21 whistleblower complaints. I -- I don't recall the
22 whole thing, but --

23 Q So, did you tell Jay Blackman that you
24 were leaving because you wanted to pursue acting?

25 A That was a joke, and that was -- yes.

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1 Yes, I did tell him that -- I didn't tell him
2 that. That's what I wrote. And he got mad that I
3 wrote that and said I wasn't taking it seriously.
4 So he knew that was -- he knew that was a joke.

5 And I said, I'm sorry. You want me to change
6 it? And he said, Well, yeah -- but I -- I -- I
7 think I -- we had an in-person conversation.
8 Like, it wasn't, like, I'm pursuing acting.
9 That's it. Like --

10 Q Do you have an acting career?

11 A No.

12 Q Do you --

13 A No.

14 Q Okay.

15 A No. That's why it's coming back to bite
16 me and -- and, you know -- because everyone keeps
17 bringing it up, but it was -- it was -- it was a
18 joke at the time.

19 Q So, you put in your notice, but you were
20 really wanting to renegotiate the salary and --

21 A I don't remember how everything
22 transpired. It's -- it was just -- it was a lot
23 of stuff at once. And then all I remember, as
24 soon as I mentioned anxiety the conversation
25 completely changed. And would they accept my

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1 notice?

2 Q Okay. Did you try to retract the
3 notice?

4 A Yes, I did. I -- I e-mailed him,
5 because he said -- he gave me -- he said, Let's
6 give you the -- I think -- I think it was on a
7 Friday. He said, Let's take the weekend to -- you
8 know, for you to rest and everything like that.

9 So, I e-mailed -- like, basically, I was
10 always taught when you have a conversation with
11 someone, e-mail them so it's in writing. So, I
12 e-mailed him thank you for, you know,
13 understanding. That's when he called and said,
14 I'm coming back. And they came back and let me go
15 right there.

16 Q Okay. Why did you try to retract the
17 notice? You just changed your mind?

18 A No. He said he was going to -- he said
19 give them time, look into money. And, I mean,
20 that was -- at the time, like, money -- money
21 would have -- it was -- again, there was so much
22 going on, and it was a little insulting that my
23 service manager made more than me.

24 So, if I'm going to be here, and I'm going to
25 -- I -- I -- I was a very hard worker. And I

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1 would go in and spray for roaches and do other
2 things property managers wouldn't do. I would fix
3 properties for Jay. I would get sent here, get
4 sent there, and all of this stuff. And I -- and I
5 was getting paid less than other people.

6 So, I just felt like if I'm going to do this,
7 I'm going -- I -- I want to be compensated fairly.
8 And then I just -- like I happened to mention the
9 anxiety. That's when I -- and he said he'd look
10 into it. And then when I mentioned the anxiety --
11 like I said, when I mentioned the anxiety,
12 everything was off the table, and we're accepting
13 your notice. So, you know -- and I wasn't -- it
14 would -- I was really going through anxiety, so --

15 Q Okay.

16 A Can we break? I need to use --

17 Q Sure.

18 A -- the restroom.

19 Q Sure.

20 THE VIDEOGRAPHER: Please stand by. We
21 are going off the record. The time is 10:51 a.m.

22 (OFF THE RECORD)

23 THE VIDEOGRAPHER: We are back on the
24 record. The time is 10:59 a.m.

25 BY MS. MILLS:

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1 Q Okay. I want to switch gears a bit, and
2 I want to show you some Google reviews. And I
3 just want to ask you about them. Let's see here.

4 We're going to make this our first exhibit.

5 THE REPORTER: Philipson 1?

6 MS. MILLS: Yeah.

7 (EXHIBIT 1 MARKED)

8 BY MS. MILLS:

9 Q Okay. Mr. Philipson, I am showing you
10 what I'm representing to you is a collective
11 exhibit, a bunch of Google reviews of various
12 things. Do you -- and -- and we're marking this
13 as Philipson 1. Do you recognize these reviews?

14 A Let me -- give me a minute to look this
15 over. It doesn't sound like my terminology, to be
16 honest with you.

17 Q Well, here, let me ask you a few
18 questions. All right. Some of these are in the
19 name of DD. Is that your handle for leaving -- or
20 your -- your account name for leaving Google
21 reviews?

22 A I don't -- I don't remember. I -- I
23 don't remember.

24 Q You don't remember?

25 A I -- I don't remember if -- if it was at

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1 some point DD. I would think I would do DP, but
2 I'm not really sure.

3 Q All right. So let's talk about this
4 first one. And it says it's in the name of DD.
5 It is a review of MAA Property Management Company.
6 And it reads, Batten down the hatches quick.
7 There's a named storm coming. Code everything to
8 casualty loss. You previously shared -- your
9 previously shared guidance is a smokescreen.

10 Just like your press release in October 2021.
11 The whistle blower submission system and whistle
12 blower policy are a joke. Their internal controls
13 are nonexistent and their ethics training is for
14 show. These are the sorts of complaints you were
15 making, right, about --

16 A I mean, they're similar but I'm not the
17 only one that made the complaints as far as I
18 know. And I'm not the only one that knew about
19 the complaints. And I'm not the only one that I
20 told about the complaints. So they're -- I mean,
21 they're similar to what I said but it doesn't
22 sound like my -- the way I speak.

23 Q So you don't recall leaving this review?

24 A I -- I don't remember writing this
25 review. Like, I don't a review like this.

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1 Q Can you -- is -- are you able to deny
2 that you left this review?

3 A I'm either able to confirm or deny. I
4 -- I don't -- I don't remember doing it. Again, I
5 -- I don't recall doing this. It doesn't sound
6 like something I would do.

7 Q Okay.

8 A I mean, I was pretty open when I shared
9 this with them in 2021.

10 Q All right. Let's -- let's -- a few more
11 questions.

12 A Where is this from?

13 Q It's not dated.

14 A I mean, I would need to know when this
15 is from. Is this --

16 Q If you keep going down on this first
17 review, it says, They must have a very skilled and
18 large IT team. They hired a senior VP of IT
19 operations that spent a great deal of time working
20 for EY. It did not appear he had previous IT
21 experience. When other companies were hacked a
22 few years back, their IT team supposedly stopped
23 this before any of the thousands of resident files
24 and information were stolen.

25 That's also one of your complaints. I think

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1 you've mentioned that today that the IT group was
2 supposedly so good but you said something that
3 made me think you didn't believe that.

4 A Well, the CEO bragged about it at one of
5 the conferences in front of the whole -- the whole
6 -- all the property managers. It was the property
7 manager contest. And everyone was like, Yeah,
8 okay. So it wasn't only me that thought that. It
9 was half the company.

10 Q And so are you saying you thought it was
11 overblown? Like it wasn't true or what? I mean,
12 I'm trying to get to the heart of what the --

13 A I mean, IT department wasn't -- couldn't
14 even you with simple tests at the time. So you
15 know, they're -- all the property managers listen
16 to the CEO brag about how great the IT department
17 was. And then the employees sitting there being
18 like, You can't even help us set up this. Like,
19 that's --

20 Q Okay. So you're saying they were
21 touting them as this big deal and you and other
22 property managers privately thought they weren't
23 very good?

24 A It wasn't me and other -- it was me and
25 90 percent of the -- you can just see it on

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1 people's voices and their faces when they're --
2 like everyone's talking when he said that. Like,
3 so -- it was -- it was a lot of people. And he
4 was mentioning some big companies at the time that
5 got hacked but we didn't get hacked and it was
6 sort of, like, no one really believed it. So --

7 Q Okay. So -- so that -- okay. So you're
8 saying, generally, the feeling in the company was
9 the CEO may have said that our IT -- MAA's IT team
10 prevented them from getting hacked, but you didn't
11 really believe that?

12 A I -- it was more of the fact that he was
13 mentioning how great they were and 90 percent of
14 the property managers did not believe that. It
15 wasn't just me not believing that. It was, you
16 know, when you're -- when you're a property
17 manager, you're close to your group and then the
18 other groups close to that group. You can just
19 tell on people's faces when he said so.

20 I don't know exactly what was in their head,
21 but I know it was when he said that everyone was
22 sort of, like, yeah.

23 Q Okay. All right. So then you keep
24 going. It says, Their senior employees are long
25 tenured and their CEO is so good at property

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1 management that the Board of Directors made him
2 the Board's chairman. Is that something that you
3 had expressed an issue with before?

4 A I don't remember ever mentioning that to
5 MAA that -- I don't -- I don't remember. I don't
6 remember expressing that to them. I don't
7 remember expressing that to anyone. I mean, I
8 knew he was. It's on the website that he's the
9 head of the board. From what I've researched
10 after, it's not recommended to do that. But I
11 don't -- I don't remember.

12 MS. MILLS: Okay. All right. This next
13 one. If I could go off the record just a second.

14 THE REPORTER: Okay. We're going off
15 the record. The time is 11:08 a.m.

16 (OFF THE RECORD)

17 THE REPORTER: We are back on the record
18 at the time of 11:11 a.m.

19 BY MS. MILLS:

20 Q Okay. Mr. Philipson, we talked about
21 this review. That's number one. And I want to
22 turn to number two. That one is in the name of C,
23 Chachi Fuego, F. Do you recognize that account
24 name?

25 A Not that I -- no. I don't remember that

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1 account name or recall that account name.

2 Q Would you agree with me that it seems to
3 say exactly the same thing as the first one in the
4 name of DD?

5 A Yes. It appears that everything is the
6 same.

7 Q Okay. So it's raising kind of the same
8 complaints, it looks like?

9 A Yeah.

10 Q All right. But you don't remember doing
11 either of those reviews?

12 A I don't remember.

13 Q Okay. All right. Let's look at number
14 three. And it is a review by -- a review by DD of
15 the Hilton Garden Inn Memphis East Germantown.
16 Have you ever stayed at that hotel?

17 A I believe so, yes.

18 Q Do you recall leaving this review?

19 A I do not know.

20 Q Do you know -- are you prepared to say
21 you did not leave it?

22 A I'm not prepared to say that. I don't
23 -- I don't remember leaving this, no.

24 Q Okay. Do you know -- would you agree
25 with me that this hotel -- or do you know if --

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1 that this hotel is close to MAA's corporate
2 offices?

3 A I would have to look. If it's the one I
4 stayed at with them, yes. But I would have to
5 look.

6 Q Okay. Let's go to number four. And
7 that's for DD at the Bonefish Grill, North
8 Germantown, Germantown Parkway, Cordova,
9 Tennessee. Have you ever eaten at this Bonefish
10 Grill?

11 A I have not.

12 Q Did you leave this review?

13 A Not that I remember. Not that I
14 remember leaving, no.

15 Q Do you ever leave reviews on places you
16 haven't been?

17 A Not normally, no. I don't. I don't.

18 Q Have you ever done that?

19 A I don't really do reviews. I don't --
20 I'm -- being from the restaurant industry, I don't
21 like reviews. I tell people straight to their
22 face. So I don't -- I don't remember writing
23 this.

24 Q Can you testified today that you have
25 never left a review at a place you haven't been

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1 to?

2 A No, I can't testify to that. I don't --
3 I don't remember ever leaving a review that I
4 haven't been to a place other than if someone
5 asked, you know. No, I don't. I mean, MAA sent
6 out a big e-mail one time asking us to give review
7 on the corporate headquarters before I went to the
8 corporate headquarters.

9 So I think the whole company went and put
10 reviews in. So I think I remember that. We did
11 that. But I don't really remember writing any
12 reviews that I haven't been anywhere, but I could
13 have and if it was, it was probably a nice review.
14 So --

15 Q Do you know what account name you would
16 have left the review of the MAA headquarters in?

17 A From 2017? I have no idea. I mean, we
18 -- I don't even remember. We may have had a Gmail
19 account just to use the iPads at the -- at the
20 actual property. So I -- I don't remember.

21 Q Okay. All right. Number five is
22 Johnson Road Park, Neil's Music Room, and TJ
23 Mulligan's which is also left by DD. Have you
24 been to these places? They're all in Germantown
25 or Memphis.

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1 A I could have been. I don't remember the
2 exact places we went to when we were out there.

3 Q Did you leave these reviews?

4 A I -- I don't remember leaving these
5 reviews. And it doesn't sound like my -- it
6 doesn't sound like the way I -- I would -- I would
7 speak.

8 Q Have you ever seen these reviews before?

9 A I -- I don't recall ever seeing them. I
10 would not say, Philly cheese steak was yum. Like,
11 that's not, I mean, that doesn't sound like
12 something I would say. But again, I don't -- I
13 don't know when these are from. I don't know. I
14 have not seen them. I don't -- yeah. I don't
15 know.

16 Q Okay. The next thing on page six is
17 Baskin-Robbins and Huntsman Square Shopping
18 Center. Have you ever been to this
19 Baskin-Robbins?

20 A I have, yes. It's not far from my
21 house.

22 Q Would you -- did you leave this review?

23 A I don't remember. I don't remember
24 leaving this review. But you have told me I have.
25 But I -- I don't recall leaving this review.

Transcript of Dennis Philipson
Conducted on October 30, 2023

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1 Q I mean, I didn't tell you you have. I'm
2 asking.

3 A No. You told me in the complaint that I
4 left a review at Baskin-Robbins. That was in your
5 complaint.

6 Q Okay. I did allege that then. Okay. I
7 apologize. I forgot that.

8 A Yeah.

9 Q Well, we're going to talk about the
10 complaint later and I would have been reminded.
11 So --

12 A Okay.

13 Q But you don't recall doing this?

14 A I don't remember doing that.

15 Q Are you aware that this is where Jay
16 Blackman would take his children frequently?

17 A I did not know that, no.

18 Q Okay. And so you don't recall leaving
19 this review?

20 A I don't remember leaving this review.

21 Q All right. Number seven. That one is
22 Lake Norman Tavern in Mooresville, North Carolina.
23 Have you ever been to this place?

24 A Not that I recall. Not that I recall,
25 no.

Transcript of Dennis Philipson
Conducted on October 30, 2023

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1 Q And are you aware this is near the home
2 of Amber Fairbanks?

3 A I had no idea. I don't -- don't really
4 -- didn't really know where Amber Fairbanks lives.

5 Q All right. So did you leave this
6 review?

7 A Not that I remember, no. I mean, I don't
8 -- not that I recall. I'm not certain. But I --
9 again, it doesn't sound like a review I would
10 leave. I'm sorry. Not that I recall, no.

11 Q Do you think you would remember it if
12 you left a review to a place you'd never been?

13 A Within the last couple of years based on
14 everything that's gone on and all the medications
15 I've been on, I don't think I would do it, but I
16 can't say for certain. I mean --

17 Q It's possible?

18 A I wouldn't say it's possible. I would
19 say it doesn't sound like me. I don't -- I don't
20 believe it's me. You know, I don't -- I don't --
21 I don't remember doing it. I just -- it doesn't
22 look like what I would say.

23 Q Okay. Well, let's go to number eight,
24 which is Hobby Lobby. Have you ever been to the
25 Hobby Lobby that is in Germantown, Tennessee?

Transcript of Dennis Philipson
Conducted on October 30, 2023

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1 A I like the Hobby Lobby. I could've went
2 to the Hobby Lobby but I -- I don't remember
3 leaving this review.

4 Q Are you aware this is near MAA's
5 corporate office?

6 A I -- I'm not aware, but I sort of
7 remember the shopping center where it was. But I
8 mean, until you said it's near their office, I --
9 I don't really -- yeah. I remember Hobby Lobby,
10 like, being down the road. So --

11 Q Okay. Did you leave this review?

12 A I don't -- I don't remember leaving this
13 review.

14 Q Okay. All right. The next one is for
15 Pimentos Burgers and One & Only BBQ left by DD.
16 These are both in Memphis. Have you ever been to
17 these places?

18 A I have not. As far as I know, I have
19 not. But Bar and Grill, maybe. But I have not
20 left these reviews. As far as I know, I don't --
21 I don't recall leaving them, no.

22 Q Okay. All right. Let's go to the next
23 one which is on number ten, a Google review of
24 Walmart in Memphis. Have you been to that
25 Walmart?

Transcript of Dennis Philipson
Conducted on October 30, 2023

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1 A Not that I recall, no.

2 Q So this one is, kind of, interesting.

3 I'm just going to read -- read some of it. Wow,
4 this is a great -- this was a great Walmart.

5 There was so much to see and so much to do. The
6 team members were so nice and friendly, they were
7 very -- all very talkative and helpful. There was
8 a great selection of clearance items. I was able
9 to get many different items.

10 I got some new gloves, some dishes, and some
11 great Christmas lights for 75 percent off. I also
12 spent a great deal of time looking in the cosmetic
13 aisles and trying on different shades of lipstick.
14 Now, I normally don't wear lipstick, but I was
15 intrigued by the many -- by the money different
16 brands and shades they had. I assume that's
17 supposed to be many. I also spent about an hour
18 looking at new work pants. They had lots of
19 styles and brands to choose from. It was very
20 difficult to make a concrete decision.
21 Thankfully, three associates helped me make this
22 decision easy.

23 I tried on different pants and modeled them
24 to the employees and even some of the customers.
25 Someone had a boom box and played a model song.

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1 And I walked around the store and did a twirl.
2 Anywho, just wanted to say this was a great
3 Walmart. So much to see, so much to do, and so
4 little time. They had many great items and I
5 thank Walmart for having me in. Great job.
6 Walmart. Okay.

7 You would agree with me that's kind of
8 out there; right?

9 A Yes, I'd agree.

10 BY MS. MILLS:

11 Q All right. Would you remember if you
12 had written that?

13 A If I had written that, I would remember.
14 I would think, but I can't say for certain if I --
15 if I wrote it or I didn't write it. But it's
16 stupid. I mean, it's just -- sounds stupid. So I
17 don't think --

18 Q But you would -- I mean, this is to a
19 Walmart you've never been to and it's really
20 pretty crazy. So would you remember taking the
21 time to go review a Walmart you'd never been to
22 and write about twirling and -- to the store?

23 A I mean, I can't -- I can't tell you for
24 certain. I -- I don't think I would. I don't --
25 when is this from? I mean, I don't --

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Conducted on October 30, 2023

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1 Q I don't have the date on here. It's
2 from the DD account.

3 A I -- I don't remember doing it. I can't
4 say for certain, no.

5 Q Do you have problems with your memory?

6 A I'm bipolar, so, yeah.

7 Q So when you -- when you say you're
8 bipolar yeah. Do you mean do bipolar people in
9 general have trouble with their memories or --

10 A I -- I -- I can't say for certain. I
11 just -- I just know again how I said before, the
12 anxiety, the stress, the medication, what's been
13 going on, a lawsuit from MAA, everything that's
14 going on. I -- I try to block some things out.
15 I've been to therapy. I -- I -- I, you know -- so
16 I --

17 Q So --

18 A I don't recall writing this.

19 Q When you have -- when you -- you
20 mentioned being bipolar and -- and I -- my lay
21 person's understanding of -- of bipolar is that
22 there can be manic episodes and depressive
23 episodes. Is that accurate to your understanding?

24 A I -- yes. I mean, I would think that's
25 pretty accurate.

Transcript of Dennis Philipson
Conducted on October 30, 2023

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1 Q Okay. And are you saying that possibly
2 in a manic episode, you might have done something
3 that you don't remember?

4 A I'm saying I don't remember writing this
5 review. I -- I don't -- I don't remember writing
6 any of these reviews. They don't sound like me.
7 They don't sound like something I would say. I
8 really -- I don't recall writing any of these
9 reviews.

10 Q Okay. Well, let's keep going. Babalu
11 East Memphis. Did -- number 11, have you ever
12 been there?

13 A Not that I recall.

14 Q Do you recall leaving this review?

15 A I don't recall.

16 Q All right. Trader Joe's in Germantown,
17 number 12. Have you ever been to this -- this
18 Trader Joe's?

19 A I don't remember being at Trader Joe's,
20 but there was a plaza with two grocery stores that
21 I vaguely remember.

22 Q Is it possible you left this review?

23 A I -- I don't think -- again, doesn't
24 sound like something I would say normally. Pretty
25 monotone, didn't, I mean -- no. I don't -- I don't

Transcript of Dennis Philipson
Conducted on October 30, 2023

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1 remember writing anything like this.

2 Q Okay. The next one on page 13 is a
3 review of Evernest Property Management and Reed
4 and Associates of Tennessee. Do you know these
5 businesses? Ever heard of them?

6 A I have not.

7 Q Ever been there?

8 A I have not.

9 Q Did you leave these reviews? This one,
10 by the way, is by C, Chachi Fuego, F.

11 A I don't recall leaving these reviews.

12 Q All right. Page 14, The Executive Diner
13 in Alexandria, Virginia. Have you been to this
14 business?

15 A Yes.

16 Q And -- and this is near Post Carlyle
17 Square; right?

18 A Yes. Where I lived.

19 Q Did you leave this review?

20 A I don't recall ever leaving this review.

21 Q Okay. Number 15, The Post Tysons
22 Corner. That's somewhere you also worked; right?

23 A Correct.

24 Q And that's a MAA property; right?

25 A Correct.

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Conducted on October 30, 2023

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1 Q And this one says, great property, great
2 new fire system. LS did great work. The fire
3 issue was something you complained about; right,
4 with MAA?

5 A Correct.

6 Q All right. And I believe you said
7 earlier you were concerned that -- that it was
8 that they didn't have good systems in place to
9 prevent a fire?

10 A They went off all the time. So we -- we
11 were in the process of -- of upgrading them.

12 Q Okay. And who is LS?

13 A L -- I think LSS was the contractor they
14 used that did the work. So I don't know -- I
15 don't remember what LS -- something safety, but
16 they were a really good company.

17 Q And is it -- is it a fact -- isn't it a
18 fact that they hired LSS to replace the fire
19 system while you were the PM of this property?

20 A After -- it's a fact that, yes, we did
21 hire them, but it took almost two years.

22 Q Okay. But you don't recall leaving this
23 review?

24 A I don't -- I don't recall leaving the
25 review.

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Conducted on October 30, 2023

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1 Q You can't say that you didn't leave it,
2 but you can't say that they did?

3 A I don't -- I don't recall any of these
4 reviews.

5 Q Okay. The next one, Post Corners at
6 Trinity City Center, which is number 16, have you
7 been to this location?

8 A Yes.

9 Q This one says, the problem is at the
10 top, CEO Joe L. is just trying to make a living
11 and do what he is told. Do you know what is meant
12 there?

13 A I have no idea.

14 Q Does it appear to be complaining about
15 the CEO of the company?

16 A I mean, it just says the problem is at
17 the top CEO. I -- I -- I don't --

18 Q Do you know anyone named Jo El or Joe L?

19 A I have no idea. I don't -- I don't know
20 anyone named Jo El.

21 Q Or anyone with that nickname?

22 A Not that I remember, no.

23 Q Okay. So you don't remember leaving
24 this one either?

25 A I don't remember.

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Conducted on October 30, 2023

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1 Q Okay. The next one is by DD and it is a
2 review of Lowe's Home Improvement at -- in
3 Sterling, Virginia. Have you been to this Lowe's?

4 A I believe so.

5 Q Have you ever left a review for Lowe's
6 or this Lowe's?

7 A I don't remember ever leaving the
8 review.

9 Q All right. This one is also
10 interesting. It says, this has got to be one of
11 the most organized and cleanest Lowe's I've ever
12 visited. The isles were stuffed to the rafters,
13 the floors were clean as a whistle. Every light
14 bulb in the place was on, which made it seem like
15 heaven.

16 I was looking for some screws, but oh, was I
17 surprised with all the trinkets and treats I
18 bought. They had a lot of clearance items, so I
19 made it a boys' day out and went crazy. They have
20 some of the cleanest bathrooms I've ever seen in a
21 hardware store.

22 Most hardware stores where you go to the
23 bathrooms are a disaster. You can tell whoever
24 cleaned these bathrooms took pride in what they --
25 in what they did. The bathroom smelled like

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1 lavender and vanilla. The urinal, shined like the
2 sun over the horizon in the long last -- in -- in
3 the long lost land of Atlantis.

4 The tool section was very vast and had
5 everything you were looking for. Everything was
6 perfectly positioned and priced correctly. Was
7 the best Lowe's I've ever gone to. They had free
8 air outside, an ample parking lot for loading and
9 unloading and so much more.

10 Again, like that Walmart one, this -- this
11 was pretty over the top wouldn't you agree with
12 me?

13 A I mean, yes, I'd agree.

14 Q And do you think if you had written that
15 you would remember it?

16 A I would think, but I also -- I -- I -- I
17 don't. Again, I don't know when these reviews are
18 from. If I did it three years ago, maybe. I -- I
19 don't -- I don't recall writing this review. I
20 don't recall even seeing this reviews. So I don't
21 -- I don't know.

22 Q But it's possible if it was a while ago,
23 it could have been you?

24 A I highly doubt it.

25 Q Okay.

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Conducted on October 30, 2023

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1 A I would highly doubt any of these
2 reviews. But, you know, I -- I -- I -- I can't
3 say for certain.

4 Q All right. Let's keep going. Number 18
5 is a review of the Walmart Supercenter in
6 Sterling, Virginia. Have you been to this
7 Walmart?

8 A I believe so, yes.

9 Q Okay. This one is interesting because
10 it talks about, I -- I'm going to read some of
11 this, what an amazing Walmart this was. They had
12 everything you need. They had a stop fire spray
13 in case you had a fire at your apartment, and your
14 fire alarms are broken with no fire watch. They
15 -- and that's something you complained about;
16 right?

17 A I mean, the whole property complained
18 about that, yes.

19 Q They had residential dehumidifiers in
20 case you need to do water remediation. They had
21 snow salt and snow equipment in case they had a
22 named storm, you can change it to that. So many
23 different items.

24 The employees were very friendly and they
25 have a ton of self-checkouts. Hopefully, all the

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1 pictures are helpful. Very clean and a well-ran
2 Walmart. And then there are 50 pictures uploaded
3 at this Walmart. Did you leave this review?

4 A I don't recall leaving this review.

5 Q Would you recall taking 50 pictures at
6 -- at a Walmart and uploading it to review if that
7 had occurred?

8 A I can't say for certain, honestly. I
9 mean, I don't -- I don't recall doing it. And you
10 mentioned the -- the fire alarms with no fire
11 watch. I -- I mean, numerous people knew about
12 that, so I don't know.

13 Q Okay. All right. Let's keep going.
14 How about the Amazon Fresh in Franconia, Virginia?
15 Have you ever been there?

16 A I have.

17 Q You've been to the Amazon Fresh?

18 A Yes.

19 Q Okay. Did you leave this review?

20 A I don't recall leaving a review.

21 Q Okay. Again, this one is -- looks like
22 it's got a bunch of pictures uploaded, but you
23 don't recall --

24 A I -- I mean, I don't --

25 Q -- doing that?

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1 A I don't recall.

2 Q Okay. All right. HomeSense have you
3 been to this -- this business in Franconia,
4 Virginia?

5 A Yes.

6 Q Did you leave this review?

7 A It -- it doesn't sound like something I
8 would write. I -- I don't recall leaving it.

9 Q Okay. Old Navy in Springfield,
10 Virginia. Have you been to this Old Navy?

11 A Yes. Jay lives right down the road.

12 Q Yeah. Do you -- did you leave this
13 review?

14 A I don't -- I don't recall leaving this
15 review.

16 Q Okay. Buffalo Wild Wings in
17 Mechanicsburg, Pennsylvania left by DD. Have you
18 had -- have you been to this -- this Buffalo Wild
19 Wings?

20 A I could have my -- I have family in
21 Mechanicsburg. I don't remember ever writing a
22 review on them.

23 Q So you don't recall leaving this review?

24 A I don't recall leaving this review.

25 Q Okay. The next one is by DD, on page

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1 23. It is a -- it says, What a great trip to Home
2 Depot. And it references going and meeting with
3 the Kitchen Design Center and Associate. Did you
4 ever do that at this Home Depot?

5 A I did not. And my kitchen has already
6 been done, so --

7 Q Do you recall spending an
8 hour-and-a-half in the tool department at this
9 Home Depot with a guy with a --

10 A Home Depot. No. I don't recall doing
11 that.

12 Q You don't recall doing that?

13 A No. I don't recall doing that.

14 Q Do you recall leaving this review?

15 A I -- I don't recall leaving this review.

16 Q Okay. Let's go to 25, which is American
17 Family Centers Karate, have you ever been here?

18 A I have not that I know of, but I believe
19 -- I believe I know where it is.

20 Q Did you leave this review?

21 A I don't remember leaving this review. I
22 -- I don't know.

23 Q Do you recall being on the premises and
24 taking pictures of it and uploading it to Google?

25 A I -- I don't recall doing that, no.

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1 Q Okay. All right. the Dare -- the Dare
2 Deli and Steamhouse in Yorktown, Virginia. Have
3 you been there?

4 A No. I -- I -- I don't think so. I
5 don't think so, no.

6 Q Did you leave this review?

7 A I don't remember leaving the review.

8 Q Okay. The Dulles Town Crossing, have
9 you been there?

10 A I believe so. I don't know what's -- I
11 -- I believe I've been there. Lowe's -- yes, I've
12 been there.

13 Q All right. This one, if you kind of
14 read the last paragraph, it says, I swear that I
15 saw ZZ Top here playing near the entrance with a
16 sign asking for donations. It was great to see
17 ZZ. I haven't seen him in a long time. I wish
18 him the best of luck.

19 Unfortunately, I didn't have anything to give
20 him money-wise. So I gave him half my chicken
21 Gordita Supreme. But that's another story for a
22 different channel. Do you recall ever seeing a
23 person you thought was ZZ Top or look like ZZ Top?

24 A I don't recall seeing anyone that looked
25 like ZZ Top. I don't recall this review and I

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1 don't understand what a different channel is
2 either. I -- I don't.

3 Q So you don't recall leaving this but you
4 can't say that you did not leave it?

5 A I don't remember leaving this.

6 Q Okay. All right. HomeGoods, number 28.
7 Did you -- have you've been to this HomeGoods in
8 Kingstowne, Virginia?

9 A Yes.

10 Q And did you leave this review?

11 A I mean, I don't recall leaving this
12 review.

13 Q Okay. And then this next one on page
14 29, do you -- it looks like it's for the -- the
15 shopping center with the Old Navy, the Home Depot
16 in it, left by DD. Do you recall leaving this?

17 A I don't recall leaving it.

18 Q All right. Then -- let's see. How
19 about the Lowe's in Alexandria, Virginia? Did you
20 leave this review? It talks about mold detection
21 kits and things of that nature.

22 A I don't recall leaving.

23 Q Have you been to that Lowe's?

24 A Yeah. That's the only one near my
25 house.

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Conducted on October 30, 2023

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1 Q Okay. But you don't recall leaving that
2 one?

3 A I -- I don't recall.

4 Q Okay. Next one. Service Master
5 National Capital Restoration. Are you familiar
6 with this business in Alexandria, Virginia?

7 A I am not.

8 Q Do you recall leaving this review?

9 A I -- I don't recall leaving a review for
10 them.

11 Q Okay. Next one. Giant Foods in
12 Alexandria, Virginia and Alexandria Commons. Do
13 you recall leaving either of those reviews?

14 A I -- I don't recall leaving these
15 reviews, no.

16 Q Okay. All right. The next exhibit I
17 want to talk about is this Exhibit 2.

18 (EXHIBIT 2 MARKED)

19 A That's me.

20 BY MS. MILLS:

21 Q You're right. Yeah. This -- this --
22 I'm showing you now Exhibit 2 is what purports to
23 be another Google review by DD of the U.S.
24 Securities and Exchange Commission. And it has a
25 selfie with your picture; doesn't it?

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1 A It does.

2 Q Did you leave this review?

3 A I don't recall leaving that review and
4 I'm not the only one that has that picture.

5 Q Did you take a picture of yourself in
6 front of the U.S. Securities and Exchange
7 Commission?

8 A I've taken myself in front of a lot of
9 DC places, so I could have. I mean, yeah,
10 probably. That's me.

11 Q Okay. So -- but it's your testimony
12 today that DD -- that -- that you did not do this.

13 A I -- I don't recall doing this. Again,
14 I -- I don't remember doing this.

15 Q Do you have any idea of who would
16 impersonate you and leave all of these reviews?

17 A I -- I don't have any concrete evidence
18 on who would do that. But I mean, like I said,
19 I'm not the only one that has this picture. So --

20 Q Who else has this picture?

21 A They do.

22 Q Who?

23 A Securities and Exchange Commission from
24 what I remember.

25 Q Why do they have it?

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1 A I mean, they had everything at one
2 point, so I don't --

3 Q Did you include in your -- in your stuff
4 you sent to the Securities and Exchange Commission
5 a selfie of yourself outside?

6 A I don't believe so. No. I don't -- I
7 don't remember. No.

8 Q Okay. Who else would have it?

9 A Not sure. I can't say for certain that
10 no one else has it. So --

11 Q Well, I mean, a minute ago you said a
12 lot of people had it. So who else would have it?

13 A You have it. A lot of people can have
14 it. I mean --

15 Q I have it from -- from this review.

16 A You have it from here. But I don't know
17 -- I can't say for certain how it's on the review,
18 where it came from, how it got there. I mean, I
19 -- I -- I don't know. So I don't remember who I
20 sent it to off the top of my head, I mean, but
21 it's me.

22 Q Okay. All right. Next, I'm going to
23 show you --

24 A I thought we were talking about trade
25 infringement.

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1 Q We're going to get there. We're --
2 we're --

3 A Well, that's what the case is about;
4 right?

5 Q Well --

6 A So all this --

7 Q We're getting there. That's Exhibit 3.
8 Okay. This -- Exhibit 3 is what I'm representing
9 to you is a collection of Glassdoor reviews about
10 MAA. And I'm just -- I just -- I just want to go
11 through them one by one and ask if you left these.

12 (EXHIBIT 3 MARKED)

13 A I'm going to not recall everything.

14 BY MS. MILLS:

15 Q Okay. You don't recall that?

16 A I don't recall everything. I'm
17 objecting to all this stuff because it's -- it's
18 not having to do with trademark infringement. So
19 if you want to start with the trademark
20 infringement and show me how this ties into that,
21 we'll go. Because you said your case is about
22 trademark infringement.

23 Q Well, I -- I am taking the deposition
24 and I get to decide what -- what I ask. And
25 that's the way the rules work. So I get to ask

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1 you --

2 A And I can just plead the Fifth the whole
3 time, and then I could look bad in front of the
4 Court. I understand how the rules work. So
5 instead of sitting here and going through all this
6 stuff and me saying I don't recall and all that,
7 we can just switch it around because I'm just not
8 going to recall anything anymore.

9 Q Well, we're going to get there but I'm
10 entitled to ask these questions. So on this first
11 page 1, you don't recall leaving any -- either of
12 those reviews.

13 A I don't remember leaving any of this
14 stuff. I don't recall leaving any of this stuff.

15 Q All right. Did you ever work -- let's
16 look at number 2. Did you ever work in accounting
17 at MAA? Page 2.

18 A I mean, property managers did
19 accounting.

20 Q Were you a general ledger accountant?

21 A Property managers did general ledging
22 account -- accounting. But I was not. No. I --
23 I was not -- that was not my title.

24 Q So would you remember if you went to
25 Glassdoor and made up a review about a job you

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1 didn't even have? Wouldn't you remember that?

2 A Again, I don't remember. I don't
3 remember stuff. I'm sorry. I -- I don't recall
4 -- I don't recall doing it.

5 Q All right. How about on page 3? The
6 one at the top says, Look -- this person who's
7 leaving the review says they learned how to record
8 employee conversations while at MAA. Is that
9 something that you learned to do while at MAA?

10 A Again, that was explained at a
11 conference in property managers. So a lot of
12 people learned that.

13 Q What did you learn about recording
14 employee conversations?

15 A Mr. Brooks said he recorded all
16 conversations with employees at a conference in
17 front of all the PMs.

18 Q And --

19 A I remember that.

20 Q So you did learn that? That's --

21 A I did learn that.

22 Q Okay. The next one on that same page
23 number 3 says, in the middle, They taught me the
24 meaning of obstruction and preserving evidence.
25 Do you contend that you were taught that at MAA?

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1 A I wouldn't say I was taught that at MAA.
2 No. I wouldn't say they specifically taught me
3 that, no.

4 Q All right. Number 4 -- on page 4, it
5 says -- I'm referring to the second one which says
6 a bunch of Ms at the top. Pros: nice apartments,
7 good discount. I got a beautiful plaque for
8 working through the pandemic. That was sarcastic.
9 Cons: Some superiors take advantage of you,
10 underpay you, tell you you're not experienced, pay
11 you less than individuals that have less work
12 experience, and then take your spot when you leave
13 a property.

14 Do not calibrate your salary even though you
15 ask for years. Some superiors are not the best.
16 They tell you they are concerned about you and
17 care about you. They tell you they are worried.
18 Then when you mention you are stressed, they
19 immediately accept your notice. Do not reimburse
20 you for your cell phone. We're not supposed to
21 work after hours.

22 Funny. Care more about the bottom line than
23 residents and employees. Isn't that what you have
24 testified to earlier? That you said that you told
25 Jay Blackman you were stressed and they

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1 immediately accept your notice?

2 A So that happened to Drew MacMahon as
3 well. That happened to Amber -- I don't remember
4 her last name. Another property manager. That
5 happened multiple times. So I mean, yes, it's
6 what happened to me, but I'm not the only person
7 it happened to.

8 Q So you're saying -- who were these
9 individuals?

10 A Drew McManahan -- MacMahon. I don't
11 know his --

12 Q What was his position?

13 A He was a property manager.

14 Q Where?

15 A He was at Pentagon when I was there.
16 And then he got rehired back. He was my witness
17 to my EOC case that was not eligible for re-hire
18 that got hired back. So --

19 Q And -- and is his -- it would be his
20 testimony, you're saying, this exact same thing
21 happened to him. He said, I'm stressed, and they
22 said, Okay, we will accept your notice.

23 A According to him. That's what I was
24 told. That's why I knew what was coming for when
25 I -- when I got that call that he's coming back to

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1 my property. I said, Oh crap, see you guys later.

2 Q So -- and who was the other woman?

3 Amber --

4 A From what I remember. I don't remember
5 her last name. She was a property manager as
6 well.

7 Q And you're saying the same thing
8 happened to her?

9 A From what I recall, what I was told, but
10 I don't -- I don't remember all the specifics, but
11 I know I was not the only person. There was also
12 a girl in Fredericksburg. It wasn't just me.

13 Q So this last one on page 5 says Creative
14 Company and it says, Pros: They take their
15 whistle-blower complaints very seriously. You
16 cannot get anything by them. A great deal of this
17 was reported to them in April and September 2021.
18 And they did everything they could to help address
19 the concerns outlined.

20 They even prevented me from communicating
21 with the ER team, those rascals. Isn't that
22 something you testified earlier that happened to
23 you? That they blocked your e-mail?

24 A Yes. Yes, that is.

25 Q And if you go down in this review, it

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1 also references, sarcastically, the company has
2 some of the best casualty insurance ever seen.
3 And casualty insurance was something you were also
4 complaining about; right?

5 A That was, yes.

6 Q But it's your testimony today you don't
7 recall whether you left any of these reviews.

8 A I don't remember any of these reviews.
9 I -- I don't -- I don't remember any of these
10 reviews. No.

11 Q Okay.

12 A I'm sure there's a picture of me coming
13 up for something.

14 Q All right. Well, let's talk now about
15 the Complaint in this case, and this is going to
16 be Exhibit 4. Now, in civil litigation, you
17 typically file a complaint and the defendant files
18 an answer. You did not do that in this case. And
19 so I'm going to go -- I want to go through this
20 and get your answer to each allegation because
21 we're entitled to know whether admit -- you're
22 admitting or denying every allegation.

23 So we're going to skip the first part because
24 it's a lot of legalese stuff. I'll start with
25 number 10 -- Allegation 10 in the Amended

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1 Complaint. It says Defendant Dennis Philipson is
2 the individual responsible for the website located
3 at megaawesomeapartments.com, is using the false
4 name Craig Silver, and is associated with the
5 e-mail address info at MAA Apartments, all of
6 which will be further identified below.

7 Upon information and belief -- well, stop --
8 let me stop there. What is your response to that
9 first sentence? Is that true or false?

10 (EXHIBIT 4 MARKED)

11 A Where were you? Page what?

12 BY MS. MILLS:

13 Q Number -- paragraph 10.

14 A I don't -- I mean, half of it's true.
15 My mailing address.

16 Q All right. Now let's talk about the
17 first sentence. Defendant Dennis Philipson is the
18 individual responsible for the website located at
19 megaawesomeapartments.com. Is that true or false?

20 A I don't recall creating that website.

21 Q All right. This would have been created
22 this year in March of 2023. Is it your testimony
23 you do not -- you're not denying that you did
24 that?

25 A I don't recall doing that. I'm not

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1 denying, but I don't recall doing that. And I've
2 asked for the subpoena. So if it's me, it's me;
3 we can move on. But I don't recall doing it.

4 Q Okay. Did you use the false name Craig
5 Silver?

6 A I don't remember using the name Craig
7 Silver. I don't remember using the name Craig
8 Silver.

9 Q But you're not denying it?

10 A I don't remember. I don't recall that,
11 no.

12 Q All right. And did you use the -- the
13 e-mail address info@maaapartments.com?

14 A I don't recall.

15 Q I mean, MAA Apartments.

16 A I don't remember doing that.

17 Q Okay. Let's skip to -- all right. 18,
18 Paragraph 18. Defendant Philipson was formerly
19 employed as a property management manager for MAA;
20 true?

21 A Correct.

22 Q Philipson gave notice to MAA in late
23 March of 2021, stating he was leaving to pursue
24 his acting career; true or false?

25 A False. I -- I wrote that, but that's

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1 not what I stated.

2 Q You wrote that, but verbally gave a
3 different reason?

4 A Verbally me and -- me and Jay had
5 several conversations, so that's not completely
6 accurate. And I -- I believe I -- I believe I had
7 other -- I -- I believe I had other conversations
8 and e-mails that I -- I was just joking, but I
9 don't remember. I don't remember.

10 Q Okay. He later changed his mind and
11 tried to withdraw his resignation a few days
12 later; true or false?

13 A False.

14 Q You did not try to withdraw your
15 resignation?

16 A No. That's not how exactly how it
17 happened. I mean, they keep saying this is how it
18 happened. That's not how it happened.

19 Q All right. So explain why that's wrong.

20 A I didn't later change my mind. I was
21 tried to -- I was talk -- yeah, I mean, I did
22 change my mind after I was talked into -- to
23 staying. It wasn't -- it wasn't a few days -- I
24 -- I don't recall the exact timeline. But it was
25 -- yes, I changed my mind. But it wasn't just

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1 like my idea. I didn't just come up and say, Hey,
2 I'm changing my mind.

3 I had a conversation. I was told, hold off
4 and stuff like that. So I don't remember all the
5 specifics behind it, unfortunately, but it was all
6 in writing somewhere.

7 Q So is it fair to say you put in your
8 notice, you were hoping to renegotiate a new
9 salary? The company declined to do that. But --
10 but Jay said he would think about it or words to
11 that effect.

12 A No. Sorry, I didn't mean to interrupt.

13 Q And then you said, I -- I want to stay,
14 and he said, No, you can't stay. Is that a fair
15 approximation of what happened?

16 A No. I put in my notice. Jay reached
17 out, from what I remembered. They were looking
18 into my salary. It wasn't that they said no right
19 away. They didn't say no until I mentioned that I
20 had anxiety. So I didn't -- I tried to resign
21 based on -- or tried to retract it based on the
22 money and the looking into it, from what I
23 remember.

24 But it wasn't -- I think it was a span of a
25 week, I guess. I don't remember exactly how

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1 everything went down, but --

2 Q Okay. Did MAA determine that they were
3 going to pay you in lieu of letting you work out
4 your notice?

5 A Yes.

6 Q Okay. And did this upset you?

7 A No. That -- that part didn't upset me.
8 The part that I was told -- that I was told that
9 take the weekend off and then immediately came
10 back to the property and told me I'm leaving, now,
11 that upset me. It wasn't the part that they
12 decided to pay me. You know.

13 Q The fact that they said you can't come
14 back, that upset you?

15 A No. The fact that I was lied to by my
16 boss is what upset me.

17 Q And he -- and he lied to you because he
18 said he would consider it?

19 A He said he was going to give a couple
20 days. So I -- I had a doctor's appointment that
21 day, and he said I can go see my doctor, give him
22 a couple of days. And from what I remember, I
23 e-mailed them what he said and that's when he
24 turned around and came. So I was more -- I was
25 mad that I was lied to. I wasn't mad that MAA

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1 wouldn't let me withdraw, wouldn't let -- wouldn't
2 pay. I was mad that I was lied to.

3 Q And he was -- and -- and -- but you were
4 mad?

5 A I wasn't that mad. I mean, I wasn't
6 that mad about it. I mean, no, it's not -- I
7 wasn't that mad. This whole thing isn't because
8 of that. Like --

9 Q You don't have -- you -- you don't
10 consider yourself to have a vendetta against the
11 company?

12 A I mean, I keep being told that. I -- I
13 -- I don't think I have a vendetta. I think what
14 they -- what I'm alleging is serious enough to
15 need to be looked at, so I don't have a vendetta
16 against them. I don't think about them every
17 second like it's -- I'm trying to forget about
18 them and move on. But -- so I don't -- I don't
19 believe I have a vendetta against the company.

20 Q Okay. Since the -- since that time upon
21 information and belief, Mr. Philipson has made
22 well in excess of 65 communications to MAA or its
23 employees complaining about alleged fraud, his
24 alleged mistreatment while working there. The
25 supposed malfeasance of other MAA employees, and

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1 other alleged SEC and IRS violations; is that
2 true?

3 A I don't remember making that many
4 complaints and I don't know -- I mean, me and you
5 have had that many interactions back and forth.
6 So I don't -- they -- they -- they're the ones
7 that reached back out to me. I was done, so --

8 Q Okay. He also claims to have made
9 numerous complaints to various federal agencies
10 about MAA, such as the SEC, the IRS, and the DOJ,
11 although he has never served MAA with these
12 alleged filings; is that true?

13 A That -- that's true. I've never given
14 them the filings, but I told them that I was going
15 to file it.

16 Q Okay. All of these allegations of which
17 MAA is aware -- okay. You don't have to answer
18 that because I know you're going to --

19 A Well, I want to answer that, but --

20 Q All right. All these allegations of
21 which MAA is aware have been carefully and duly
22 investigated and all have been found to be without
23 merit.

24 A I -- I -- there's no way. I -- I --

25 Q So you disagree with that?

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1 A I -- I very much disagree with that.

2 Q Okay. We can skip to -- all right,
3 number 21, Paragraph 21. Several communications
4 received by MAA employees were sent from what are
5 obviously false e-mail addresses. They are
6 obviously false because they use the names of MAA
7 executives, but with an insulting play on words.

8 For example, some of the e-mails come from
9 the e-mail addresses tommylgrimey51@hotmail.com,
10 thomas.grimey51@outlook.com. Or -- or
11 tomandamanda -- no, tomandamber@gmail.com.

12 Tom Grimes is the former chief operating
13 officer of MAA. Amber Fairbanks is the current
14 executive vice president of property operations of
15 MAA, and neither sent the subject e-mails. Some
16 of these communications, which contain content
17 that is very similar to, if not identical to
18 complaints expressly made by Mr. Philipson, came
19 from e-mail addresses that contain the MAA marks.

20 For example, MAAisfraud@outlook.com or
21 MAAisfullofshit@outlook.com. What is your
22 reaction to that paragraph? True or false?

23 A I don't remember doing any of that. I
24 mean, I've been pretty honest with sending things
25 through the whistleblower lane and they're

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1 explicitly from me, so --

2 Q Did you send other things not through
3 the whistleblower lane?

4 A I don't remember other than when I first
5 quit and when Glenn reached out to me. That's
6 really the only --

7 Q Do you recall setting up these e-mail
8 addresses that were in that paragraph?

9 A I don't -- I don't recall setting up
10 those e-mail addresses.

11 Q But you don't deny it?

12 A I don't remember doing that. I -- I
13 don't remember doing that, no.

14 Q Okay. Number -- paragraph 22. In
15 addition to his obsessive and harassing conduct
16 and constantly making false whistleblower
17 complaints, Defendant Philipson began other
18 alarming conduct. For example, upon information
19 and belief, he made numerous attempts to obtain
20 control over MAA employees' social media accounts,
21 and/or to create new accounts on various platforms
22 for MAA employees without their authorization.
23 What is your reaction to that?

24 A I -- I don't recall doing that.

25 Q You don't deny it, but you don't recall?

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1 A I don't recall doing anything like that.

2 Q Okay.

3 A I don't. That's not my character to --
4 again, I don't -- I don't recall that, no.

5 Q All right. Number 23. Upon information
6 and belief, he left multiple false reviews about
7 MAA on Glassdoor.com These false reviews contain
8 untrue and defamatory statements. For example, in
9 one review, Defendant stated, MAA is a bunch of
10 terrible liars that do whatever they can to take
11 advantage of employees and residents.

12 They will do whatever they can to avoid
13 paying any money to anyone. I would not work for
14 them or rent from them horrible people. What is
15 your reaction to that paragraph?

16 A I don't remember writing that. And I
17 have pointed out before there's a ton of reviews
18 like that, so I don't know why they're
19 specifically pulling that one. So there must be
20 some reason. But -- I mean --

21 Q You can't deny that you left --

22 A I don't remember or recall writing that.
23 I -- it doesn't sound like something I would say
24 --

25 Q All right.

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1 A -- either.

2 Q Number 24. Upon information and belief,
3 he applied for jobs at MAA's competitors in the
4 names of MAA employees without their permission
5 and under false and misleading pretenses. What's
6 your reaction to that one?

7 A I don't remember doing that, no.

8 Q But you don't deny it?

9 A I don't remember doing anything like
10 that.

11 Q All right. Number 25. Upon information
12 and belief, he applied for jobs at MAA under false
13 names and under false pretenses.

14 A I -- I don't believe that was me. I
15 don't remember doing that, so --

16 Q But you don't outright deny it?

17 A I just don't recall doing anything like
18 that. I mean --

19 Q Okay. Number 26. Mr. Philipson
20 attempted to interfere with MAA's relationships
21 with its employees, customers, and board members.
22 For example, upon information and belief,
23 Philipson sent e-mails under a fake name to an
24 individual identified as a new MAA board member in
25 an attempt to get her to resign.

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1 Please relay the message that she should stay
2 off the board at MAA. We suspect widespread
3 fraud. Maybe contact the proper agency if you
4 need more info. You can follow Baker --
5 BakersonDon or BassBerryGene --

6 A So what --

7 Q -- on Twitter.

8 A Sorry.

9 Q Thanks. Anonymous. Did you send that
10 e-mail?

11 A I don't remember writing that. I still
12 think all this stuff is irrelevant to this
13 website, but we can keep going.

14 Q But your -- your testimony today is you
15 don't recall sending that?

16 A I don't recall sending that.

17 Q Okay. 27. More alarmingly, he created
18 various personas on Google reviews, and began to
19 methodically review restaurants and businesses in
20 and around the MAA corporate offices in Memphis
21 and the homes of MAA employees in order to
22 intimidate, frighten, and harass them; true or
23 false?

24 A I don't -- like I said before, I don't
25 remember doing any of those reviews. And if it

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1 was, it wasn't to frighten and harass anyone. If
2 I wanted to frighten and harass someone I would --
3 again, I -- I can -- I'm very open and -- and
4 honest with people, so --

5 Q If you --

6 A -- it doesn't sound like --

7 Q If you did do it, what would have been
8 the purpose if not to frighten and harass?

9 A I don't know because I didn't do it. So
10 I don't -- I don't really -- I don't recall doing
11 it. I mean --

12 Q Okay. Philipson would include
13 information in these reviews that the employee
14 would have privately discussed with his family,
15 and that Philipson would have no legitimate basis
16 for knowing.

17 The information included in these reviews
18 strongly indicate that either Defendant -- that
19 either Defendant Philipson was somehow shadowing
20 the MAA employee or had surreptitiously installed
21 some sort of spyware on the individual's phone.
22 Did you ever install any spyware on anyone's
23 phone?

24 A No, I know -- that I'll say no, I did
25 not ever install spyware on someone's phone.

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1 Q Did you ever hack into their phone in
2 any way?

3 A No. No.

4 Q Did you ever shadow them?

5 A No. I mean, again, this stuff is right
6 near my house too. We live very close to each
7 other. So if I did write those, which I don't
8 remember writing --

9 Q They're just lucky guesses?

10 A No. I mean, I've been -- my wife was
11 pregnant. I've been to that Baskin-Robbins. I'm
12 surprised -- I didn't even know he lived -- lived
13 in -- a cross from the Baskin-Robbins until you
14 said I knew, so --

15 Q For example, one of them we didn't talk
16 about. But it was a review of a -- a Barnes and
17 Noble. And the review says, Oh, this is a great
18 bookstore. I really like Danielle Steel. I
19 really especially like that Danielle Steel -- the
20 book Danielle Steel wrote about Kennebunkport,
21 Maine.

22 A What? I don't know --

23 Q Mr. Blackman's wife's grandmother lives
24 in Kennebunkport, Maine and had just -- and had
25 just mailed a letter to Kennebunkport, Maine. Do

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1 you have any knowledge of how that review came to
2 discuss Kennebunkport, Maine?

3 A I have no -- I mean, I don't recall
4 writing the review. But I'll go on the record to
5 say I have no -- like, I have no idea.

6 Q And in fact, Danielle Steel has never
7 written a book about Kennebunkport, Maine.

8 A I -- I -- I don't even know who Danielle
9 Steel is. I -- I -- I have no idea how that --
10 no, I -- I did not do anything like that.

11 Q All right. 28. Not content with simply
12 making bogus complaints, he set about to confuse
13 and alienate MAA and customers by misappropriating
14 and using the MAA marks as part of several uniform
15 resource locators, URLs that resolved to the
16 infringing website, [www.megaawesomeapartments](http://www.megaawesomeapartments.com).
17 What is your reaction to that?

18 A I don't recall doing -- I don't recall
19 that.

20 Q 29. Defendant Philipson purchased the
21 following infringing domains on March 3rd, 2023:
22 maaapartments.com, [maaapartments](http://maaapartments.com), maafraud.com.
23 True or false?

24 A I don't remember doing that.

25 Q Defendant Philipson purchased the fourth

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1 domain, megaawesomedepartment --

2 megaawesomeapartments.com on March 5th, 2023.

3 True or false?

4 A I -- I don't remember doing that.

5 Q 30. The first three domain names were
6 registered with Google, LLC. The fourth domain
7 name, megaawesomeapartments.com is registered with
8 wix.com Limited. True or false?

9 A What -- we're on 31?

10 Q 30.

11 A 30. I mean, that's -- I -- I've never
12 really looked into it, but that's what you say,
13 they're registered with them?

14 Q All right. 31. After serving a
15 subpoena on Wix as per this Court's order of May
16 16, 2023, MAA learned that the
17 megaawesomeapartments.com website was managed
18 using the IP address 108.31.205.70, which is a
19 Verizon address. Do you know whether or not that
20 is an IP address registered to your home?

21 A According to you, and according to
22 Verizon it is, but I don't -- other than what -- I
23 mean, they sent me the copy of the subpoena, so
24 I'm assuming.

25 Q Accordingly, MAA sent a subpoena to

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1 Verizon and learned that this IP address was
2 registered to Dennis Philipson of Alexandria,
3 Virginia, definitively establishing that Philipson
4 was behind the infringing domains and website.

5 Do you dispute that the IP address was
6 associated -- that that IP address was associated
7 with megaawesomeapartments.com?

8 A I haven't had the chance to verify that,
9 so I'm not disputing. I -- I -- I don't know.
10 And I couldn't -- and I -- I tried to get an
11 answer from them myself.

12 Q The web page located at mega -- this is
13 paragraph 32. The -- the web page located at
14 megaawesomeapartments.com, the infringing website,
15 made prominent use of Plaintiff's MAA mark, the
16 infringing logo. True or false?

17 A According to what you sent me, it
18 appears -- it appears to have the same acronym. I
19 don't think it was, what did you say, prominent
20 use of -- I don't feel like it was their mark. It
21 was three letters. Like I've said before, I've
22 seen plenty of other people using it, but --

23 Q The infringing website purports to help
24 renters find ethical and eco-friendly apartments
25 to lease. Do you agree with that?

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1 A I don't remember. I would have to look
2 at what you sent me. I -- I didn't really dive
3 into it that much.

4 Q Did you create a website called
5 megaawesomeapartments.com?

6 A I don't remember doing that.

7 Q All right. You -- are you -- it's your
8 testimony under oath that something that happened
9 in March or April of this year, which would
10 involve creating an entire website, you don't
11 recall whether you did that or not?

12 A I don't recall, no. I don't. I don't.

13 Q But you cannot testify today under oath
14 that you did not do it.

15 A Oh, the under oath thing. Wow. Until I
16 have time to view the subpoenas, authenticize
17 [sic] everything, I don't recall doing any of
18 this, so --

19 Q Okay. Accordingly, the infringing
20 website -- this is still in 32, offers services
21 that are identical to the MAA services. True or
22 false?

23 A I -- I would have to look at the website
24 again. I don't know.

25 Q As of -- okay. Number 33, paragraph 33.

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1 As of March 14, 2023, if the consumer entered the
2 domain name maaapartments.com, maa.apartments, or
3 maaafraud.com in the search bar, he or she would be
4 automatically redirected to the infringing website
5 located at megaawesomeapartments.com. True or
6 false?

7 A I don't know because when I tried to do
8 it, it wasn't working. I just have what you sent
9 me.

10 Q Do you -- did -- did -- did you set up
11 megaawesomeapartments.com so that those domain
12 names would resolve to it?

13 A Again, I don't recall doing that, but --
14 and until I have the opportunity to view the
15 subpoena and, you know, figure out if it's legit,
16 I can't answer that.

17 Q You can't deny it?

18 A I don't recall doing that. I don't. I
19 -- I just don't remember doing that,
20 unfortunately.

21 Q All right. Let's skip to 36. Defendant
22 Philipson's infringing website is not a legitimate
23 business. True or false?

24 A I never had a business that had to do
25 with this. So I mean, it's -- I -- I'm assuming

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1 it's true. I don't know. You're -- you're
2 telling me. I don't know. I have no idea. I did
3 not have a business that did this though.

4 Q As of March 13, 2023, Philipson created
5 a LinkedIn entry for its company that is -- that
6 it is trying to pass off as Plaintiff. The
7 infringing LinkedIn page. Below is a true and
8 accurate screenshot of the infringing LinkedIn
9 page; true or false? Did -- did you -- well, let
10 me ask it this way. Did you create this LinkedIn
11 page for MAA Apartments?

12 A I don't remember creating a LinkedIn
13 page at all. So --

14 Q Do you deny creating that? Do you deny
15 under oath that you created this?

16 A I don't recall any of this. So we can
17 go through it one by one. I don't recall any of
18 this, unfortunately.

19 Q 37. Upon information and belief,
20 Defendant Philipson has set up the infringing
21 LinkedIn page in a deliberate effort to
22 impersonate Plaintiff. True or false?

23 A I don't remember setting up anything, so
24 --

25 Q It references having five corporate

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1 offices, claims to have as many as 50 employees,
2 and is allegedly located in Memphis, Tennessee.
3 None of which are true. Did you write that?

4 A I don't remember writing any of that.

5 Q All right. Number 38. Moreover, upon
6 information and belief, Defendant has created
7 other false LinkedIn accounts of employees that
8 allegedly work for the infringing website, but in
9 reality do not exist. The false LinkedIn
10 accounts, did you create those false LinkedIn
11 accounts?

12 A I don't remember creating any LinkedIn
13 accounts. I don't remember creating a website.
14 And until I'm able to view and do everything and
15 look into it more, I just don't --

16 Q You can't deny it?

17 A I can deny it. I need to -- I -- I --
18 I'm not denying it. I don't recall it. I would
19 like to view the subpoenas and authenticize where
20 they came from. That's -- that's it.

21 Q For example, Defendant Philipson has
22 indicated on the infringing LinkedIn page that an
23 individual named Craig Silver is the CEO of the
24 infringing website and has created a separate
25 LinkedIn account for this Mr. Silver. Did you

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1 create this account for Mr. Craig Silver?

2 A I don't remember ever creating it. I
3 don't remember ever seeing this guy. So other
4 than what you sent me.

5 Q Number 40. Yet, a reverse image search
6 of Mr. Silver's picture positioned in front of MAA
7 logos reveals that he is not a real person, but is
8 merely clip art of an older man in suit. You did
9 not create this person?

10 A I don't remember creating this person.
11 I'm not going to deny anything. I'm not going to
12 say I did anything until I get to view everything.
13 Whether we have to go and we have to sign a
14 protective order and I can view that. I don't
15 remember anything and that's --

16 Q Well, here's where I'm lost because if
17 somebody came in and accused me of doing this and
18 I didn't do it, I would come here and say I did
19 not do that --

20 A Right.

21 Q -- I didn't do it.

22 A Right.

23 Q And I don't understand why you're not
24 doing that.

25 A Because I don't -- I don't trust MAA.

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1 That's -- that's -- that's why. I don't -- I
2 don't. They're very smart. They come up with
3 different ways to get out of certain things.
4 Again, I've sent that to the SEC, concrete proof
5 of what they've done. They come and tell me my
6 allegations aren't true. Someone gets murdered in
7 November.

8 They reach back out to me in October. They
9 want to talk on the phone multiple times. I don't
10 --

11 Q But why does that -- why would that
12 prevent you from denying that you did this?

13 A Because until I get to see where --
14 because until I get to see everything, I'm not
15 confirming or denying anything. Because then
16 you're going to slap a picture on me and tell me,
17 here's a picture of you. So I'm not adamantly
18 denying anything. I could have done some of these
19 reviews, I could have, you know, but I'm not
20 coming in and I don't remember a lot of stuff and
21 that's where I stand.

22 Q Even though it occurred only a few
23 months ago.

24 A Again, I had a guy in -- baby in NICU.
25 I had a lot of stuff going that I don't remember

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1 what's going on. I've --

2 Q You've mentioned a couple of times
3 someone got murdered. Who got murdered?

4 A Someone got murdered with MAA or a
5 resident got murdered with MAA.

6 Q Who and where? What are the facts?

7 A I don't -- I don't -- I don't remember.
8 I just read the news article and they settled.
9 So, you know, I just read the news article.

10 Q Is it your -- are you -- are you
11 insinuating that MAA killed someone?

12 A No.

13 Q Is that what you're trying to --

14 A No. No, no. No, I'm not -- No. I
15 mean, she tried to move. They wouldn't let her
16 move without paying the fees and she was murdered.
17 So I'm not insinuating anything. I'm just saying,
18 I know that they would do things like that and
19 even if it was with someone's safety, they would
20 jeopardize that. So -- so --

21 Q Okay.

22 A -- yeah.

23 Q All right. 41. Moreover, upon
24 information and belief, Defendant created numerous
25 accounts on LinkedIn that defamed MAA with false

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1 and damaging information. For example, he created
2 an account called MAA Lies that actively posed
3 negative and false -- that must be posted, that
4 should be posted, that actively posted negative
5 and false information about MAA and its corporate
6 offices and properties.

7 Did you create an account called MAA Lies?

8 A I don't remember doing that. And as I
9 pointed out to you before, there's a whole website
10 based on how bad they're parking -- like, I -- I
11 don't remember doing that.

12 Q Okay. 42. Defendant Philipson has no
13 rights or legitimate interest in the infringing
14 domains, web page, logo, or LinkedIn accounts. I
15 tell you what, we can skip that one, that's
16 legalese. Do you contend that you had permission
17 or somehow had the right to use the MAA marks?

18 A I didn't use the MAA marks as far as I
19 remember, so I'm not --

20 Q But you're not contending you had the
21 right to do it? You didn't have a license from
22 the company to do it?

23 A I -- no, I didn't have a license to --

24 Q Okay. All right. Number 46, paragraph
25 46, Craig Silver, the fake alter ego of Defendant

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1 Philipson, has directly and intentionally e-mailed
2 plaintiff information about its fake and
3 infringing website, demonstrating he was well
4 aware of the MAA marks and his intent -- and his
5 intent to annoy and harass MAA. Below it is an
6 example of one such communication. Did you send
7 that e-mail?

8 A I don't remember sending that e-mail,
9 no.

10 Q All right. Number 48. Further, upon
11 information, believe Philipson sent invitations to
12 connect to employees and customers of Plaintiff
13 using the fake LinkedIn page and accounts in an
14 effort to cause confusion in the marketplace.
15 True or false?

16 A I don't -- I don't remember ever
17 creating a LinkedIn account with MAA's logo. I
18 don't remember doing that.

19 Q 49. Moreover, upon information and
20 belief, Defendant Philipson is repeatedly
21 e-mailing Plaintiff through an anonymous portal
22 making veiled threats and disparaging comments
23 about Plaintiff and Plaintiff's employees while
24 referencing Defendant Philipson's infringing
25 website and domains that ended supposedly vast

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1 social media following. Did you do that?

2 A No, no. I don't believe so. No, I don't
3 -- I don't remember doing that, NO. But vast
4 social media. I don't have a social media
5 following, so supposing -- I mean, no, I don't
6 remember doing that.

7 Q Number 51, Plaintiff sent a cease and
8 desist letter on March 14th, 2023, demanding that
9 all of the infringing activity as described herein
10 immediately cease along with certain other
11 demands, including a request that Defendant
12 contact Plaintiff's attorneys so that these issues
13 can be negotiated and promptly resolved. Did you
14 receive that --

15 A Not until it was --

16 Q -- cease and desist letter?

17 A Not until it was served to my house, and
18 I don't remember the date.

19 Q Did you not receive an e-mailed copy
20 through the website?

21 A Through what website? No, I didn't -- I
22 didn't --

23 Q Megaawesomeapartments.com.

24 A I did not receive -- as far as I
25 remember, the first time I saw it was when the

Transcript of Dennis Philipson
Conducted on October 30, 2023

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1 complaint came to my house.

2 Q Can you testify today under oath that
3 you never received any communication or e-mail
4 through the website megaawesome.com?

5 A I don't remember receiving any --

6 Q Megaawesomeapartments.com, sorry.

7 A I don't remember where any of my e-mails
8 came from. I've gotten lots of e-mails and I
9 don't -- I can't tell you exactly where they came
10 from. I can't tell you if they came from there.
11 I can't deny if they came from there.

12 Q Well, if you had -- in response to the
13 discovery in this case, right, that requested all
14 communications that relate to MAA, you went back
15 and looked up (indiscernible) to see if you had
16 any communications --

17 A Correct.

18 Q -- right? So did you have any
19 communications relating to MAA at all? Any?

20 A When -- I would have to -- we would have
21 to look at specific dates. I don't -- when I sent
22 things to you, I had -- when I was told -- when I
23 got the complaint at my house and I was told to
24 preserve data and didn't know what the heck was
25 going on, I saved everything.

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1 Q Did you delete anything after you
2 received the subpoena?

3 A I don't recall deleting anything, no. I
4 got a subpoena that I was a witness that --

5 Q And did you delete anything as --

6 A I --

7 Q -- a result?

8 A I don't recall deleting anything. I
9 mean, I'm not -- if I'm going to do something, I'm
10 -- I'm not going to -- it -- it -- just -- this is
11 just stupid. No. I don't remember deleting
12 anything. I --

13 Q Let me ask you this. All right. So you
14 made these complaints, these whistleblower
15 complaints to all these federal agencies. Why did
16 -- did you delete everything before those were
17 resolved?

18 A Because I want everything to be over
19 with. I don't want -- I just -- I don't want to
20 deal with that anymore, so I sent them everything.

21 Q And deleted it then off your system?

22 A I mean, when it went to the -- all the
23 stuff I had, this was in like 2022. So I don't --
24 I don't remember what exactly happened, but I sent
25 it to them. I said, it's out of my hands. Let

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1 them deal with it. So --

2 Q When did you go through and --

3 A I did the same thing with the EOC.

4 Q When did you go through and delete
5 everything that had to do with MAA?

6 A I -- I don't remember when I -- I don't
7 remember when I deleted it. I didn't
8 intentionally destroy information. I figured I'm
9 sending things to a governmental agency, let them
10 deal with it.

11 Q That's -- well, okay, you know, we --
12 I've asked you about these infringing domains and
13 you've -- you've been unable to -- you've been
14 unable to deny it. You said I -- I don't recall
15 doing that. I don't recall doing that. Did you
16 go back and look for documents related to those
17 infringing domains?

18 A Yes.

19 Q And you didn't find any?

20 A I didn't find anything.

21 Q Doesn't that -- why doesn't that give
22 you comfort that you didn't do it so that you can
23 deny it?

24 A Because as I've explained before, I
25 don't -- if MAA would have -- like, I don't feel

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1 the way they handled everything doesn't say that
2 they're not behind this. I mean, I don't -- I
3 don't know. And until I see subpoenas, I'm not
4 denying, I'm not confirming anything. I know I
5 probably watch Tony movies, but I mean, that's --

6 Q So do you -- are you insinuating that
7 MAA bought their own -- the -- set up infringing
8 websites trashing their own company themselves?

9 A The infringing websites that you sent me
10 didn't trash their company. I don't understand.

11 Q Yes, it did.

12 A Where did it --

13 Q I'm going to get -- should not be in
14 this.

15 A That's why everything to me is very --

16 Q Okay. Let's turn to page -- page ID 242
17 in that. All right. Do you see our least
18 favorites?

19 A Yes.

20 Q Mid-America Apartment Communities?

21 A That doesn't seem like trashing them.

22 Q Would they -- would -- do you believe
23 that MAA would set this up themselves, listing
24 themselves as their least favorite?

25 A If -- I -- I -- I want to -- I would

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1 have to go. I would have to see how many people
2 viewed this website. Like if three people viewed
3 it? Yes. I -- why wouldn't they do that? Did
4 thousands of people view it? Did millions of
5 people view it? I -- you'd have to contact them
6 and --

7 Q What would be the purpose of them doing
8 that?

9 A So they can create a lawsuit that says
10 it's on trademark infringement to get all the
11 documents that I sent to the SEC and that's --
12 like, that's how I look at it. I mean, I don't --
13 I don't know.

14 Q Couldn't they get the documents from the
15 SEC if --

16 A I --

17 Q -- they wanted to?

18 A I don't know how the SEC works.
19 Whistleblower complaints are supposed to be
20 anonymous, so I don't -- I don't --

21 Q You made a lot of whistleblower
22 complaints and nobody -- that nobody did anything
23 whatsoever about; correct?

24 A What do you mean? What --

25 Q I mean retaliated against you.

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1 A No. I only remember writing three and
2 then they contacted me. And they contacted me and
3 wanted to speak by the phone.

4 Q Right.

5 A That's -- that's all I --

6 Q Is that retaliation?

7 A But that's not -- I didn't make that
8 many whistleblower complaints and I didn't say --
9 I don't know what's going on with the SEC, I don't
10 know what's going on with the DOJ. I get an
11 out-of-the-blue e-mail from the EVP of the company
12 talking about something I don't even know he's
13 talking about. So, you know, maybe finally the
14 DOJ and SEC are going to do something. I don't --
15 I have no idea. So --

16 Q But my point is nobody did anything
17 adverse to you --

18 A Yes.

19 Q -- as a result --

20 A They came to my house.

21 Q They came to your house?

22 A I had contractors come to my house. I
23 had employees come to my house.

24 Q What did they -- who came to your house?

25 A I -- I -- I had a couple contractors.

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1 Q Who -- who were they?

2 A I don't remember the company's name. I
3 got text messages. I got tried to set up that I
4 was stealing employees, which they reached out to
5 me. I got told that --

6 Q Okay. Hold on. Let's back up. I want
7 to -- let's go in order. What -- what contractors
8 came to your house and why was that bad?

9 A Because they were asking me what I said
10 to MAA because they lost work because of what I
11 said. So I don't --

12 Q And so who was that?

13 A I don't know the name of the company. I
14 just know that they came to my house. And again,
15 I relayed this information to the SEC out of my
16 hand. Like that's --

17 Q And so are you saying that you believe
18 MAA sent the contractor to --

19 A No.

20 Q -- your home?

21 A I'm saying I believe that there was
22 fraud. MAA just said this guy can't work here
23 anymore. They told him he can't work here anymore
24 and then I'm getting the guy come to my house,
25 what did you say? That's --

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1 Q Okay. Now -- and then what's -- that
2 happened once or twice?

3 A It happened twice.

4 Q All right. What's the second time?

5 A Same type of thing.

6 Q A different individual came?

7 A Same type of thing. And again, unless I
8 -- unless I know everything going behind it, I
9 can't really say other than I know he came, he
10 lost work, you know, I -- and --

11 Q But -- all right. What type of company
12 was it?

13 A Construction.

14 Q All right. Both of them?

15 A Yes. Yeah. They were --

16 Q Two different construction companies?

17 A They were contractors.

18 Q All right. Okay. And then what's --
19 then what employees came to your house?

20 A I -- it was the contractors.

21 Q Okay.

22 A I was getting text messages from
23 employees and so --

24 Q All right. Who -- what employees texted
25 you?

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1 A I told you, the whole thing with Kevin.
2 Well, no. I told you the -- the thing with Michael
3 Hayes. Someone was asking me to help find a job
4 for them. Then I heard that they were trying to
5 set me up. Like it's -- there's a lot of stuff.

6 Q All right. I didn't -- I don't know who
7 -- I don't remember what you said about Michael
8 Hayes.

9 A Michael Hayes was the one that came to
10 Bozzuto and then I got the text message from
11 someone else seeing if I can give them --

12 Q Oh, okay.

13 A And then I got told that I was on gay
14 websites. So it's --

15 Q Who told you you were on gay websites?

16 A I don't recall who -- who it was.

17 Q Somebody from MAA?

18 A Someone who was involved, yes. I don't
19 remember who though.

20 Q Okay.

21 A It was all -- it was all involved. So
22 that's what I'm -- I mean, maybe they think they
23 didn't retaliate against me, but I certainly had
24 something going on the first year-and-a-half.

25 Q So When did that occur? The -- these

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1 contractors coming to your house?

2 A I'd say 2022.

3 Q Do you -- can you place the month?

4 A I can't -- I would have to. I -- I -- I
5 --

6 Q So it was a year after you left they
7 came?

8 A I mean, there was a lot of stuff leading
9 up to this. So, again, April, I made complaints.
10 October, they reached out to me from what I
11 remember, wanted to speak by phone. Then someone
12 gets murdered shortly after. Then the COO
13 resigns. So it's -- it's all, like, you know, a
14 lot of things. So I don't know, is the SEC
15 involved? Like, I don't -- I have no idea how
16 things work in the government.

17 Q But you think that the contractors
18 coming to your house and the people e-mailing you,
19 that that was in 2022 and not 2021?

20 A I think maybe some of -- well, I -- I
21 left in 2021. I think some of them may have been
22 2021, some of them in '22. I don't recall the
23 specific dates and --

24 Q Would it have been early 2022 or later?

25 A I don't -- I don't remember.

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1 MS. MILLS: Okay. You want -- we
2 probably should take a break. It's 12:30 here.
3 Y'all hungry? Need to get a --

4 THE WITNESS: Well, we can go off
5 record.

6 MS. MILLS: Let's go off the record.

7 THE VIDEOGRAPHER: Okay. One moment,
8 please. We are going off the record. The time is
9 12:39 p.m.

10 (OFF THE RECORD)

11 THE VIDEOGRAPHER: We are back on the
12 record. The time is 1:25 p.m.

13 BY MS. MILLS:

14 Q Okay. This, I guess, is number 4 or 5,
15 Exhibit 5. Yeah. Because I think the complaint
16 --

17 THE REPORTER: Is 4.

18 (EXHIBIT 5 MARKED)

19 BY MS. MILLS:

20 Q All right. Mr. Philipson, this is an
21 e-mail from Gerry Gensleer at gender999hotmail.com
22 to -- to Gerry Gensleer that says, Good morning.
23 Unfortunately, if we do not see some sort of
24 announcement by 1/6/2022, we will be releasing
25 further information, videos, audio, pictures,

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1 e-mails to the public media and other government
2 agencies.

3 These items have not yet been disclosed to
4 anyone and are quite enlightening. We have given
5 this matter long enough. If you are unsure what
6 they are, ask around. Thank you in advance for
7 your understanding. Signed SW. Did you send this
8 e-mail?

9 A I definitely don't remember this. I
10 mean, I don't remember -- 2022? I -- I don't
11 recall sending this. This doesn't even look
12 familiar to me.

13 Q Okay. But you don't deny, you just
14 can't recall sending it?

15 A I don't recall sending it.

16 Q Okay. Did you try to set up a new
17 Craigslist account for Melanie Carpenter?

18 A Not that I remember. A new Craigslist
19 account?

20 Q Or a Craigslist account for Melanie
21 Carpenter?

22 A I didn't even know people still use
23 Craigslist. I -- not that I remember.

24 Q You don't recall doing that?

25 A I don't recall doing anything like that.

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1 Q Did you try to set up a Twitter account
2 for Melanie Carpenter?

3 A No. I don't -- I mean, I'm not -- I
4 have no recollection of that.

5 Q Okay. Are you denying it or saying you
6 don't recall --

7 A I have no recollection of any of this
8 stuff. I don't --

9 Q Did you try to set up a new
10 AdultFriendFinder account for Melanie Carpenter?

11 A No recollection of -- of doing that. I
12 -- it's not -- doesn't seem like -- that's not --
13 that's way outside my character. Why -- like -- I
14 don't think I would do that.

15 Q Did you try to apply for a job in
16 Melanie's name at AvalonBay Communities as
17 executive compensation manager?

18 A I don't recall doing that. I don't
19 recall doing that, no.

20 Q Did you apply for a job in my name at
21 MAA?

22 A I don't recall doing --

23 Q This happened within the last month or
24 so.

25 A I don't recall doing anything like that.

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1 Q Is -- is it -- are you able to deny it?

2 A I don't recall doing anything -- I don't
3 recall doing anything like that. I mean, I -- I
4 --

5 Q I mean, that was recent.

6 A Unless I was out of my mind, I don't
7 recall doing anything like that.

8 Q Okay. Did you try to set up a new eBay
9 account for Melanie Carpenter?

10 A I don't -- like I don't even know
11 Melanie, like, other than she works for MAA. No,
12 I did not. I mean, I don't recall doing that.

13 Q Did you try to set up a Myspace account
14 for Melanie Carpenter?

15 A Don't recall doing that.

16 Q A Massage2Book team account for Melanie
17 Carpenter?

18 A Never heard of that website and I don't
19 recall anything like that.

20 Q Okay. An iCIMS account, which is
21 recruiting software for Melanie Carpenter?

22 A Don't recall doing anything like that.

23 Q Did you try to change the password on
24 Jay Blackman's Verizon account?

25 A Don't recall doing anything like that.

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1 I don't recall -- I -- I -- I don't recall
2 anything like that. Like it's not something I
3 would -- I would do. Again, if I had such a
4 vendetta, I would -- I would say it -- I mean, I
5 -- I -- doesn't sound like something I'd do.

6 Q Did you try to change the password on
7 Amber Fairbanks LinkedIn account?

8 A Not to the best of my recollection, no.
9 I don't remember doing anything like that.

10 Q Are you aware that that type of activity
11 is a federal crime?

12 A I am aware of that.

13 Q Okay. Did you try to unlock Eric
14 Bolton's Okta account at MAA?

15 A I don't remember doing anything like
16 that.

17 Q Or Melanie Carpenter's Okta account and
18 tried to access the MAA servers?

19 A To access the MAA server, I -- I don't
20 remember doing anything like that. I mean, I -- I
21 -- I don't understand where this stuff is coming
22 from, but --

23 Q Okay. Exhibit 6. Okay. So Exhibit 6
24 is an e-mail from merrygerryberry@outlook.com
25 (phonetic) to residentcare@maac.com. It was sent

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1 September 31, 2022. Do you recognize that e-mail
2 address, maryjerryberry@outlook.com.

3 (EXHIBIT 6 MARKED)

4 A I don't recall seeing anything like
5 this.

6 BY MS. MILLS:

7 Q So as we read through this, it says,
8 Good luck -- good luck in to all your future
9 endeavors. I forgot to mention a leasing
10 consultant writing up a service manager then we
11 fire him after he falls off a ladder, terrible.
12 Poor Ronald Totress. I'll send some documentation
13 through whistleblower services.

14 Number 1, A few years ago when Ronda Kunsman
15 was our RVP, a white employee, Ryan Anderson,
16 called a black employee, Addi, a nappy headed hoe
17 in front of several employees. We let Jay
18 Blackman know. Nothing was done so someone
19 e-mailed the CEO, Eric Bolton, about this
20 anonymously.

21 Instead of firing Ryan, he was moved to
22 another property. There are probably still
23 e-mails and audio around somewhere. Are you aware
24 of that incident?

25 A The Ryan? Yes, I'm aware of that.

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1 Q And it's something you'd complained
2 about?

3 A I don't recall complaining about it. I
4 -- I mean, I mentioned it when it happened, but
5 everyone at the property was very mad. Addi has a
6 big mouth and she told a lot of residents as well.
7 Yeah.

8 Q Okay. Number 2, On several occasions,
9 Jay Blackman wanted to terminate or forced to
10 retire Emerio and Vidal at Tysons Corner because
11 of their age. He also made numerous comments
12 about Justin Grady, the mentally challenged
13 employee at Post Tysons Corner. Glad I saved some
14 conversations we had back then.

15 And again, this is related to Shane Mills as
16 well. It looks pretty discriminatory. Oh, well,
17 I'm sure there's some evidence somewhere. Have
18 you ever complained about something Jay Blackman
19 did in regards to Emerio, and Vidal, and Justin
20 Grady?

21 A So I think -- I -- I don't. Shane Mills
22 was over there as well. I don't -- I'm not
23 pointing fingers at anyone. I don't remember -- I
24 don't remember this e-mail at all. I -- I don't
25 remember writing anything like this. I don't

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1 know, again, how this has to do with trademark
2 infringement, but I'm sure you'll tell me at the
3 end.

4 Q Number 4, On several occasions, white
5 employees were given better rental increases than
6 black employees. I mentioned this in another
7 whistleblower complaint in 2020. Shortly after,
8 MAA created a -- created a new policy to keep
9 rental increases more consistent. The damage was
10 done, though. I have evidence of that. Is that
11 something that you mentioned in your whistleblower
12 complaint in 2020?

13 A I don't remember. I don't believe so.
14 I'd have to see those whistleblower complaints to
15 tell you which ones were mine and which ones were
16 someone else's. Or I probably won't remember
17 anyways, but, no, I don't remember that.

18 Q Okay. Okay. This should be 7. Exhibit
19 7. Okay. Exhibit 7 is a e-mail from Tommy L.
20 Grimey, tommylgrimey51@hotmail.com to
21 benefits@maac.com. Did you create an e-mail
22 account called tommylgrimey51@hotmail.com.

23 (EXHIBIT 7 MARKED)

24 A E-mail doesn't look familiar to me or --
25 and I don't recall doing anything like that.

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1 Q It says, Hello there. I just wanted to
2 let you all know that you will soon find out that
3 your company and leaders have let you down. They
4 were made aware of problems, discrimination, and
5 harassment in the beginning in 2017, 2019, and
6 again in the beginning of 2021 and decided to
7 ignore it. You cannot just take advantage of
8 employees and residents and get away with it
9 forever.

10 Not even an NDA can stop the information from
11 coming out. In a couple weeks, you will hear and
12 see some pretty shocking things. I would
13 recommend looking elsewhere for a more ethical
14 employer. If IT manages to block these e-mails,
15 they will still upload in your CRM.

16 The information will have been sent out to
17 several people as well in -- if an announcement is
18 not made. Have a great day at MAA. Did you send
19 this e-mail?

20 A I don't recall sending this. And again,
21 it doesn't sound like something I would send.

22 Q Did you make any sort of whistleblowing
23 complaint to USA Today?

24 A USA Today? Not that I recall. If I
25 did, it was -- not that I recall, no.

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1 Q Did you set up a LinkedIn account for
2 Jackie Melnick and tried to connect with her son?

3 A Jesus, no, no, I know -- I know I
4 didn't.

5 THE REPORTER: Sir, can you speak up a
6 little bit --

7 THE WITNESS: Sorry. I know I -- sorry
8 -- sorry. I -- I -- no, I can -- I -- I don't
9 recall doing that, to be honest with you. I -- I
10 don't want to say yes or no, but I have no
11 recollection of doing that.

12 BY MS. MILLS:

13 Q Okay. All right. This is an e-mail
14 which we're -- is going to be Exhibit 8 -- 8.
15 It's from maareviews@outlook.com to Stephen Woo,
16 Melanie Whitson, Brad Sill, Christopher Roetker,
17 Christopher Lynn, Michael Halbrook -- Halbrook,
18 sent February 21, 2023. Subject, great review.
19 Did you create the e-mail account
20 maareviews@outlook.com?

21 (EXHIBIT 8 MARKED)

22 A Not to the best of my recollection. I
23 -- I -- I don't think so, no.

24 Q Says, We all had a good chuckle at MAA
25 self reporting in the last financials. That will

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1 throw regulators off, LOL. Your internal controls
2 or garbage, your inherent risks are lacking. This
3 was all reported through your whistleblower
4 hotline in 2021. Has anything been done? Tom had
5 a planned retirement, seriously? It's only a
6 matter of time.

7 Never get -- give up. They take their
8 whistleblower complaints very seriously. You
9 cannot get anything by them. A great deal of this
10 was reported to them in April and September of
11 2021. And they did -- and you -- and you made
12 reports -- whistleblower reports, in April of --
13 in September of 2021; correct?

14 A From what I remember, yes.

15 Q And they did everything they could --
16 could to help address the concerns outlined. They
17 even prevented me from communicating with the ER
18 team, those rascals! And that's something you've
19 complained about; right? That they prevented you
20 from communicating with the ER team?

21 A From what I remember, yes, that's
22 something I complained about, but I don't believe
23 I was the only one.

24 Q All right. Great ethical company,
25 competent people with great ideas, true risk

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1 takers, beautiful headquarters with a nice little
2 break room with great snacks. I believe they also
3 have Jonestown flavor Kool-Aid. They have a
4 skilled and robust IT team. You can't get
5 anything past their IT team. They are bright and
6 on top of everything.

7 When other companies were hacked a few years
8 back, their amazing IT team was able to stop this
9 before any of the thousands of residents files in
10 their system or other information was stolen.

11 Excellent job, MAA. This was some of the same
12 language we saw in those Google reviews; wasn't
13 it? Complaining about the IT team --

14 A I mean --

15 Q -- and preventing a hack?

16 A It -- it seemed like it, but again,
17 everyone knew about that. I don't know who seen
18 what, and until I see anything, which you'll show
19 me at the end, I -- I don't -- I'm not saying
20 anything and I don't -- I -- I don't really recall
21 this e-mail address or this e-mail. I mean, it is
22 very similar talk, but other people had access to
23 this talk as well. So --

24 Q It goes on to say, Thankfully, MAA has
25 its own insurance program. The company has some

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1 of the best casualty insurance ever seen. You do
2 not even have to send the information to the
3 insurance company, they pay it out. This was
4 something that you also complained or someone
5 complained about in the DD Google review; right?

6 A Correct. But again, the whole company
7 knew how lax they were on this.

8 Q And it goes on to talk about dogs. It
9 says, A pit bull could have previously attacked a
10 neighbor and that resident was asked to move out.
11 It's excellent though because MAA does not even
12 check your last apartment for a reference. This
13 business about dogs and pit bulls and all that's
14 something else you had brought up; isn't it?

15 A I believe so at one point. I don't -- I
16 don't recall to, you know, fully when and where.

17 Q Okay.

18 A Okay. Can we -- can I just clarify,
19 what is the case against me? I, I -- I don't
20 understand.

21 Q The case against you is --

22 A Is it trademark infringement? Is it
23 harassment? Is it federal?

24 Q It -- it's trademark infringement,
25 unfair competition, and then we're -- we're

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1 developing evidence about harassment and -- and
2 cyberstalking and hacking.

3 A Hacking?

4 Q Attempting to hack into the system.

5 A Okay.

6 Q So, all right. This next one should be
7 Exhibit 9. Exhibit 9 is an e-mail sent from
8 conflictinterest682@gmail.com on February 22nd,
9 2023, to employee relations, Melanie Carpenter,
10 Leslie Wolfgang, Brad Hill. Subject: Conflict of
11 interest. Did you create this e-mail address,
12 conflictinterest682@gmail.com?

13 (EXHIBIT 9 MARKED)

14 A It doesn't look familiar to me, no.

15 Q So your answer is, no, you did not
16 create it?

17 A It doesn't look familiar to me. My
18 answer is, it doesn't look familiar. I don't
19 recall creating it.

20 Q It says, on Wednesday, February 2nd,
21 2023, at 10:54 a.m., conflictofinterest wrote:
22 Bass Berry and Sims did your financial review.
23 Baker Donelson did the case study. Interesting.

24 You have been of the opinion that it was
25 somehow improper for Bass Berry and Sims to -- the

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1 fact that Rob DelPriore came from Bass Berry and
2 Sims a long time ago, that it's somehow improper
3 for Bass Berry and Sims to assist the company in
4 its corporate matters. Haven't you complained
5 about that?

6 A Not exactly. I would have to -- not
7 exactly, because they don't do their financial
8 review.

9 Q What do you -- what have you complained
10 about?

11 A I, I -- I would have to go back and
12 look. I don't recall exactly what I said about
13 Bass Berry Sims or Baker Donelson. I, I don't --
14 I, I have no idea. I don't recall.

15 Q Did you send this e-mail?

16 A I don't remember sending this e-mail,
17 no.

18 Q Okay. But you're not denying you sent
19 it?

20 A I don't recall sending it.

21 Q Did you send e-mails from the same
22 account, conflictinterest682, to other employees
23 like Melanie Carpenter, Leslie Wolfgang, and Brad
24 Hill?

25 A I don't recall sending any e-mails.

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1 Q Did you create an e-mail address called
2 melanieisgoingtojail@outlook.com?

3 A I don't think I would do something like
4 that. That doesn't seem like character, and I --
5 I don't recall doing that, no.

6 Q Would you have remembered if you created
7 an e-mail address about someone that said,
8 melanieisgoingtojail@outlook.com?

9 A I don't remember creating that e-mail
10 address. I don't recall creating it. I don't
11 remember creating it.

12 Q But you're not able to unequivocally
13 deny it?

14 A Again, I'm not unequivocally denying
15 anything right now. I don't -- I have no
16 recollection of doing it.

17 Q Did you apply for a network engineering
18 job in the name of Bill Johnson?

19 A I don't recall doing that, no.

20 Q Did you report me or one of my partners
21 to the board of professional responsibility?

22 A I did report you, yes.

23 Q For what?

24 A I -- I felt that, you know, I've already
25 explained to you.

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1 Q No, you haven't. I, I -- I don't know
2 why you did that. I'd like to know.

3 A I haven't told you? I just felt that my
4 e-mails were subpoenaed, and it didn't seem right
5 to me at the time, because I was a witness, and I
6 -- you know, again, just with everything going on,
7 I mean, I'll admit to doing that. I -- I did, I
8 just didn't feel -- I felt there was some stuff
9 going on, and --

10 Q Did you receive a reply back from the
11 board of professional responsibility?

12 A Basically, just some confidential, like
13 --

14 Q But it involves me, so, how can it be
15 confidential for me?

16 A No, I, I -- it was, I don't, I would
17 have to -- I would have to look, but it was like,
18 I submitted through the website, and you got, just
19 like, We've got your submission. It didn't say
20 any names or anything like that.

21 Q Did you report any other lawyers of Bass
22 Berry and Sims to the board of --

23 A I don't believe -- I don't believe I
24 did.

25 Q Okay. This is Exhibit 10. Exhibit 10 is

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1 an e-mail, another e-mail from
2 conflictofinterest682@gmail.com sent February
3 22nd, 2023, to employee relations at maac.com,
4 Melanie Carpenter, Leslie Wolfgang, Brad Hill.
5 Subject: Conflict of interest. Thanks. Happy New
6 Year.

7 On that date, conflictofinterest wrote, MAA
8 takes its whistleblower complaints very seriously.
9 Their internal controls are rock solid. A great
10 deal of this was reported to them in April and
11 September of 2021, and they did everything they
12 could to address the concerns outlined. You can't
13 keep anything from them.

14 They even permitted -- prevented me from
15 communicating with the ER team, those rascals.
16 That's the same complaint we've seen several times
17 from you; right?

18 (EXHIBIT 10 MARKED)

19 A I don't believe it was from me. I don't
20 -- we've seen this complaint, but I mean, it's
21 similar to what I said, but I don't recall writing
22 this, and I don't recall writing the other ones.
23 It's just got similar stuff I've -- I've said, and
24 who knows who has had access to it.

25 Q And this one also references casualty --

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1 problems, alleged problems with casualty
2 insurance; correct?

3 A Again, but everyone at the company knew
4 that.

5 Q And it references that reports were
6 made, whistleblower -- on the whistleblower line
7 in April and September of 2021, which is when you
8 made the reports via the whistleblower line;
9 right?

10 A I would have to see the complaints to
11 know the exact dates. I know I did one in April,
12 and the other one, I don't recall the date. I
13 thought it was October or November.

14 Q And this one goes on to say, Oh, their
15 financials and transactions are definitely legit.
16 They had two law firms review them, so you know
17 they're real. Their EVP of general counsel is
18 also brilliant and crafty. He's been working for
19 the company for 20-plus years as well, since at
20 least 2003, when the previous firms that -- while
21 at previous firms that reviewed MAA's financials.

22 There you're referring to -- or someone is
23 referring to Rob DelPriore, and the fact that he
24 used to work at Bass Berry and Sims?

25 A Okay.

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1 Q And that's something that you have
2 complained about elsewhere; right?

3 A I've mentioned that he's worked at Bass
4 Berry and Sims, but it's public knowledge.

5 Q And then, it goes on to talk about
6 casualty insurance, which is something that you've
7 raised issues with; correct?

8 A Correct.

9 Q And then it goes on to talk about --
10 lack of breed restrictions of dogs, which is
11 something that you've brought up in other
12 contexts; correct?

13 A I believe I did.

14 Q And it also talks about the safety --
15 alleged lack of safety with the grills; right?

16 A Correct.

17 Q So these are all the same complaints
18 that you've been making, except coming from
19 conflictofinterest681@gmail.com; right?

20 A I don't believe so. I don't believe
21 everything is what I -- they're similar to what
22 I've said to MAA.

23 Q Okay. But you -- your testimony today
24 under oath is, you did not send this?

25 A I don't recall. I -- it doesn't look

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1 like my -- again, it doesn't look like my writing.

2 It doesn't look like the way I would word things.

3 So, I, I -- I don't recall sending this.

4 Q In your e-mails with me, you referenced
5 having a -- an e-mail from Rob DelPriore; right?

6 A Correct.

7 Q Why did you not produce that in this
8 case?

9 A That was sent at some point in March,
10 the beginning of March or February, I'm not sure
11 when. And it was just like -- I just ignored it,
12 I just, so --

13 Q I know it, but you were -- you were
14 given a subpoena, and you were given --

15 A I --

16 Q Document requests that would have been
17 responsive to, why didn't you produce it?

18 A Why didn't I, I mean, I don't have it,
19 so how would I produce --

20 Q Well, why don't you have it?

21 A Because I, I -- I didn't save it at the
22 time, and I wasn't told that I needed to save
23 anything until April of 2023.

24 Q Did you delete every e-mail you get?

25 A Yes -- yes, I delete every e-mail. I

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1 delete every text message, Yes.

2 Q Well, but you have mentioned several
3 times, you know, that you've kept all these
4 e-mails and kept all these messages in your
5 whistleblowing complaints.

6 A I -- I've --

7 Q Why did you keep --

8 A These were mentioned in these e-mails, I
9 don't know if I've mentioned that in my
10 whistleblower complaints. I hadn't seen the
11 whistleblower complaints. I don't even know what
12 the hell I said in the whistleblower complaints.
13 I don't remember, other than it's similar --
14 similar to this, so --

15 Q Can you testify today under oath that
16 you have not deleted a single responsive document
17 about MAA since April of 2023?

18 A I don't recall deleting anything
19 regarding MAA, and I saw -- can I expand? I saw
20 that you're asking why I didn't send you the stuff
21 that we, I -- you know, I -- the stuff that me and
22 you've been talking about, I figured you just had
23 copies of, so that's why I didn't send that.

24 When I mentioned -- when you mentioned, when
25 I mentioned the LinkedIn screenshot, you didn't

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1 say anything back. So I was like, Okay, she don't
2 want it. So I mean, that's -- it was, that was
3 just -- I mean, it's a LinkedIn screenshot.

4 Q Well, under the rules, you have to
5 produce anything that's responsive, okay, that's
6 not privileged. And it's -- that's how the system
7 works. And so, what I'm trying to understand
8 today is, did you delete or otherwise destroy any
9 responsive documents, anything about MAA, anything
10 about these infringing domains, any of these
11 e-mail accounts?

12 A I don't remember ever doing that. And
13 if I did, it was unintentionally, I don't -- I
14 don't recall deleting anything about these e-mail
15 accounts or any, I --

16 Q Where did you look when you received our
17 document requests and subpoenas about these --
18 these infringing domains? Where did you go look?

19 A On the website that you gave me.

20 Q Well, did you look in your e-mails?

21 A No, I went to the website you gave me,
22 and it was gone. I said that at the beginning,
23 there was no website there. I didn't --

24 Q Did you look in -- on your hard drive of
25 your computer for any documents related to those?

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1 A I thought I did it very thoroughly. If
2 I did delete something, or I don't -- I'm not the,
3 I'm -- I'm pretty organized, so if I had
4 something, it would be in a file that said --

5 Q Said what?

6 A Would say MAA, probably.

7 Q If you had created these websites, what
8 would they be called on your hard drive?

9 A I don't know, because I've never created
10 -- I don't recall creating them. I would name
11 them a website, probably, I mean.

12 Q Did you look for files with those
13 website name on them?

14 A Yeah, I did. I searched. I mean, I
15 know they're not -- they weren't in there, because
16 I don't remember creating it. But I searched my
17 hard drive. I searched everything for MAA,
18 anything that was in that.

19 Q Did you look on your phone?

20 A Yes.

21 Q Did you look on your tablet?

22 A Yes, but I don't even -- I don't use my
23 tablet for --

24 Q Did you look on your Dell computer?

25 A I looked everywhere for anything that

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1 had to do with what you sent me.

2 Q And it is your testimony today, under
3 oath, that you didn't delete anything that would
4 be responsive to those requests?

5 A Again, I don't remember deleting
6 anything. I don't recall deleting anything. If I
7 did, it was an honest mistake. I -- I did not
8 delete anything from what I remember. So, that's
9 -- that's my -- under oath, I don't recall.

10 Q Okay.

11 (OFF THE RECORD)

12 BY MS. MILLS:

13 Q Okay. We're going to -- this is going
14 to be Exhibit 11. And this is an e-mail from you
15 to me on April 11, 2023. It's your
16 philid100@gmail.com address. And this -- the
17 context of this is you got served with a subpoena
18 and you asked me if I could provide you a full
19 copy. For some reason, you only got a partial
20 copy. I did.

21 And said the instructions are included and
22 you said, Thanks. Happy to discuss any of this at
23 any time. I will take a look at specific
24 instructions and respond by the deadline. Most of
25 these e-mails, names, accounts I do not recall

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1 creating. To me, that implies you recall creating
2 some of them.

3 (EXHIBIT 11 MARKED)

4 A Right, that's --

5 Q So what -- which accounts that are at
6 issue at this case do you recall creating?

7 A Where's that --

8 Q The subpoena?

9 A The subpoena. I don't remember if there
10 was. It just may have been a bad choice of words,
11 but I'll take a look. Let's see.

12 Q I don't have it. I'll have to pull it
13 up on here. If we go off the record a second, let
14 me find the subpoena.

15 THE REPORTER: We are going off the
16 record. The time is 2:03 p.m.

17 (OFF THE RECORD)

18 THE REPORTER: We are back on the
19 record. The time is 2:06 p.m.

20 BY MS. MILLS:

21 Q Okay. Mr. Philipson, when we left, we
22 were talking about this e-mail that's marked as
23 11. And then we're going to mark the subpoena
24 that you received as Exhibit 12. And I was asking
25 you, you've now had a chance to look at that

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1 subpoena and refresh your recollection. And so
2 going back to Exhibit 11, which is your e-mail to
3 me.

4 And you say, Most of these e-mails, names and
5 accounts, I do not recall creating. I want to
6 know what -- which ones you do recall creating.

7 (EXHIBIT 12 MARKED)

8 A I don't. That was just miswording of
9 being -- I -- where it says most of these e-mails
10 and names, accounts. I knew some of the names in
11 there, but, you know, I don't -- I don't recall
12 creating any of them at this point. It was just
13 bad choice of words. And I'm getting served with
14 a subpoena. I'm e-mailing you trying to get the
15 rest of the subpoena and -- yeah. I -- just bad
16 choice of words.

17 Q Okay. This will be 13. Okay. 13 is --
18 I'm going to represent to you is something that
19 was e-mailed to the company through their website.
20 Not -- not the whistle blower complaint, but just,
21 like, through the info on the website. And it was
22 sent 2/23/23 through the general contact part of
23 the website from Bernard Bulton at
24 Berna6728@aol.com.

25 And it says, This is for Melanie Carpenter in

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1 employee relations. May I suggest another
2 misleading press release like the one in October
3 2022, as well as the one on 12/13/2021. Ever
4 growing ESG program. Ha, you think aligning your
5 goals with the SCC goals is going to help?
6 Probably Mr. DelPriore's idea. So let's see.

7 One, manipulation of the securities. False
8 and misleading financial statements. False and
9 misleading press releases, inherent risks. Not
10 listed, much more. Have a nice day. Did you send
11 this e-mail?

12 (EXHIBIT 13 MARKED)

13 A I don't recall sending this e-mail. I
14 don't recall. No, I don't. It doesn't look
15 familiar to me.

16 Q Did you create the e-mail address
17 Berna6728@aol.com?

18 A I don't believe so. I -- I don't recall
19 creating it. I've had -- I don't think I'd use
20 AOL, but I don't recall creating that, no.

21 Q Okay. Did you ever post Google reviews
22 under the name Mr. T?

23 A Mr. T? I did not. Not that I recall,
24 to clarify.

25 Q Did you create the e-mail address

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1 tommylgrimy51@hotmail.com?

2 A Not that I recall, no.

3 Q Did you create the e-mail address
4 thomas.grimy51@outlook.com?

5 A Not that I recall.

6 Q How about tomandambermaa@gmail.com?

7 A Not that I recall, no.

8 Q MAAisfraud@outlook.com?

9 A I -- I don't remember creating that, no.

10 Q MAAisfullofshit@outlook.com?

11 A I don't remember creating that, no.

12 Q RunfromMAA@outlook.com?

13 A I don't remember creating that.

14 Q Did you purchase the domain name
15 megaawesomeapartments.com?

16 A I don't remember purchasing any domain
17 names. So --

18 Q Ever?

19 A Ever. I mean, I purchased domains names
20 in my life, yes. But I don't remember -- in the
21 last couple of years, I don't remember purchasing
22 any domain names but --

23 Q Did you purchase the domain name MAA --
24 MAApartments.com?

25 A I don't remember purchasing that.

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1 Q MAA.apartments?

2 A I don't remember purchasing any domain
3 having to do with MAA.

4 Q MAAfraud.com?

5 A I -- I don't remember purchasing those.

6 Q Did you have anyone purchase those for
7 you?

8 A Not that I recall. I don't -- I don't
9 remember any.

10 Q Have you ever had anybody purchase a
11 domain name for you?

12 A 2006? Yes. Yes.

13 Q And what was that circumstance?

14 A It was my -- my own business -- mine and
15 my partner's business. We had a landscaping
16 business. So yes, he purchased a domain for me.

17 Q Okay.

18 A From what I remember, it was mutual.

19 Q Have you ever asked anybody to create
20 any of these e-mail addresses we've talked about?

21 A I have not asked anyone. From what I
22 remember, I haven't asked anyone directly. I
23 haven't mentioned this. I've said things to other
24 people about MAA. So if they went and did it on
25 their own, I -- I don't know.

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1 Q Do you have any reason to believe anyone
2 would impersonate you and do all this to get you
3 in trouble? I know you're suspicious of MAA, but
4 anyone other than MAA?

5 A No. I can't think of anyone other than
6 people that have been associated with MAA. So --
7 or the contract.

8 Q And who would that be that are
9 associated that you think would do this?

10 A I mean, I -- I honestly don't know. I
11 think -- I -- I don't know.

12 Q Do you have any reason to believe your
13 wife could have done this?

14 A Absolutely not, no.

15 Q And is your wife -- does anyone other
16 than you and your wife reside at the address you
17 gave us, Castleton?

18 A Does anyone reside there? No. No one
19 resides there.

20 Q Does anyone use that IP address that
21 you're aware of besides you and your wife?

22 A I mean, I don't know. It didn't have
23 create security on it up until recently. So
24 someone could have logged in.

25 Q What kind of security did you have on

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1 it?

2 A It was an open guest network.

3 Q You didn't have to enter a password?

4 A Not for the guest network. I did not
5 realize that. So --

6 Q Okay. Do you -- what do you have it?
7 How do you set it? How do you have it set now?

8 A There's a password for the guest
9 network. I had it turned off for a while and then
10 I had visitors come and I turned it on and created
11 a password.

12 Q But your testimony is -- when did you
13 change it to that it was password protected?

14 A I don't remember. I I don't -- I don't
15 remember when I did that. I mean, I -- when this
16 all happened, probably around that -- around that
17 time.

18 Q So you're saying prior to April of this
19 year, there was no password protection on your
20 Wi-Fi?

21 A Probably not for a little bit, but it's
22 a newer -- just Google -- the little Wi-Fi thing
23 that's newer. So it's maybe a two year span there
24 was no protection.

25 Q So no protection through April of this

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1 year?

2 A For the guest network, I don't believe
3 there was. And then there was the Verizon Fios
4 router as well that gave off a signal, too.
5 Because I don't use -- I use the Wi-Fi -- Google
6 Wi-Fi. And there's the two -- there are two
7 things.

8 Q And -- and you had neither one of them
9 password protected?

10 A I didn't even know that the Fios one was
11 on until I started looking into this.

12 Q What have you determined as you look
13 into this? What is your theory?

14 A I have no -- I have no theory. I don't
15 -- I don't know. My theory is I'm screwed. I
16 mean, that's my theory. So --

17 Q Do you have any reason to -- has anyone
18 broken into your home?

19 A I mean, again, I'm very paranoid the
20 last couple of years about a lot of things. And,
21 you know, I suspected things being hacked, things,
22 you know, things going missing.

23 Q What makes you think that?

24 A Just -- just weird things that happen.
25 My cameras will go off when I'm not home. Like --

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1 Q Have you ever seen anyone on those
2 cameras?

3 A No, because they go off. So it's like
4 I've changed -- since this has all happened, I've
5 gone and I've changed all my devices and took them
6 off the internet, the Wi-Fi name I had. I
7 reconnected them all. It took me three days to
8 do, like -- so I -- I honestly can't give you an
9 answer. And I sound crazy is what I feel. So --

10 Q Okay. Okay. So this will be 14. Okay.
11 Exhibit 14 is an e-mail from
12 welcome@MAAApartments.com. Craig Silver to
13 welcome@MAAApartments.com Please visit us at MAA
14 Apartments. Good afternoon. Please visit one of
15 our many sites at MAA Apartments or
16 MAAApartments.com. We look forward to seeing you.
17 Did you create the e-mail address
18 welcome@MAAApartments.com?

19 (EXHIBIT 14 MARKED)

20 A I don't remember doing anything like
21 that.

22 Q And did you send this e-mail?

23 A Not that I recall, no.

24 Q So no?

25 A Not that I recall. I'm not giving any

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1 definitive answers at this time.

2 Q Okay. This will be 15. Exhibit 15 is a
3 -- a submission that was made on MAA's
4 whistleblower line or, you know, their portal.
5 And it was made March 10, 2023, right after these
6 domains were created. And it says, Have until Tax
7 Day MAA fraud. MAA Apartments on the web. Huge
8 social media -- media following. Quit lying to
9 your employees and shareholders.

10 Eric is a POS. Did you make this submission
11 on the -- on the whistleblower hotline?

12 (EXHIBIT 15 MARKED)

13 A I don't remember creating that. I saw
14 that in Leslie's affidavit. I -- I -- I don't
15 remember ever saying anything bad about an
16 employee or the CEO, like --

17 Q Would you remember if you had done this
18 in March of this year?

19 A I don't recall doing it. It doesn't --
20 again, doesn't look like I did it -- like
21 something I would say. I don't recall doing it.
22 So I -- I don't know. Right now, to my
23 recollection, I don't know.

24 Q Okay. Did you set up accounts on
25 LinkedIn that relate to -- did you set up any

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1 accounts on LinkedIn that relate to MAA or Mega
2 Awesome Apartments?

3 A I don't recall setting up any LinkedIn.
4 I don't recall even using LinkedIn.

5 Q There is a -- an account that has to do
6 with MAA Apartments called Fred Casualty Loss.
7 Did you make that account?

8 A I don't recall doing that.

9 Q One called MAA Fraud. Did you make that
10 account?

11 A I don't -- I don't recall doing that.

12 Q Perry Johnson?

13 A I -- I don't recall doing any LinkedIn
14 accounts.

15 Q Craig Silver?

16 A I don't recall doing that, no.

17 Q Did you send an e-mail to Deb Caplan, a
18 new MAA board member, in a -- in an attempt to get
19 her to resign?

20 A I don't -- that name doesn't even sound
21 familiar to me, no.

22 Q Did you pose as someone named Charlie
23 Black?

24 A Not that I recall. In what context? I
25 mean, I don't --

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1 Q Any context.

2 A Did I pose as someone? I -- not that I
3 recall. I use the name dphili a lot now because
4 of all this stuff. So --

5 Q Did you create an e-mail account called
6 runfrommaa@outlook.com?

7 A Not anything I recall, no.

8 MS. MILLS: All right. Let's make this
9 one 16.

10 (EXHIBIT 16 MARKED)

11 BY MS. MILLS:

12 Q This is an e-mail from MAAisfullofit.
13 From the e-mail address,
14 MAAisfullofshit@outlook.com sent February 22nd,
15 2023, so this year. To MAAisfullofit. And it
16 says, Read your financials and your reviews. MAA
17 takes its whistleblower complaints very seriously.
18 Their internal controls are rock solid. A great
19 deal of this was reported to them in April and
20 September of 2021.

21 And they did everything they could to help
22 address the concerns outlined -- outlined. You
23 can't keep anything from them. They even
24 prevented me from communicating with the ER team,
25 those rascals. That sounds just like the Google

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1 review from DD; doesn't it?

2 A From what I remember, it sounds like
3 e-mails that you've presented before. I don't
4 know if it was exactly like the Google review.
5 We'd have to go look. It was out there public.

6 Q Did you send this e-mail?

7 A I -- don't recall -- I don't recall
8 sending it.

9 Q Did you create the e-mail address
10 MAAisfullofshit@outlook.com?

11 A I don't remember creating that.

12 MS. MILLS: Okay. Let's -- let's make
13 this one 17.

14 (EXHIBIT 17 MARKED)

15 BY MS. MILLS:

16 Q Okay. This is an e-mail between you and
17 Glenn Russell on November 10, 2021. Can you just
18 refresh your recollection about it and tell me
19 kind of what was going on here? What's -- what's
20 the --

21 A Well, this helps.

22 Q Do you recall this e-mail string?

23 A Yes. And I -- and I remember that I
24 submitted this to MAA as well because I thought
25 everything was a little weird.

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1 Q You submitted but wasn't this --

2 A I submitted his e-mails to MAA.

3 Q Why?

4 A Because he wanted to speak by phone at
5 one point, I think.

6 Q So when you referred earlier to someone
7 calling you, it was this Glenn Russell?

8 A No, he -- no, he wanted to speak -- he
9 said, I sure would like to get on the phone with
10 you. I just found that odd, and I wanted to bring
11 that up to MAA. So I think I took his e-mails,
12 and I sent it through the because I don't -- I
13 didn't know who operated the whistleblower. So I
14 think I sent his e-mails through the whistleblower
15 line, which probably went back to him anyway. So
16 I -- I don't --

17 Q So when you said, I will be unable to
18 speak about this, why were you unable to speak
19 about it? Just because you were uncomfortable?

20 A I was uncomfortable speaking by -- by
21 phone mostly. And he -- I don't know if it's in
22 here where he -- that happened. Because I --
23 there was some point, I don't know if it's in
24 here, where he was telling me he's going to give
25 me a report. And then I asked for the report, and

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1 he pretended like he didn't -- never said that.

2 He -- he told me I was supposed to get a
3 report on what they found, and they never gave me
4 a report. So that was -- that's where it sort of
5 went to like what is going on here. So I
6 submitted these e-mails back, telling him, Hey.
7 Not knowing that after I started looking into
8 financials of theirs and stuff like that, I felt
9 like there was a lot bigger than what I presented.

10 Q What did you find in the financials that
11 you thought was a problem?

12 A No mention of the way they handled their
13 insurance was the big -- the big thing. And the
14 -- the --

15 Q You're saying they -- was it your
16 understanding they were self-insured?

17 A That's what we were -- I was told by
18 higher level people that they were self-insured.
19 And I asked them, from what I remember, how does
20 it work and could never get an answer. So in
21 2009, when George Cates retired, they changed the
22 wording in their financials. Saying from
23 insurance company to insurance program.

24 I asked about that, from what I remember, and
25 they wouldn't tell me. So that's where this whole

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1 thing came in. And then when I reported them --
2 report to them and was told that I was going to be
3 provided a report, and then they didn't provide me
4 a report. That's why I was like -- that's when I
5 really started looking and thinking more was going
6 on than just what I reported. So --

7 Q So it's -- a it's a changing of -- from
8 insurance company to insurance program you felt
9 was deceptive because they were self-insured?

10 A Because they were saying they're
11 negotiating their rates. From what I -- I -- I
12 would have to go back and look into everything
13 again. I mean, there was a lot of things that
14 went along with this. It wasn't just that one
15 thing. There was other -- there was regionals
16 lying in e-mails and, you know, cutting down trees
17 that weren't really damaged. So it was just stuff
18 like that.

19 Q Okay.

20 A And then the whole company making a joke
21 about it. You know, it was just --

22 MS. MILLS: Okay. This one, let's make
23 it 18.

24 (EXHIBIT 18 MARKED)

25 BY MS. MILLS:

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1 Q This is also with Glenn, an e-mail
2 between you and Glenn Russell. And so I have a
3 couple of questions. The first -- second
4 highlighting, you say, I also started receiving
5 texts from current employees. Assuming you
6 started questioning them. Who were you receiving
7 texts from?

8 A Mainly maintenance people.

9 Q Who? Do you have any names?

10 A I don't -- I don't remember. The --
11 Matt was one, Nick was another. I don't remember
12 their last names. And they were making it sound
13 like something was going on.

14 Q Like what? I mean --

15 A They just were saying, I think a
16 regional got let go or asked to resign or
17 something like that. And then they were coming
18 down on something else. And they were asking a
19 lot of questions around me, from what I
20 understood. And --

21 Q Like what?

22 A I -- I don't -- I don't recall the exact
23 specifics behind it. I just remember in 2021, I
24 started getting texts and -- what'd you say?
25 What'd you do, and stuff like that. So I assumed

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1 -- from previous companies I work at, when you
2 report fraud or something like that, someone would
3 reach out to the employees and -- and question
4 them and stuff like that. So --

5 Q Have you reported fraud about anyone
6 other than MAA?

7 A No. I had -- I was a general -- the --
8 the reason -- I remember something, I was a
9 general manager at either Au Bon Pain or Pot
10 Belly. And they would catch if, like, a cashier
11 was doing something shady and then they would call
12 and question the cashier. So that's -- that's why
13 -- where I got that from.

14 Q This also is curious. It says here, I
15 want to review the report from April to make sure
16 I am not being portrayed as crazy, as MAA is
17 making me seem in their position statement to the
18 EOC. What are you referring to there?

19 A Because he said he was going to give me
20 the report and he was trying to get the format
21 correct. I don't know if it's in here, but he was
22 trying to get the format correct. And I wanted to
23 see like, hey, what you said, we just -- I just
24 figured it would be like we discovered \$10,000 in
25 fraud. We fixed it. Here you go. Here's the

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1 report. Thank you for letting us know.

2 And then the whole thing with the EOC came
3 and they said I was acting, and I was making all
4 this stuff up.

5 Q What did they say you were making up?

6 A From -- I mean, from what I -- I mean,
7 my -- the way I was let go. I don't feel -- we've
8 already gone through that. Or the way I resigned
9 or let go or fired or however you want to word it.
10 The way they explained that wasn't truthful. I
11 had e-mails at the time that disputed that. And
12 then that I was obviously acting, which wasn't
13 true.

14 Q But you don't have any e-mails anymore?

15 A I tried to get them from the EOC, and
16 they wouldn't even give it to me without the --
17 the original because I got the right to sue. But
18 unless I had that, they wouldn't even give it to
19 me. And that was before this even happened. I
20 think I tried to get them.

21 Q Is there anything else -- oh my gosh,
22 did I spill this? Is there anything else you want
23 to say on the record about this? This is your
24 chance.

25 A If I -- I mean, I'm being all honest. I

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1 don't recall a lot of the stuff. And if I did do
2 it, I -- I -- I -- I -- I -- I don't like the way
3 I'm being -- the way this is portrayed. And some
4 of it's pretty terrible. So it's making me think
5 even I got more mental problems than I really do
6 if I did do this. So that's about it.

7 MS. MILLS: Okay. I don't have anything
8 else. So we're off the record.

9 (OFF THE RECORD AT 2:35 PM)

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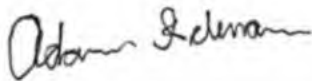
25

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2 I, ADAM SCHUMAN, the officer
3 before whom the foregoing proceedings were
4 taken, do hereby certify that any witness(es) in
5 the foregoing proceedings were fully sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a
8 qualified transcriptionist; that said digital
9 audio recording of said proceedings are a
10 true and accurate record to the best of my
11 knowledge, skills, and ability; and that I am
12 neither counsel for, related to, nor employed
13 by any of the parties to this case and have
14 no interest, financial or otherwise, in its
15 outcome

16
17
18 
19 _____

20 ADAM SCHUMAN

21 NOTARY PUBLIC FOR THE DISTRICT OF COLUMBIA
22
23
24
25

Transcript of Dennis Philipson
Conducted on October 30, 2023

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CERTIFICATION OF TRANSCRIPT

I, Maliq Smith, do hereby certify
that this transcript was prepared from the digital
audio recording of the foregoing proceeding; that
said proceedings were reduced to typewriting under
my supervision; that said transcript is a true and
accurate record of the proceedings to the best of
my knowledge, skills, and ability; and that I am
neither counsel for, related to, nor employed by
any of the parties to the case and have no
interest, financial or otherwise, in its outcome.



Maliq Smith
Planet Depos, LLC
November 13, 2023

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165:15, 175:5, 177:15, 187:17 21 10:3, 111:3, 150:18 22 112:14, 140:22, 154:8, 158:3, 177:14 22310 3:13, 9:19 23 1:8, 6:8, 91:1, 113:5, 167:22 24 114:2 242 134:16 25 91:16, 114:11, 141:12 26 114:19 264 9:22 27 17:3, 115:17 28 93:6, 118:11 2800 3:6 29 93:14, 118:20 2:-cv--shl-cgc 1:8, 6:8 2:35 pm 185:9 2nd 154:20 <hr/> 3 30 1:17, 6:9, 119:5, 119:10, 119:11, 141:2 300 2:7, 6:14 31 6:10, 119:9,	119:14, 146:1 32 120:13, 121:20 33 121:25 36 122:21 37 123:19 37201 3:7 38 124:5 39 141:9 3rd 118:21 <hr/> 4 40 125:5 41 127:23 42 14:5, 128:12 46 128:24, 128:25 48 129:10 49 129:19 <hr/> 5 50 89:2, 89:5, 124:1 51 19:16, 65:21, 111:9, 111:10, 130:7, 148:20, 148:22, 169:1, 169:4 510480 1:23 54 154:21 5689 10:1, 10:2	581 10:1 59 65:24 5th 119:2 <hr/> 6 615.742 3:8 6178 3:12, 9:18 65 109:22 66 4:8 6728 4:24, 167:24, 168:17 681 160:19 682 154:8, 154:12, 155:22, 158:2 <hr/> 7 703 10:1 75 79:11 <hr/> 9 9 6:10, 14:5, 19:16 90 69:25, 70:13 919 9:22 919.264 3:14 94 4:9 97 4:10 999 141:21 9:31 am 1:18	
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MAA

Property management company

PLACE DETAILS



D D

an hour ago

BATTEN DOWN THE HATCHES! Quick, there is a named storm a coming. Code everything to Casualty LOSS!

Your previously shared guidance is a smoke screen. Just like your press release in Oct 2021...ESG...yeah 🙄

The Whistleblower submission system and whistleblower policy are a joke.

Their internal controls are non-existent, and their ethics training is for show. Many of the items outlined below were reported to them in April and September 2021, and they should have addressed the concerns outlined. They even prevented communication with the ER office by blocking emails.

They seem like a community & culture of risk-takers. They have a beautiful new headquarters with a nice little break room with great snacks; I believe they also have the Jonestown brand Flavor-Aid.

They must have a very skilled and large IT team. They hired a Senior VP of IT operations that spent a great deal of time working for EY. It did not appear he had previous IT experience. When other companies were hacked a few years back, their IT team supposedly stopped this before any of the thousands of resident files and information was stolen.

Their senior employees are long-tenured, and their CEO is so good at property management that the board of directors made him the board's chairman. The board said it was because of his past 20 years of experience in





C "Chachi Fuego" F

an hour ago

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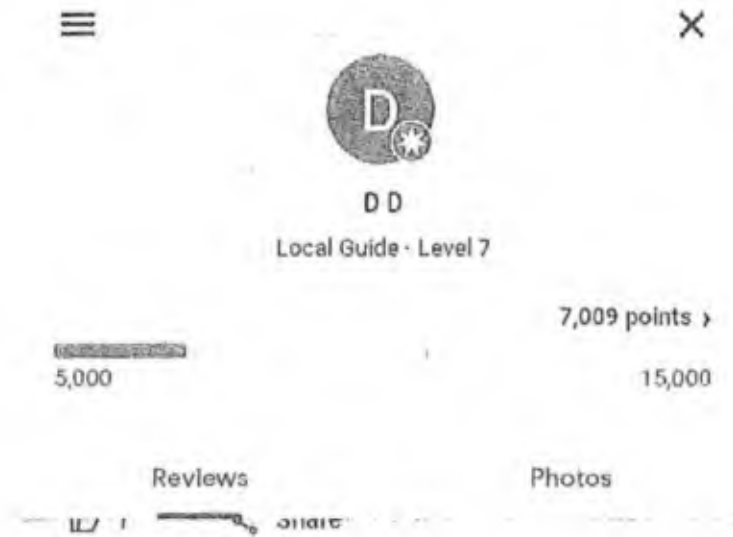
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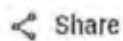
Their senior employees are long-tenured, and their CEO is so good at property management that the board of directors made him the board's chairman. The board said it was because of his vast 30 years of experience in



Hilton Garden Inn Memphis East Germantown
6811 TraVure Dr E, Germantown, TN 38138

☆☆☆☆ 2 weeks ago

Very nice hotel. The staff is friendly and the rooms were extremely clean. It is great for a longer stay, because it is close to everything. ... More





D D

Local Guide · Level 7

7,009 points >

5,000

15,000

Reviews

Photos



Bonefish Grill

1250 N Germantown Pkwy, Cordova, TN 38016

★ ★ ★ ★ ★ 2 weeks ago

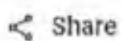
Always a great meal and service!! More

Service

Dine in...



1



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**D D**

Local Guide · Level 7

7,009 points >

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Reviews

Photos

**Johnson Road Park**

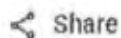
2970 Johnson Rd, Germantown, TN 38139

★★★★★ 2 weeks ago

Great Park, quiet. Good place to think.



1



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**Nell's Music Room**

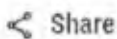
5725 Quince Rd, Memphis, TN 38119

★★★★★ 2 weeks ago

Awesome place!! Met a lot of cool people. More

Food: 5...

1



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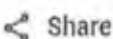
**T J Mulligans**

1817 Kirby Pkwy, Memphis, TN 38138

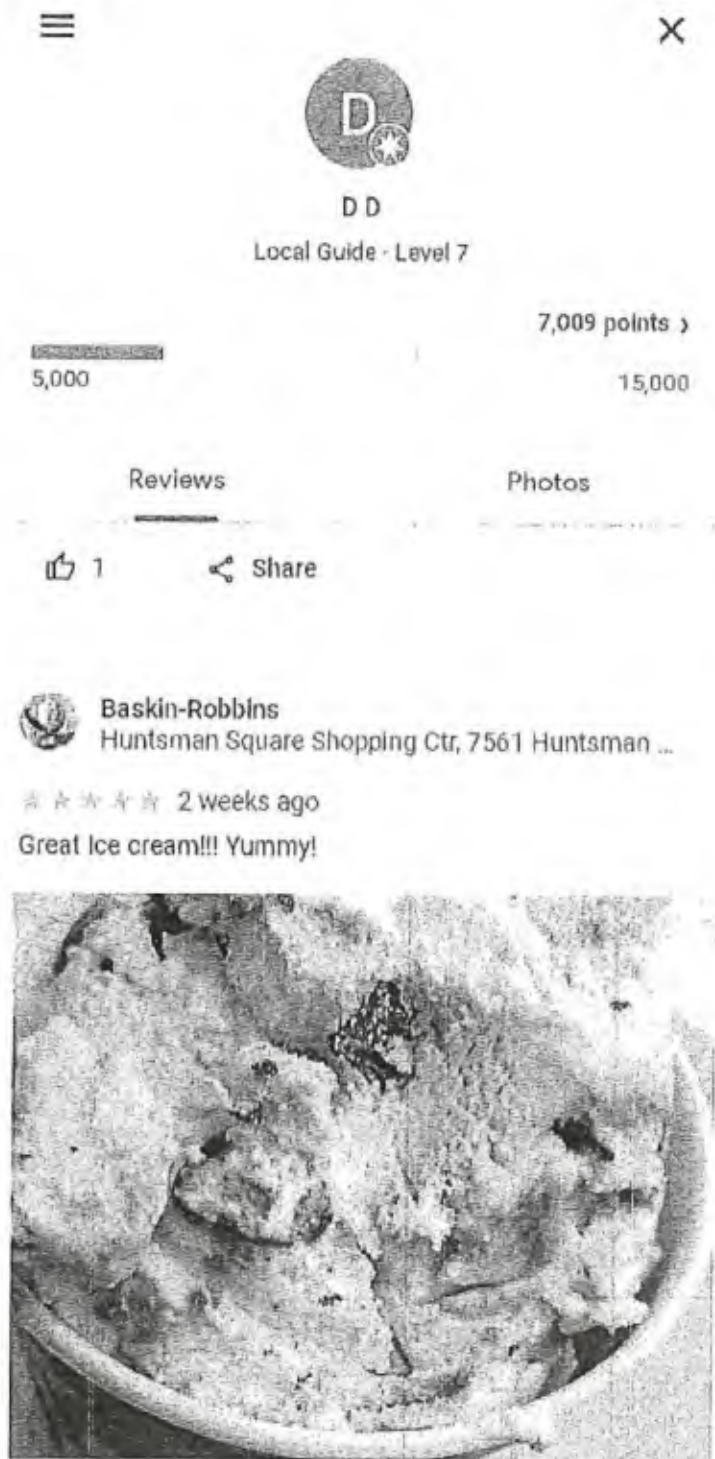
★★★★★ 2 weeks ago



Great, quick lunch spot. Philly cheese steak was yum.
Staff was friendly! Good spot for a quick drink also. More


1




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Local Guide · Level 7





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7,009 points ›
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Reviews

Photos



 1


 Share




Lake Norman Tavern
1468 Brawley School Rd, Mooresville, NC 28117

2 weeks ago

Great food! Had wings and the tavern burger. Were both very good. Service and atmosphere great as well.

 1

 Share

**Hobby Lobby**

1991 Exeter Rd, Germantown, TN 38138

4 days ago

They have to be the friendliest people I have ever had the pleasure of doing business with. I went into this hobby lobby to purchase some faux flowers. I ended up being in there for a about 5 hours More



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DD
Local Guide · Level 7



5,000

7,009 points >

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Reviews

Photos



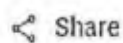
Pimento's Burgers, Bar & Grill
6450 Poplar Ave #123, Memphis, TN 38119

 a week ago

Great burgers and friendly staff. More

Service

Take out...



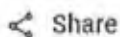
One & Only BBQ
1779 Kirby Pkwy #1A, Memphis, TN 38138

 a week ago

The BBQ is out of this world! One of the best I have had.
More

Service

Dine i...





Walmart Supercenter
7525 Winchester Rd, Memphis, TN 38125

★★★★★ 2 hours ago

Wow! This was a great Walmart! There was so much to see in so much to do. The team members were so nice and friendly. They all were very talkative and helpful.

There was a great selection of clearance items. I was able to get many different items. I got some new gloves, some dishes, and some great Christmas lights for 75% off. I also spent a great deal of time looking in the cosmetics aisles and trying on different shades of lipstick. Now I normally don't wear lipstick, but I was intrigued by the money different brands and shades they had.

I also spent about an hour looking at new work pants. They had lots of styles and brands to choose from. It was very difficult to make a concrete decision. Thankfully, three associates helped me make this decision easy. I tried on different pants and modeled them to the employees and even some of the customers. Someone had a boombox and played a model song and I walked around the store and did a twirl.

Anywho, I just wanted to say this was a great Walmart. So much to see so much to do and so little time. They had many great items and I thank Walmart for having me in.

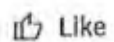
Great job Walmart!

**BABALU - East Memphis**

6450 Poplar Ave #4882, Memphis, TN 38119

☆☆☆☆☆ a day ago

Absolutely amazing tapas restaurant. The food was so good, I thought I'd died and went to heaven. The service was amazing as well. Very friendly and outgoing people. ...
More



Like



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Trader Joe's

2130 Exeter Rd Ste 101, Germantown, TN 38138

☆☆☆☆ 2 days ago

Absolutely amazing location. They have awesome peaches. Probably some of the best peaches I've ever had in my life. They were very, very tasty and sweet. I have never had a peach like this before More



1

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C "Chachi Fuego" F

Local Guide · Level 7

7,031 points ›

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Reviews

Photos



Evernest Property Management Memphis

5050 Poplar Ave Suite 1517, Memphis, TN 38157

★★★★★ an hour ago

Unbelievable property management company! The best in the area!

👍 Like

↪ Share



Reed & Associates of TN, LLC

269 Germantown Bend Cove, Cordova, TN 38018

★★★★★ an hour ago

Such a wonderful experience renting from Reed and Associates of Tennessee. From start to finish, the experience was wonderful. Thank you so much!

👍 Like

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Local Guide · Level 7

7,009 points >

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15,000

Reviews

Photos



1



Share



The Executive Diner

1400 Duke St, Alexandria, VA 22314

5 days ago

This morning I had breakfast at the executive diner. Let me tell you, I really felt like an executive. I had a classic eggs benedict. This was delicious. The hollandaise was creamy and perfectly seasoned. The poached egg was firm on the ... More



1



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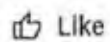
**Post Tysons Corner**

1526 Lincoln Cir, McLean, VA 22102



2 days ago

Great property! Great new fire system! LS did great work!



Like



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**Post Corners at Trinity Center**

5804 Post Corners Trail, Centreville, VA 20120



15 hours ago

The problem is at the top, CEO....Jo El is just trying to make a living and do what he is told. ... More



1



Share

Response from the owner 27 minutes ago

Hi, it's upsetting to hear that you did not receive the top-notch service we strive to provide. Please contact us at ResidentCare@maac.com when you have an opportunity and we will be more than happy to try and turn your experience around. We take your time seriously so please allow us 48 business hours to respond to your inquiry. Thank you.



D D

Local Guide · Level 7

7,009 points ›



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Reviews

Photos



1

Share

**Lowe's Home Improvement**

45430 Dulles Crossing Plaza, Sterling, VA 20166

a week ago

This has got to be one of the most organized and cleanest Lowe's I have ever visited. The aisles were stuffed to the rafters. The floors were as clean as a whistle. Every light bulb in the place was on which made it seem like heaven.

I went in looking for some screws, but oh was I surprised with all the trinkets and treats I bought. They had a lot of clearance items so I made it a boy's day out and went crazy.

They have some of the cleanest bathrooms I have ever seen in a hardware store. Most hardware stores where you go to the bathrooms are a disaster. You can tell whoever cleaned these bathrooms took pride and what they did. The bathroom smelled like lavender and vanilla. The urinals shined like the sun over the horizon in the long last land of Atlantis.

The tool section was very vast and had everything that you were looking for. Everything was perfectly positioned and priced correctly. It really was the best Lowe's I have ever gone to. They had free air outside. An ample parking area for loading and unloading. And much much more.

X


DD
Local Guide · Level 7

7,009 points ›


5,000

15,000

ReviewsPhotos



Walmart Supercenter
45415 Dulles Crossing Plaza, Sterling, VA 20166

☆☆☆☆☆ a week ago

What an amazing Walmart this was. They had everything you need. They had a stop firespray in case you had a fire at your apartment and your fire alarms are broken with no firewatch. They had residential dehumidifiers, in case you need to do water remediation. They had snow salt and snow equipment in case they had a named storm, you can charge it to that.. So many different items items!

The employees were very friendly and they have a ton of self check-outs!. Hopefully all the pictures are helpful. Very clean and well ran Walmart.





D D

Local Guide · Level 7

7,009 points >

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15,000

Reviews

Photos



Amazon Fresh

7005 Manchester Blvd, Franconia, VA 22310



a week ago


Amazon fresh is great. When you need to return something you bought from Amazon. They seemed obsessed with these \$10 off coupons. I do not find their items to be cheaper than other stores. Walmart is much much less expensive and fully stocked.


Not one employee said hello to me, ask me how I'm doing, or anything. There was probably 30 employees there filling online orders. The store was lacking selection. Not very stocked up.


I would only recommend this if you needed to return something to Amazon online. Or, if you want to see a bunch of people working.

Sorry Amazon, this is why you're brick and mortar stores are not working?








DD
Local Guide · Level 7


5,0007,009 points >15,000

Reviews

Photos

 1  Share

**Homesense**

7005 Manchester Blvd, Franconia, VA 22310

 a week ago

I just love HomeSense. It is the best store I've ever been into in my life. It is part of the TJ Maxx and HomeGoods collection and it is absolutely wonderful. They always have something new and I love to go around the store for hours and hours.

They had so many pillows, I just love pillows, every time I'm there I buy another pillow, me and my family collect pillows and this is the best place to go. They also had a large selection of bathroom items, including towels, tumblers and different odds and ends.

They had a great furniture selection and a lot of items on clearance. I took a lot of pictures so you can see how great their items are. If you need candles or picture frames. This is also a great place to go. So many things so little time.

There were plenty of carts clean and ready when you walked in. They have a great little credit card that offers 5% cash back on anything you purchase from any of their stores. Me and all the members of my family have one of their credit cards. It definitely makes it worth shopping there.



D D

Local Guide · Level 7

7,009 points >

5,000

15,000

Reviews

Photos



Old Navy

6711 Frontier Dr, Springfield, VA 22150

★★★★★ 4 days ago

I ran to Old Navy today to look at some clothing for a new winter look. When I first walked in the door there was a mannequin of a dog, it was very ferocious looking.

A girl welcomed me to Old Navy and asked me if I needed help finding anything. I replied to her, no, I'm good. Thank you for asking. Asking. We then talked about the weather, which it was raining, but other than that it was pretty nice. It was about 40° out that day.

Anywho, I proceeded to look around the store to check out everything. The store was in. Very good order, very organized, and very well laid out. They had a huge clearance section with a lot of end of the season items on sale.

The fitting rooms were very clean and organized and the person watching them promptly helped me. I was in the fitting room for about 45 minutes trying on different clothing and the person was more than happy to help.

There was another mannequin that I saw wearing some new clothing. That mannequin startled me as well. Unfortunately, I have a fear of mannequins. Ever since that show on Nickelodeon Special Delivery, mannequins have frightened me. Other than that this Old Navy was a great

**Buffalo Wild Wings**

6385 Carlisle Pike, Mechanicsburg, PA 17050

a week ago

Had awesome wings for lunch today. The service was great, Jennifer was very friendly. Jennifer made a lot of small talk and suggested some items that sounded absolutely delicious. The service was prompt and quick even though it was very busy. The food came out piping hot and the wings were some of the best I've had in my life

I got a diet soda for my drink and the amount of ice they put in it was just perfect. The lemon slice they gave me was also just perfect.

I have been to several Buffalo wild wings and this is by far the best I have ever been to. I will be visiting this once to twice a week from now on. Great job Buffalo wild wings. You made me a long time customer.

Always enjoy the wings here.

Service

Dine in

Meal type

Lunch



D D

2 hours ago

What a great trip to home Depot. I needed a couple items. When I got there I was greeted with a smile by a cashier. She asked me how my day was and asked me if I needed help finding anything. I asked her which way to the paint aisle and I was on my way .

I needed some 6-in paid trays and a thin-tipped caulk. I was able to find both but I must say there was quite the selection of caulk. There was white caulk, brown caulk, clear caulk, gray caulk, red caulk and more. They had the biggest selection of caulk I have ever seen!!

They also had a great flooring department, they had hardwood laminate tile and many different selection of flooring. They had a great appliance area with lots of appliances. They had washers, dryers, dishwashers, fridges, freezers, and more. They had a kitchen design center & an associate asked me if I needed help with anything. We sat down and talked for about an hour and a half about my kitchen and possibly redoing it in the future. She showed me many selections of cabinet fronts, granite, quartz, and other selections of countertops. She was very, very very very helpful.

I also spent about an hour and a half in the tool department. I worked with the guy, I don't remember his name, but he had a red beard, he was very helpful as well. Very talkative and new his stuff. We talked about tools, and different types of screws. He was a very, very helpful .

Everyone at this home Depot was so very friendly. I really appreciate it. I will be back in the near future.

Like

Share

5 days ago

Super nice. Very organized, lots of great deals, and a great staff. It's in a nice little shopping center, with plenty of parking.

I went in looking for the new Debbie Gibson record, but was excited to see they had the Michael Jackson thriller record. I picked up this record and about 7 or 8 more.

I then decided to check out the psychology books and spent a great deal of time. Perusing through them. I bought about 7 or 8 books on mental health as well as three three books on ADHD.

I then spent about an hour or two wandering the store looking at different books and trying to decide what I wanted to read next. Every book shelf was in perfect order. Someone took great pride and making sure the store was perfectly organized. Everything was clean, crisp and smelled of new paper.

Sometimes I wish I was an author like Danielle Steele. Daniel Steele was my favorite author and has written so many great books. I particularly liked the one she wrote about the farmer living in Kennebunkport Maine. That was a great book.

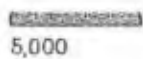
Anywho, I would highly recommend this Barnes& Noble to anyone that wants to spend a day with books. Books. The staff is great and the store is impeccable.

Great job! 😊



**D D**

Local Guide • Level 7



7,009 points ›

15,000

Reviews

Photos



1



Share

**Dare Deli & Steamhouse**

800 Dare Rd, Yorktown, VA 23692

★ ★ ★ ★ ★ 2 weeks ago

Great food! Crab cake sandwich to die for! More

Service

Take out...



1



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D D

Local Guide · Level 7

7,009 points >

5,000

15,000

Reviews

Photos

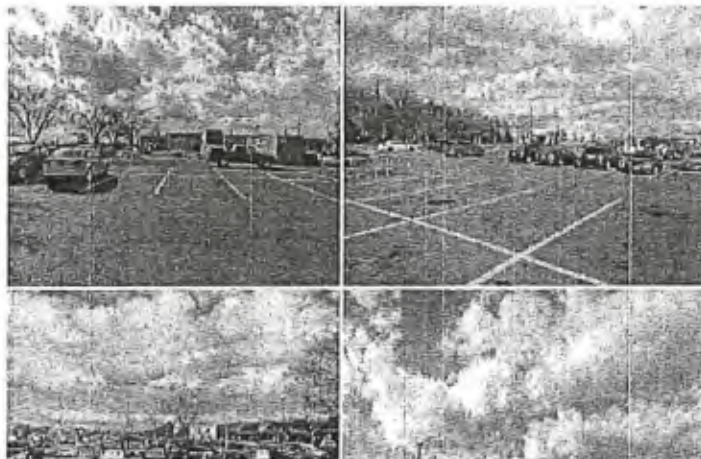
a week ago

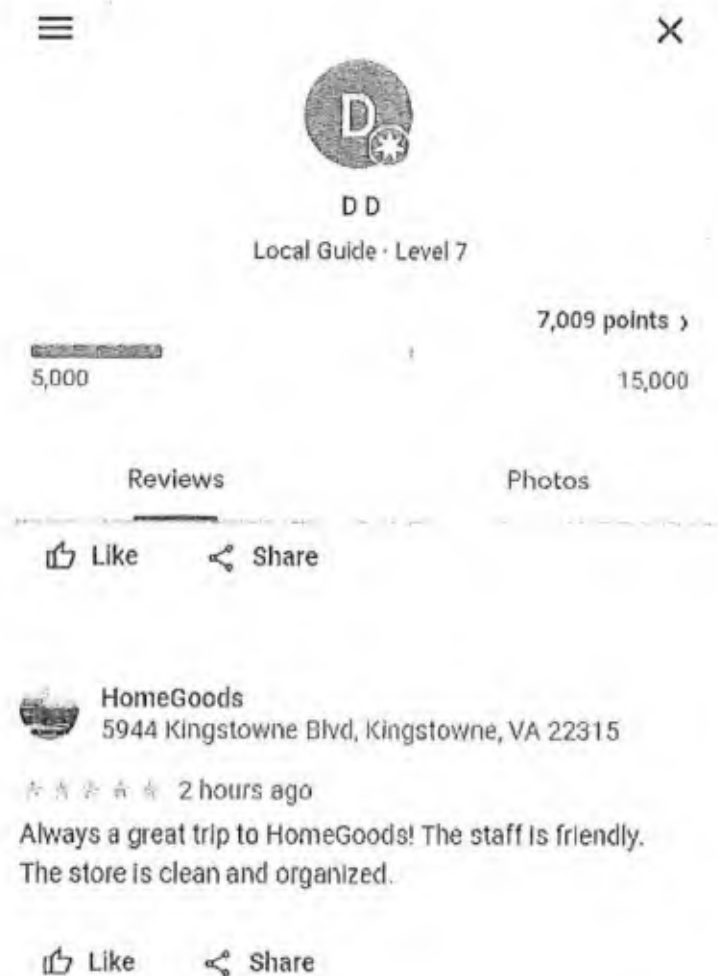
Dulles Town crossing is a great plaza. There is plenty of stores here and lots of parking. It is close to everything in Dulles and I definitely recommend spending time here.

If you have a layover at the airport, and you don't feel like drinking, come to dullestown crossing. You will not be disappointed.

There's a Lowe's, Sam's club, Walmart, and many other stores. The parking is plentiful. You'll have the time of your life.

I swear that I saw ZZ top here playing near the entrance, with the sign asking for donations. It was great to see ZZ, I have not seen him in a long time. I wish him the best of luck. Unfortunately I didn't have anything to give him money-wise, so I gave him half of my chicken gordita supreme. But that's another story for a different channel.







1.7 19 reviews

People often mention

All property 7 leasing 5

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D D
Local Guide · 81 reviews · 909 photos

2 hours ago NEW

An employer who encourages embracing opportunities and doing the right thing, at the right time, for the right reason.

They are not even close.

Their General Counsel and Employee Relations departments should be gone.....no integrity

I rather have been associated with Theranos...



6



D D

Local Guide · Level 7

7,009 points ›

5,000

15,000

Reviews

Photos



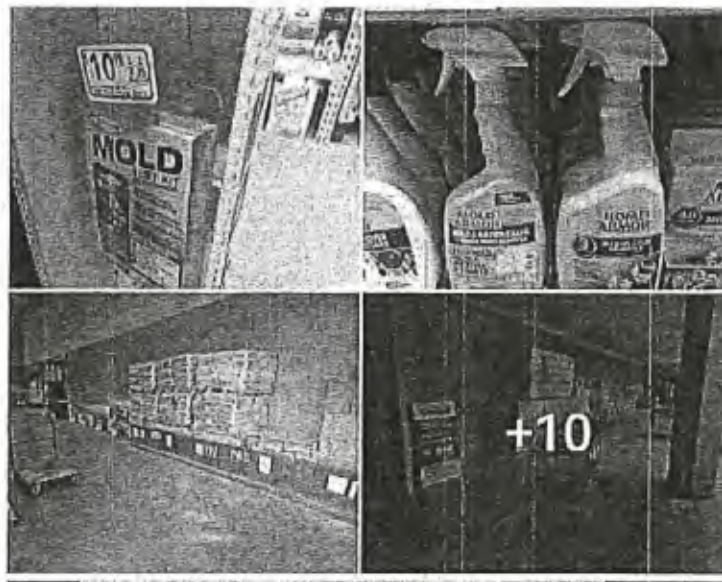
Lowe's

6750 Richmond Hwy, Alexandria, VA 22306

★★★★★ a week ago

Great Lowe's Store! Have everything needed. I was asked several times if I needed help with anything, which was awesome 👍 They recently added several more self checkouts. They have a large selection of appliances, lighting, paint and tools.

I definitely enjoy this place. They had a mold detection kit and also some other mold items. I read the instructions on the back and they sounded pretty great. I picked up some of these items so I can practice water remediation in my own home in Kentucky.



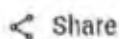


ServiceMaster National Capital Restoration
7551 Fordson Rd, Alexandria, VA 22306

★★★★★ a week ago

Service Master did a great job on a flood I had in an apartment. They were very professional and courteous. They used an infrared camera to check for moisture in the walls. They made sure to properly sanitize the area with a mold inhibitor. They cut out the wood that they could not save.

You can tell these guys were very well trained And knew what they were doing. Great job!







DD
Local Guide · Level 7

7,009 points >

5,000

15,000

Reviews

Photos



Giant Food
3131 Duke St, Alexandria, VA 22314

★★★★★ a week ago

Giant is a great grocery store. Clean and friendly associates.

 1

 Share



Alexandria Commons
3233 Duke St, Alexandria, VA 22314

★★★★★ a week ago

Great little shopping center! Plenty of parking.

 1

 Share

E+ 1BCi)

X



DD

Local Guide · Level 6

2,399 points ›

5,000



)

Reviews

Photos

Date ▼

4 5,104

U.S. Securities and Exchange Commission
100 F St NE, Washington, DC 20549




Glassdoor Reviews Still Active on Website

3.0 ★★★ ✓

Mar 14, 2023 ...

IT is Top Knotch!

 IT Network Engineer
Former Employee☒ Recommend ☒ CEO Approval ☐ Business Outlook

Pros

- Employees are very smart! They visit websites from their secure servers in Nashville, TN. - General Counsel is very smart; they know when to contact regulators. - A unbelievable culture! - Unbelievable IT security - Very good at detecting intrusions in their system. - Very good at stopping large events before customer data is stolen.

Cons

I would say, at times, the hours are long due to the extremely short staffing in the IT department.

Advice to Management



Train your employees in ethics and IT security. Do not try hiding information from shareholders and employees. I give the CEO two more months.

 3

5.0 ★★★★★ ✓

Feb 13, 2023 ...

Profitable REIT!

 Property Manager
Current Employee, more than 5 years  McLean, VA☒ Recommend ☒ CEO Approval ☒ Business Outlook

Pros

MAA is a great REIT; it was a pleasure learning how they operate. I worked there from 2016 to 2021 and enjoyed it very much. I will never forget how MAA treated me; I have made some lifelong connections. They have a winning attitude when making money and ensure they do anything they can to improve their profits. They sincerely care about ensuring their employees understand their values and go out of their way to ensure that everyone learns them. When it comes to residents, MAA goes out of its way to ensure they follow the lease to the letter to avoid violating "fair housing." Whether breaking your lease early, management issues, damage to your apartment, or any other issues, they ensure that the resident knows they are responsible. MAA does not guarantee your safety or that your property will not be damaged, this is part of fair housing. They sincerely care about making sure everyone follows the lease, no matter what the issue may be. MAA also employs some of the most ethical and talented people I have ever met! They ensure they always do the right thing for the company, no matter the cost. Kudos, MAA, and keep up the great stuff!

Cons

Worked a lot of hours.

Advice to Management



Not sure who still works there...

 3☐ Helpful ☐ Share

5.0 ★★★★★ ✓

Feb 14, 2023 ...

Great Accounting Job

 General Ledger AccountantFormer Employee, more than 5 years  Germantown, TN

✓ Recommend ✓ CEO Approval ✓ Business Outlook

Pros

The job was gratifying and educational. Forget everything you know about GAAP. MAA has its own! I learned a great deal while ...

Cons

I wish the company offered us stocks as part of their retirement program.


Show More ✓

 3☐ Helpful  Share

2.0 ★★ ✓

Mar 29, 2023 ...

Not Good

 General Ledger Accountant

Current Employee

✗ Recommend ✗ CEO Approval ✗ Business Outlook

Pros

The hours were pretty good.

Cons

I was asked to do many things that I knew were wrong. Accounting miscodings, etc. I could not take it anymore.

☐ Helpful  Share

Glassdoor Reviews Removed from Website (Flagged/Removed for violation of guidelines)

★★★★

"Educational Experience"

Tue, Feb 28

Pros - - Learned a lot about employee relations and how to protect the company at all costs. - Learned how to make sure employees are not taken seriously and convince them that the company is in the right. - Learned how to stay calm in intense situations and always listen to superiors, no matter what they say - Learned how to record employee conversations, to keep proper records and give the employees the appearance that you care I learned a great deal in this position and appreciate it!

Cons - Unfortunately, I also learned, ignorance cannot be used in a legal defense. Sometimes, my laptop did not work right.

Anonymous Employee at MAA

[Add Employer Response](#) [Flag Review](#)

★★★★★

"Legal Champions!"

Tue, Feb 28

Pros - This was a temporary position and I was taught so many different skills. The hours were great and the team at corporate was very honest and skilled. They taught me the meaning of obstruction and preserving evidence. They taught me how to commission and create case studies on financial transactions. They also trained me in reviewing excerpts and statements in regulation filings. Everyone at corporate was very nice and on occasion they bought me lunch. Other times, they brought donuts in as well. Being a team player and part of the team is very important to them.

Cons - Cons, I really cannot think of too many cons. I am sure there are some cons, but it was a great experience!

Anonymous Employee at MAA

[Add Employer Response](#) [Flag Review](#)

**"Not Reccomended"**

Mon, Mar 13

Pros – Decent Hours and good benefits.

Cons – MAA is a bunch of terrible liars that do whatever they can to take advantage of employees & residents. They will do whatever they can to avoid paying any money to anyone. I would not work for them or rent from them. Horrible people.

Anonymous Employee at MAA

[Add Employer Response](#) [Flag Review](#)

**"Mmmmmmmmmmm"**

Fri, Apr 23

Pros – 1) Nice apartments 2) Good Discount 3) I got a beautiful plaque for working through the pandemic..that was sarcastic

Cons – 1) Some superiors take advantage of you. Underpay you, tell you your not experienced. Pay you less than individuals that have less work experience and then take your spot when you leave a property. Do not calibrate your salary, even though you ask for years. 2) Some superiors are not the best. They tell you they are concerned about you and care about you. They tell you they are worried. Then, when you mention you are stressed, they immediately accept your notice. 3) Do not reimburse you for your cell phone. We're not supposed to work after hours....funny 4) Care more about bottom line then residents and employees.

Anonymous Employee at MAA

[Add Employer Response](#) [Flag Review](#)

★★★★★

"Creative Company!"

Mon, Feb 20

Pros – They take their whistleblower complaints very seriously. You cannot get anything by them. A great deal of this was reported to them in April and September 2021, and they did everything they could to help address the concerns outlined! They even prevented me from communicating with the ER team, those rascals! Great, ethical company! Competent people with great ideas. True risk-takers! Beautiful headquarters with a nice little break room with great snacks; I believe they also have Jonestown brand Flavor-Aid. They have a skilled and robust IT team. You cannot get anything past their IT team; they are bright and on top of everything. When other companies were hacked a few years back, their amazing IT team was able to stop this before any of the thousands of resident files in their system or other information was stolen. Excellent job, MAA! They hired a Senior VP of IT operations that spent a great deal of time working for EY. So, he definitely knows what he is doing! The fantastic team at MAA! Their senior employees are long-tenured, and their CEO is soo good at property management that the board of directors made him the board's chairman! They said it was because of his vast 30 years of experience in property management. Even though most experts do not recommend this, MAA is so good at what they do that the board could not resist. Their financials and transactions are definitely legit! They had two different law firms review them, so you know they are real! Their EVP of general counsel is also brilliant and crafty; He has been working for the company for 20 + years as well! Thankfully, MAA has its own insurance "program"! The company has some of the best casualty insurance ever seen! You do not have to send the information to the insurance company; they pay it out! In 2021, almost 30 million dollars of damage was reimbursed because of what that named storm did! Oh, that storm Uri, did so much damage; I remember all my flowers had frost on them. Not to mention the costs of COVID-19-related items! MAA's Insurance "Program" also must cover all breed restrictions because they do not even ask for proof that a resident's renters' insurance covers restricted breeds. They are such a great company! A Pitbull could have previously attacked a neighbor, and that resident was asked to move out. It is excellent, though, because MAA does not even check your last apartment for reference! Such a tremendous ethical company! When residents move in, MAA states that safety is their responsibility. Of course, it is part of fair housing! They are so bright that MAA. All the grills at their properties work very well. They are all appropriately vented, and their grill maintenance program is strictly followed. The grills flamed up so high and bright. You could cook your food very fast and get a new free hairstyle. The COO did so well that he could retire at 53! They even let him go without a proper replacement! They care about their employees. Unfortunately, they do not offer most employees stock options. That is ok, though; most of their employees cannot think for themselves. MAA tells them what they want to hear. They are a spectacular company! They filed with the SEC and have an experienced board of directors. It all sounds very legit. Yup, nothing to see there! I can go on and on and on, but I will not do that here, but it has been almost two years.

Cons – Unfortunately, they do not offer most employees stock options! Also, the hours are sometimes long and hard.

Anonymous Employee at MAA

[Add Employer Response](#) | [Flag Review](#)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS**

**MID-AMERICA APARTMENT
COMMUNITIES, INC.**

Plaintiff,

v.

DENNIS MICHAEL PHILIPSON,

Defendant.

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Docket No. 2:23-cv-02186-SHL-cgc

FIRST AMENDED COMPLAINT

1. Mid-America Apartment Communities, Inc., also known as ("MAA") states as follows for its First Amended Complaint against Defendant Dennis Michael Philipson.

2. This is an action at law and equity to remedy acts of: (1) trademark infringement under 15 U.S.C. § 1114; (2) unfair competition under 15 U.S.C. § 1125(a); (3) cybersquatting under the Anti-cybersquatting Consumer Protection Act found at 15 U.S.C. § 1125(d); (3) infringement and unfair competition under the common law of the State of Tennessee and the Tennessee Trademark Statute, Tenn. Code Ann. §47-25-512 and §47-25-513; (4) deceptive trade practices and unjust enrichment in violation of the common law of the State of Tennessee and the Tennessee Consumer Protection Act, Tenn. Code Ann. §47-18-104, *et seq*; negligence per se for numerous violations of the Federal Cyberstalking Act, 18 U.S.C. § 2261A; defamation; tortious interference with prospective business relationships; deceit; and violations of the Tennessee Personal and Commercial Computer Act of 2003, Tenn. Code Ann § 39-14-602.

3. This Court has original subject matter jurisdiction over MAA's Lanham Act claims pursuant to 28 U.S.C. §§ 1331 & 1338, and 15 U.S.C. § 1121.



4. This Court has subject matter jurisdiction over MAA's Tennessee state law claims pursuant to 28 U.S.C. § 1367(a) because MAA's Tennessee state law claims are so related to the claims in the action within the Court's original jurisdiction that they form part of the same case or controversy.

5. Personal jurisdiction is proper in this Judicial District because, Defendant Philipson has had numerous contacts with the State of Tennessee though the actions complained of herein and has caused and is continuing to cause harm to MAA, which has an office in Tennessee within this judicial district. Further, Philipson has represented on social media that the company responsible for its Infringing Website (as herein defined) is headquartered in Memphis, Tennessee and has been operating there since 2016. Philipson has had dozens of contacts with MAA and employees of MAA located in Tennessee wherein he left false and misleading reviews about the company on various sites, tried to obtain control over various employees' social media accounts, apply for jobs in their names, and/or mislead them and their customers using the Infringing Website and related accounts on LinkedIn.

6. Defendant Philipson has used Plaintiff's valid and registered trademarks on an Infringing Website and fake LinkedIn Page and Accounts (as described herein) to divert, harass, and confuse Plaintiff's customers. Philipson's Infringing Website has been offering identical services to those of Plaintiff (assistance with apartment leasing) to Tennessee consumers using Plaintiff's trademarks. As described herein, Defendant Philipson has been offering these services by purchasing infringing domain names and using an infringing logo on an infringing website that is viewable by and accessible to Tennessee consumers. The Infringing Website is interactive in that it has allowed Tennessee consumers to seek quotes for rental insurance and purports to advertise jobs available. Philipson further created a LinkedIn Page and numerous LinkedIn Accounts using

Plaintiff's trademarks for a business that it represents is headquartered in Tennessee, in this judicial district.

7. Defendant Philipson offered and/or distributed these infringing services (as described herein) to consumers within the United States, including consumers within Tennessee.

8. Venue is proper within this Judicial District pursuant to 28 U.S.C. §1391 in that a substantial part of the events or omissions giving rise to MAA's claims have occurred in this Judicial District, and a substantial part of the harm caused by Defendant has occurred in this Judicial District.

PARTIES

9. Mid-America Apartment Communities, Inc., also known as ("MAA"), is a Tennessee corporation, with its principal place of business located at 6815 Poplar Avenue, Suite 500, Germantown, Tennessee.

10. Defendant Dennis Philipson is the individual responsible for the website located at megaawesomeapartments.com, is using the false name "Craig Silver," and is associated with the email address info@maa.apartments, all of which will be further identified below. Upon information and belief, Philipson's mailing address is 6178 Castletown Way, Alexandria (Fairfax County), VA 22310, although he has used false contact information in purchasing and administering the above website and associated domains.

11. MAA is one of the largest residential management companies in the nation and is the second-largest owner of apartments in the United States.

12. MAA's real estate portfolio includes thousands of residences and luxury apartment communities throughout the Southeast, Southwest, and Mid-Atlantic regions of the United States.

13. With a network of over 100,000 homes and 296 communities across 16 states in their real estate portfolio, MAA is a residential management leader. MAA leases these properties and helps manage the property and the company's relationship with the tenants (the "MAA Services").

14. Through its extensive use of its various MAA trademarks (collectively, the "MAA Marks"), MAA has invested heavily in protecting and marketing its services throughout the United States.

15. As a consequence of MAA's marketing, brand investment, and sales success, MAA and its MAA Marks have become widely known by consumers of apartment rental services in the United States.

16. The Plaintiff owns trademark registrations and has pending trademark applications for the MAA Marks in the United States. The following is a list of the Plaintiff's registrations on the Principal Register and pending trademark applications for MAA Marks¹:

Trademark	Registration Number	Serial Number	Date of First Use	Goods and Services
MAA	4009475		March 11, 2011	Class 36: Leasing of apartments
MID-AMERICA APARTMENT COMMUNITIES	3268349		September 1994	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments
MAA A BRIGHTER VIEW		88716497	TBD*	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments
MAA COMMUNITIES		88716061	TBD*	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments.

¹ The MAA marks referenced in the Complaint are owned by Mid-America Apartment Communities, Inc. and do not represent all trademarks owned by Mid-America Apartment Communities, Inc

True and correct copies of the registration certificates and official U.S. Patent and Trademark Office Trademark Status and Document Retrieval Records are attached as **Exhibit A**.

17. MAA has offered and sold the MAA Services under the MAA Marks since as early as 1994 in the United States, as claimed and sworn to at the U.S. Patent and Trademark Office. Additionally, Plaintiff is the owner of the maac.com domain name (the “MAA Domain Name”).

18. Defendant Philipson was formerly employed as a property manager for MAA. Philipson gave notice to MAA in late March of 2021, stating that he was leaving to pursue his acting career. He later changed his mind and tried to withdraw his resignation a few days later. However, he made a number of negative comments about MAA on or about the time he gave notice. Accordingly, MAA determined that it was not in its best interest to allow him to withdraw his resignation and decided to pay him in lieu of letting him work out his notice.

19. This series of events upset Mr. Philipson and ignited his long and relentless vendetta against MAA. Since that time, upon information and belief, Mr. Philipson has made well in excess of 65 communications to MAA or its employees complaining about alleged fraud, his alleged mistreatment while working there, the supposed malfeasance of other MAA employees, and other alleged “SEC and IRS violations.” He also claims to have made numerous complaints to various federal agencies about MAA, such as the SEC, the IRS, and the DOJ, although he has never served MAA with these alleged filings. All of these allegations (of which MAA is aware) have been carefully and duly investigated and all have been found to be without merit.

20. Nonetheless, Mr. Philipson continues to make complaints, some using his own name, some not, via an anonymous whistleblower portal. Some of these “whistleblower” complaints do not list a name but reference Mr. Philipson’s known email address or contain documents with his name on them. Because the verbiage, content, syntax, and sentence structure

is so similar between these numerous complaints, it is obvious that even the anonymous submissions are coming from Mr. Philipson. In making these complaints and communications, Mr. Philipson has used dozens of different email addresses and personas.

21. Several communications received by MAA employees are sent from what are obviously false email addresses. They are obviously false because they use the names of MAA executives, but with an insulting play on words. For example, some of the emails come from the email addresses `tommylgrimey51@hotmail.com`, `Thomas.grimey51@outlook.com`, or `tomandambermaa@gmail.com`. Tom Grimes is the former Chief Operating Officer of MAA. Amber Fairbanks is the current Executive Vice President of Property Operations of MAA. Neither sent the subject emails. Some of these communications, which contain content that is very similar to if not identical to complaints expressly made by Mr. Philipson, came from email addresses that contain the MAA marks, for example `MAAisfraud@outlook.com` or `MAAisfullofshit@outlook.com`.

22. In addition to his obsessive and harassing conduct in constantly making false “whistleblower” complaints, Defendant Philipson began other alarming conduct. For example, upon information and belief, he made numerous attempts to obtain control over MAA employees’ social media accounts and/or to create new accounts on various platforms for MAA employees without their authorizations.

23. Upon information and belief, he left multiple false reviews about MAA on Glassdoor.com. These false reviews contained untrue and defamatory statements. For example, on one review Defendant stated “MAA is a bunch of terrible liars that do whatever they can to take advantage of employees & residents. They will do whatever they can to avoid paying any money to anyone. I would not work for them or rent from them. Horrible people.”

24. Upon information and belief, he applied for jobs at MAA's competitors in the names of MAA employees, without their permissions and under false and misleading pretenses.

25. Upon information and belief, he applied for jobs at MAA under false names and under false pretenses.

26. Mr. Philipson attempted to interfere with MAA's relationships with its employees, customers, and board members. For example, upon information and belief, Philipson sent emails under a fake name to an individual identified as a new MAA board member in an attempt to get her to resign:

Please relay the message that she should stay off the Board at MAA. We suspect wide spread fraud.

Maybe contact the proper agency if you need more info. You can follow BakersonDon or BerryBassGene on twitter

Thanks
Anonymous

27. More alarmingly, he created various personas on Google Reviews and began to methodically review restaurants and businesses in and around the MAA's corporate offices in Memphis and the homes of MAA employees in order to intimidate, frighten, and harass them. This office and these employees are located in Tennessee, not Virginia, where Defendant Philipson actually resides. In other words, these are businesses and restaurants that Philipson would have no reason to visit. By way of one example, Philipson reviewed the Baskin Robbins near his former supervisor's home, the Home Depot, and the Barnes and Noble. Philipson would include information in these reviews that the employee would have privately discussed with his family and that Philipson would have no legitimate basis for knowing. The information included in these reviews strongly indicate that either Defendant Philipson was somehow shadowing the MAA employee or had surreptitiously installed some sort of spy ware on the individual's phone.

28. Not content with simply making bogus complaints, he set about confuse and alienate MAA customers by misappropriating and using the MAA Marks as part of several Uniform Resource Locators (“URL’s”) that resolve to the infringing website www.megaawesomeapartments.com (collectively the “Infringing Domains”).

29. Defendant Philipson purchased the following Infringing Domains on March 3, 2023: maapartments.com; maa.apartments; maafraud.com. Defendant Philipson purchased the fourth domain, megaawesomeapartments.com, on March 5, 2023.

30. The first three domain names are registered with Google, LLC. The fourth domain name, megaawesomeapartments.com, is registered with Wix.com Ltd (“Wix”).

31. After serving a subpoena on Wix as per this Court’s Order of May 16, 2023 (Dk. 15), MAA learned that the megaawesomeapartments.com website was managed using the IP Address 108.31.205.70, which is a Verizon address. Accordingly, MAA sent a Subpoena to Verizon and learned that this IP address was registered to Dennis Philipson of Alexandria, Virginia, definitively establishing that Philipson was behind the Infringing Domains and Website.

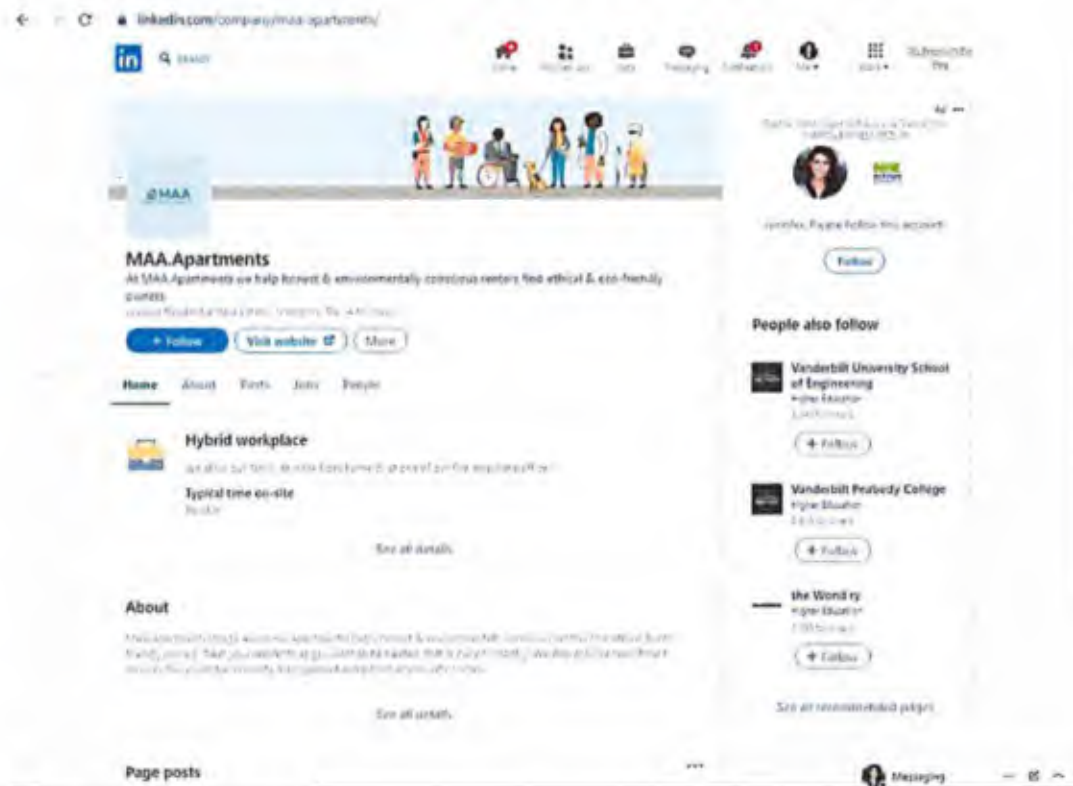
32. The webpage located at megaawesomeapartments.com (the “Infringing Website”) made prominent use of Plaintiff’s MAA mark (the “Infringing Logo”). The Infringing Website purports to help renters find “ethical and eco-friendly” apartments to lease. Accordingly, the Infringing Website offers services that are identical to the MAA Services. A true and correct copy of the Infringing Website as of March 12, 2023 is attached as **Exhibit B**.

33. As of March 14, 2023, if the consumer entered the domain names maapartments.com, maa.apartments, or maafraud.com in the search bar, he or she would be automatically redirected to the Infringing Website located at megaawesomeapartments.com.

34. Defendant Philipson registered the Infringing Domains and created the Infringing Logo and Website long after the date of first use and registration of Plaintiff's MAA marks.

35. The Infringing Domain Names and Logo are confusingly similar to the MAA Marks and the MAA Domain Name. These domains completely subsume and consist of Plaintiff's MAA Marks. In addition, the Disputed Domain Names are both visually and phonetically identical to the MAA Marks, further heightening the likelihood of confusion.

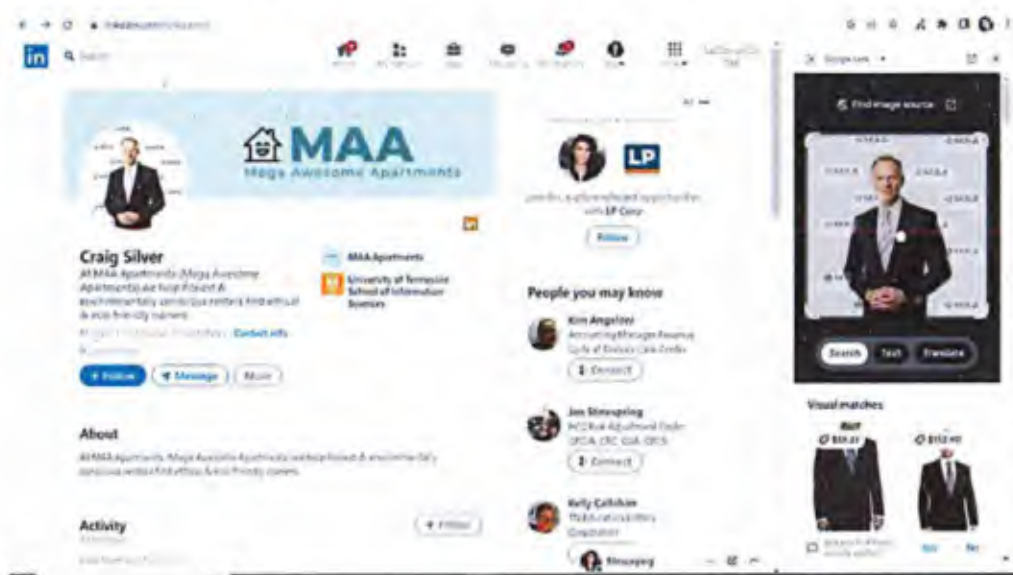
36. Defendant Philipson's Infringing Website is not a legitimate business. As of March 13, 2023, Philipson created a LinkedIn entry for its company that it is trying to pass off as Plaintiff (the "Infringing LinkedIn Page"). Below is a true and accurate screen shot of the Infringing LinkedIn page:



37. Upon information and belief, Defendant Philipson has set up the Infringing LinkedIn page in a deliberate effort to impersonate Plaintiff. It references having five corporate offices, claims to have as many as 50 employees, and is allegedly located in Memphis, Tennessee, none of which is true.

38. Moreover, upon information and belief, Defendant has created other false LinkedIn Accounts of employees that allegedly work for the Infringing Website, but in reality, do not exist (the “False LinkedIn Accounts”).

39. For example, Defendant Philipson has indicated on the Infringing LinkedIn Page that an individual named “Craig Silver” is the CEO of the Infringing Website and has created a separate LinkedIn Account for this Mr. Silver:



40. Yet, a reverse image search of “Mr. Silver’s” picture positioned in front of MAA logos reveals that he is not a real person but is merely clip art of “an older man in suit:”



41. Moreover, upon information and belief, Defendant created numerous accounts on LinkedIn that defamed MAA with false and damaging information. For example, he created an account called “MAA Lies” that actively posed negative and false information about MAA and its corporate offices and properties.

42. Defendant Philipson has no rights or legitimate interest in the Infringing Domains, Webpage, Logo or LinkedIn Accounts. Rather, Defendant Philipson is merely using them to trade on the good name and reputation of Plaintiff and its MAA Marks in furtherance of Defendant Philipson’s unlawful and unauthorized activities and in a further effort to harass and defame Plaintiff.

43. Plaintiff has not licensed or otherwise permitted Defendant Philipson or anyone or entity affiliated with or associated with Defendant Philipson to use Plaintiff’s MAA Marks.

44. Defendant Philipson does not have a legitimate non-commercial fair use claim of the Infringing Domain Names, Website, Logo, or False LinkedIn Accounts, particularly since the Infringing Domain Names have only recently been registered. On the contrary, Defendant Philipson has chosen the Infringing Domain Names, Logo, and Infringing LinkedIn Account to

trade off the reputation and goodwill associated with the MAA Marks, to cause confusion amongst Internet users and Plaintiff's customers, and to prevent Plaintiff from owning the Infringing Domain Names.

45. Upon information and belief, Defendant has used the Infringing Domain Names and Infringing LinkedIn Account to divert Internet users (which would otherwise be using Plaintiff's Marks to search for Plaintiff) to a website with information about third-party apartment management companies with the ultimate motive to disrupt and denigrate Plaintiff's business. Defendant Philipson has been using the Infringing Domain Names, Logo, and Infringing LinkedIn Accounts to fraudulently lure consumers to a website unsuspecting consumers may believe to be offered/provided by Plaintiff. Such conduct constitutes bad faith and is not a legitimate business use of the Marks.

46. "Craig Silver," the fake alter ego of Defendant Philipson, has directly and intentionally emailed Plaintiff information about its fake and Infringing Website, demonstrating he was well aware of the MAA Marks and his intent to annoy and harass MAA. Below is an example of one such communication:

From: Craig Silver <welcome@maaapartments.com>
Sent: Saturday, March 4, 2023 2:39 PM
To: welcome@maaapartments.com
Subject: [EXTERNAL] Please Visit us at MAAApartments!

Good afternoon!

Please visit one of our many sites at MAAApartments or
MAAApartments.com.

We look forward to seeing you!

47. As a former employee of MAA, Defendant Philipson's registration of the Infringing Domain Names was obviously done with prior knowledge of Plaintiff's widely known MAA Marks, which were in use for over 16 years and one of which was federally registered for over 28

years prior to Defendant Philipson's recent registration of the Infringing Domain Names. Plaintiff's registration of its Marks also provides constructive notice to Defendant Philipson of its rights.

48. Further, upon information and belief, Philipson sent invitations to connect to employees and customers of Plaintiff using the Fake LinkedIn Page and Accounts in an effort to cause confusion in the marketplace.

49. Moreover, upon information and belief, Defendant Philipson is repeatedly emailing Plaintiff through an anonymous portal, making veiled threats and disparaging comments about Plaintiff and Plaintiff's employees, while referencing Defendant Philipson's Infringing Website and Domains and its supposedly "vast social media following."

50. These communications contain an implied threat that Defendant Philipson and/or Defendant Philipson will use the alleged "vast social media following" belonging to the Infringing Website and/or Infringing LinkedIn Accounts and other false social media accounts to destroy any goodwill Plaintiff has developed for unknown and unstated reasons. These anonymous communications by Defendant Philipson do not report any legitimate complaints or concerns. Plaintiff asserts that such conduct constitutes harassment and is not indicative of any legitimate business activity.

51. Plaintiff sent a cease and desist letter on March 14, 2023, demanding that all of the infringing activity as herein described immediately cease, along with certain other demands, including a request that Defendant contact Plaintiff's attorneys so that these issues can be negotiated and promptly resolved. *See Exhibit C*. Defendant did not meet these demands.

CLAIM FOR TRADEMARK INFRINGEMENT

52. This cause of action arises under Section 32 of the Lanham Act, 15 U.S.C. §1114.

53. Defendant's use of the MAA Marks as alleged above is likely to cause confusion, mistake, or deception as to the source, sponsorship, or approval of the Plaintiff, such that consumers are likely to believe that Defendant's services are in some way connected with, sponsored or licensed by, or otherwise related to Plaintiff.

54. Defendant has infringed the MAA Marks and/or induced the infringement of the MAA Marks by using the Infringing Domains maa.apartments; maapartments.com; maafraud.com; and megaawesomeapartments.com, as well as using the Infringing Logo and creating the Infringing LinkedIn Account.

55. Defendant's use of the MAA Marks were made with actual and/or constructive knowledge of Plaintiff's rights in the Marks.

56. Defendant's use of the MAA Marks was without Plaintiff's consent or permission.

57. Defendant's use of confusingly similar service trademarks constitutes trademark infringement under the Lanham Act, 15 U.S.C. §1114(1).

58. The infringing conduct of Defendants was and is knowing, willful, and intentional.

59. Defendant's conduct has caused financial harm and irreparable damage to Plaintiff.

60. Because Defendant's actions constitute a willful violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), Plaintiff requests that the Court enter judgment for three times the amount of Plaintiff's actual damages, and/or three times the amount of Defendant's profits, or a combination thereof, pursuant to 15 U.S.C. §1117.

61. Moreover, because of the willful nature of Defendant's violation of Plaintiff's trademark rights, this case constitutes an exceptional case entitling Plaintiff to an award of reasonable attorneys' fees, pursuant to 15 U.S.C. §1117.

CLAIM FOR UNFAIR COMPETITION

62. Plaintiff repeats and realleges the allegations above and reincorporates them here by reference.

63. Defendant's unauthorized advertisement, promotion, display, offering for sale, sale, and distribution of Defendant's goods and services bearing the Plaintiff's trademarks or a mark that is confusingly similar to it constitute the use in commerce, on or in connection with Defendant's goods, of words, terms, names, symbols, or devices, or combinations thereof, and false designations of origin, and false or misleading descriptions or representations of fact, that are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff, and/or as to the origin of Defendant's goods and commercial activities with, or their sponsorship or approval by, Plaintiff, in violation of § 43(a)(1)(A) of the United States Trademark Act, 15 U.S.C. § 1125(a)(1)(A).

64. Defendant's use of the Infringing Marks are likely to confuse consumers of apartment leasing and property management services and give Defendants the advantage of Plaintiff's long-established excellent reputation in this field.

65. Defendant's willful and deliberate unfair competition as described above has caused and continues to cause irreparable harm to Plaintiff.

66. Plaintiff is entitled to an award of Defendant's profits, any damages it has sustained in an amount to be proven at trial, and the costs of this action, all of which are set forth in 15 U.S.C. §1117.

67. Because Defendant's actions constitute a willful violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), Plaintiff requests that the Court enter judgment for three times

the amount of Plaintiff's actual damages, and/or three times the amount of Defendant's profits, or a combination thereof, pursuant to 15 U.S.C. §1117.

68. Moreover, because of the willful nature of Defendant's violation of Plaintiff's trademark rights, this case constitutes an exceptional case entitling Plaintiff to an award of reasonable attorneys' fees, pursuant to 15 U.S.C. §1117.

CLAIM FOR INJUNCTIVE RELIEF

69. Plaintiff repeats and realleges the allegations above and reincorporates them here by reference.

70. Due to Defendant's acts of trademark infringement and unfair competition as set out above, Plaintiff is entitled to an injunction pursuant to 15 U.S.C. §1116, prohibiting any further use of the Infringing Marks.

71. Plaintiff is without an adequate remedy at law because Defendant's infringement has caused and will continue to cause great and irreparable injury to Plaintiff. Unless this Court enjoins these acts, they will continue and Plaintiff will continue to suffer great and irreparable injury to its intellectual property rights and erode its longstanding goodwill in the Marks.

72. Further, pursuant to 15 U.S.C. §1118, Plaintiff is entitled to an order that all products, labels, signs, prints, packages, wrappers, posters, flyers, and advertisements in Defendant's possession bearing the Infringing Mark or any confusingly similar trademark or service mark be delivered to Plaintiff for destruction.

CLAIM FOR STATE TRADEMARK INFRINGEMENT, UNFAIR COMPETITION, AND MISAPPROPRIATION

73. Plaintiff repeats and reasserts each and every allegation set forth above and realleges it here by incorporation.

74. This claim arises under Tennessee Code Annotated §47-25-512 and the common law of Tennessee, and seeks redress for acts of trademark infringement, unfair competition, and misappropriation.

75. By its actions, Defendants intend to pass off and represent its apartment leasing services as those offered by, approved by, sponsored by, or affiliated with Plaintiff.

76. Defendant's unlawful activities constitute trademark infringement, unfair competition, passing off, and misappropriation as proscribed by common law and statute.

77. As a result of Defendant's unfair competition, Plaintiff has suffered and will continue to suffer irreparable harm for which Plaintiff has no adequate remedy at law.

78. Plaintiff is entitled to any and all remedies available under Tennessee law for unfair competition, including damages in an amount to be proved at trial, as well as preliminary and permanent injunctive relief.

79. Defendant's acts of trademark infringement, unfair competition, and misappropriation have caused Plaintiff to sustain monetary damage, loss, and injury in an amount to be determined at the time of trial.

80. Defendant has engaged and continues to engage in this activity knowingly and willfully, so as to justify the assessment of increased and punitive damages against it in an amount to be determined at the time of trial.

81. Defendant's acts of trademark infringement, unfair competition, and misappropriation, unless enjoined by this Court, will continue to cause Plaintiff to sustain irreparable damage, loss, and injury, for which Plaintiff has no adequate remedy at law.

**CLAIM FOR DECEPTIVE TRADE PRACTICES
AND FRAUDULENT MISREPRESENTATIONS**

82. Plaintiff repeats and realleges each and every allegation set forth above as though fully set forth herein.

83. Defendant has and are engaged in acts and practices that constitute violation of the prohibition against deceptive trade practices found at Tennessee Code Ann. §47-18-104, *et seq.*

84. Defendant has used and are using Plaintiff's Marks in such a manner as to misrepresent the source, sponsorship, approval, and/or certification of its apartment leasing services. Defendant's activities further constitute the tort of passing off its services as those of Plaintiff's. The use of the Infringing Marks by Defendants create the unreasonable risk that consumers will conclude that there exists some affiliation, connection, or association between Plaintiff and Defendants.

85. The natural and probable effect of Defendant's use of the Marks in the manner alleged is to enable Defendants to deceive and confuse the public.

86. Defendant's use of the Infringing Marks in the manner alleged constitutes deceptive trade practices of the type prohibited by Tennessee Code Ann. §47-18-104, *et seq.*

87. Defendants had actual and/or constructive knowledge of Plaintiff's rights at the time it decided to use Plaintiff's intellectual property in connection with its provision of apartment leasing services and it continued to do so after receiving Plaintiff's cease-and-desist letters. Thus, Defendants willfully and deliberately infringed upon and violated Plaintiff's rights and continues to do so.

88. Upon information and belief, Defendant's unfair business practices are of a recurring nature and are harmful to the consumers and the public at large, as well as to Plaintiff.

These practices constitute unlawful, unfair, fraudulent, and deceptive business practices and unfair, deceptive, untrue, and misleading advertising. Plaintiff's acts have caused damage to Defendant.

89. Unless enjoined by this Court, Defendants will continue these acts, thereby causing Plaintiff further immediate and irreparable damage.

90. Plaintiff is without an adequate remedy at law because Defendant's acts as set forth herein are causing great and irreparable damage to Plaintiff and will continue to damage Plaintiff unless enjoined by this Court.

**CLAIM FOR NEGLIGENCE PER SE ARISING FROM VIOLATIONS OF FEDERAL
STATUTE TO PROTECT THE PUBLIC FROM CYBER HARASSMENT
(18 U.S.C. §§ 2261A)**

91. All allegations above are incorporated by reference as if fully restated herein.

92. Defendant Philipson was negligent per se in that his acts violated 18 U.S.C. § 2261A because they involved using the interactive computer services, electronic communication services, and electronic communication system of interstate commerce with the intent to injure, harass, and intimidate MAA and its employees by engaging in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to the employees.

93. Specifically, the Defendant used websites and social media platforms, which are interactive, electronic communication services and systems of interstate commerce, with the intent of injuring, harassing, and intimidating MAA employees by, among other things: obsessively following their comings and goings throughout the week, attempting to obtain access to their accounts on various websites and platforms, and leaving reviews of restaurants and enterprises that MAA employees frequent in an attempt to insinuate that he was following the employee and eavesdropping on their conversations and activities.

94. 18 U.S.C. §§ 2261A is a federal penal statute designed to protect the public and enable the courts to use the statutes to define a reasonably prudent person's standard of care because it establishes specific standards of conduct.

95. MAA and its employees belong to the class of persons the statute is designed to protect and its injuries are the type of injuries the statute was designed to prevent.

96. Therefore, as Defendant has clearly violated the statute, he has failed to meet the required standards of conduct and his behavior is negligent *per se*.

97. Defendant's acts violating the statute has caused and continues to cause MAA and its employees extensive damages including, but not limited to, extreme emotional distress and injury to reputation.

CLAIM FOR DEFAMATION

98. All allegations above are incorporated by reference as if fully restated herein.

99. Defendant Philipson published numerous false statements about MAA, with knowledge that the statement was false. By way of one example only, Philipson published to MAA's new board member a communication that indicated that numerous anonymous sources were worried about her undertaking to work with MAA because "widespread fraud" was suspected. No such fraud was taking place and Philipson knew this.

100. The communication was sent with the intent to harm MAA and its relationships.

101. Philipson's actions have caused damage to MAA.

CLAIM FOR TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONSHIPS

102. All allegations above are incorporated by reference as if fully restated herein.

103. MAA had a prospective business relationship with the users of LinkedIn who have an interest in residential leasing communities and property management.

104. Defendant had knowledge of those prospective business relationships.

105. By creating the false LinkedIn Accounts using MAA's Marks, Defendant published false and defamatory statements that were intended to cause of the breach or termination of those prospective business relationships.

106. By infringing on MAA's Marks and publishing defamatory content to these prospective business relationships on LinkedIn, Defendant used improper means.

107. MAA was damaged as a result of Defendant's conduct.

CLAIM FOR DECEIT

108. All allegations above are incorporated by reference as if fully restated herein.

109. As set forth herein, Philipson intentionally misrepresented facts, such as impersonating the employees of MAA, in order to apply for jobs and to gain access to their accounts or to create accounts in their names in an effort to further harass MAA and these employees.

110. Philipson did this to mislead others and obtain an undue advantage in order to harass and intimidate MAA and its employees.

111. MAA and its employees were damaged by this conduct.

CLAIM UNDER TENNESSEE PERSONAL AND COMMERCIAL COMPUTER ACT OF 2003

112. All allegations above are incorporated by reference as if fully restated herein.

113. Defendant knowingly, directly or indirectly, accessed a computer, computer software, and/or a computer network for the purpose of obtaining services for himself or for another by means of false or fraudulent pretenses and/or false or misleading representations.

114. MAA was damaged by his conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that:

1. The Court find that Plaintiff has valid and existing rights in the Marks described in this Complaint and that Defendant's conduct as described herein constitutes an infringement of Plaintiff's valuable and incontestable intellectual property rights;
2. The Defendants be held liable under each claim for the relief set forth in this Complaint;
3. The Court permanently enjoin the Defendants, their agents, servants, employees, and attorneys and all other persons in active concert or participation with them from using the Infringing Marks and all variants thereof (whether used alone or in combination with any words, punctuation or symbols, and whether used in connection with additional captions, text, or otherwise), and any other reproduction, counterfeit, copy, colorable imitation, or confusingly similar variation of such the Infringing Mark, as a trademark or service mark, or any advertising, distribution, sale, or offering for sale of Defendant's products and/or services in any medium or manner whatsoever in connection with apartment leasing or property management services of any kind;
4. The Defendants be required to pay to Plaintiff all damages it has suffered by reason of Defendant's unlawful acts as described in this Complaint;
5. The Defendants be required to account for and pay to Plaintiff all profits wrongfully derived by Defendants through its unlawful acts as described herein;
6. The Defendants be required to pay enhanced and/or punitive damages to Plaintiff, as determined by this Court, for Defendant's deliberate and willful trademark infringement and unfair competition;

7. The Defendants be required to pay to Plaintiff treble damages for the injury Defendant has caused under Tennessee's Consumer Protection Act;

8. The Defendants be required to pay to Plaintiff its reasonable attorneys' fees and disbursements incurred herein, pursuant to 15 U.S.C. §1117, Tennessee statutory law, and the equitable powers of this Court;

9. That the Defendant be required to pay Plaintiff all damages to which it is entitled for Defendant's defamation, negligence *per se*, deceit, intentional interference with prospective business advantage, and violations of the Tennessee Personal and Commercial Computer Act of 2003.

10. The Defendants be required to pay to Plaintiff the cost of this action;

11. That Defendants be required to pay pre- and post-judgment interest on all amounts to which Plaintiff is due; and

12. This Court award Plaintiff any further relief that it deems just and equitable.

Respectfully Submitted,

/s/ Paige Waldrop Mills

Paige Waldrop Mills, BPR. No. 16218

BASS, BERRY & SIMS PLC

Suite 2800; 150 3rd Ave. South

Nashville, Tennessee 37201

Tel: 615-742-6200

Fax: 615-429-0429

pmills@bassberry.com

Counsel for Mid-America Apartment Communities, LLC

EXHIBIT A

United States of America

United States Patent and Trademark Office

MAA

Reg. No. 4,009,475

Registered Aug. 9, 2011

Int. Cl.: 36

SERVICE MARK

PRINCIPAL REGISTER

MID AMERICA APARTMENT COMMUNITIES, INC. (TENNESSEE CORPORATION)
6584 POPLAR AVENUE
MEMPHIS, TN 38138

FOR LEASING OF APARTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-11-2011; IN COMMERCE 3-11-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-216,607, FILED 1-13-2011.

DAWN FELDMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

MAA

Reg. No. 4,009,475

Registered Aug. 9, 2011

Int. Cl.: 36

SERVICE MARK

PRINCIPAL REGISTER

MID AMERICA APARTMENT COMMUNITIES, INC. (TENNESSEE CORPORATION)
6584 POPLAR AVENUE
MEMPHIS, TN 38138

FOR: LEASING OF APARTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-11-2011; IN COMMERCE 3-11-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-216,607, FILED 1-13-2011.

DAWN FELDMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,268,349

Registered July 24, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

**Mid-America Apartment
Communities**

MID AMERICA APARTMENT COMMUNITIES,
INC. (TENNESSEE CORPORATION)
6584 POPLAR AVENUE
MEMPHIS, TN 38138

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "APARTMENT COMMUNITIES",
APART FROM THE MARK AS SHOWN.

FOR: LEASING OF APARTMENTS; LEASING OF
REAL ESTATE; RENTAL OF APARTMENTS, IN
CLASS 36 (U.S. CLS. 100, 101 AND 102).

SEC. 2(F).

FIRST USE 9-0-1994; IN COMMERCE 9-0-1994.

SER. NO. 78-971,584, FILED 9-11-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

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STATUS DOCUMENTS MAINTENANCE

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Mark: MAA

MAA

US Serial Number: 85216607

Application Filing Date: Jan. 13, 2011

US Registration Number: 4009475

Registration Date: Aug. 09, 2011

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Dec. 31, 2021

Publication Date: May 24, 2011

Mark Information

Mark Literal Elements: MAA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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Patent Search SN 85216607

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments

(view/insert/delete/print/clone/compare/track/notifications/affidavit/affidavit)

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 11, 2011

Use in Commerce: Mar. 11, 2011

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue
 Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION

**State or Country Where
 Organized:** TENNESSEE

Attorney/Correspondence Information

Attorney of Record

3/14/23, 4:36 PM

STATUS Search SN 85216607

Attorney Name: Robert L. Brewer

Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760

Fax: 615-742-6293

Correspondent e-mail: trademarks@bassberry.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 31, 2021	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 31, 2021	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74886
Dec. 31, 2021	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74886
Dec. 31, 2021	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 21, 2021	TEAS SECTION 8 & 9 RECEIVED	
Aug. 09, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

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Sep. 13, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 13, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
Sep. 13, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Aug. 08, 2017	TEAS SECTION 8 & 15 RECEIVED	
Aug. 09, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 02, 2014	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 02, 2014	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 09, 2011	REGISTERED-PRINCIPAL REGISTER	
May 24, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 24, 2011	PUBLISHED FOR OPPOSITION	
Apr. 20, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 20, 2011	ASSIGNED TO LIE	70138
Apr. 06, 2011	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Apr. 05, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 05, 2011	USE AMENDMENT ACCEPTED	74662
Apr. 05, 2011	ASSIGNED TO EXAMINER	74662
Mar. 17, 2011	AMENDMENT TO USE PROCESSING COMPLETE	88889
Mar. 17, 2011	USE AMENDMENT FILED	88889
Mar. 16, 2011	TEAS AMENDMENT OF USE RECEIVED	
Jan. 19, 2011	NOTICE OF PSEUDO MARK MAILED	
Jan. 18, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jan. 17, 2011	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 31, 2021

Assignment Abstract Of Title Information - None recorded

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Status Search SN 85216607

Proceedings - None recorded

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Mark: MID-AMERICA APARTMENT COMMUNITIES

Mid-America Apartment Communities

US Serial Number: 78971584

Application Filing Date: Sep. 11, 2006

US Registration Number: 3268349

Registration Date: Jul. 24, 2007

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Sep. 01, 2017

Publication Date: May 08, 2007

Mark Information

Mark Literal Elements: MID-AMERICA APARTMENT COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "Apartment Communities"

Acquired Distinctiveness In whole

Claim:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1994

Use in Commerce: Sep. 1994

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue
Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION

State or Country Where TENNESSEE
Organized:

Attorney/Correspondence Information**Attorney of Record****Attorney Name:** Robert L. Brewer**Docket Number:** 107060.0149**Attorney Primary Email** trademarks@bassberry.com**Attorney Email Authorized:** Yes**Address:****Correspondent****Correspondent** Robert L. Brewer**Name/Address:** Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760**Fax:** 615-742-6293**Correspondent e-mail:** trademarks@bassberry.com**Correspondent e-mail** Yes
Authorized:**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 01, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 01, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69615
Sep. 01, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69615
Sep. 01, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69615

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IP: 192.168.1.100 SN 78971584

Jul. 24, 2017	TEAS SECTION 8 & 9 RECEIVED	
Jul. 24, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
May 02, 2014	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 02, 2014	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 28, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 28, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Aug. 27, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Aug. 08, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jul. 24, 2007	REGISTERED-PRINCIPAL REGISTER	
May 08, 2007	PUBLISHED FOR OPPOSITION	
Apr. 18, 2007	NOTICE OF PUBLICATION	
Mar. 09, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	59272
Mar. 09, 2007	ASSIGNED TO LIE	59272
Feb. 09, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 07, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 07, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 07, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 06, 2007	NON-FINAL ACTION E-MAILED	6325
Feb. 06, 2007	NON-FINAL ACTION WRITTEN	74288
Feb. 01, 2007	ASSIGNED TO EXAMINER	74288
Sep. 15, 2006	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 01, 2017

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

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Mark: MAA COMMUNITIES

MAA COMMUNITIES

US Serial Number: 88716061

Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office Action has been sent (issued) to the applicant after review of the Statement of Use. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 09, 2023

Publication Date: Apr. 21, 2020

Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK