

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Case No. 217-2023-CV-00285

Casella Waste Systems, Inc.

v.

Jon Swan

JON SWAN'S MOTION TO CLARIFY COURT ORDER OF MAY 2, 2025

Mr. Swan moves for clarification of the Court's order concerning discovery, issued on May 2, 2025. In support hereof he states:

1. In light of the Court's requirement that Casella complete an affidavit detailing the search parameters for the search it conducted for documents relating to the terms set forth below, Mr. Swan requests that the Court add the following additional clarification to the content of the affidavit.

2. As the Court will recall, Mr. Swan sought a search for communications between any Casella account and the following individuals, which communications were required to be disclosed:

- a. Dave Leonard
- b. Vic St. Cyr
- c. Pam Kathan
- d. Brian Fuller
- e. Eric Pilotte
- f. Jim Dannis
- g. Scott Kleinschrodt
- h. Eric Moore
- i. Thomas Dubreuil
- j. Donald Mooney
- k. Jessie Wentworth
- l. Christine Ordinetz

3. In addition, Mr. Swan sought any document including the following terms that Casella was required to search for:

- a. Swan
- b. Alvarez
- c. Settled
- d. Settle
- e. Settlement
- f. Lawsuit
- g. Defamation
- h. Agreement
- i. Non-Disclosure
- j. NDA
- k. Breach
- l. Paper
- m. Reporter
- n. Confidentiality
- o. Confidential
- p. No comment
- q. Suit (later added)

4. Casella claims to have conducted those searches and produced—improbably—a single email chain.

5. Mr. Swan requests that the required affidavit confirm the following information, in addition to the items specified by the Court (“who participated in the search and production, what those people did, what search terms were used, and what was found as a result of those searches” (*see* Order at 1)):

- a. The identity of the mail hosting software and the security software employed by the Plaintiff.
- b. That the search included:
 - i. Primary mailboxes
 - ii. Shared mailboxes (not tied to a specific user)
 - iii. Archived messages on site or in the cloud

- iv. Deleted/recoverable mailbox/items
- v. Litigation hold mailboxes
- vi. Proofpoint (or other security system) archives
- vii. Backup snapshots (e.g., through Veeam or Azure backup, or other)
- viii. Mobile devices (through personal or company phones running Microsoft 365 or similar)
- ix. External systems (any third party system (e.g. contract management or project tools) where related communications could exist.
- x. Deletion logs.

6. As this is a substantive request for clarification, the Defendant assumes that the Plaintiff will object.

Respectfully submitted,

JON SWAN

By his Attorneys:

ORR & RENO, P.A.

Dated: May 7, 2025

By: /s/ Jeremy D. Eggleton
Jeremy D. Eggleton, Esq.
NH Bar No. 18170
45 South Main St.
PO Box 3550
Concord NH 03302-3550
(603) 224-2381
jeggleton@orr-reno.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was forwarded, this day, to all counsel via the Court's electronic file and serve system.

/s/ Jeremy D. Eggleton
Jeremy D. Eggleton