

The State of New Hampshire

Merrimack, SS.

Superior Court

Case Number: 217-2023-CV-00285

Casella Waste Systems, Inc.

v.

Jon Swan

**CASELLA WASTE SYSTEMS, INC.'S RESPONSES TO JON SWAN'S FIRST  
SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF**

Plaintiff Casella Waste Systems, Inc. provides the following responses to the requests for production propounded by the defendant Jon Swan pursuant to New Hampshire Superior Court Rule 24 as follows:

**I. GENERAL OBJECTION**

1. Defendant's requests are overly broad, vague, and unduly burdensome in that they seek the production of documents without limiting the scope of the request to any particular time period. The requests are not reasonably calculated to lead to the discovery of admissible evidence.
2. Defendant's requests seek information completely irrelevant to the underlying litigation.

## **II. Documents to Be Produced**

1. Please produce all Documents and Electronically Stored Information that contain any reference to Mr. Swan (Alvarez), including but not limited to email communications (both internal and external).

**Response:** The plaintiff objects to this request as irrelevant, vague, overbroad, and unduly burdensome to the extent it seeks information with no bearing on the question of whether Mr. Swan breached the settlement agreement with CWS or the implied covenant of good faith and fair dealing. As such, it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to the extent this request seeks privileged communications between the plaintiff and its attorneys. The plaintiff also incorporates by reference the general objections set forth above.

2. Please produce all Documents and Electronically Stored Information that reflect communications regarding Mr. Swan (Alvarez), the two court proceedings between the parties, or the topic of Contaminants or PFAS at NCES between and/or among Casella and the following individuals: Dave Leonard, Vic StCyr, Pam Kathan, Brian Fuller, Eric Pilotte, Jim Dannis, Scott Kleinschrodt, Eric Moore, Thomas Dubreuil, Donald Mooney, Jessie Wentworth, and Christine Ordinetz.

**Response:** The plaintiff objects to this request as irrelevant, vague, overbroad, and unduly burdensome to the extent it seeks information with no bearing on the question of whether Mr. Swan breached the settlement agreement with CWS or the implied covenant of good faith and fair dealing. As such, it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to the extent this request seeks attorney work product and/or privileged communications between the plaintiff and its attorneys. The plaintiff also incorporates by reference the general objections set forth above.

3. Please produce all Documents and Electronically Stored Information that contain any information relating to or reflecting testing for, or the detection of, Contaminants in air, soil, groundwater, the SEEP, and/or surface water at NCES.

**Response:** The plaintiff objects to this request as irrelevant, vague, overbroad, and unduly burdensome to the extent it seeks information with no bearing on the question of whether Mr. Swan breached the settlement agreement with CWS or the implied covenant of good faith and fair dealing. As such, it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to the extent this request seeks privileged communications between the plaintiff and its attorneys and attorney work product. The plaintiff also incorporates by reference the general objections set forth above.

4. Please produce all Documents and Electronically Stored Information that contain any information relating to or reflecting testing for, or the detection of, PFAS in air, soil, groundwater, the Seep, and/or surface water at NCES.

**Response:** The plaintiff objects to this request as irrelevant, vague, overbroad, and unduly burdensome to the extent it seeks information with no bearing on the question of whether Mr. Swan breached the settlement agreement with CWS or the implied covenant of good faith and fair dealing. As such, it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to the extent this request seeks privileged communications between the plaintiff and its attorneys and attorney work product. The plaintiff also incorporates by reference the general objections set forth above.

5. Please produce all Documents and Electronically Stored Information that contain any information relating to liner leaks, liner damage, liner tears, liner installation issues, liner mistakes, liner errors, leachate spills, leachate releases, and leachate accidents at NCES.

**Response:** The plaintiff objects to this request as irrelevant, vague, overbroad, and unduly burdensome to the extent it seeks information with no bearing on the question of whether Mr. Swan breached the settlement agreement with CWS or the implied covenant of good faith and fair dealing. As such, it is not reasonably calculated to lead to the discovery of admissible

evidence. Plaintiff further objects to the extent this request seeks privileged communications between the plaintiff and its attorneys and attorney work product. The plaintiff also incorporates by reference the general objections set forth above.

Respectfully submitted,  
Jon Swan  
By his Attorneys:

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Dated: July 23, 2024

By: /s/ Jeffrey C. Spear  
Jeffrey C. Spear (Bar No. 14938)

#### **CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2024 a copy of the foregoing First Request for Production of Documents was sent via email to counsel of record.

/s/ Jeffrey C. Spear  
Jeffrey C. Spear

CASELLA WASTE SYSTEMS, INC.,  
By Its Attorneys,

Date: August 29, 2024

By: /s/ Jacob M. Rhodes  
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AS TO OBJECTIONS:

Date: August 29, 2024

By: /s/ Jacob M. Rhodes  
Jacob M. Rhodes, Esq.