

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

ACME IRON & METAL COMPANY, §
a d/b/a of TXALLOY, INC., and §
MAYFIELD PAPER COMPANY, §
INC., on their own behalf and on §
behalf of those similarly situated, §

Plaintiffs, §

v. §

REPUBLIC WASTE SERVICES OF §
TEXAS, LTD., sometimes d/b/a §
TRASHAWAY SERVICES and §
DUNCAN DISPOSAL, §

Defendant. §

CIVIL ACTION NO.:
6:14-CV-00045-C

**DEFENDANT'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' FIRST
REQUESTS FOR PRODUCTION**

TO: Plaintiffs, Acme Iron & Metal Company and Mayfield Paper Company, Inc.,
by and through their attorneys of record, James A. Hemphill and David A.
King, Graves Dougherty Hearon & Moody, P.C., 401 Congress Avenue, Suite
2200, Austin, Texas 78701.

Defendant Republic Waste Services of Texas, Ltd. ("Republic") hereby serves
its Responses and Objections to Plaintiffs' Requests for Production. Republic
reserves the right to amend or supplement these responses pursuant to the Federal
Rules of Civil Procedure.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Edwin Buffmire

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on this 29th day of December, 2014, this document was served via electronic mail upon:

James A. Hemphill
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By: /s/ Edwin Buffmire
Edwin Buffmire

OBJECTIONS TO INSTRUCTIONS AND GENERAL OBJECTIONS

1. Republic objects to each request to the extent it calls for information not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims asserted in Plaintiffs' Complaint or Republic's defenses, in contravention of Federal Rule of Civil Procedure 26(b)(1), including but not limited to the issue that each request is not reasonably limited in time or scope. Republic submits these Responses and Objections without conceding the relevance or materiality of the subject matter of any answer, document, or request.
2. Republic objects to each request to the extent it calls for the production of documents or information that is private, confidential, proprietary, or similarly protected material. Subject to that objection and all others herein, Republic will confer with Plaintiffs regarding the production of appropriate documents subject to the parties' agreement to be bound by the terms of a protective order entered in this action with approval of the Court. Nonetheless, Republic reserves all rights to withhold confidential and proprietary information.
3. Republic objects to each request to the extent it calls for production of documents or information for which Republic owes a third party an obligation of confidentiality or privacy.
4. Republic objects to each request to the extent it assumes disputed facts or legal conclusions in the terms of the request or any applicable definitions. Any response or objection, including any discoverable information or documents produced by Republic, is without prejudice to this objection.
5. Republic objects to each request to the extent it calls for information or documents related to contracts or city ordinances not related to waste collection and hauling services for commercial and industrial customers within the City of San Angelo on the grounds that such information is not reasonably calculated to result in the discovery of evidence admissible as to the claims brought by Plaintiffs in this lawsuit. Further, Republic objects to each such request on the grounds that the requests are overly broad and unduly burdensome.
6. Republic objects to each of these interrogatories on the grounds that they seek information beyond the permissible scope of discovery in the current procedural posture of this case. Specifically, discovery should be limited at this time to matters relevant to a motion for class certification or to Plaintiffs' individual claims. *See* Fed. R. Civ. P. 23(c)(1) advisory committee's note; *see also Stewart v. Winter*, 669 F.2d 328, 331 (5th Cir. 1982) (affirming the district court's denial of discovery beyond class certification issues); *Hamilton*

v. First Am. Title Ins. Co., Civil Action No. 3:07-CV-1442-G, 2010 WL 791421, at *1 (N.D. Tex. Mar. 8, 2010) (addressing discovery dispute after court’s scheduling order “limiting the scope of discovery ‘to class certification issues’ pending a ruling on class certification”); *In re Merscorp Inc.*, No. C-07-25, 2008 WL 347682, at *1 (S.D. Tex. Feb. 6, 2008) (denying requested discovery, in part, because the requests “are not narrowly tailed and go well beyond the realm of discovery on class certification”).

7. Republic objects to each request on the grounds that they impose an undue burden on Republic, having been served (following months of Plaintiffs’ inaction) so as to require Republic to respond during a period that includes nearly a week of holidays. Subject to the foregoing, Republic will confer with Plaintiffs regarding a mutually agreeable production schedule.
8. Republic objects to Instruction 1, specifically, paragraph (m), on the grounds that it is vague, ambiguous, and confusing. Republic further objects on the grounds that “fees charged to Putative Class Members by Republic since January 1, 2000” is not reasonably calculated to result in the discovery of admissible evidence, is unduly burdensome, and beyond the scope of the applicable statutes of limitations.
9. Republic objects to Instruction Nos. 1, 3, and 5, and each specific request, to the extent they call for information protected by the attorney-client privilege, attorney work-product or similar privileges recognized by law.
10. Republic objects to Instruction No. 2 because it is overly broad, unduly burdensome, and calls for documents and information beyond the statutes of limitations applicable to Plaintiffs’ claims and is therefore not reasonably calculated to lead to the discovery of admissible evidence.
11. Republic objects to Instruction No. 3. Defendant will produce hard copy documents, in Single Page TIFF format with document level OCR. Each production will be produced with a load file containing beginning Bates number, ending Bates number, and an indication of whether the documents are confidential under any protective order. Defendant will produce electronically-stored information, including emails, in Single Page TIFF format with document level OCR or extracted text. Each production will be produced with a load file containing beginning Bates number, ending Bates number, and an indication of whether the documents are confidential under any protective order. Subject to the foregoing objection and without waiving the same, Republic will confer with Plaintiffs regarding an acceptable ESI protocol pursuant to the Federal Rules of Civil Procedure.

RESPONSES TO REQUESTS FOR PRODUCTION

1. Please produce documents constituting or reflecting communications or meetings between Republic and any representative of the City of San Angelo regarding Republic's charging, to any Putative Class Member, of Fuel/Environmental Recovery Fees.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

2. Please produce documents constituting or reflecting communications or meetings between Republic and any third party regarding Republic's charging, to any Putative Class Member, of Fuel/Environmental Recovery Fees.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic

further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

3. Please produce documents constituting or reflecting communications or meetings between or among employees, agents, or representatives of Republic regarding Republic's charging, to any Putative Class Member, of Fuel/Environmental Recovery Fees.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

4. Please produce documents reflecting or related to Republic's charging, to any Putative Class Member, of Fuel/Environmental Recovery Fees.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

5. Please produce documents constituting or reflecting communications or meetings between Republic and any representative of the City of San Angelo regarding any actual or proposed contract for solid waste collection, disposal, and landfill services between Republic and the City of San Angelo.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request on the grounds that it calls for the production of publicly available information and documents.

6. Please produce documents constituting or reflecting communications or meetings between Republic and any third party regarding any actual or proposed contract for solid waste collection, disposal, and landfill services between Republic and the City of San Angelo.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the

production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges.

7. Please produce documents constituting or reflecting communications or meeting between or among employees, agents, or representatives of Republic regarding any actual or proposed contract for solid waste collection, disposal, and landfill services between Republic and the City of San Angelo.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that

are responsive to the above request to the extent the request calls for documents related to the charges applied to Plaintiffs' accounts under the waste collection and hauling contract in force during the applicable statute of limitations period.

8. Please produce documents related to any actual or proposed contract for solid waste collection, disposal, and landfill services between Republic and the City of San Angelo.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges.

9. Please produce documents reflecting or related to communications or meetings between Republic and any representative of the City of San Angelo regarding proposals from any entity other than Republic to provide solid waste hauling, disposal, and landfill services to any Putative Class Member.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges.

10. Please produce documents reflecting or related to communications between Republic and any third party regarding proposals from any entity other than Republic to provide solid waste hauling, disposal, and landfill services to any Putative Class Member.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs' base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly

burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges.

11. Please produce documents constituting or reflecting communications or meetings between or among employees, agents, or representatives of Republic regarding proposals from any entity other than Republic to provide solid waste hauling, disposal, and landfill services to any Putative Class Member or the City of San Angelo.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges.

12. Please produce documents related to proposals from any entity other than Republic to provide solid waste hauling and disposal services to any Putative Class Member or the City of San Angelo.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges.

13. Please produce documents reflecting the identity, address, contact information, or actual billings to all Putative Class Members.

Response:

Republic objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's

defenses. Republic further objects to this request on the grounds that it calls for the production of confidential customer information and proprietary information.

Subject to the foregoing general objections, specific objections, and objections to applicable instructions, and without waving the same, Republic will confer with Plaintiffs' regarding the production of reasonably available customer invoice information for the four years preceding commencement of this suit upon entry of an appropriate protective order and confidentiality agreement.

14. Please produce documents reflecting or related to communications or meetings between Republic and any representative of the City of San Angelo regarding any City ordinance related to solid waste hauling, disposal, and landfill services.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request on the grounds that it is duplicative of Request 1. Republic otherwise incorporates its response to Request 1 herein, subject to the limitations of that request and Republic's objections thereto.

15. Please produce documents reflecting or related to communications or meetings between Republic and any third party regarding any City ordinance related to solid waste hauling, disposal, and landfill services.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges. Republic further objects to this request on the grounds that it is duplicative of Request 1. Republic otherwise incorporates its response to Request 1 herein, subject to the limitations of that request and Republic's objections thereto.

16. Please produce documents constituting or reflecting communications or meetings between or among employees, agents, or representatives of Republic regarding any City ordinance related to solid waste hauling, disposal, and landfill services.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste

services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges. Republic further objects to this request on the grounds that it is duplicative of Request 1. Republic otherwise incorporates its response to Request 1 herein, subject to the limitations of that request and Republic's objections thereto.

17. Please produce documents related to any City ordinance related to solid waste hauling, disposal, and landfill services.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents. Republic further

objects to this request to the extent it calls for information protected by the attorney-client privilege, attorney work product doctrine or other applicable privileges. Republic further objects to this request on the grounds that it is duplicative of Request 1. Republic otherwise incorporates its response to Request 1 herein, subject to the limitations of that request and Republic's objections thereto.

18. Please produce documents reflecting the total amounts charged by Republic to all Putative Class Members, by category of charges, from January 1, 2000 through the present.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request because it seeks to enlarge Republic's obligations under the Federal Rules of Civil Procedure by calling for documents not "as they are kept in the usual course of business." Republic further objects to this request, and all others pursuant to its general objection, to the extent it calls for information and documents "from January 1, 2000 through the present" as such request is harassing, unduly burdensome, and not reasonably calculated to result in the discovery of evidence admissible to Plaintiffs' claims or Republic's defenses.

19. Please produce documents that Republic submitted in response to the City's Request for Production OP-01-14 for the Lease and Operation of Sanitary Landfill and Waste Collection Services.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents.

20. Please produce documents constituting or reflecting communications or meetings between Republic and the City regarding the City's Request for Proposal OP-01-14 for the Lease and Operation of Sanitary Landfill and Waste Collection Services.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to

the extent it calls for the production of publicly available information and documents.

21. Please produce documents constituting or reflecting communications or meetings between Republic and any third party regarding the City's Request for Proposal OP-01-14 for the Lease and Operation of Sanitary Landfill and Waste Collection Services.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs' individual claims or Republic's defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents.

22. Please produce documents constituting or reflecting communications regarding Fuel/Environmental Recovery Fees billed to the Putative Class Members.

Response:

Republic objects to this request as duplicative, harassing, and unduly burdensome. Specifically, Request 22 appears to call for the production of the same or similar documents as Request 3. Republic further incorporates all applicable

general objections, objections to instructions and the specific objections to Request 3 herein, as well as Republic's response to Request 3.

23. Please produce documents constituting or reflecting communications regarding whether the Fuel/Environmental Recovery Fees were authorized by City ordinance or contract.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs' base their claims in this lawsuit. Republic objects to this request on the grounds that it is vague and ambiguous and therefore Republic is unable to perform a reasonably diligent search for responsive documents. Republic further objects to the request as overly broad and unduly burdensome to the extent it calls for production of documents unrelated to Plaintiffs' claims and Republic's defenses.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

24. Please produce documents constituting or reflecting communications regarding whether the City consented to Republic charging Putative Class Members the Fuel/Environmental Recovery Fees.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic objects to this request on the grounds that it is vague and ambiguous and therefore Republic is unable to perform a reasonably diligent search for responsive documents. Republic further objects to the request as overly broad and unduly burdensome to the extent it calls for production of documents unrelated to Plaintiffs' claims and Republic's defenses.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

25. Please produce documents constituting or reflecting communications alleging that the Fuel/Environmental Recovery Fees were not authorized.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic objects to this request on the grounds that it is vague and ambiguous and therefore

Republic is unable to perform a reasonably diligent search for responsive documents. Republic further objects to the request as overly broad and unduly burdensome to the extent it calls for production of documents unrelated to Plaintiffs' claims and Republic's defenses.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

26. Please produce documents referring to any allegation that Republic was charging any fee not authorized by a contract, ordinance, or other authorizing document in any municipality in which Republic has or had an exclusive or non-exclusive solid waste collection contract or franchise.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs' two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic objects to this request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to result in the discovery of admissible evidence related to Plaintiffs' claims or Republic's defenses, including, without limitation, insofar as it seeks information regarding any municipality other than the City of San Angelo and is unlimited in geographic scope or time. Republic further objects to this request on the grounds that "fee not authorized by a contract, ordinance, or

other authorizing document” is vague and ambiguous such that Republic is unable to perform a reasonably diligent search absent undue expense and burden.

27. Please produce the contracts or franchise agreements that are the subject of the documents produced in Request for Production No. 26.

Response:

Republic incorporates its general objections, objections to instructions and specific objections to Request 26 herein by reference.

28. Please produce documents reflecting communications with the City regarding the April 30, 2014 City press conference on the City’s Request for Proposal OP-01-14 for Lease and Operation of Sanitary Landfill and Waste Collection Services prior to the actual press conference.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs’ two individual commercial waste services accounts on which Plaintiffs’ base their claims in this lawsuit. Republic further objects to this request on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs’ individual claims or Republic’s defenses. Republic further objects to this request to the extent it calls for the production of publicly available information and documents.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce,

following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

29. Please produce documents reflecting communications within Republic or between Republic and the City regarding the June 27, 2014 Republic press release related to the Fuel/Environmental Recovery Fees.

Response:

Republic objects to this request to the extent it calls for the production of information or documents protected by the attorney-client privilege, attorney work-product doctrine and other applicable privileges. Republic further objects to this request on the grounds it is not reasonably calculated to result in the discovery of admissible evidence. Republic further objects to the request because it is vague and ambiguous, specifically “the June 27, 2014 Republic press release” is undefined and ambiguous.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

30. Please produce documents reflecting communications within Republic or between Republic and the City regarding the letter sent by Republic on or about July 3, 2014 to Putative Class Members promising to determine the amount of refund due.

Response:

Republic objects to this request to the extent it calls for the production of information or documents protected by the attorney-client privilege, attorney work-product doctrine and other applicable privileges. Republic further objects to this request on the grounds it is not reasonably calculated to result in the discovery of admissible evidence. Republic further objects to the request because it is vague and ambiguous, specifically “the letter sent by Republic on or about July 3, 2014” is undefined and ambiguous.

Subject to its specific objections, general objections and objections to applicable instructions, and without waiving the same, Republic will produce, following a reasonably diligent search of its records, non-privileged documents that are responsive to the above request.

31. Please produce documents reflecting or relating to the “review of billing data” referred to in the September 26, 2014 letter from Don W. Griffis to Ms. Lysia H. Bowling, City Attorney, City of San Angelo, a copy of which is attached hereto as Exhibit A, including without limitation:
- documents reviewed and created, by Republic or any Republic representative (including the “leading international accounting firm” referenced in the letter), in determining the amount of the refund Republic claims it will make to Putative Class Members regarding Fuel/Environmental Recovery Fees;
 - documents identifying individuals and entities to whom refunds will be, or have been, made;

- communications among Republic (including its representatives and consultants), and between Republic and any third party, regarding the “review of billing data” and potential refunds; and
- any work papers or calculations related to the refunds.

Response:

Republic objects to this request to the extent it calls for information or documents beyond those related to Plaintiffs’ two individual commercial waste services accounts on which Plaintiffs base their claims in this lawsuit. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs’ individual claims or Republic’s defenses. Republic further objects to this request because it seeks to enlarge Republic’s obligations under the Federal Rules of Civil Procedure by calling for documents not “as they are kept in the usual course of business.” Republic further objects to this request because it is vague and ambiguous such that Republic is unable to perform a reasonably diligent search for responsive documents. Republic further objects to this request to the extent it calls for confidential customer information. Republic further objects to this request to the extent it seeks to enlarge or modify Republic’s obligations under Federal Rule of Civil Procedure 26(b) or otherwise seeks information protected thereunder.

Subject to its general objections, objections to instructions, and specific objections above, Republic will produce responsive documents, redacted to avoid identifying specific customers other than Plaintiffs.

32. Please produce documents reflecting how the refund from Republic to Acme evidenced in the October 27, 2014 letter to “Valued Customer” from Ray Grothaus (a copy of which is attached hereto as Exhibit B hereto) was calculated, including without limitation all documents used in the calculation and all documents generated in calculating the amount of refund.

Response:

Republic objects to this request on the grounds that Plaintiffs’ claims relate to the charges to two commercial waste collection accounts. Republic further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence as to Plaintiffs’ individual claims or Republic’s defenses. Republic further objects to this request to the extent it seeks to enlarge or modify Republic’s obligations under Federal Rule of Civil Procedure 26(b) or otherwise seeks information protected thereunder.

Subject to its general objections, objections to instructions, and specific objections above, Republic will produce responsive documents.

33. Please produce documents reflecting communications between Republic and the City regarding any actual or potential agreement for the City to award Republic any contract if Republic agreed to issue a refund to Putative Class Members regarding Fuel/Environmental Recovery Fees.

Response:

Republic objects to this request on the grounds that it is not reasonably calculated to result in the discovery of admissible evidence as to Plaintiffs’ claims or Republic’s defenses. Further, Republic objects this request on the grounds that it is

vague and ambiguous, and therefore Republic is unable to conduct a reasonably diligent search for responsive documents.

Subject to its general objections, objections to instructions, and specific instructions, Republic interprets the foregoing request to call for information or documents reflecting an agreement between Republic and the City that the City would award a contract to Republic if Republic agreed to issue a refund to customers, and there are none.

34. Please produce documents reflecting communications within Republic, or between Republic and any third party, regarding Republic's decision to stop charging Fuel/Environmental Recovery Fees before the expiration of its contract with the City on July 31, 2014.

Response:

Republic objects to this request on the grounds that it is not reasonably calculated to result in the discovery of admissible evidence as to Plaintiff's claims and Republic's defenses. Republic further objects to this request to the extent it calls for the production of information or documents protected by the attorney-client privilege or attorney work-product doctrines.

35. Please produce all communications between Republic and any representative of the City (including City Council members) on any subject from the date of issuance of the City's Request for Proposal OP-01-14 for Lease and Operation of Sanitary Landfill and Waste Collection Services through the present.

Response:

Republic objects to this request on the grounds that it is not reasonably calculated to result in the discovery of admissible evidence as to Plaintiff's claims

and Republic's defenses. Republic further objects to this request as overly broad and unduly burdensome.