UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMCASCO INSURANCE COMPANY and EMPLOYERS MUTUAL CASUALTY COMPANY,

Plaintiffs,

v.

PENINSULA TOWNSHIP; WINERIES OFTHE OLD MISSION PENINSULA (WOMP) ASSOC.; BOWERS HARBOR VINEYARD & WINERY, INC.; BRYS WINERY LC; CHATEAU GRAND TRAVERSE, LTD.; CHATEAU OPERATIONS, LTD.; GRAPE HARBOR, INC.; MONTAGUE DEVELOPMENT LLC; OV THE FARM LLC; TABONE VINEYARDS, LLC; TWO LADS LLC; VILLA MARI LLC; WINERY AT BLACK STAR FARMS LLC; and PROTECT THE PENINSULA, INC.

Defendants.

Case No: 1:25-cv-1081

Honorable Paul L. Maloney

BRYS WINERY LC'S ANSWERS TO EMC'S FIRST REQUESTS TO PRODUCE

Defendant, Brys Winery LC., by its attorneys Miller Canfield Paddock and Stone, PLC, submits the following objections and responses to the First Requests to Produce served by Plaintiffs EMCASCO Insurance Company and Employers Mutual Casualty Company (collectively, "EMC" or "Plaintiffs").

GENERAL OBJECTIONS

Brys asserts each of the following General Objections and expressly incorporates them into each specific response set forth herein:

A. Brys objects to each document request, definition, and instruction to the extent that they seek to impose any obligation on Brys beyond that required by the Federal Rules of Civil

Procedure and to the extent that they attempt to impose any obligation beyond the scope of proper discovery.

B. Brys objects to each document request to the extent that it calls for or seeks information protected by the attorney-client privilege, work product doctrine, or is immune from discovery under any other applicable rule or statutory or common-law protection against disclosure. Such information shall not be produced. Any inadvertent production of protected material is not intended to waive any applicable privilege or protection.

C. Brys objects to the Requests to the extent they seek confidential commercial, financial, personal, proprietary, or competitively sensitive information without appropriate protections or a protective order.

D. Brys objects to each Request to the extent it seeks information or documents not reasonably available to, or not within the possession, custody, or control of Brys.

E. Brys objects to these Requests to the extent they fail to specify any reasonable time frame. Such requests are overly broad and unduly burdensome.

F. Brys objects to the Requests to the extent they are overbroad, unduly burdensome, cumulative, duplicative, or seek documents already produced. Brys will not reproduce documents previously produced unless doing so is reasonably necessary to identify the documents responsive to a particular Request.

G. Brys objects to the extent any Request seeks documents that are publicly available, already in EMC's possession, were produced in the underlying action, or are equally available from Defendant Peninsula Township, or another party.

H. Brys's submission of these responses and objections, and its production or identification of any document, does not constitute an admission concerning the relevance,

materiality, authenticity, or admissibility of any document; the correctness of any characterization contained in a Request; the interpretation or application of the EMC Policies; or the existence or availability of coverage.

I. Brys's investigation and discovery efforts in this action are ongoing. Brys reserves the right to supplement these responses as required by Federal Rule of Civil Procedure 26(e).

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST NO. 1: Produce all Documents or Communications which You claim evidence a "public official's wrongful act" (as defined by the EMC Policies) that first occurred during the policy period of the EMC Policies.

RESPONSE: Brys objects that this Request is vague and ambiguous as to "first occurred" and improperly seeks to require Brys, through a request for production, to identify and adopt EMC's characterization of particular conduct under terms defined by the EMC Policies. Brys further objects to the phrase "which You claim evidence" to the extent it presupposes that Brys must presently determine, on a document-by-document basis, which documents establish that a "public official's wrongful act," as defined by the EMC Policies, first occurred during a particular policy period.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the factual basis for liability, damages, and other issues asserted in the underlying action rather than addressing the coverage issues disputed in this case. To the extent EMC seeks documents that purportedly "evidence" a "public official's wrongful act" and when such conduct allegedly "first occurred," the Request improperly seeks to require Brys to characterize facts and documents according to EMC's coverage theories and policy interpretations, which Brys does not adopt and was not required to prove in the underlying action.

Brys is neither a party to nor an insured under the EMC Policies, and its production of documents does not constitute an admission regarding the interpretation or application of the EMC Policies, the date on which any alleged wrongful act is deemed to have occurred, or the availability of coverage.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 2: Produce all Documents or Communications between You and any of the Wineries regarding or related to any actual, alleged, or potential enforcement, violation of, or notice of violation of the PTZO or Winery Ordinances to the Wineries prior to April 15, 2021.

RESPONSE: Brys objects to this Request as overbroad, irrelevant, and disproportionate to the needs of this insurance-coverage action. The Request seeks all documents and communications between Brys and any other Winery concerning actual, alleged, or merely potential enforcement or violations involving any Winery, without limiting the Request to Brys's property, Brys's claims, the judgment entered in favor of Brys, or communications bearing on a disputed issue concerning coverage under the EMC Policies. Neither Brys nor the other Wineries are parties to or insureds under the EMC Policies, and documents and communications among the

Wineries do not bear on the interpretation or application of those Policies or EMC's obligations concerning the judgment entered in favor of Brys.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the factual allegations, liability issues, and damages asserted in the underlying action rather than addressing any disputed issue concerning coverage under the EMC Policies. Communications among the wineries regarding actual, alleged, or potential violations or enforcement activities do not bear on the interpretation of the EMC Policies, whether coverage exists under those policies, or EMC's obligations with respect to the judgment entered in favor of Brys. To the extent EMC seeks such communications to challenge, test, or revisit the factual bases of the underlying claims, the Request exceeds the proper scope of discovery in this case.

Brys further objects to the phrases "regarding or related to" and "potential enforcement" as vague and facially overbroad because they encompass communications having, at most, a remote or incidental connection to the claims and defenses in this action. Brys also objects to the extent the Request seeks attorney-client communications, attorney work product, protected common-interest or joint-defense communications, consulting-expert materials, draft analyses, or documents reflecting counsel's selection, organization, or evaluation of evidence.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production

does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 3: Produce all Documents or Communications between You and the Township regarding or related to any actual, alleged, or potential enforcement, violation of, or notice of violation of the PTZO or Winery Ordinances prior to April 15, 2021.

RESPONSE: Brys objects to the phrases "regarding or related to" and "potential enforcement" as vague and overbroad because they encompass communications having, at most, a remote or incidental connection to the claims and defenses in this action. Brys further objects to the extent this Request seeks documents outside the scope of the evidence underlying Brys's claims and the resulting judgment or documents that are cumulative of materials already produced by the Township or in the underlying action.

Brys further objects because the Request seeks information beyond what is relevant and proportional to the claims and defenses in this insurance-coverage action and appears directed toward relitigating the factual allegations and enforcement history in the underlying action rather than addressing the interpretation or application of the EMC Policies. To the extent EMC seeks every communication concerning actual, alleged, or potential violations or enforcement activity, regardless of whether such communications bear on a disputed coverage issue, the Request exceeds the proper scope of discovery.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. Brys further states that responsive communications, to the extent any exist, between Brys and Peninsula Township concerning the enforcement activities alleged in the underlying action are contained within that record. Accordingly, and based on the foregoing objections, Brys will not make any further production in response to this Request.

REQUEST NO. 4: Produce all Documents and Communications that relate to Your contention that the Township prevented You from hosting corporate, social, or other events at Your Property, such as weddings or live music.

RESPONSE: Brys objects to the phrase "relate to" as vague and overbroad and to "corporate, social, or other events" as undefined and potentially encompassing activities beyond those at issue in the underlying action. Brys further objects that the Request is unlimited in time and is not confined to the period relevant to Brys's claims or the resulting judgment. Brys also objects to the extent the Request seeks documents cumulative of evidence already produced or admitted in the underlying action, confidential customer or financial information, or documents protected by the attorney-client privilege, work product doctrine, or other applicable protection.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and appears directed toward relitigating the factual allegations, liability findings, and damages issues adjudicated in the underlying action rather than addressing any disputed issue concerning coverage under the EMC Policies. Brys's contention that the Township unlawfully restricted or prevented events at its property was litigated in the underlying action, and EMC may not use discovery in this coverage action to reexamine or relitigate those underlying issues. To the extent EMC seeks documents concerning Brys's ability

to host weddings, live music, corporate events, or other events for purposes of challenging the factual bases of the underlying judgment, the Request exceeds the proper scope of discovery.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 5: Produce all Documents and Communications that relate to, discuss, describe, or mention instances of You informing potential customers that You cannot accommodate them due to the Winery Ordinances and/or PTZO.

RESPONSE: Brys objects to the phrases "relate to, discuss, describe, or mention" as vague and overbroad because they encompass documents having, at most, a remote or incidental connection to the subject matter of this Request. Brys further objects that the Request is unlimited in time, is not confined to the period relevant to Brys's claims or the resulting judgment, and is not limited to documents and communications concerning events for which Brys sought damages in the underlying action. Brys also objects to the extent the Request seeks documents cumulative of evidence already produced or admitted in the underlying action, confidential customer or financial information, or documents protected by the attorney-client privilege, work product doctrine, or other applicable protection.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and appears directed toward relitigating the factual allegations, liability findings, and damages issues adjudicated in the underlying action rather than addressing any disputed issue concerning coverage under the EMC Policies. To the extent EMC seeks documents concerning Brys's communications with prospective customers for purposes of challenging the factual bases of the underlying judgment or Brys's damages, the Request exceeds the proper scope of discovery.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 6: Produce all Documents and Communications that relate to, describe, mention, or discuss any Property Damage that Your Property sustained as a result of the Township's enactment or enforcement of the PTZO and/or Winery Ordinances.

RESPONSE: Brys objects to the phrases "relate to, describe, mention, or discuss" as vague and overbroad because they encompass documents having, at most, a remote or incidental connection to the subject matter of this Request. Brys further objects that the Request uses a term specially defined by the EMC Policies. Brys is neither a party to nor an insured under the EMC

Policies and does not, by responding to this Request, adopt EMC's definition or characterization of "Property Damage."

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the factual allegations, liability findings, and damages issues adjudicated in the underlying action rather than addressing any disputed issue concerning coverage under the EMC Policies. To the extent EMC seeks documents concerning alleged "Property Damage" for purposes of challenging the factual bases of the underlying judgment or Brys's damages, the Request exceeds the proper scope of discovery. Brys further objects because the Request improperly requires Brys to characterize facts and documents according to EMC's coverage theories and policy interpretations, which Brys does not adopt and was not required to prove in the underlying action.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 7: Produce all Documents and Communications that relate in any way to, describe, discuss, mention, or otherwise concern the Township's "enforcement efforts" of the Winery Ordinances and/or PTZO against You as described in the Wineries Lawsuit and affidavits attached thereto.

RESPONSE: Brys objects to the phrases "relate in any way to, describe, discuss, mention, or otherwise concern" and "enforcement efforts" as vague and overbroad because they encompass documents having, at most, a remote or incidental connection to the claims and defenses in this action. Brys further objects that the Request is unlimited in time and potentially cumulative and duplicative of Requests Nos. 3, 8, and 11. Brys also objects to the extent the Request seeks privileged or protected materials, including attorney-client communications, attorney work product, protected common-interest or joint-defense communications, consulting-expert materials, draft analyses, or documents reflecting counsel's selection, organization, or evaluation of evidence.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the factual allegations, liability findings, and damages issues adjudicated in the underlying action rather than addressing any disputed issue concerning coverage under the EMC Policies. To the extent EMC seeks documents concerning the Township's alleged enforcement efforts for purposes of challenging, testing, or revisiting the factual bases of the underlying judgment, the Request exceeds the proper scope of discovery.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from

the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 8: Produce all Documents and Communications that relate to or arise out of any penalties, fines, notice of potential violations, civil penalties, criminal complaints, or otherwise that the Township levied, charged, filed, or brought against You for an alleged or actual violation of the Winery Ordinances.

RESPONSE: Brys objects to the phrases "relate to or arise out of" and "or otherwise" as vague and overbroad because they encompass documents having, at most, a remote or incidental connection to the claims and defenses in this action. Brys further objects that the Request is unlimited in time and is cumulative and duplicative of Requests Nos. 3, 7, and 11. Brys also objects to the extent the Request assumes that the Township levied or charged a penalty or fine, filed or brought a civil penalty or criminal complaint, or otherwise initiated a formal enforcement proceeding against Brys for an alleged violation of the Winery Ordinances.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the factual allegations, liability findings, and damages issues adjudicated in the underlying action rather than addressing any disputed issue concerning coverage under the EMC Policies. To the extent EMC seeks documents concerning alleged penalties, fines, notices of violation, civil-enforcement proceedings, criminal complaints, or other enforcement measures for purposes of challenging, testing, or revisiting the factual bases of the underlying judgment, the Request exceeds the proper scope of discovery.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 9: Produce all Documents and Communications between the Township and PTP, that arise out of, relate to, discuss, or otherwise mention the May 2019 Memorandum, July 2019 Letter, August 2019 Letter, or 2020 Draft Zoning Ordinance.

RESPONSE: Brys objects to the phrases "arise out of, relate to, discuss, or otherwise mention" as vague and overbroad because they encompass documents having, at most, a remote or incidental connection to the claims and defenses in this action. Brys further objects because this Request seeks documents and communications between two other parties, Peninsula Township and Protect the Peninsula, Inc. ("PTP"), and is not limited to documents within Brys's possession, custody, or control. The Request is more appropriately directed to the Township or PTP, and Brys has no obligation to obtain documents from another party or third party on EMC's behalf.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the factual allegations, liability findings, and damages issues adjudicated in the underlying action rather than addressing any disputed issue concerning coverage under the EMC Policies. To the

extent EMC seeks communications between the Township and PTP concerning the May 2019 Memorandum, July 2019 Letter, August 2019 Letter, or 2020 Draft Zoning Ordinance for purposes of challenging, testing, or revisiting the factual bases of the underlying judgment, the Request exceeds the proper scope of discovery.

Brys further objects to the extent the Request seeks documents already in EMC's possession or equally available to EMC from the Township or PTP. Brys also objects to the extent the Request seeks attorney-client communications, attorney work product, protected common-interest or joint-defense communications, or documents reflecting counsel's selection, organization, or evaluation of evidence.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and the relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 10: Produce all internal Documents and Communications discussing or relating to the legality, applicability, constitutionality, or validity of the Winery Ordinances at any time prior to April 15, 2021.

RESPONSE: Brys objects to the phrases "all internal Documents and Communications" and "discussing or relating to" as vague, overbroad, and disproportionate to the needs of this action because they encompass every internal document and communication having any connection to the identified subjects, including communications having, at most, a remote or incidental relationship to the claims and defenses in this action. Brys further objects that the Request is not

limited to documents or communications relevant to any claim or defense in this insurance-coverage action and instead encompasses internal documents and communications that have no bearing on the interpretation or application of the EMC Policies. Brys also objects to the extent the Request seeks attorney-client communications, attorney work product, protected common-interest or joint-defense communications, consulting-expert materials, draft legal analyses, litigation strategy, or documents reflecting counsel's selection, organization, or evaluation of evidence.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the legality, applicability, constitutionality, the validity of the Winery Ordinances, and other issues litigated in the underlying action, rather than addressing any disputed issue concerning the interpretation or application of the EMC Policies. Internal Brys communications regarding the legality, applicability, constitutionality, or validity of the Winery Ordinances do not bear on the interpretation of the EMC Policies, whether coverage exists under those policies, or EMC's obligations with respect to the judgment entered in favor of Brys. To the extent EMC seeks internal communications for purposes of challenging, testing, or revisiting the factual or legal bases of the underlying judgment, the Request exceeds the proper scope of discovery.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or

defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 11: Produce all letters or other Communications or Documents from Peninsula Township received "over the years" demanding that You cancel events or be subject to penalties identified in the Wineries Lawsuit and your Affidavit attached thereto.

RESPONSE: Brys objects to the phrase "over the years" as vague and ambiguous because it does not identify a reasonably definite time period. Brys further objects that the Request is cumulative and duplicative of Requests Nos. 3, 7, and 8. Brys also objects to the extent the Request seeks documents outside the period relevant to Brys's claims and the resulting judgment, documents cumulative of evidence already produced or admitted in the underlying action, or documents protected by the attorney-client privilege, work product doctrine, or other applicable protection.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the factual allegations, liability findings, and damages issues adjudicated in the underlying action rather than addressing any disputed issue concerning the interpretation or application of the EMC Policies. Whether Peninsula Township demanded that Brys cancel events or face penalties was an issue presented in the underlying action. To the extent EMC seeks such documents for purposes of challenging, testing, or revisiting the factual bases of the underlying judgment or Brys's damages, the Request exceeds the proper scope of discovery.

Brys further objects to this Request to the extent it seeks documents that are publicly available, already in EMC's possession, equally available from other sources, or were previously produced to EMC.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and relevant record from the

underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

REQUEST NO. 12: Produce any and all other Documents or Communications regarding, relating to, pertaining to, Your claim for damages from the Township that is the subject of the Wineries Lawsuit or identified or described in Your Answers to EMC's First Interrogatories to Brys or Your Rule 26(a)(1) Initial Disclosures.

RESPONSE: Brys objects to the phrases "any and all other" and "regarding, relating to, pertaining to" as vague and overbroad because they fail to identify the requested documents with reasonable particularity and encompass documents having, at most, a remote or incidental connection to Brys's damages claim. Brys further objects that this catch-all Request is unlimited in time, cumulative and duplicative of the preceding Requests, and disproportionate to the needs of this insurance-coverage action.

Brys further objects because the Request seeks information that is irrelevant to the claims and defenses at issue in this insurance-coverage action and is directed toward relitigating the factual allegations, liability findings, and damages issues adjudicated in the underlying action rather than addressing any disputed issue concerning the interpretation or application of the EMC Policies. The nature, extent, and amount of Brys's damages were litigated in the underlying action and resulted in a judgment. To the extent EMC seeks additional documents concerning Brys's damages for purposes of challenging, testing, or revisiting the factual bases of that judgment, the Request exceeds the proper scope of discovery.

Brys further objects that the Request encompasses documents concerning damages theories or categories that were not accepted by the Court, did not form the basis of the resulting judgment, or otherwise have no bearing on the interpretation or application of the EMC Policies. Brys also objects to the extent the Request seeks privileged or protected materials, including attorney-client communications, attorney work product, protected common-interest or joint-defense communications, consulting-expert materials, draft analyses, or documents reflecting counsel's selection, organization, or evaluation of evidence.

Subject to, limited by, and without waiving the foregoing general and specific objections, Brys has already produced to EMC the written discovery responses and relevant record from the underlying action that are within its possession, custody, or control. Brys's prior production does not constitute an admission regarding the interpretation or application of the EMC Policies or the availability of coverage. To the extent Brys possesses additional documents falling within the scope of this Request, Brys objects that such documents are not relevant to any party's claim or defense in this action and are not proportional to the needs of the case. Accordingly, based on the foregoing objections, Brys will not produce any such additional documents.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Joseph M. Infante

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Dated: October 16, 2026

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2026, I served the foregoing document by email to all counsel of record.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Joseph M. Infante
Joseph M. Infante (P68719)