



IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

ENERGY POLICY ADVOCATES :

Plaintiff, :

v. : Case No. C-02-CV-22-001100

ANNE ARUNDEL COUNTY, MARYLAND:

Defendant. :

\* \* \* \* \*

**AFFIDAVIT OF HAMILTON TYLER**

The following statement contains my personal knowledge and is made under penalty of perjury:

1. My name is Hamilton F. Tyler and I am over the age of 18 and competent to give testimony in this matter.

2. I am a Deputy County Attorney for Anne Arundel County, Maryland. I have been a member of the Maryland Bar since 1990.

3. In my capacity as Deputy County Attorney, I provide legal advice for Anne Arundel County, Maryland and its officers and employees acting within the scope of their employment.

4. On March 2, 2021, I authored an email to Matt Johnston, the then-Director of Environmental Policy for Anne Arundel County, Maryland. The County Attorney, Gregory Swain, was copied on the email.

5. The email concerned an ongoing legal matter and was authored by me in anticipation of affirmative litigation to be brought by my client, Anne Arundel County, Maryland. The affirmative litigation was subsequently filed and my appearance is currently entered in that litigation as counsel for Anne Arundel County, Maryland.

6. The email was sent to in confidence and was intended to provide confidential legal advice to my client concerning an ongoing legal matter.

7. The email is a communication pertaining to legal assistance and made by me with the intention of confidentiality with my client.

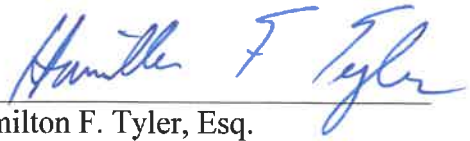
8. The contents of the email relate to my professional advice and to the subject-matter upon which my advice was provided to my client.

9. The email was authored by me to provide legal advice and not business advice.

10. The email is a communication that is not intended to be disclosed to third-parties by me or my client.

11. The County has not waived attorney-client privilege.

AUGUST 9, 2022  
DATE

  
Hamilton F. Tyler, Esq.