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IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY, FLORIDA

CASE NO.: 2025-CA-001320A000MX

BRADLEY BYRD, an individual, and ANNA BYRD, an individual,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, a foreign for profit corporation, COSTCO-INNOVEL SOLUTIONS, LLC, d/b/a COSTCO WHOLESALE LOGISTICS, a foreign limited Liability company, and RXO LAST MILE, INC., a foreign for profit corporation,

Defendants.

_____/

DEFENDANT'S NOTICE OF FILING SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

Defendant, Costco Wholesale Corporation (Costco), files a supplemental affidavit of Tony Datillo, to be incorporated by reference as **Exhibit D** to its Motion for Protective Order (dated 08/05/2026) [Doc. 74]. *See attached*, **Exhibit D.** The substance of Mr. Dattillo's supplemental affidavit remains unchanged, however, the supplemental affidavit was locally notarized to cure Plaintiffs' objection to Mr. Dattilo's initial affidavit attached as **Exhibit C** to the subject motion [Doc. 74].

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to John D. "Jack" Webb, Esq., 1662 Stockton Street, Suite 201, Jacksonville, FL 32204, (Counsel for Plaintiff), jwebb@jackwebblaw.com; arichey@jackwebblaw.com, and Jupton@jackwebblaw.com, Heather L. Stover, Esq. and Richard S. Maselli, Esq., Ogden

Accepted 08/17/2026 11:21 AM by the Clerk of the Circuit Court, St. Johns County, Florida, DIN: 76

Sullivan, (Counsel or Defendant RXO), 5422 Bay Center Drive, Suite 100, Tampa, FL 33609, hstover@ogdensullivan.com, RMaselli@ogdensullivan.com, and Eservice@ogdensullivan.com, via Florida E-Portal, this 13th day of August, 2026.

JAKAB LAW, PLLC

/s/ Kevin E. Jakab, Esq.
KEVIN E. JAKAB, ESQ.
Florida Bar No.: 667811
6277 Dupont Station E., Suite 3
Jacksonville, FL 32217
(904) 683-2290 (t)/ 904) 683-7588 (f)
kjakab@jakablaw.com
Attorney for Defendant Costco

EXHIBIT D

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Defendants.

AFFIDAVIT OF TONY DATTILO

STATE OF ILLINOIS
COUNTY OF DUPAGE

BEFORE ME, the undersigned authority, personally appeared **TONY DATTILO**, to me well known, who, having first been duly sworn, deposes and says:

- I am TONY DATTILO and I have personal knowledge of all matters and things set forth herein.
- I am Vice President (VP) of Costco Logistics at Costco Wholesale Corporation, and I work at Costco's corporate logistics office, 2250 S. Pinehurst, Blvd., Addison, Illinois, 60102.
- As VP of Costco logistics, I oversee, at a national-level, Costco's one-hundred thirty (130) home delivery centers whereby third-party vendors take possession, deliver, and handle installation of large appliances after customer purchase.
- I oversee approximately one-thousand six hundred (1,600) Costco employees at Costco's corporate logistics office in Illinois, and eight (8) regional offices. I am two-levels below Costco's Chief Executive Officer (CEO), and report directly to an executive vice president, who reports directly to Costco's CEO. Given my position at Costco, I do not oversee day-to-day operations of the home deliver centers, which are handled by the local, onsite Costco managers and employees.
- I do not have unique, independent, personal knowledge of how a refrigerator Plaintiffs purchased at Costco allegedly leaked at their home following

installation (incident). One of Costco's third-party vendors, RXO (co-defendant) provided the delivery and installation of Plaintiffs' refrigerator. I have no knowledge as to when, what, or who, caused the alleged incident, nor did I investigate any particulars regarding Plaintiffs' alleged property damage forming the basis of this case (scope or amount).

- However, circa February 2025, upon request of Costco's CEO, I had courtesy phone and email communication with Bradley Byrd. **Exhibit A**. I advised that a Costco vendor, RXO, was tasked to deliver and install the subject refrigerator and Mr. Byrd would likely hear from RXO, in the near term. Shortly thereafter, it is my understanding that RXO, or its representative, contacted Mr. Byrd in good faith, and assessed Mr. Byrd's alleged damages, to potentially resolve this matter.
- The information above is the corpus of knowledge I have of this matter. All other knowledge would be inferior to that of those with direct knowledge of the facts and circumstances giving rise to this case or was attained from Costco's legal counsel and would constitute attorney-client privileged information.

Tony Dattilo
Vice President, Costco Logistics

STATE OF ILLINOIS
COUNTY OF ~~DUPAGE~~ Cook

BEFORE ME, the undersigned authority personally appeared Tony Dattilo, who is personally known to me, or has produced Drivers License as identification and who executed the foregoing in my presence.

WITNESS my hand and official seal this 6th day of August, 2026.

Notary Public (Signature)

My Commission Expires: July 7, 2027

Official Seal
AARON MENCHACA
Notary Public, State of Illinois
Commission No. 974619
My Commission Expires July 7, 2027

EXHIBIT A
to Affidavit

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From: **Byrd Bradley E** <bradley.e.byrd@gmail.com>
Date: Wed, Feb 26, 2025 at 2:41 PM
Subject: Re: Costco
To: Tony Dattilo <tdattilo@costco.com>

Tony,

Nice to hear from you again.

My email did not state that I had retained counsel. I just read it again to confirm. That is upcoming.

My claim is with Costco. I have no contract with RXO. Costco does. Costco contracted with RXO to install an appliance I purchase from Costco.com, I did not.

I think it's rich you ask for my courtesy in this regard, when you promised to contact me weekly many weeks ago and only have twice. I am the injured party.

Our local news station filmed my house today and reached out to Costco media relations today for a comment. I'm sure you'll be seeing that soon.

Regards,

Brad Byrd

On Feb 26, 2025, at 5:18 PM, Tony Dattilo <tdattilo@costco.com> wrote:

February 26, 2025

Mr. Bradley Byrd
153 Tate Lane
Saint Johns, FL 32259

Dear Mr. Byrd:

In reference to your email sent yesterday to Ron Vachris, Russ Miller and me, among others, I am writing to remind you that your claim is with RXO, and any correspondence regarding your claim should be directed to RXO.

In your email you indicated that you have retained counsel. Please direct any Costco-related communications from you or your lawyer to our

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counsel. Our counsel is Kevin Jakab, 6277 Dupont Station Court East, Suite 3, Jacksonville, FL 32217. His email address is kjakab@jakablaw.com.

Thank you for your courtesy in this regard.

Sincerely,
Tony Dattilo
Vice President Costco Logistics
tdattilo@costco.com
847-[redacted] mobile

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From: Ron Vachris <rvachris@costco.com>

Date: December 2, 2024 at 4:31:02 PM PST

To: "Bradley E. Byrd" <bradley.e.byrd@gmail.com>, Tony Jaswal

<tjaswal@costco.com>, Tony Dattilo <tdattilo@costco.com>, Jim Ridle

<jimridle@costco.com>, Russ Miller <rdmiller@costco.com>

Subject: Re: Costco Logistics Damage documentation

Mr Byrd, I am very sorry to hear that this happened to you. I will get our logistics teams involved right away. I am not sure if you have been in contact with anyone else at Costco? Please feel free to take any other steps you feel appropriate but we will focus on getting this problem fixed if our people caused it.

Ron...

On Mon, Dec 2, 2024 at 3:34 PM Bradley E. Byrd <bradley.e.byrd@gmail.com> wrote:

Hi Ron,

My name is Brad Byrd. I had a refrigerator delivered today. The hookup leaked while we were out and in 3 hours it did $200k+ of damage. We re currently getting it mitigated now. We had 1.5 of water covering our first floor. Anyhow, I went through a flood damage earlier this year and it was awful. I told myself that if I ever had to go through it again I would document the process. Since this is a third party claim against Costco I just wanted to you to be aware that I am going to start an online website blog to document the claim against Costco Logistics and the process, including insurance, repairs, payments, etc . I wanted to reach out ahead of time and make you aware that I will be well documenting this and making it public to share with others.

Regards,

Brad Byrd