

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
ALACHUA COUNTY, FLORIDA

GAINESVILLE CITIZENS  
CARE, INC.

Plaintiff,

Case No.: 012012CA001346

Division:

vs.

CITY OF GAINESVILLE  
d/b/a  
GAINESVILLE REGIONAL UTILITIES  
Defendant,

GAINESVILLE RENEWABLE ENERGY  
CENTER, LLC  
Intervenor.

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**PLAINTIFF GAINESVILLE CITIZENS CARE INC.'S FIRST REQUEST FOR  
PRODUCTION**

Plaintiff Gainesville Citizens Care Inc., pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, hereby requests Defendant City of Gainesville d/b/a Gainesville Regional Utilities, to produce within 30 days after the service of this Request, for inspection and copying by the undersigned attorney at a mutually agreed upon location the following items within the Defendant's custody or control.

**Definitions**

1. As used herein, the terms “you,” “your,” and/or “yours,” shall refer to the City of Gainesville, Florida d/b/a Gainesville Regional Utilities and/or Gainesville Regional Utilities, Florida, its agents, partners, associates, employees, servants, representatives, and any other person acting or purporting to act on its behalf.

2. The term “person” refers to any natural person, individual, proprietorship, partnership, association, corporation, organization, joint venture, firm or business enterprise, governmental body, group of natural persons, or any other entity or association or organization of any type.

3. The terms “and” or “or” shall mean “and/or” where appropriate.

4. That which “concerns,” “refers,” or “relates” to any given subject is that which constitutes, contains, embodies, reflects, advises, states or is in any way relevant to that given subject.

5. The word “any” is not used herein as a phrase of limitation and requires all the information referenced to be provided.

6. The word “document” is used in its broadest sense and shall mean, without limitation any written, recorded or graphic matter, whether produced, reproduced or stored on paper, cards, tape, film, electronic facsimile, computer storage devices or any other medium. It includes, for example, papers, books, letters, photographs, objects, tangible things, correspondence, telegrams, cables, telex messages, facsimile, email, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, estimates, proposals, budgets, data, projections, charts, diagrams, schedules, specifications, maps, flow sheets, certifications, organizational charts, contracts, agreements, leases, journals, statistical records, logs, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, microfilms, all other records kept by electronic, photographic or mechanical means, things similar to any of the foregoing however denominated and all originals, copies (with or without notes or changes thereon) and drafts of any of them.

7. The term "Defendant" means the City of Gainesville d/b/a Gainesville Regional Utilities.

8. The term "Binding Proposal" means the proposal submitted by Gainesville Renewable Energy Center LLC (“GREC”) f/k/a Nagadoches Power LLC and accepted by the Defendant in May 2008.

9. The term "Contract" means any and all document(s), emails (in native format), including attachments related to implementing the Binding Proposal between

Gainesville Renewable Energy Center ("GREC") f/k/a Nagadoches Power LLC and the Defendant.

10. The term "Power Purchase Agreement" or "PPA" means the "Power Purchase Agreement for the Supply of Dependable Capacity, Energy and Environmental Attributes from a Biomass-Fired Power Production Facility" between Gainesville Renewable Energy Center, LLC and the Defendant dated April 29, 2009.

### **INSTRUCTIONS**

1. Privilege Log. If any document is withheld under a claim of privilege or other protection, so as to aid the Court and the parties hereto to determine the validity of the claim of privilege or other protection, please provide the following information with respect to any such document:

- (a) The identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;
- (b) The identity of each person(s) to whom the document was directed;
- (c) The nature and the substance of the document with sufficient particularity to enable the Court and the parties hereto to identify the document;
- (d) The identity of each person(s) who has custody of, or control over the document and each copy thereof;
- (e) The date of the document;
- (f) The identity of each person to whom copies of the document were furnished;
- (g) The number of pages;
- (h) The basis on which any privilege or other protection is claimed; and
- (i) Whether any non-privileged or non-protected matter is included in the document.

2. Partial Production. Whenever you object to a particular request, or portion thereof, you must

produce all documents called for which are not subject to that objection. Similarly, wherever a document is not produced in full, please state with particularity the reason or reasons it is not being produced in full and describe to the best of your knowledge, information and belief, and with as much particularity as possible, these portions of the document which are not produced.

3. Orderly Response. Documents should be produced in such a manner as will facilitate their identification with the particular request or category of requests that they are responsive.

4. Construction of “and” and “and/or”. As used herein, the words “and” and “and/or” shall be construed both conjunctively and disjunctively, and each shall include the other wherever dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

5. Construction of the Singular and Plural Forms. As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

#### DOCUMENTS REQUESTED TO BE PRODUCED

1. All outlook calendars and/or appointment books from May 1, 2008 through May 1, 2009 for the following employees or agents of Defendant:
  - a) Ed Regan
  - b) John Stanton
  - c) Skip Monasco
  - d) Rich Bachmeizer
  - e) Ed Hoffman
  - f) Robert Hunzinger

2. Any and all records pertaining to travel regarding the Binding Proposal or PPA from May 1, 2008 through May 1, 2009 for the following employees or agents of Defendant:
  - a) Ed Regan
  - b) John Stanton
  - c) Skip Monasco
  - d) Rich Bachmeizer
  - e) Ed Hoffman
  - f) Robert Hunzinger
3. Any and all emails you sent or received from May 1, 2008 through May 1, 2009 associated with the Binding Proposal or the PPA.
4. Any and all correspondence, including but not limited to memorandums and/or interoffice communication between anyone acting on your behalf in negotiating the terms of the PPA.
5. Notes, documents, Powerpoint presentations, Contract drafts, handouts or emails sent to the participants identified in the answer to interrogatory number 1 prior to, during or subsequent to any meetings at which the terms of the PPA were discussed.
6. Any documents, emails, including attachments to emails, to or from any Participant identified in the answer to interrogatory number 1 and 1) Robert Hunzinger; or 2) any elected official or employee of the Defendant in which the subject matter of the Binding Proposal, Contract or PPA was referenced. Please provide the emails in native format.
7. Any documents, emails, including attachments to emails, to or from any attorney who represented the Defendant with respect to the Contract and/or PPA and/or Binding Proposal 1) any elected official; or 2) any employee of the Defendant related to the negotiations for the PPA.
8. Any invoices received for services performed by Jonathan Cole, Esq. related to the Binding Proposal, Contract or PPA.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing has been

furnished by Email to Elizabeth Waratuke, Office of the City Attorney, PO Box 490,  
Station 46, Gainesville, FL 32627 and David Dee and John Lavia, Gardner, Bist, Wiener,  
Wadsworth, Bowden, Bush, Dee, La Via & Wright, 1300 Thomaswood Drive, Tallahassee,  
FL 32308 on this 24th day of September, 2012.

**MARCY I. LAHART, PA**  
Counsel for Plaintiff  
4804 SW 45<sup>th</sup> Street  
Gainesville, FL 32608  
**marcy@floridaanimallawyer.com**  
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By \_\_\_\_\_S\_\_\_\_\_  
**MARCY LAHART/FB 0967009**