

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

GAINESVILLE CITIZENS CARE, INC.,

Plaintiff,

vs.

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

Defendant.

CASE NO.: 2012-CA-1346

DIVISION:

J

CLERK OF CIRCUIT COURT
& COUNTY COURT
ALACHUA COUNTY FL

2012 MAY 17 PM 4:47

FILED
CK 12

DEFENDANT'S FIRST REQUEST FOR PRODUCTION TO PLAINTIFF

Pursuant to Fla. R. Civ. P. 1.350, Defendant, City of Gainesville ("City"), hereby requests that Plaintiff, Gainesville Citizens Care, Inc. ("Plaintiff"), within thirty (30) days from service, produce for inspection and copying the documents identified below. The documents should be produced within thirty (30) days at the offices of the City of Gainesville, Office of the City Attorney, 200 E. University Avenue, Rm. 425, Gainesville, FL 32601, or at such other mutually convenient place upon which the parties may agree.

DEFINITIONS AND INSTRUCTIONS

In connection with this Request, you are to follow the following instructions and definitions:

1. You are to serve a written response to the Request within 30 days after service of this Request upon you responding to each of the Requests set forth below. If you object, a specific objection must be raised with respect to each Request.
2. If you object to the production of any document on the grounds that it is protected by any privilege (work-product, attorney-client, etc.) you are to provide a log with the following specific information with respect to each document or item to which a privilege is asserted:
 - (a) The type of document or item being withheld (memo, letter, etc.);
 - (b) The specific privilege being asserted (attorney-client, attorney work product, etc.);
 - (c) The date upon which that withheld document was prepared;
 - (d) The identity of the individual who authored or prepared that document;

- (e) The identity of all persons to whom that document was sent or provided according to the face of the document (for example, its addressee, its recipient, its "cc" recipients, etc.);
- (f) The identification of all parties who either received a copy of that document or who, since the creation of that document, has seen or read the document; and
- (g) Identify the name of the person who has custody of each such withheld document.

3. Documents produced in response to this Request should be organized and labeled to identify the particular document request or category in this Request to which they respond.

4. In response to these requests, you are required to furnish all information and/or documents in your possession, custody, or control, or in the possession, custody or control of your past or present agents, attorneys, accountants, advisors, employees, or any other persons acting on your behalf.

5. In responding to these requests, you are required to furnish all information within your control as well as within your possession. If information and/or documents are not within your possession but are within your control, in the sense that it is had by a person who has business relationships or contractual relationships with you or any other person with whom you normally deal and would have no difficulty in a business sense in making any request for such documents, then you are required to make reasonable efforts to obtain the documents and include them with your responses.

6. "And" or "or" as used herein shall mean "and/or."

7. The documents requested in this Request shall be produced in accordance with the limits set forth in Rule 1.350 at the offices of City of Gainesville, Office of the City Attorney, 200 E. University Avenue, Rm. 425, Gainesville, FL 32601, or at such other mutually convenient place upon which the parties may agree.

8. The terms "you" and "your" mean the party or parties to which these Requests for Production of documents are addressed, including their employees, agents, attorneys, and all other persons acting or purporting to act on its behalf.

9. The term "person" or "persons" means any natural person, individual, proprietorship, partnership, corporation, association, organization, joint venture, firm, other business enterprise, governmental body, group of natural persons or other entity and includes any other person acting on behalf of a person.

10. "Plaintiff" as used herein means Gainesville Citizens Care, Inc. and all present and former officers, directors, employees or agents, and predecessors or affiliates and all other persons acting or purporting to act on behalf of any of the foregoing.

11. "Defendant" as used herein means City of Gainesville ("City"), including the City of Gainesville d/b/a Gainesville Regional Utilities, and all present and former officers, directors,

employees or agents, and predecessors or affiliates and all other persons acting or purporting to act on behalf of any of the foregoing.

12. "First Amended Complaint" as used herein refers to the First Amended Complaint filed in the above-styled action.

13. As used herein, the singular shall include the plural, and the plural shall include the singular, and the masculine, feminine, and neuter shall include each of the other genders.

14. The term "identify", when used herein in the context of a person or entity, means his, her or its:

- (i) full name;
- (ii) home address and telephone number; and
- (iii) business address and telephone number;

15. The term "identify" when used herein in any other context means:

- (i) a specific description of the subject to be identified and specification of the documents or communications in which the subject is or was recorded, described or referred to. If asked to identify any "documents", you are to describe the nature of the document (memo, letter, email, etc.), its date, the person who authored it, and all recipients of the document; and
- (ii) all other information necessary to fully identify the subject.

16. Documents produced in response to these Requests should be organized and labeled to identify the particular Request to which they respond.

17. As used herein, the terms "document" means, without limitation, any writing, any other tangible thing, or any intangible information which can be reduced to tangible form (such as computer-stored information), in your custody, possession or control, or under the control of your representatives (including your accountants or attorneys), whether printed, recorded, reproduced by any process, compiled in a computer, available in any electronic medium, photocopied, or written or produced by hand or via any mechanical or electronic means, including, but not limited to, letters, reports, agreements, subcontracts, purchase orders, Electronically Stored Information (as defined below), communications, including correspondence, letters, telegrams, memoranda, notes, summaries or records of personal conversations, diaries, forecasts, photographs, tape recordings, videotapes, models, statistical statements, graphs, laboratory and/or engineering reports, notebooks, charts, plans, engineering drawings, calculations, drawings, estimates of cost, budgets, minutes or records of conferences, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of interviews, reports, and/or summaries of investigations, opinions or reports of consultants, appraisals, records, reports or summaries of negotiations, brochures, pamphlets, circulars, drafts of any document, revisions of drafts of any document, canceled checks, bank statements, billings, deposit agreements, accounting records, invoices, delivery tickets, sales journals, financial records, receipts and any other original or photocopied document on paper.

Any comment or notation appearing on any document, and not a part of the original text, is to be considered a separate "document." Any draft or preliminary form of any document, or a copy, is also to be considered a separate "document." Specific reference to any other type of document in the ensuing Requests shall not be construed as in any respect limiting the generality of the foregoing definition.

18. The term Electronically Stored Information (hereinafter "ESI") shall include all electronic information permitted under Rule 1.350, *Florida Rules of Civil Procedure*, including, without limitation: word-processing documents; spreadsheets; presentation documents; graphics; animations; images; e-mail (including attachments which shall be kept with the email); instant messages; text messages; voice mail; audio, video, and audiovisual recordings; databases and database subsets; and other user, or machine created, computer files or other digital information which is stored on computer networks, servers, computer systems, desktop computers, laptop computers, home computers, the Internet, an Intranet, archives, discs, CD's, diskettes, drives, zip drives, tapes, cartridges, flash drives, and other external storage media, personal digital assistants, handheld wireless devices, cellular telephones, blackberries, pagers, and voicemail systems. All of the ESI requested herein shall be produced in its original native format with all metadata preserved.

DOCUMENTS REQUESTED

1. Produce any and all documents that reflect, discuss, provide evidence of, substantiate, or otherwise pertain to any of the factual basis for any of the allegations made by Plaintiff in its First Amended Complaint in this action.

Response:

2. Produce any and all of the Plaintiff's business records of any type, including, without limitation, Minutes, Resolutions, Board Meetings, Member Meetings, as well as communications with other third parties or entities, that discuss or pertain in any respect to the allegations in the First Amended Complaint.

Response:

3. Produce any and all documents that reflect, contain, set forth or constitute communications between or among Plaintiff (or its agents) and any other person or entity in respect to the allegations in the First Amended Complaint.

Response:

4. Produce all documents that the Plaintiff or its agents, obtained from the City including documents obtained from the City d/b/a Gainesville Regional Utilities, as part of any public records request made relative to the allegations in the First Amended Complaint.


Response:

5. Produce any and all documents that the Plaintiff was asked to "identify" in the accompanying First Set of Interrogatories to Plaintiff.

Response:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
U. S. Mail to Marcy I. Lahart, PA, 4804 SW 45th Street, Gainesville, FL 32608, on this 17th
day of May 2012.


Elizabeth A. Waratuke, Litigation Attorney
Florida Bar No. 458007
City of Gainesville – Office of the City Attorney
P.O. Box 490, Station 46
Gainesville, FL 32627
Tel: 352-334-5011/Fax: 352-334-2229
Attorney for Defendant