

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY FLORIDA, CIVIL DIVISION

JOHN BARNER; ANN BARNER; DAVID
BEWLEY, DONNA BEWLEY; BOB
BROWN; LOIS BROWN; GEORGE
COLLIARD; ELLEN COLLIARD; DONALD
FEATHERMAN; SUSAN FEATHERMAN;
HOWARD FELTMAN; ADRIENNE FELTMAN;
BOB GREENFIELD; LOUISE GREENFIELD;
DAVID JACARUSO; MARIE GRAZIOSI;
JACK KAHGAN; RUTH KAHGAN; JAMES
McLELLAN; PHYLLIS McLELLAN; JAMES
STEWART; JOAN STEWART; NANETTE
TURNER; ROY GOODWILL; and NANCY
GOODWILL,

Plaintiffs,

v.

CASE NO: 2010-CA-5791-NC

THE LANDINGS MANAGEMENT
ASSOCIATION, INC., a Florida
Corporation,

Defendant.

**DEFENDANT'S NOTICE OF SERVING FIRST SET OF
INTERROGATORIES TO JOHN BARNER AND ANN BARNER**

Defendant, in accordance with Fla. R. Civ. P. 1.340, gives notice of service of its First Set of Interrogatories directed to Plaintiffs, John Barner and Ann Barner, to be answered fully, in writing, under oath, within the time prescribed by said rules.

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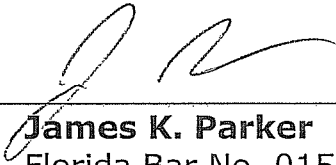
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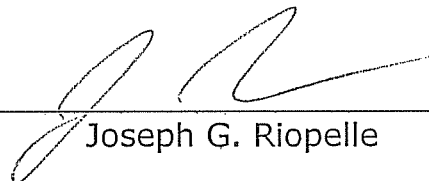
Respectfully submitted,

BOYD RICHARDS PARKER & COLONNELLI, P.L.
Counsel for Defendant Only
400 N. Ashley Drive, Suite 1150
Tampa, FL 33602
Tel: 813-223-6021; Fax: 813-223-6024

By: 
James K. Parker
Florida Bar No. 0157526
Joseph G. Riopelle
Florida Bar No. 44842

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail this 12 day of October, 2010 to: **Charles J. Bartlett, Esq.**, Atty for Plaintiffs, P.O. Box 4195, Sarasota, FL 34230-4195; and to Co-Defense Counsel, **David D. Davis, Esq.**, 1820 Ringling Blvd., Sarasota, FL 34236.



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DEFINITIONS

- (a) The words "you," "yours" and/or "yourselves" mean Plaintiffs, John Barner and Ann Barner, and any employees, agents, representatives or other persons acting, or purporting to act, on behalf of Plaintiffs.
- (b) The singular shall include the plural and vice versa; the terms "and" or "or" shall be both conjunctive and disjunctive; and the term "including" mean "including without limitation".
- (c) "Date" shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).
- (d) The word "document" shall mean any writing, recording, electronically stored information or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, microfilms, video tapes or tape recordings.

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- (e) "Agent" shall mean: any agent, employee, officer, director, attorney, independent contractor or any other person acting at the direction of or on behalf of another.
- (f) "Person" shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.
- (g) The words "pertain to" or "pertaining to" mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- (h) The term "third party" or "third parties" refers to individuals or entities that are not a party to this action.
- (i) The term "action" shall mean the case entitled *John Barner, Ann Barner, et al v. The Landings Management Association, Inc.*; CASE NO: 2010-CA-5791-NC, pending in the Circuit Court of the Twelfth Circuit in and for Sarasota County, Florida.
- (j) The word "identify", when used in reference to a document (including electronically stored information), means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including (1) the type of document (e.g., letter or

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memorandum) and, if electronically stored information, the software application used to create it (e.g., MS Word or MS Excel Spreadsheet); (2) the general subject matter of the document or electronically stored information; (3) the date of the document or electronically stored information; (4) the author of the document or electronically stored information; (5) the addressee of the document or electronically stored information; and (6) the relationship of the author and addressee to each other.

(k) "Landings" shall mean The Landings Management Association, Inc.

(l) "ENA" shall mean Eagles Nest Area.

INSTRUCTIONS

If you object to fully identifying a document, electronically stored information or oral communication because of a privilege, pursuant to Florida Rule of Civil Procedure 1.280(5), the party must:

- (1) make the claim expressly
- (2) describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

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3. Please state in detail each and every fact to support your allegation that Tract F is not a common element, as alleged in your Complaint.

4. Please state in detail each and every fact to support your allegation that Tract F is not governed by the Declaration of Maintenance Covenants and Restrictions on the Commons for The Landings, and all amendments thereto, as alleged in your Complaint.

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5. Please state in detail each and every fact to support your allegation that the Defendant has violated, or plans to violate, the use of Tract F, as alleged in your Complaint.

6. Please state in detail each and every fact to support your allegation that an access trail for observation of the eagles' nest is inconsistent with its intended use, as alleged in your Complaint.

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7. Please state in detail each and every fact to support your allegation that Tract F is not to be governed as a common element, despite the statements made in the 11/13/05 Petition signed by you stating you will agree to improving Tract F to restore native Florida vegetation & removal of other vegetation, as well as work to relieve flooding.

8. Please state in detail each and every fact or document you relied upon for your allegation that it was Landings intent to change Tract F into a park.

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9. Please state in detail each and every fact and/or document you relied upon for your allegation that it was Landings intent to use Tract F as a park, including playground equipment, BBQ grills, fitness trails, putt putt golf course, volleyball courts, picnic tables, restroom facilities, and the like.

10. Please state in detail each and every fact and/or document you relied upon for your allegation that it was Landings intent to cut down the eagles' nesting tree.

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11. Please state in detail each and every fact to support your allegation that Landings does not have a right to amend the Declaration to alter its duties and/or restrictions with regard to Tract F.

12. Please state the date, to whom sent, and the current location of any and all editorials, letters, emails, articles, etc. written by you regarding any of the issues involved in the allegations made in your complaint.

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13. Please state each and every fact to support your allegation that Landings violated the National Bald Eagles 2007 Management Guidelines.

14. Please state each and every fact to support your allegation that Landings' proposed signage for the ENA was inadequate or why it was in violation, and what the proposed signage violated.

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15. Please state each and every fact to support your allegation that the seven recommendations made 5/6/10 by the Strategic Planning Committee do not address your concerns alleged in the Complaint.

16. Please state, in detail, your damages, and all facts which support these damages.

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17. Please state with specificity, all actions taken by you to prevent this lawsuit.

18. List the names and addresses of all persons who are believed or known by you, your agents or attorneys who have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge.

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19. State the name and address of every person known to you, your agents, or attorneys, who has knowledge about, or possession, custody or control of any model, plat, map, drawing, motion picture, video tape, or photograph pertaining to any fact or issue involved in this controversy; and describe as to each, what such person has, the name and address of the person who took or prepared it, and the date it was taken or prepared.

20. Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness: the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

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STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____, who is personally known to me or presented _____ as identification and upon being first duly sworn, on oath, deposes and says that he / she signed the above and foregoing Interrogatories and that all answers are true and correct to the best of his / her knowledge and belief.

WITNESS my hand and official seal on this _____ day of _____, 2010.

NOTARY PUBLIC
My Commission Expires:

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