

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, FIRST REQUEST FOR PRODUCTION
TO PLAINTIFFS, JOHN BARNER AND ANN BARNER**

Defendant, The Landings Management Association, Inc.,
pursuant to Rule 1.350, Fla. R. Civ. P., requests that Plaintiffs, John
Barner and Ann Barner produce the documents listed herein.

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FT. LAUDERDALE

TAMPA

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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

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By: _____


James K. Parker

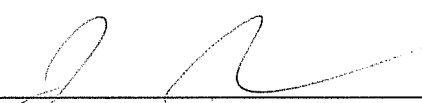
Florida Bar No. 0157526

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.



Joseph G. Riopelle

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Definitions and Instructions

1. "Document(s)" means any tangible thing, recording, or reproduction in any manner, of any visual, auditory or digital data, including electronic data, as defined below. The term "document(s)" includes, but is not limited to, computer files and data, as defined below, correspondence, memoranda, transcripts, stenographic or handwritten notes, telegrams or telexes, reports, articles, publications, press releases, books, diaries, calendars, financial statements, canceled checks, check registers, invoices, purchase orders, receipts, bills, statements of account, general ledgers, audits, minutes of meetings, and any and all other papers on which words have been written, printed, typed or otherwise affixed, including all copies where the original is not in the possession, control or custody of the party to whom this request is directed, and every copy of every document where such copy is not an identical copy of the original.

2. Unless otherwise noted, this request covers all documents dated, prepared, sent or received to the date hereof. It is a continuous request. If after producing the requested documents responsive to this request, you become aware of additional documents not yet produced, you are required to produce such additional documents.

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3. This request seeks all documents in your possession, custody or subject to your control. That is, documents known or available to you regardless of whether these documents are possessed directly by you, your agents, employees, representatives, attorneys, accountants and/or investigators.
4. If any of the documents requested cannot be produced in full, produce them to the extent possible, specifying your reasons for your inability to produce the remainder and stating whatever information, knowledge or belief you have concerning the unproduced portion.
5. For each document responsive to these requests which is withheld under any claim of attorney-client privilege or work product privilege, provide a statement under oath, by a person having personal knowledge, setting forth as to each document:
 - (a) Name and title of the author(s);
 - (b) The name and title of each person to whom the document was addressed;
 - (c) The name and title of each person to whom a copy of the document was sent;
 - (d) The date of the document;
 - (e) The number of pages;

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- (f) A brief description of the nature and subject matter of the document;
 - (g) The nature of the claimed privilege;
 - (h) The category or categories of this request to which the document is responsive; and
 - (i) The exact location of the original and each copy as of the date of the receipt of this request.
6. The terms "relate to" or "relating to" mean to embody, record, refer to, concern, reflect, or in any manner involve or otherwise implicate.
 7. "Landings" shall mean The Landings Management Association, Inc.
 8. "Action" means the case styled, *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.
 9. "ENA" shall mean the Eagles Nesting Area.
 10. 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.

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ITEMS TO BE PRODUCED

1. All documents regarding all efforts made by you to notify Landings of the concerns alleged in your Complaint.
2. All documents regarding all agreements made by you to allow Landings to improve the ENA through drainage remediation, removal of fire hazards, and removal of invasive and non-native plants replaced with natural Florida vegetation.
3. All documents regarding the alleged damages to you due to the allegations made in your Complaint.
4. All documents regarding the alleged damages you will incur should the allegations in your Complaint occur.
5. All documents evidencing communications of any type between you and Landings regarding any of the issues alleged in your Complaint.
6. All documents evidencing communications of any type between you and any third parties regarding any of the issues alleged in your Complaint.
7. All documents evidencing any and all of your allegations in the Complaint.
8. All documents you relied upon and in support of your answers to the First Set of Interrogatories served contemporaneously with this Request for Production.

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