

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

THE RAVINES COMMUNITY  
ASSOCIATION, INC.

v.

Civil Action No. 3:19-CV-00345-TJC-JRK

RAVINES HOLDING  
COMPANY, LLC

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**DEFENDANT'S THIRD REQUEST FOR PRODUCTION TO DEFENDANT**

Pursuant to Federal Rule of Civil Procedure 34, Ravines Holding Company, LLC, by and through undersigned counsel, hereby requests that The Ravines Community Association, Inc., produce Documents responsive to the below requests for production within thirty (30) days after service of same upon You.

**DEFINITIONS AND INSTRUCTIONS**

**DEFINITIONS**

As used herein, the following terms shall have the indicated meanings:

A. The terms "You," "Your," or "RCA" means The Ravines Community Association, Inc. and all of its agents, affiliates, employees, representatives, partners and attorneys, and all other persons acting on its behalf. This term specifically includes responsive documents in the possession of Your counsel.

B. The term "Bylaws" means the Revitalized Amended and Restated Bylaws Ravines Community Association, dated December 8, 2014, which are attached as Exhibit B to the Answer, Affirmative Defenses and Counterclaims of Ravines Holding Company, LLC.

C. The term "Articles" means the Revitalized Articles of Incorporation of The Ravines Community Association, dated December 8, 2014, which are attached as Exhibit D to

the Answer, Affirmative Defenses and Counterclaims of Ravines Holding Company, LLC.

D. The term “Declaration” means The Ravines Revitalized Third Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements Revitalized Amended and Restated Bylaw Ravines Community Association, dated December 8, 2014, which are attached as Exhibit A to the Answer, Affirmative Defenses and Counterclaims of Ravines Holding Company, LLC.

E. Unless otherwise defined, capitalized terms used herein shall have the meanings ascribed in the Declaration.

F. The term “Communication” or “Communications” means any oral, written or electronic utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, any Documents, correspondence, letters, facsimiles, e-mails, text messages, voice recordings, video recordings, voicemail, instant messages, conversations, dialogues, discussions, interviews, conferences, meetings, consultations, agreements, and other understandings or exchanges between or among two or more people.

G. The terms “Document” or “Documents” means all paper Documents, graphic or auditory records or representations, tangible items, and electronically stored information, and shall have the broadest possible meaning accorded to it and includes, by way of illustration only and not by way of limitation, the following items which are in Your possession, control, knowledge, or are known to You:

- (1) all written, paper or printed material of any kind, including, but not limited to: all transmittal slips, memoranda, notes, schedules, agendas, notices, books, brochures, calendars, employment files, announcements, meeting minutes, records of meetings, records of conversations, newsletters, telegrams, summaries, lists, compilations, facsimile

transmissions, transcripts, diaries, appointment books, agreements, contracts, reports, studies, checks, check stubs, invoices, financial statements, bank statements, receipts, Communications, interoffice and intraoffice exchanges, conversations, inquiries, replies, correspondence, and letters, whether in person, by telephone, in writing, or by means of any other transmittal devices, and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing;

(2) graphic or auditory records or representations of any kind, including, but not limited to: all images, photographs, charts, drawings, sketches, diagrams, maps, schematics, microfiche, microfilm, slides, videotapes, laser discs, digital versatile discs, Blu-ray discs, UltraViolet discs, cassette tapes, reel to reel tapes, recordings, sound bites, motion pictures, voice messages, and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing; and

(3) electronically stored information, electronic, mechanical and electrical records or representations of any kind including, but not limited to: all electronic Communications, text messages, e-mails, instant messages, computer logs, network logs, Internet history, document files, spreadsheet files, presentation files, database files, desktop publishing files, source code files, object code files, executable files, data files, script files, project management files, text files, portable document format files, tabulated data files, virtual machine files, XML files, webpage files, image files, design files, GIS files, system files, compressed files, disk image files, audio files, video files, backup files, metadata and all originals, reproductions, copies, changes, amendments, drafts, and all non-identical copies of the foregoing (defined herein as “ESI”; each individual electronically stored Document is defined herein as an “ESI Document”);

For purposes of the foregoing, Documents may be located, stored or archived in any physical location or on any electronic storage media, including, without limitation, any computer, server, appliance, cloud-based service, web-based service, database, internal hard drive, external hard drive, solid-state drive, hard or floppy diskette, compact disc, digital versatile disc, Blue-ray disc, UltraViolet disc, flash memory, flash card, thumb drive, cartridge, magnetic tape, mobile phone, tablet device, or personal digital assistant. Moreover, for purposes of the foregoing, the term “draft” means any earlier, preliminary, preparatory, or tentative version of all or part of a Document, whether or not such draft was superseded by a later draft and whether or not the draft’s terms are the same as or different from the final Document’s terms. Please note that “Document” and “Documents” as defined herein specifically include “Communication” and “Communications” as defined above.

I. “Native Format” means the file format of ESI in the application in which such ESI was originally created.

G. “Person” as used herein means any natural person or any entity, including, without limitation, any individual, public company, private company, firm, corporation, limited liability company, joint venture, trust, proprietorship, tenancy, association, partnership, business, agency, department, governmental body, bureau, board, commission, or any other form of public or private entity. With respect to an entity, Person shall include all subsidiaries and affiliates of the entity, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of, the entity or its subsidiaries or affiliates.

H. “Relates to” or “Relating to” means authorizing, concerning, constituting, comprising, containing, consisting of, connected with, describing, disclosing, discussing,

evidencing, explaining, mentioning, pertaining to, proposing, reflecting, regarding, referring to, directly or indirectly, setting forth, showing, or summarizing.

I. “Tagged Image File Format” or “TIFF” refers to the CCITT Group IV graphic file format for storing bit-mapped images.

J. Where appropriate:

- i. use of the singular includes the plural, and vice versa;
- ii. the past tense includes the present tense;
- iii. the words “and” and “or” are both conjunctive and disjunctive;
- iv. the words “all” and “any” mean “any and all”;
- v. the word “including” means “including without limitation”; and
- vi. use of the masculine includes the feminine, and vice versa.

K. All other capitalized terms not otherwise defined shall have the meaning ascribed to them in the Complaint.

### **INSTRUCTIONS**

1. In response to this Request for Production, You are required to furnish all information and Documents which are, or have been, in Your possession, custody, or control, or in the possession, custody, or control of Your past or present agents, attorneys, accountants, advisors, employees, independent contractors, companies or any other Person or entity acting on Your behalf.

2. If any Document is withheld under a claim of privilege or immunity, in order that the Court and the parties may determine the validity of the claim of privilege or immunity, You must provide sufficient information to determine the identity of the Document as well as the basis for any asserted claim of privilege or immunity. Documents shall be deemed adequately

described for this purpose if You have supplied the following information: (1) a description of the nature of the Document (e.g., letter or memorandum); (2) the date of the Document; (3) the identity of the Person(s) who sent and received the original and any copy(ies) of the Document as well as his or her respective capacity; (4) the identity of the custodian of the Document; (5) a description of the subject matter of the Document; (6) a description of the basis upon which You contend You are entitled to withhold the Document from production; and (7) the identity of all Persons who have seen the Document.

3. If any Document or portion thereof has been destroyed, redacted in whole or in part, purged, or is no longer in Your possession, custody or control, state: (1) the date of the occurrence and reason why it was destroyed, redacted, purged, or no longer in Your possession, custody or control; (2) the Person who destroyed, redacted, purged or caused the Document to no longer be in Your possession, custody or control; and (3) if the Document was completely destroyed, the file where the Document was maintained before its destruction.

ESI Instructions:

4. ESI Production Format. ESI shall be produced electronically, either in (1) Native Format, or (2) as single-page, uniquely and sequentially numbered Group IV TIFF image files. For each ESI Document, all metadata must remain intact and all parent/child document relationships must be maintained. All ESI shall be collected using methods that prevent the spoliation of data.

5. Production Media. The production of ESI as described herein shall be made on an external hard drive, flash drive, CD or DVD (“Production Media”). The Production Media shall include a unique identifying label specifying: (a) Your identity; (b) the date of the production of ESI; and (c) the case name and number.

6. ESI of Limited Accessibility. If You contend that any ESI Document responsive to this Request for Production is not reasonably accessible: (1) timely identify such ESI Document with reasonable particularity; and (2) provide the basis for declining to produce the ESI Document, including, for example, any limitations on access, the likely costs that might be incurred in accessing and producing the ESI Document, the method used for storage of the ESI Document and all locations in which the ESI Document is kept.

7. TIFF Production. ESI produced as TIFF image files shall be produced as follows: (1) each production of TIFF image files shall be accompanied by a corresponding load file (“Image Load File”); (2) each TIFF image file must contain the same information and same physical representation as the Native Format file from which the TIFF image file was created; (3) each TIFF image file must not be less than 300 dpi resolution; (4) each TIFF image file shall be accompanied by an extracted text file containing the extracted text of the Native Format file from which the TIFF image file was created; (5) each extracted text file shall be named to match the endorsed number assigned to the first page of each corresponding TIFF image file; (6) the extracted text files shall be accompanied by a Control List File (“LST”); (7) each production of TIFF image files shall be accompanied by an image cross-reference load file, such as Opticon (“OPT”), which shall provide the beginning and ending endorsed number of each TIFF image file and the number of pages it includes; and (8) each production of TIFF image files must be accompanied by a data load file (“Data Load File” or “DAT”) that contains both the hash value and all available metadata of the Native Format files from which the TIFF image files were created. Further, the following instructions apply to the production of TIFF image files:

a. Processing Specifications. For each Native Format file that is converted to TIFF format: (1) all tracked changes shall be maintained so that all

changes are visible; (2) OLE Embedded files shall not be extracted as separate Documents; (3) author comments shall remain or be made visible; (4) hidden columns, cells, rows, worksheets and other hidden data shall remain or be made visible; (5) presenter notes shall remain or be made visible; and (6) to the extent ESI in a foreign language is produced, processing of such ESI shall be unicode-compliant.

- b. Document Unitization. If a Native Format file that is converted to TIFF format is more than one page, the unitization of the file and any attachments or affixed notes must be maintained as it existed when collected. If unitization cannot be maintained, the original unitization must be documented in the Data Load File or otherwise electronically tracked.
- c. Color. If a Native Format file that is converted to TIFF format contains color, the TIFF image file need not be produced in color. However, We reserve the right to make a request for a file to be produced in color.
- d. Where TIFF Image File Format is Impracticable. In the event that production of a Native Format file as a TIFF image would be impracticable, You shall produce such file in Native Format with all metadata intact. You shall provide a single page TIFF image placeholder referencing the title of the Native Format file not being produced as a TIFF image.
- e. Spreadsheets. All Microsoft Excel files, similar non-Microsoft spreadsheet files, and graphical compilations of spreadsheet data, shall be produced in



Native Format with all cells, columns, rows and worksheets and other information unhidden and expanded.

- f. Right to Request Native Format files. We reserve the right to demand production in Native Format of any file produced by You as a TIFF image file.

### **REQUESTS**

26. All Documents Relating to any meetings, conversations, or other Communications between Ken Debusk and the Association's Board of Directors, Committees, Committee members, Property Managers, individual members, or any person acting on the Association's behalf concerning the events and issues in this lawsuit. This Request specifically includes any electronic Communication through "official" RCA accounts (for example, [ravines4@ravinesassoc.org](mailto:ravines4@ravinesassoc.org)) or personal accounts or devices used by RCA's Board members, officers committee members or property managers to conduct RCA business.

27. All Documents Relating to any meetings, conversations, or other Communications between RHC and the Association's Board of Directors, Committees, Committee members, Property Managers, individual members, or any person acting on the Association's behalf concerning the events and issues in this lawsuit. This Request specifically includes any electronic Communication through "official" RCA accounts (for example, [ravines4@ravinesassoc.org](mailto:ravines4@ravinesassoc.org)) or personal accounts or devices used by RCA's Board members, officers committee members or property managers to conduct RCA business.

28. All Documents Relating to any meetings, conversations, or other Communications between members of the Association's Board of Directors, Committees, Committee members, Property Managers, individual members, or any person acting on the

Association's behalf concerning the events and issues in this lawsuit. This Request specifically includes any electronic Communication through "official" RCA accounts (for example, [ravines4@ravinesassoc.org](mailto:ravines4@ravinesassoc.org)) or personal accounts or devices used by RCA's Board members, officers committee members or property managers to conduct RCA business.

29. All transcribed or written statements by any persons or witnesses who have knowledge of the facts of this case.

**Dated: September 16, 2019.**

**GUNSTER, YOAKLEY & STEWART, P.A.**

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*Counsel for Ravines Holding Company,  
LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail to Troy Smith, Jeff Rood, Len Hackett and Michael Price, counsel for RCA, on this 16th day of September, 2019.

/s/ William E. Adams, Jr.  
Attorney