

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 502019CA003513XXXXMB

AZURE DEVELOPMENT, LLC, a
Florida Limited Liability Company,

Plaintiff,

v.

CITY OF BOCA RATON, Florida
Municipal Corporation,

Defendant.

_____ /

HK 1239
4-18-19
1300

SUBPOENA DUCES TECUM WITH VIDEOTAPED DEPOSITION

STATE OF FLORIDA

To: Jessica Gray
Corporate Representative
Boca Save Our Beaches, Inc.
55 SE 2nd Ave
Delray Beach Florida 33444

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at the offices of UNIVERSAL COURT REPORTING, 2385 NW Executive Center Drive, Suite 100, Boca Raton, FL 33431, on **Monday, May 6, 2019** at 1:30 p.m., for the taking of your videotaped deposition before a representative of Universal Court Reporting, who is not of counsel to the parties or interested in the events of the cause. You are required to bring with you all documents described on the attached **Exhibit "A."**

If you fail to appear and produce records, you may be in contempt of court.

LAW OFFICES OF SWEETAPPLE, BROEKER & VARKAS, P.L.
4800 N. FEDERAL HIGHWAY, SUITE 105B, BOCA RATON, FLORIDA 33431

You are subpoenaed to appear by the following attorneys and unless excused from this subpoena by these attorneys or the Court, you shall respond to the subpoena as directed. This deposition is being taken for the purpose of discovery, for use at trial and for such other purposes as are permitted under the Florida Rules of Civil Procedure.

DATED on April 3, 2019

FOR THE COURT,

SWEETAPPLE, BROEKER & VARKAS, PL
Attorneys for Plaintiffs
4800 N. Federal Highway, Suite B105
Boca Raton, FL 33431
Telephone: (561) 392-1230
Email: pleadings@sweetapplelaw.com

By: /S/Robert A. Sweetapple
ROBERT A. SWEETAPPLE
Fla. Bar No.: 0296988

DEFINITIONS

For the purposes of responding to this Subpoena Duces Tecum, the following definitions and guidelines shall apply:

1. "Document(s)" or "Writing(s)" shall be deemed to include every record of every type, and is used in the broadest sense and includes any medium upon which intelligence or information can be recorded and further includes, but is not limited to, all originals, non-identical copies and drafts of the following items, whether printed, handwritten, typed, recorded, or stored on any electro-magnetic storage device, or reproduced by hand, including without limitation correspondence, memoranda, invoices, receipts, records, ledger cards or other accounting records, voucher, check, shop order, diary, calendar, instruction, summaries of personal conversations or interviews, minutes or records of meetings or conferences, transcripts, opinions or reports of consultants, projections, drafts, contracts, agreements, confirmations, statistical statements, studies, telegrams, telexes, books, notes, reports, logs, diaries, tape recordings, video cassettes and data compilations from which information obtained, charts, photographs, notebooks, drawings, plans, printed materials of any kind, charts and interoffice communication, and any other writing of whatever description, including but not limited to any information contained in any computer, or represented by a computer program, signed or unsigned, regardless of whether approved, signed, sent, received, redrafted, or executed, study, work paper, handwritten note, draft, demand, chart, paper, print, laboratory record, drawing, sketch, diagram, form, graph, index, list, tape, photograph, microfilm, data sheet, data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced and reproduced.
2. "Agreement" shall mean all agreements, contracts, undertakings or other arrangements, whether oral, written, non-final, enforceable, superseded or modified by subsequent agreements.
3. "Communication" shall mean any oral or written statement, dialogue, colloquy, discussion or conversation, including emails, text messages, social media messages, any writing published on any website or internet forum, and also means any transfer of thought or ideas between persons by means of documents and includes any transfer of data from one location to another by electronic or similar means.
4. "You" or "your" means the records custodian or anything possessed by, or in the custody and control of the person with the most knowledge of documents requested on Exhibit "A" attached to this subpoena.

5. "Related to" shall mean directly or indirectly, refer to, reflect, describe, pertain to, arise out of or in connection with, or in any way legally, logically, or factually be connected with the matter discussed.
6. The words "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope hereof any responses to interrogatories, documents, or communications, which might otherwise be construed to be outside the scope hereof.
7. "Including" shall mean including but not limited to.
8. With respect to electronically stored information ("ESI"):
 - a. All electronic mail, instant messages, text messages and spreadsheets responsive to these requests that are maintained in the usual course of business in electronic format shall be produced in their native format.
 - b. All other documents responsive to these requests that are maintained in the usual course of business in electronic format shall be produced as individual searchable .pdfs without security and with a CSV load file which includes metadata fields (i.e. Custodian, Bates Start, Bates End, To, From, CC, Date Sent, Time Sent, Subject, etc.), with an image file name field that correlates to the .pdfs.
 - c. All documents responsive to these requests shall be produced with the metadata normally contained within such documents. If such metadata is not available, each document shall be accompanied by a listing of all file properties concerning such document, including, but not limited to, all information concerning the date(s) the document was last accessed, created, modified or distributed, and the author(s) and recipient(s) of the document.
 - d. Family groups should be preserved so that attachments are paired with the parent document.
 - e. To the extent that specific documents require redaction, in lieu of the extracted text metadata field, you may produce redacted OCR as text for such documents.
 - f. If any electronically stored information is produced in a form that is not reasonably useable, we reserve the right to request that specific and individual documents be delivered in a different form, including native form. The native files should be preserved.
 - g. Under no circumstances should ESI be converted from the form in which it is ordinarily maintained to a different form that makes it more difficult or burdensome to use the ESI. ESI should not be produced in a form that removes or significantly degrades the ability to search the ESI by electronic means where the ESI is ordinarily maintained in a way that makes it searchable by electronic means. Databases or underlying data should not be produced without first discussing production format issues with the undersigned counsel. If You decline to search or produce ESI on the ground that such ESI is not reasonably accessible because of undue burden or cost, identify such information by

category or source and provide detailed information regarding the burden or cost You claim is associated with the search or production of such ESI.

EXHIBIT A

NOTE: The relevant time period for this request is January 1, 2013 through March 15, 2019.

1. Any communication (including e-mails and text messages) between you and any present or former employee, appointed official (including members of the Environmental Advisory Board or "EAB"), elected official (including Town Council members or members or representatives of the Greater Boca Raton Beach and Park District), and/or attorneys of the City of Boca Raton concerning a) 2500, 2600 or 2601 N Ocean Blvd. in Boca Raton, FL; b) Azure Development; c) preserving Boca Raton's beach front; d) due process procedures; e) quasi-judicial hearing procedures; f) lighting concerns related to turtle nesting; g) appraisals of any beach front property in Boca Raton; h) the purchase or eminent domain of beachfront properties in the City; i) either the EAB or City Council hearings concerning 2500 N Ocean Blvd. held in 2019.
2. Any communication (including e-mails and text messages) between you on the one hand, and Scott Singer, Jeremy Rodgers, Andrea Levine O'Rourke, Monica Mayotte or Andy Thomson on the other hand, concerning 2500, 2600 or 2601 N Ocean Blvd. in Boca Raton, FL; Azure Development; preserving Boca Raton's beach front; due process procedures; quasi-judicial hearing procedures; lighting concerns related to turtle nesting; or the purchase or eminent domain of beachfront properties in the City of Boca Raton.
3. Any communication (including e-mails and text messages) between you on the one hand and the Florida Department of Environmental Protection or the Florida Fish and Wildlife

Conservation Commission, on the other hand, regarding 2500, 2600 or 2601 N Ocean Blvd. in Boca Raton, FL.

4. Any and all communications (including e-mails and text messages) between you and any local government or state employee regarding the property located at 2500, 2600 or 2601 N Ocean Blvd. in Boca Raton, FL.
5. Any communication (including e-mails and text messages) between you on the one hand and Kirt Rusenko on the other hand, concerning a) 2500, 2600 or 2601 N Ocean Blvd. in Boca Raton, FL; b) Azure Development; c) preserving Boca Raton's beach front; d) due process procedures; e) quasi-judicial hearing procedures; f) lighting concerns related to turtle nesting; g) appraisals of any beach front property in Boca Raton; h) the purchase or eminent domain of beachfront properties in the City; i) either the EAB or City Council hearings concerning 2500 N Ocean Blvd. held in 2019.
6. Any communication (including e-mails and text messages) between you on the one hand and any third party on the other hand concerning a) 2500, 2600 or 2601 N Ocean Blvd. in Boca Raton, FL; b) Azure Development; c) preserving Boca Raton's beach front; d) due process procedures; e) quasi-judicial hearing procedures; f) lighting concerns related to turtle nesting; g) appraisals of any beach front property in Boca Raton; h) the purchase or eminent domain of beachfront properties in the City; i) either the EAB or City Council hearings concerning 2500 N Ocean Blvd. held in 2019.
7. Any social media postings by you concerning a) 2500, 2600 or 2601 N Ocean Blvd. in Boca Raton, FL; b) Azure Development; c) preserving Boca Raton's beach front; d) due process procedures; e) quasi-judicial hearing procedures; f) lighting concerns related to turtle nesting; g) appraisals of any beach front property in Boca Raton; h) the purchase or

eminent domain of beachfront properties in the City; i) either the EAB or City Council
hearings concerning 2500 N Ocean Blvd. held in 2019.