

IN THE CIRCUIT COURT OF
THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

CAPTAIN'S BAIT, TACKLE & BBQ, LLC,
a Florida limited liability company,

Case No. 2019-CA-000381

Plaintiff / Counter-Defendant,

v.

FLAGLER COUNTY, a political subdivision
of the State of Florida,

Defendant / Counter-Plaintiff.

**DEFENDANT'S MOTION TO COMPEL ANSWERS TO
INTERROGATORIES, AND FOR AN AWARD OF EXPENSES**

Defendant Flagler County, pursuant to Florida Rules of Civil Procedure 1.280, 1.340, and 1.380, respectfully moves to compel plaintiff Captain's Bait, Tackle & BBQ, LLC's ("Captain's BBQ") to answer the County's First Set of Interrogatories, and for an award of expenses (including attorneys' fees) related to this motion, as follows:

1. On August 6, 2020, the County served its First Set of Interrogatories to Captain's BBQ. Ex. 1.¹

¹ On August 6, 2020, the County also served its First Request to Produce to Captain's BBQ. Ex. 2. The County reserves the right to seek to compel a complete response to its First Request to Produce.

2. Roughly 2 years and 8 months have passed since the County served these interrogatories. Yet, Captain's BBQ has not served answers.

3. The County has, on several occasions, requested informally that Captain's BBQ answer the interrogatories. The County's most recent informal efforts occurred on February 10, 2023, March 7, 2023, and April 13, 2023, and April 21, 2023, when the undersigned inquired by e-mail as to the status of answers. Ex. 3; Ex. 4; Ex. 5; Ex. 6; Ex. 7.

4. On March 8, 2023, in response to the County's e-mail sent the previous day, counsel for Captain's BBQ stated: "We are working on this. I received your initial email when I was working on an extensive trial and have not been able to finalize responses. We need some additional time." Ex. 6. Still, to date, the County has not received answers. And, Captain's BBQ has not otherwise responded to the County's inquiries as to answers.

5. The County has no reason to believe, at this point, Captain's BBQ intends to provide answers to its First Set of Interrogatories absent Court action.

6. Captain's BBQ's failure to provide answers has affected, and delayed, the County's ability to prepare its defenses, and prepare for trial.

7. Rule 1.380(a)(2) provides in part that if a party fails:

to answer an interrogatory submitted under rule 1.340, or
if a party in response to a request for inspection submitted
under rule 1.350 fails to respond that inspection will be

permitted as requested or fails to permit inspection as requested . . . the discovering party may move for an order compelling an answer, or . . . an order compelling inspection. . . .

8. The County moves for an order commanding Captain's BBQ to promptly provide complete and verified answers to its First Set of Interrogatories.

9. Additionally, in light of Captain's BBQ's failure to answers despite the passage of over 2 years and 8 months, the County moves the Court to find Captain's BBQ has waived any objections which might have been asserted in response to the interrogatories.

10. Finally, the County moves for an award of attorneys' fees and costs. Rule 1.380(a)(4) provides in part that if a motion to compel is granted, and after opportunity for hearing:

the court shall require the party . . . whose conduct necessitated the motion or the party or counsel advising the conduct to pay to the moving party the reasonable expenses incurred in obtaining the order that may include attorneys' fees, unless the court finds that the movant failed to certify in the motion that a good faith effort was made to obtain the discovery without court action, that the opposition to the motion was substantially justified, or that other circumstances make an award of expenses unjust. . . .

11. There are no circumstances that might allow Captain's BBQ to avoid an expense order under rule 1.380(a)(4), and the County respectfully moves for an award it its attorneys' fees and costs incurred in preparing and arguing this motion.

WHEREFORE, the County, pursuant to rules 1.280, 1.340, and 1.380, respectfully moves the Court to: compel Captain's BBQ to provide complete and verified answers to the County's First Set of Interrogatories; find Captain's BBQ has waived any objections which might have been asserted in response to these interrogatories; and award expenses (including attorneys' fees) related to this motion to the County.

Unofficial Document

Respectfully submitted on this 24th day of April, 2023.

ROPER, P.A.

By: /s/ Dale A. Scott
Michael J. Roper, Esq.
Fla. Bar No. 473227
Dale A. Scott, Esq.
Fla. Bar No. 568821
dscott@roperpa.com
ehemphill@roperpa.com
2707 E. Jefferson St.
Orlando, FL 32803
Tel: 407-897-5150
Fax: 407-897-3332
Counsel for Flagler County

RULE 1.380(a)(4) CERTIFICATION

The undersigned counsel for the County certifies that, as explained above, a good faith effort was made to obtain the discovery without court action.

By: /s/ Dale A. Scott
Dale A. Scott, Esq.

Unofficial Document

CERTIFICATE OF SERVICE

I certify that a copy of this document has been furnished via the F-Filing Portal on this 24th day of April, 2023, to:

Douglas N. Burnett, Esq.
Hillary N. Mesa, Esq.
sjlgservice@gmail.com
jhatfield@sjlawgroup.com
St. Johns Law Group
104 Sea Grove Main St.
St. Augustine, FL 32080
Co-counsel for Captain's Bait, Tackle & BBQ, LLC

Sarah May Swartz, Esq.
sswartz@conroysimberg.com
eserviceorl@conroysimberg.com
Conroy Simberg
2 S. Orange Ave., Ste. 300
Orlando, FL 32801
Co-counsel for Captain's Bait, Tackle & BBQ, LLC

By: /s/ Dale A. Scott
Dale A. Scott, Esq.

IN THE CIRCUIT COURT OF
THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

CAPTAIN'S BAIT, TACKLE & BBQ, LLC,
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Case No. 2019-CA-000381

Plaintiff / Counter-Defendant,

v.

FLAGLER COUNTY, a political subdivision
of the State of Florida,

Defendant / Counter-Plaintiff.

**DEFENDANT'S NOTICE OF SERVING ITS FIRST
SET OF INTERROGATORIES TO PLAINTIFF**

Defendant served its first set of interrogatories upon plaintiff on the date indicated below, to be responded to in accordance with the Florida Rules of Civil Procedure.

Respectfully submitted this 6th day of August, 2020.

BELL & ROPER, P.A.

By: Dale A. Scott
Michael J. Roper, Esq.
Fla. Bar No. 473227
Dale A. Scott, Esq.
Fla. Bar No. 568821
dscott@bellroperlaw.com
ehemphill@bellroperlaw.com
2707 E. Jefferson St.
Orlando, FL 32803
Tel: 407-897-5150
Fax: 407-897-3332
Counsel for Flagler County

CERTIFICATE OF SERVICE

I certify that a copy of this document has been furnished via the F-Filing Portal on this 6th day of August, 2020, to:

Gregory D. Snell, Esq.
gsnell@snell-legal.law
Snell Legal PLLC
1651 N. Clyde Morris Blvd, Ste 100
Daytona Beach, FL 32117
Co-counsel for Captain's Bait, Tackle & BBQ, LLC

John L. Morrow, Esq.
Sarah May Swartz, Esq.
eserviceorl@conroysimberg.com
jmorrow@conroysimberg.com
Conroy Simberg
2 S. Orange Ave., Ste. 300
Orlando, FL 32801
Co-counsel for Captain's Bait, Tackle & BBQ, LLC

By: Dale A. Scott
Dale A. Scott, Esq.

DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF

1. What is the name and address of the person answering these interrogatories?
If applicable, what is the person's official position or relationship with the party to whom these interrogatories are directed?

ANSWER:

Unofficial Document

2. Describe the factual and legal bases for the claims you assert in this lawsuit, and describe any evidence on which you base your claims.

ANSWER:

3. Describe in detail each act or omission on the part of any party to this lawsuit that you contend constitutes a basis for the claims you assert.

ANSWER:

Unofficial Document

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

ANSWER:

5. Have you heard or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in this lawsuit? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.

ANSWER:

Unofficial Document

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

ANSWER:

7. 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' 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.

ANSWER:

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8. State if you have ever been a party, either plaintiff/petitioner or defendant/respondent, in a lawsuit other than the present matter, and, if so, state whether you were plaintiff/petitioner or defendant/respondent, the nature of the action, and the date and court in which such suit was filed.

ANSWER:

INTERROGATORY VERIFICATION

I declare under penalty of perjury that the foregoing answers to interrogatories are true and correct.

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/s/

Print name: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was sworn to and signed before me this ____ day of _____, 2020, by _____ (print name), who is personally known to me, or who produced _____ as identification, and who did ____ or did not ____ take an oath.

Print name:

My Commission Expires:

Notary Public:

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Plaintiff / Counter-Defendant,

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FLAGLER COUNTY, a political subdivision
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Defendant / Counter-Plaintiff.

DEFENDANT'S FIRST REQUEST TO PRODUCE TO PLAINTIFF

Defendant requests that plaintiff produce the following documents and things,
in accordance with the Florida Rules of Civil Procedure and the following definitions
and instructions:

DEFINITIONS & INSTRUCTIONS

1. "You" and "your" refers to the party to whom this discovery item or
request is directed, and references to actions taken by "you" shall include actions
taken by anyone acting on such party's behalf, including executives, agents, and
employees, and subsidiary and parent companies of such party, if any.

2. References to a party or entity shall be construed as encompassing that
party or entity, as well as anyone acting on such party or entity's behalf, including

executives, agents, and employees, and subsidiary and parent companies of such party or entity, if any.

3. Should you withhold the production of a document by claiming it is privileged or subject to protection as trial preparation material, in accordance with Florida Rule of Civil Procedure 1.240(b)(6), you are required to make the claim expressly and provide a privilege log which describes the nature of the document 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 claimed privilege or protection.

4. "Document" is herein used in the broadest possible sense as interpreted under the Florida Rules of Civil Procedure and shall include, without limitation, any written, printed, typed, recorded, filmed, punched, transcribed, taped, or other graphic matter of any kind or nature, however produced or reproduced, whether in hard copy, handwritten, printed, electronic, or other form, either in your possession or custody or under your control, and shall include, without limitation, originals, file copies, and other copies, no matter how or by whom prepared, and all drafts prepared in connection with any such writings or recordings, whether used or not, regardless of whether the document still exists, and regardless of who has maintained custody of such documents.

5. "Correspondence" refers to written letters (handwritten or typed), facsimiles, e-mails, telegrams, text messages, and any other form of written communication.

6. As used herein, the term "property" refers to the real property as identified in the operative complaint.

7. Unless indicated otherwise, the timeframe for this request to produce is from January 1, 2010, through the present.

DOCUMENTS TO PRODUCE

1. Documents identified or referenced in the complaint.
2. Documents which support, relate to, or concern:
 - a. the factual claims asserted in each paragraph of the complaint.
 - b. any injunctive relief claim.
 - c. any declaratory relief claim.
 - d. any damage claim.
 - e. any motions for injunction relief filed in this action.
 - f. any motions for judgment on the pleadings filed in this action.
 - g. any motions for summary judgment filed in this action.
 - h. any dispositive motions filed in this action.
 - i. any claim asserted against defendant/respondent.

- j. any claim asserted against any party other than defendant/respondent.
- k. your standing to assert the claims made in this action.
3. Correspondence referenced in the complaint.
4. Correspondence which concerns or relates to the subject matter of this action between:
- a. you and any other party.
 - b. you and any governmental agency or office.
 - c. you and any other person or entity identified or referenced in the complaint.
 - d. amongst your executives, agents, or employees.
5. Documents which concern or relate to the subject matter of this action received from:
- a. any party.
 - b. any governmental entity or office.
 - c. any other person or entity identified or referenced in the complaint.
6. Your articles of organization, all amendments thereto, and executed copies of any powers of attorney pursuant to which your articles or the amendments thereto were executed.

7. Your written operating agreements, all amendments thereto, and executed copies of any powers of attorney pursuant to which your agreement or the amendments thereto were executed.

8. Your written partnership agreements, all amendments thereto, and executed copies of any powers of attorney pursuant to which your agreement or the amendments thereto were executed.

9. Documents which reflect, memorize, or otherwise account for any capital or "in kind" contributions received from your principals, managers, partners, members, or other investors.

10. Documents which support, relate to, or concern your payment of property taxes as to the property.

11. Documents which concern or relate to your purchase or acquisition of the property.

12. Deeds, land purchase agreements, restrictive covenants, lease agreements, or similar documents executed by any party, which concern or relate to the property.

13. Mortgage agreements and associated documents which concern or relate to the property.

14. Foreclosure notices received by you which concern or relate to the property.

15. Appraisals concerning the property, including correspondence between you and the appraisers concerning such appraisals.

16. Documents which concern or relate to your payment of utilities as to the property, including but not limited to copies of bills issued to you, and documents related to or which show your payment of bills.

17. Official records:

- a. identified or referenced in the complaint.
- b. which related to or concern any of the property.

18. Agreements and contracts:

- a. related to the subject matter of this action.
- b. between you and any other party.
- c. between you and any other person or entity identified or referenced in the complaint.
- d. which concern or relate to business or commercial activities which have occurred on the property.
- e. which concern or relate to the property.

19. Permit applications, development requests, or written applications or requests of any kind:

- a. which concern or relate to the subject matter of this action.
- b. which concern or relate to the property.

- c. you submitted to any governmental entity or office which concern or relate to the property.

20. Responsive documents and correspondence provided to you in response to any permit applications, development requests, or written applications or requests.

21. Permits:

- a. which concern or relate to the subject matter of this action.
- b. which concern or relate to the property.
- c. issued to you by any governmental agency or office which concern or relate to the property.

22. Marketing, sales, or advertising materials you, or someone on your behalf, prepared or created as to the property, including on-line materials.

23. Agreements or contracts, including agreements or contracts which may have been fully negotiated but were not formally executed or agreements or contracts which were executed but later cancelled, executed by you and any person or entity to purchase the property, or any portion thereof.

24. Written offers you received from or written counteroffers you made to anyone regarding the purchase of the property or any portion thereof, or your business operations on the property, and any documents which memorialize any verbal offers or counteroffers.

25. Audio recordings which concern or relate to the subject matter of this action.

26. Photographs and videos:
- which concern or relate to the subject matter of this action.
 - of the property.
27. Insurance policies which have applied to the property, or any activities occurring thereon, and any associated correspondence sent to or received from any insurance companies.
28. Contracts executed with any construction, architecture, engineering, or design companies or professionals as to the property.
29. Contracts executed with any builders, general contractors, etc., as to the construction of any improvements (e.g., structures, utilities, roads) on the property.
30. Documents which concern or relate to the:
- clearing of the property.
 - addition of dirt, sand, or other fill material to the property.
 - draining or dewatering of the property.
31. Maps, plats, and diagrams:
- which concern or relate to the subject matter of this action.
 - of the property.
 - identified or referenced in the complaint.
 - which related to or concern any of the property.

32. Schematics, engineering drawings, or similar documents which concern or relate to the subject matter of this action.

33. Documents which concern or relate to any developments or construction activity planned or considered for the property.

34. Documents which concern or relate to the construction, rehabilitation, repair, renovation or maintenance of any buildings or improvements of any kind on the property.

35. Statements received from any witnesses which concern or relate to the subject matter of this action.

36. As to any meetings or gatherings of your governing body, or between you and any business associates, during which the subject matter of this action was discussed, all:

- a. recordings (audio, video, etc.).
- b. transcripts.
- c. meeting minutes.
- d. meeting notes.

37. Court complaints and administrative proceeding petitions you have filed, in matters other than the present action which concern the subject matter of this action.

38. Business documents or records, including but not limited to contracts or agreements, confirmatory letters or emails, notices of cancellation, invoices, and payment documents or records, which concern or relate to any business or commercial activities which have occurred on the property.

39. Bookkeeping, accounting, or other business documents or records for any business or commercial activities which have occurred on the property.

40. Documents which reflect revenues generated or costs expended relative to any business you operate or operated on the property.

41. Your monthly bank statements.

42. Your tax returns for each year.

43. Posts, statements, "blog" entries, marketing materials, advertisements, photographs, videos, testimonials, or other electronic media of any kind posted on or submitted to any internet websites, e.g., www.facebook.com, which concern or relate to the property or any issues raised in the complaint.

44. Documents provided to any expert witnesses you intend to call to testify at trial.

45. Documents received from any expert witnesses you intend to call to testify at trial.

46. Correspondence between you and any expert witnesses you intend to call to testify at trial.

47. Reports, or similar documents, you have received from any expert witnesses you intend to call to testify at trial.

48. Bills or invoices you have received from any expert witnesses you intend to call to testify at trial.

49. Resumes of any expert witnesses you intend to call to testify at trial or any evidentiary hearing.

Unofficial Document

Respectfully submitted this 6th day of August, 2020.

BELL & ROPER, P.A.

By: Dale A. Scott
Michael J. Roper, Esq.
Fla. Bar No. 473227
Dale A. Scott, Esq.
Fla. Bar No. 568821
dscott@bellroperlaw.com
ehemphill@bellroperlaw.com
2707 E. Jefferson St.
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Tel: 407-897-5150
Fax: 407-897-3332
Counsel for Flagler County

CERTIFICATE OF SERVICE

I certify that a copy of this document has been furnished via the F-Filing Portal on this 6th day of August, 2020, to:

Gregory D. Snell, Esq.
gsnell@snell-legal.law
Snell Legal PLLC
1651 N. Clyde Morris Blvd, Ste
Daytona Beach, FL 32111
Co-counsel for Captain's Bait, Tackle & BBQ, LLC

John L. Morrow, Esq.
Sarah May Swartz, Esq.
eserviceorl@conroysimberg.com
jmorrow@conroysimberg.com
Conroy Simberg
2 S. Orange Ave., Ste. 300
Orlando, FL 32801
Co-counsel for Captain's Bait, Tackle & BBQ, LLC

By: Dale A. Scott
Dale A. Scott, Esq.

From: Dale Scott
Sent: Friday, February 10, 2023 12:20 PM
To: Hillary Mesa; Douglas Burnett
Cc: Elizabeth Hemphill; Morris McEvoy; sswartz@conroysimberg.com
Subject: Captain's BBQ v. Flagler County - overdue discovery items
Attachments: RTP - Def FC's First Request to Produce to pl, 8-6-20.pdf; INTS - Def FC's First Set of Interrogatories to pl, 8-6-20.pdf

Good afternoon Doug and Hillary,

In reviewing my files, it appears your client never responded to the County's first set of interrogatories and first request to produce, served 8/6/20 (long before you all were involved in the case). Copies of the same are attached. Certainly, if I am incorrect and responses have been provided, please let me know. Otherwise, I would appreciate answers/responses by the end of the month.



www.roparpa.com

DALE A. SCOTT

Partner

Roper, P.A.

2707 East Jefferson Street

Orlando, FL 32803

Tel: 407-897-5150

Fax: 407-897-3332

dscott@roparpa.com

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From: Dale Scott
Sent: Tuesday, March 07, 2023 4:42 PM
To: Hillary Mesa; Douglas Burnett
Cc: Elizabeth Hemphill; Morris McEvoy; sswartz@conroysimberg.com
Subject: Re: Captain's BBQ v. Flagler County - overdue discovery items

Good afternoon Doug and Hillary,

Should the County expect responses to its discovery items any time soon?

Sincerely,
Dale A. Scott

Partner

ROPER, P.A.
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Orlando, FL 32803
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Fax: 407-997-3332
dscott@roperpa.com

Sent from mobile device, please excuse typographic errors.

On Feb 10, 2023, at 12:19 PM, Dale Scott <Dscott@roperpa.com> wrote:

Good afternoon Doug and Hillary,

In reviewing my files, it appears your client never responded to the County's first set of interrogatories and first request to produce, served 8/6/20 (long before you all were involved in the case). Copies of the same are attached. Certainly, if I am incorrect and responses have been provided, please let me know. Otherwise, I would appreciate answers/responses by the end of the month.

<image002.png>

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DALE A. SCOTT
Partner

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<RTP - Def FC's First Request to Produce to pl, 8-6-20.pdf>

<INTS - Def FC's First Set of Interrogatories to pl, 8-6-20.pdf>

Unofficial Document

From: Dale Scott
Sent: Thursday, April 13, 2023 12:44 PM
To: Hillary Mesa
Cc: Elizabeth Hemphill; Douglas Burnett
Subject: Re: Captains BBQ v. Flagler County

Thank you, I look forward to hearing from you. Additionally, I was calling with regard to the county's overdue discovery items. While I would rather not have to, if we don't receive full responses by the end of next week, we will need to file a motion to compel.

Sincerely,
Dale A. Scott

Partner

ROPER, P.A.
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Orlando, FL 32803
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Fax: 407-997-3332
dscott@roperpa.com

Sent from mobile device, please excuse typographic errors.

On Apr 13, 2023, at 12:00 PM, Hillary Mesa <hmesa@sjlawgroup.com> wrote:

Dale,

We are discussing this with our client and I will touch base with you tomorrow.

Thank you,
Hillary

Hillary Mesa
Attorney
St. Johns Law Group
www.sjlawgroup.com
104 Sea Grove Main Street
St. Augustine, Florida 32080
(904) 495-0400 office
(904) 495-0506 facsimile
(888) 588-2599 toll free
[Facebook](#)[Twitter](#)

<image001.jpg>

For your protection, and due to the overwhelming number of fraudulent cashier's checks circulating in Florida, we require all funds to close a real estate transaction be tendered in the form of a wire transfer. Our incoming wire instructions will be provided to you prior to closing and are also available upon request. Thank you for your understanding and cooperation.

TAX ADVICE DISCLOSURE: Pursuant to the requirements of Internal Revenue Service Circular 230, we advise you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of: (1) avoiding penalties that may be imposed under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed in this communication.

CONFIDENTIALITY NOTICE: The information and all attachments contained in this electronic communication are legally privileged and confidential information, subject to the attorney-client privilege and intended only for the use of intended recipients. If the reader of this message is not an intended recipient, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication

From: Dale Scott <Dscott@Roperpa.com>

Sent: March 31, 2023 4:15 PM

To: Hillary Mesa <hmesa@sjlawgroup.com>

Cc: Elizabeth Hemphill <Ehemphill@Roperpa.com>; Douglas Burnett <dburnett@sjlawgroup.com>

Subject: Re: Captains BBQ v. Flagler County

Hillary,

[REDACTED]

[REDACTED]

[REDACTED]

Sincerely,
Dale A. Scott

Partner

ROPER, P.A.
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Orlando, FL 32803
Tel: 407-897-5150, ext. 113
Fax: 407-997-3332
dscott@roperpa.com

Sent from mobile device, please excuse typographic errors.

On Mar 31, 2023, at 2:11 PM, Hillary Mesa <hmesa@sjlawgroup.com> wrote:

Dear,



Additionally, I am working on the discovery issue as well.

Thank you,
Hillary

Hillary Mesa
Attorney
St. Johns Law Group
www.sjlawgroup.com
104 Sea Grove Main Street
St. Augustine, Florida 32080
(904) 495-0400 office
(904) 495-0506 facsimile
(888) 588-2599 toll free
[FacebookTwitter](#)
<image001.jpg>

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Unofficial Document

From: Hillary Mesa <hmesa@sjlawgroup.com>
Sent: Wednesday, March 08, 2023 5:55 PM
To: Dale Scott
Cc: Elizabeth Hemphill; Morris McEvoy; sswartz@conroysimberg.com
Subject: RE: Captain's BBQ v. Flagler County - overdue discovery items

Dale,

We are working on this. I received your initial email when I was working on an extensive trial and have not been able to finalize responses. We need some additional time.

Thank you,
Hillary

Hillary Mesa
Attorney
St. Johns Law Group
www.sjlawgroup.com
104 Sea Grove Main Street
St. Augustine, Florida 32080
(904) 495-0400 office
(904) 495-0506 facsimile
(888) 588-2599 toll free
[FacebookTwitter](#)



For your protection, and due to the overwhelming number of fraudulent cashier's checks circulating in Florida, we require all funds to close a real estate transaction be tendered in the form of a wire transfer. Our incoming wire instructions will be provided to you prior to closing and are also available upon request. Thank you for your understanding and cooperation.

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From: Dale Scott <Dscott@Roperpa.com>
Sent: March 7, 2023 4:42 PM
To: Hillary Mesa <hmesa@sjlawgroup.com>; Douglas Burnett <dburnett@sjlawgroup.com>
Cc: Elizabeth Hemphill <Ehemphill@Roperpa.com>; Morris McEvoy <mmcevoy@sjlawgroup.com>;

sswartz@conroysimberg.com

Subject: Re: Captain's BBQ v. Flagler County - overdue discovery items

Good afternoon Doug and Hillary,

Should the County expect responses to its discovery items any time soon?

Sincerely,
Dale A. Scott

Partner

ROPER, P.A.
www.roperpa.com
2707 E. Jefferson St.
Orlando, FL 32803
Tel: 407-897-5150, ext. 113
Fax: 407-997-3332
dscott@roperpa.com

Sent from mobile device, please excuse typographic errors.

On Feb 10, 2023, at 12:19 PM, Dale Scott <Dscott@roperpa.com> wrote:

Good afternoon Doug and Hillary,

In reviewing my files, it appears your client never responded to the County's first set of interrogatories and first request to produce, served 8/6/20 (long before you all were involved in the case). Copies of the same are attached. Certainly, if I am incorrect and responses have been provided, please let me know. Otherwise, I would appreciate answers/responses by the end of the month.

<image002.png>

www.roperpa.com

DALE A. SCOTT
Partner

Roper, P.A.
2707 East Jefferson Street
Orlando, FL 32803
Tel: 407-897-5150
Fax: 407-897-3332
dscott@roperpa.com

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<RTP - Def FC's First Request to Produce to pl, 8-6-20.pdf>

<INTS - Def FC's First Set of Interrogatories to pl, 8-6-20.pdf>

From: Dale Scott
Sent: Friday, April 21, 2023 5:21 PM
To: Hillary Mesa
Cc: Elizabeth Hemphill; Morris McEvoy
Subject: Re: SERVICE OF COURT DOCUMENT CASE NUMBER 182019CA000381XXXXXX
CAPTAINS BAIT TACKLE AND BBQ LLC vs. FLAGLER COUNTY A POLITICAL SUBDIVISION

Also, will you be providing a response to the first set of interrogatories?

Sincerely,
Dale A. Scott

Partner

ROPER, P.A.
www.roperpa.com
2707 E. Jefferson St.
Orlando, FL 32803
Tel: 407-897-5150, ext. 113
Fax: 407-997-3332
dscott@roperpa.com

Sent from mobile device, please excuse typographic errors.

On Apr 21, 2023, at 4:56 PM, Hillary Mesa <hmesa@sjlawgroup.com> wrote:

We will send you the tracking number on Monday. You should get the flash drive by Tuesday.

Thank you,
Hillary

Hillary Mesa
Attorney
St. Johns Law Group
www.sjlawgroup.com
104 Sea Grove Main Street
St. Augustine, Florida 32080
(904) 495-0400 office
(904) 495-0506 facsimile
(888) 588-2599 toll free
[FacebookTwitter](#)
<image003.jpg>

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From: Dale Scott <Dscott@Roperpa.com>
Sent: April 21, 2023 4:28 PM
To: Morris McEvoy <mmcevoy@sjlawgroup.com>; Elizabeth Hemphill <Ehemphill@Roperpa.com>
Cc: Hillary Mesa <hmesa@sjlawgroup.com>
Subject: RE: SERVICE OF COURT DOCUMENT CASE NUMBER 182019CA000381XXXXXX CAPTAINS BAIT TACKLE AND BBQ LLC vs. FLAGLER COUNTY A POLITICAL SUBDIVISION

Again, when?

<image004.png>

www.roparpa.com

DALE A. SCOTT

Partner

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2707 East Jefferson Street

Orlando, FL 32803

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Fax: 407-897-3332

dscott@roparpa.com

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From: Morris McEvoy <mmcevoy@sjlawgroup.com>
Sent: Friday, April 21, 2023 4:26 PM
To: Dale Scott <Dscott@Roperpa.com>; Elizabeth Hemphill <Ehemphill@Roperpa.com>
Cc: Hillary Mesa <hmesa@sjlawgroup.com>
Subject: RE: SERVICE OF COURT DOCUMENT CASE NUMBER 182019CA000381XXXXXX CAPTAINS BAIT TACKLE AND BBQ LLC vs. FLAGLER COUNTY A POLITICAL SUBDIVISION

Mr. Scott,

The documents in question are quite voluminous. Accordingly, we will be sending you a flash drive.

Sincerely,

Morris F. McEvoy
Paralegal
St. Johns Law Group
www.sjlawgroup.com
104 Sea Grove Main Street
St. Augustine, Florida 32080
(904) 495-0400 office
(904) 495-0506 facsimile
(888) 588-2599 toll free
[FacebookTwitter](#)
<image005.jpg>

Unofficial Document

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From: Dale Scott <Dscott@Roperpa.com>

Sent: April 21, 2023 4:22 PM

To: Hillary Mesa <hmesa@sjlawgroup.com>

Cc: Elizabeth Hemphill <Ehemphill@Roperpa.com>

Subject: FW: SERVICE OF COURT DOCUMENT CASE NUMBER 182019CA000381XXXXXX CAPTAINS BAIT TACKLE AND BBQ LLC vs. FLAGLER COUNTY A POLITICAL SUBDIVISION

Hillary,

I just received the service email below concerning the County's Request to Produce. Putting aside various objections and responses which indicate a refusal to produce documents, several responses state "All documents in Plaintiff's possession, custody or control responsive to this request (if any) will be produced." When will documents be produced?

<image004.png>

www.roperpa.com

DALE A. SCOTT

Partner

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Tel: 407-897-5150

Fax: 407-897-3332

dscott@roperpa.com

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From: eservice@myflcourttaccess.com <eservice@myflcourttaccess.com>

Sent: Friday, April 21, 2023 4:16 PM

Subject: SERVICE OF COURT DOCUMENT CASE NUMBER 182019CA000381XXXXXX CAPTAINS BAIT TACKLE AND BBQ LLC vs. FLAGLER COUNTY A POLITICAL SUBDIVISION

Notice of Service of Court Documents

Filing Information

Filing #: 171557881

Filing Time: 04/21/2023 04:15:30 PM ET

Filer: Hillary Nichole Mesa 999-999-9999

Court: Seventh Judicial Circuit in and for Flagler County, Florida

Case #: 182019CA000381XXXXXX

Court Case #: 2019 CA 000381

Case Style: CAPTAINS BAIT TACKLE AND BBQ LLC vs. FLAGLER COUNTY A POLITICAL SUBDIVISION

Documents

Title	File
Response To Request For Production	<u>D's Response to P's First Request to Produce</u>

E-service recipients selected for service:

Name	Email Address
Dale A. Scott	dscott@roperpa.com

Name	Email Address
	ehemphill@roperpa.com
Douglas N. Burnett	silgservice@gmail.com
	jhatfield@sjlawgroup.com
Hillary Nichole Mesa	hmesa@sjlawgroup.com
	silgservice@gmail.com

E-service recipients not selected for service:

Name	Email Address
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	asaj@fishertousey.com
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	sgibson@snell-legal.com
Justin B. Hales	jhales@conroysimberg.com
	eservicetal@conroysimberg.com
	Lharris@conroysimberg.com

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Document Access Link(s) will be active for 14 days (excluding weekends) after the Clerk accepts the submission or it is abandoned. In addition to access to the link for 14 days (excluding weekends), the documents will also be available, after acceptance by the Clerk, to counsel of record in the portal on the My Cases page, by clicking on the case number and then the document name, or by accessing the Clerk's website.

Thank you,
The Florida Courts E-Filing Portal

request_id#:171557881;Audit#:585958383;UCN#:182019CA000381XXX
XXX;