

IN THE CIRCUIT COURT, OF THE NINTH JUDICIAL CIRCUIT,  
IN AND FOR ORANGE COUNTY, FLORIDA

FONTANA ESTATES HOMEOWNERS  
ASSOCIATION, INC., a Florida not-for-  
profit corporation;

CASE NO.: 2020-CA-6569-O  
DIV. 43  
BUSINESS COURT

Plaintiff,

v.

TOLL FL VIII LIMITED PARTNERSHIP,  
a Foreign limited partnership; and TOLL  
BROS., INC., a foreign for-profit  
corporation;

Defendant.

v.

JR. DAVIS CONSTRUCTION  
COMPANY, INC., a Florida Profit  
Corporation

Third-Party Defendant.

**DEFENDANTS, TOLL FL VIII LIMITED PARTNERSHIP AND TOLL BROS., INC.'S  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF,  
FONTANA ESTATES HOMEOWNERS ASSOCIATION, INC.**

Defendants, TOLL FL VIII LIMITED PARTNERSHIP and TOLL BROS., INC.  
(hereinafter referred to as "Toll"), pursuant to Florida Rule of Civil Procedure 1.350 request that  
Plaintiff, FONTANA ESTATES HOMEOWNERS ASSOCIATION, INC. (hereinafter referred to  
as "Fontana Estates"), produce the documents requested below for inspection and/or copying at  
the offices of Koeller, Nebeker, Carlson & Haluck, LLP, located at 390 N. Orange Ave., Suite  
850, Orlando, Florida 32801, within thirty (30) days:

## **INSTRUCTIONS AND DEFINITIONS**

1. Respond to each Request for Production by specifically identifying all documents or writings responsive to the request, as well as the current custodian, the author(s), sender(s), recipient(s) and/or the reviewer(s) of the identified documents or writings, and the date of creation for each.

2. As used throughout these Requests for Production, the term “Project” shall mean and include the property that is the subject of this litigation and that is located in Orlando, Orange County, Florida and is known as the “Fontana Estates” Community.

3. As used throughout these Requests for Production, the term “FONTANA ESTATES” shall refer to the Plaintiff, “FONTANA ESTATES HOMEOWNERS ASSOCIATION, INC.”, as named in the above-styled litigation.

4. As used throughout these Requests for Production, the terms “document” or “medium” and the plural forms thereof, shall mean all written, recorded or graphic materials, however produced or reproduced, of every kind and description, including, without limitation, correspondence, memoranda, notes, desk calendars, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, invoices, statements, receipts, returns, warranties, guarantees, summaries, inter-office communications, offers, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, photographs, computer printouts, facsimiles, telefax, worksheets and all drafts, alterations, modifications, changes and amendments of any of the foregoing, tapes, tape recordings, transcripts, graphic records or representations of any kind, electronic, mechanical or electric records or representations of any kind, including but not limited to computer tapes, disks or diskettes and including all documents

stored in or on a computer, back-up tape or other electronic usage medium or other electronic device or electronic mailboxes.

5. As used throughout these Requests for Production, the term “You,” its plural or any synonym thereof, is intended to and shall embrace and include the named party or parties to whom these Requests for Production are addressed as well as all agents, servants, employees or representatives of the same who are in possession of, or who may have obtained information for or on behalf of the named party or parties to whom these Requests for Production are addressed.

6. As used throughout these Requests for Production, the term “person,” or its plural or any synonym thereof, is intended to and shall embrace and include any individual, company, business, partnership, corporation, or any other entity.

7. As used throughout these Requests for Production, the term “communication,” its plural or any synonym thereof, is intended to and shall embrace and include all written and oral transmissions, discussions, correspondence, conversations or other exchanges of information or knowledge.

8. These Requests for Production call for recorded information (including information contained in writings) as is known or reasonably available to FONTANA ESTATES’ attorney or any investigators or representative or others acting on FONTANA ESTATES’ behalf, or under FONTANA ESTATES’ direction or control, or any other information in the actual or constructive possession, custody, care or control of FONTANA ESTATES.

9. Whenever you are unable to respond to these Requests for Production based upon your own personal knowledge, please so state, and identify the person or persons you believe to have such knowledge, as well as what you believe the correct response to be, and the fact(s) upon which you base your answer.

10. A request that FONTANA ESTATES state the source of information or facts includes a request that FONTANA ESTATES state the means by which such information or facts was transmitted and/or preserved. If such source of information or facts is an oral communication, the date of the communication and sender and recipient must be stated. If such information of facts were preserved in writing, the date of record, its nature, author, sender, recipient and last known custodian must be stated.

11. Where a Request for Production calls for a response in more than one part, each part shall be responded to separately so as to be clearly understandable.

12. Each Request for Production shall be construed independently unless otherwise specifically indicated.

13. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary, in order to bring within the scope of the Request for Production all responses which might otherwise be construed to be outside of its scope.

14. If a Request for Production is objected to, in whole or in part, or if information responsive to a Request for Production is withheld, on the ground of privilege or otherwise, please set forth fully each objection, describe general the information which is withheld, and set forth the facts upon which FONTANA ESTATES relied as the basis for each such objection.

**TOLL’S REQUEST FOR PRODUCTION  
OF DOCUMENTS TO FONTANA ESTATES**

1. Any and all estimates, recommendations, reports, and evaluations regarding the ponds, roads and sidewalks.
2. Any and all communications between the management company and the Fontana Board regarding the ponds, roads and sidewalks.

3. Any and all communications between the Fontana Board and members of the community regarding the ponds, roads and sidewalks.
4. Any and all documents created for the Hall Company, Inc. resealing project.
5. Any and all Invoices, pay applications, and change orders from the Hall Company, Inc. resealing project to the Fontana HOA.

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was sent via electronic service this 15<sup>th</sup> day of March, 2023 to: All Parties of Record.

**KOELLER NEBEKER CARLSON  
& HALUCK, LLP**

*/s/ Chad N. Dunigan*

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