

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

PALM COAST HOLDINGS, INC.
and FLORIDA LANDMARK
COMMUNITIES, LLC

Plaintiffs,

CASE NO: 2025 CA 000670
DIVISION: 49

v.

CITY OF PALM COAST,
a Florida municipal corporation,

Defendant.

_____ /

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION

Plaintiff, Florida Landmark Communities, LLC (hereinafter, "Plaintiff"), by and through undersigned counsel and pursuant to Florida Rules of Civil Procedure 1.350, hereby serves this First Request for Production on Defendant, City of Palm Coast ("Defendant").

INSTRUCTIONS

Each of these instructions shall be fully applicable to each Request for Production:

1. These requests apply to all documents in Defendant's possession, custody, or control (including documents Defendant has the effective power or authority to obtain) at the present time, and to those documents in the possession, custody or control of Defendant's employees, agents, representatives, investigators, or attorneys. These requests shall be deemed continuing and shall apply to documents that come into the possession, custody, or control of any of the foregoing persons or entities after the date of initial production.
2. The requested documents include all attachments, enclosures, explanatory notes or memoranda, and any other material that accompanied the requested materials. If the specific

document elicited a response, that is also to be identified and produced. If the document was itself a response, the document(s) to which it is responding is also to be identified and produced.

3. In producing documents requested herein, please produce documents in full, without abridgement, abbreviation, or expurgation of any sort.

4. In producing documents requested herein, please sequentially number the pages produced and precede the numbers with a unique prefix.

5. If a document is called for under more than one request, it should be produced in response to the first request with a notice appended to it stating the other request(s) to which it is claimed that such document is responsive.

6. Please produce for inspection and copying each copy and draft of a responsive document that differs in any way from the original document or from any other copy or draft.

7. With respect to any document that is requested but which has been lost or destroyed, provide in writing the following information for each missing document:

- a. the identity of the document;
- b. the nature of the document (e.g., letter, draft, computer file);
- c. the identity of the person(s) who created or originated the document;
- d. the identity of the person(s) who received a copy of the document;
- e. the dates on which the document was created and/or distributed;
- f. a brief description of what happened to the document; and
- g. a brief description of the subject matter of the document.

8. In responding to these Requests for Production, you must make a diligent search of your records and of other papers and materials in your possession or available to you or your

representatives. If these Requests for Production cannot be complied with in full, comply to the maximum extent possible and specify the reason for your inability to comply with the remainder.

9. Pursuant to Florida Rule of Civil Procedure 1.350, you may either produce the documents as they are kept in the usual course of business or organize and label the documents to correspond with the categories in these Requests for Production.

10. If you believe that any of the following requests call for production of documents that you claim are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, produce so much of the document(s) as is not objected to, and set forth, with respect to each such document as to which a claim of privilege is asserted, the nature of the privilege claimed (e.g., attorney-client, work product, etc.) and the basis for your claim. For each document or part of a document as to which you claim privilege, please state:

- a. the date thereof;
- b. the type, title, and subject matter of the document, sufficient to assess whether the assertion of privilege is valid;
- c. the name of the person or persons who prepared or signed the document;
- d. the name and positions of any intended and actual recipients of the documents;
- e. each person now in possession of the original or a copy of the document;
- f. the nature of the privilege being claimed and any facts relevant to the claim; and
- g. the paragraph number of the request to which the document is responsive.

11. If, for reasons other than a claim of privilege, you refuse to identify any documents which are responsive to a Request for Production, please state the grounds upon which the refusal is based with sufficient specificity to permit a determination of the propriety of such refusal.

12. If a person, fact, oral communication, or document is mentioned or referenced in response to more than one of these requests, please completely identify him, her, or it in every such instance.

13. Unless specifically noted otherwise, the relevant time frame of these Requests for Production shall be from January 1, 2003 until the date upon which the responses thereto are due, and as may be later supplemented, in accordance with the Florida Rules of Civil Procedure.

14. These Requests for Production are continuing in nature so that if, after answering, you acquire additional responsive knowledge or information, Plaintiff directs that you serve supplemental answers after acquiring such additional knowledge or information.

DEFINITIONS

When used in these Requests for Production, the following definitions shall apply:

1. “You,” “your,” and/or “Defendant” refer to the City of Palm Coast, as well as any agents, representatives, employees, consultants, attorneys, or other persons or entities acting or purporting to act for or on behalf of the City of Palm Coast

2. “Person” or “Persons” or “person” or “persons” means and includes any individual, firm, entity, partnership, corporation, joint venture, governmental agency or department, trust or sole proprietorship, and any and all partners, officers and/or directors thereof.

3. As used herein, “2003 DRI Development Order” refers to the 2003 Development of Regional Impact Development Order, effective July 11, 2003, and recorded in the official records of Flagler County, Florida, Book 959, Page 1509.

4. As used herein, “2022 DRI Development Order” refers to the Amended and Restated Development of Regional Impact Development Order, effective July 5, 2022, and recorded in the official records of Flagler County, Florida, Book 2711, Page 1810.

5. As used herein, “2024 DRI Development Order” refers to the Amended and Restated Development of Regional Impact Development Order, effective February 6, 2024, and recorded in the official records of Flagler County, Florida, Book 2874, Page 1215.

6. As used herein, the term “document” is used in the broadest sense possible under Florida Rule of Civil Procedure 1.280. The term shall include without limitation, and, not limited to, the original and any non-identical copy or draft of any and all written, printed, typed, recorded, graphic, computer-generated, or other matter of any kind from which information can be derived, whether produced, reproduced, or stored on paper, cards, tape, film, electronic facsimile, computer storage devices, or any other medium in your possession, custody, or control. It also includes, without limitation, all letters, emails, text messages, memoranda (whether of visits, telephone calls, or otherwise), appointment calendars, schedules, books, indices, printed forms (whether official or unofficial), publications, press releases, notices, brochures, pamphlets, guidelines, manuals, instructions, minutes, summaries or abstracts, reports, files, file jackets, transcripts, data processing cards, computer tapes, printouts, information contained in, on, or retrievable from computer programs, bulletins, written questions and answers, charts, exhibits, blueprints, drawings, diagrams, graphs, tables, photographs, recordings, speeches, telegrams, cables, telex messages, microfilms, opinions, studies, papers, analyses, evaluations, proposals, budget materials, invoices, financial statements, contracts, specifications, applications, motions, petitions, complaints, answers, responses, replies, protests, verified statements, hearing transcripts, attachments, filings, submissions, and pleadings. The term “document” also includes electronically stored information.

7. The term “communication” means and includes any exchange, transmission, or receipt of information, whether such exchange, transmission or receipt is oral, written, or

otherwise, and includes, but is not limited to, documents, meetings, conversations, electronic communications, telephone communications, data communication or telecommunications.

8. The term “including” shall be deemed a word of guidance but not of limitation and is not used to limit the general category which precedes it.

9. The terms “evidence,” “refer,” “relate,” or the like, with respect to any given subject, shall mean constituting, containing, embodying, evidencing, reflecting, identifying, stating, dealing with, or in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

10. “Any” shall be deemed to include and encompass the words “each” and “all.” Use of the word “or” shall mean “and” as well as “or.”

11. As used herein, the singular shall include the plural, and the plural shall include the singular. The conjunctive “and” shall include the disjunctive “or,” and the disjunctive “or” shall include the conjunctive “and.”

12. All other terms used in these requests are to be given their common meaning. In any case of doubt or ambiguity, all terms are to be broadly construed to include the item requested and all doubts should be resolved in favor of producing the requested document.

13. To bring within the scope of these requests all information and documents that might otherwise be construed to be outside their scope:

- a. the singular of each word shall be construed to include its plural and vice versa;
- b. “and” as well as “or” shall be construed both conjunctively as well as disjunctively;
- c. “each” shall be construed to include “every” and vice versa;
- d. “any” shall be construed to include “all” and vice versa;
- e. the present tense shall be construed to include the past tense and vice versa; and
- f. the masculine shall be construed to include the feminine and vice versa.

REQUESTS FOR PRODUCTION

REQUEST #1: All documents concerning the infrastructure improvements constructed by Plaintiff or its predecessors in interest pursuant to the Town Center DRI, including roads, water and wastewater systems, and other facilities.

RESPONSE:

REQUEST #2: All documents concerning the donation of real property by Plaintiff or its predecessors in interest to You pursuant to the Town Center DRI.

RESPONSE:

REQUEST #3: All documents concerning the expenditure of \$35.5 million by Plaintiff or its predecessors in interest on required improvements for the Town Center DRI.

RESPONSE:

REQUEST #4: All documents or communications that acknowledge, verify, or confirm the Developer's completion of infrastructure improvements and real property donations required under the 2003 DRI Development Order and subsequent amendments, including but not limited to inspection reports, certificates of completion, and correspondence.

RESPONSE:

REQUEST #5: All documents concerning Your acknowledgment that Plaintiff or its predecessors in interest completed all DRI's offsite mitigation obligations.

RESPONSE:

REQUEST #6: All documents concerning Your acknowledgment that Plaintiff or its predecessors in interest were vested for water, sewer, and other public services.

RESPONSE:

REQUEST #7: All capital improvement plans, budgets, or other documents from 2003 to the present that address expansion or improvement of Your potable water and wastewater systems.

RESPONSE:

REQUEST #8: All documents concerning Your potable water capacity and wastewater capacity, including but not limited to capacity analyses, studies, reports, and projections from 2003 to the present.

RESPONSE:

REQUEST #9: All documents concerning the allocation, reservation, or commitment of potable water capacity and wastewater capacity to the Town Center DRI from 2003 to the present.

RESPONSE:

REQUEST #10: All documents concerning Your annexation of lands from 2003 to the present, including applications, approvals, agreements, and related correspondence.

RESPONSE:

REQUEST #11: All bulk water and wastewater services agreements entered into by You from 2003 to the present.

RESPONSE:

REQUEST #12: All communications between You and Plaintiff or its predecessors in interest concerning potable water capacity or wastewater capacity for the Town Center DRI from 2022 to the present.

RESPONSE:

REQUEST #13: All communications between You and any third parties concerning potable water capacity or wastewater capacity for the Town Center DRI from 2022 to the present.

RESPONSE:

REQUEST #14: All minutes, transcripts, recordings, and notes of City Council meetings, workshops, or other public meetings where the Town Center DRI, potable water capacity, or wastewater capacity was discussed from 2022 to the present.

RESPONSE:

REQUEST #15: All internal communications, memoranda, emails, or other documents concerning the Town Center DRI, potable water capacity, or wastewater capacity from 2022 to the present.

RESPONSE:

REQUEST #16: All documents concerning Your policies, procedures, or practices for allocating potable water capacity and wastewater capacity to developments from 2003 to the present.

RESPONSE:

REQUEST #17: All documents concerning any studies, analyses, or reports regarding Your current or projected potable water capacity and wastewater capacity from 2022 to the present.

RESPONSE:

REQUEST #18: All documents concerning any communications between You and any state or federal regulatory agencies regarding Your potable water capacity or wastewater capacity from 2022 to the present.

RESPONSE:

REQUEST #19: All documents and communications concerning any complaints, inquiries, or concerns raised by any person or entity regarding potable water capacity or wastewater capacity for the Town Center DRI from 2022 to the present.

RESPONSE:

REQUEST #20: All documents and communications concerning any attempts by Plaintiff to sell its remaining land holdings in the Town Center DRI from 2022 to the present.

RESPONSE:

REQUEST #21: All documents and communications concerning Your refusal or inability to guarantee potable water availability and wastewater capacity for the Town Center DRI from 2022 to the present.

RESPONSE:

REQUEST #22: All documents and communications between You and potential purchasers of Plaintiff's land holdings in the Town Center DRI.

RESPONSE:

REQUEST #23: All documents concerning the impact of Your annexations on potable water capacity and wastewater capacity from 2003 to the present.

RESPONSE:

REQUEST #24: All documents concerning any permits, approvals, or authorizations issued by state or federal agencies related to Your potable water and wastewater systems from 2022 to the present.

RESPONSE:

REQUEST #25: All documents concerning any consultants, engineers, or other experts retained by You to evaluate potable water capacity or wastewater capacity from 2022 to the present.

RESPONSE:

REQUEST #26: Copies of all documents that You contend modify, limit, or terminate any obligations You have under the 2003 DRI Development Order and subsequent amendments regarding potable water availability and wastewater capacity for the Town Center DRI.

RESPONSE:

REQUEST #27: Any and all documentation of analysis demonstrating the current phase in which the Town Center DRI is in.

RESPONSE:

REQUEST #28: Any documentation or analysis demonstrating when the Town Center DRI entered the phase that it is currently in.

RESPONSE:

REQUEST #29: Any communications by or between the City regarding the phasing of the Town Center DRI.

RESPONSE:

REQUEST #30: Any communications by or between the City and third parties regarding the phasing of the Town Center DRI.

RESPONSE:

REQUEST #31: Any communications by or between the City regarding what phase(s) the Town Center DRI was in during any time from 2022 to present.

RESPONSE:

REQUEST #31: Any communications by or between the City and third parties regarding what phase(s) the Town Center DRI was in during any time from 2022 to present.

RESPONSE:

Date: January 23, 2026

/s/ D. Kent Safriet

D. Kent Safriet (FBN 174939)

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CERTIFICATE OF SERVICE

I certify that a copy of this document was filed via Florida Courts E-filing Portal this 23rd day of January 2026 which will transmit a copy to all counsel of record.

/s/ D. Kent Safriet

Attorney