

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

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

Case No.: 2025-CA-670
Division: 49

Plaintiff,

vs.

CITY OF PALM COAST, a Florida Municipal
Corporation

Defendant.

DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS

Defendant City of Palm Coast, Florida by and through undersigned counsel, pursuant to the provisions of Rule 1.280 and 1.350 of the Florida Rules of Civil Procedure, request that Plaintiffs, Palm Coast Holdings, Inc. and Florida Landmark Communities, LLC produce the following documents for inspection and copying at Douglas Law Firm, 117 North 2nd Street, Palatka, Florida 32177, within thirty (30) days of service hereof. Defendant specifically request electronic copies of the documents requested to be provided by electronic mail to *Samantha@dhclawyers.com*.

Preliminary Statement and Instructions

A. If you fail to provide information or documents requested herein under claim of privilege or immunity, furnish a list identifying each item of information or document for which the privilege or immunity is claimed, together with the following information: all basis on which the privilege or immunity is claimed, the person on whose behalf the privilege is asserted and the paragraph of this request to which such information relates.

Definitions

1. "Plaintiffs" shall mean Palm Coast Holdings, Inc. and Florida Landmark Communities, LLC.

2. Defendants” shall mean the City of Palm Coast, Florida, its 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.

3. The term “document” or “documents” as used herein shall have the broadest meaning accorded by the Florida Rules of Civil Procedure and shall include, but not be limited to, all tangible items of any nature, both originals and copies, and all attachments and appendixes thereto, of any printed, written, hand-written, type-written, stenographic, photographic, computer generated or recorded matter, however produced or reproduced. Duplicates of produced documents identical in each detail need not be produced.

4. All terms as defined in the Amended Complaint and pleadings shall have the same meaning herein.

5. “Relate(s) to,” “related to” or “relating to” means to refer to, reflect, concern, pertain to or in any manner be connected with the matter discussed.

6. Any word written in the singular herein shall be construed as plural or vice versa when necessary to facilitate the response to any request.

7. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which otherwise might be construed to be outside its scope.

8.. The term “or” as used herein means “and.” The term “and” as used herein means “or.” “And” and “or” shall be construed either disjunctively or conjunctively so as to bring within the scope of this request all documents that might otherwise be construed to be outside its scope. The term “each” and “any” as used herein also means “every.”

9. The use of a word in its singular form shall be deemed to include its plural form.

10. The use of a word in its plural shall be deemed to include its singular form.

11. The term “Communications” shall mean “Communication” and “communications” means any and all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters, correspondence, notes, telegrams, facsimiles, electronic mail (e-mail), memoranda, documents, writings, or other forms of communications, including but not limited to both oral and written communications.

12. “DRI” means the Town Center at Palm Coast Development of Regional Impact

13. “DO” or “Development Order” means the development order for DRI development order, including the originally approved or any subsequently approved amendments.

14. “Developer” means the entity or party that is the “developer” as set forth in the DO.

15. “Related Entity” means a corporate entity that is managed, wholly owned or controlled by Plaintiff or a corporate predecessor to Plaintiff.

16. “Rights” or “Development Rights” means the right to assign, transfer, or convey Entitlements within the Development Order.

17. “Entitlements” means the land use approvals and authorizations within the Development Order, including but not limited to those entitlements as set forth on Pages 6, 7, and 8 on the 2024 Amended and Restated Development of Regional Impact Development Order (the “2024 DO”) attached as Exhibit C to the Amended Complaint.

a). “Remaining Entitlements” means those particular land use entitlements in the DRI as set forth on Pages 7 and 8 on the 2024 DO attached as Exhibit C to the Amended Complaint.

b). “Recently Assigned Entitlements” means those particular land use entitlements Plaintiff, Related Entity, or Developer assigned to a property and/or a third party since the approval of the 2024 DO.

c). “Sold Entitlements” means those particular land use entitlements Plaintiff, a Related Entity or Developer assigned to a property and/or third party as specified on Pages 7 and 8 of the 2024 DO attached as Exhibit C to the Amended Complaint.

18. “Phase 1” means Phase 1 or the first phase of the DRI as identified, described, or governed by the 2024 Development Order.

19. “Assigned” or “Assignment” includes any transfer, conveyance, allocation, sale, grant, or other disposition of Development Rights or Entitlements, whether by separate assignment document, deed, contract, development agreement, or conveyance of real property for which specific Development Rights or Entitlements were allocated.

20. “Trips” means transportation or traffic trips generated or allocated pursuant to the trip generation figures set forth in the 2024 Development Order.

21. “Materials” means all writings and recordings of any kind, whether in hard copy or electronically stored information (“ESI”), including without limitation all agreements, contracts, amendments, assignments, deeds, correspondence, communications, emails, text messages, instant messages, letters, memoranda, notes, reports, studies, analyses, spreadsheets, financial records, accounting records, calendars, diaries, presentations, drafts, and all other data compilations from which information can be obtained, together with all attachments and exhibits thereto.

DOCUMENTS TO BE PRODUCED

1. All communications relating to negotiation, drafting, amendment or implementation of the 2003, 2022, and 2024 Development Orders concerning Development Rights or Entitlements within the DRI, or property within the DRI for which Development Rights or Entitlements have been assigned.
2. All documents that establish or support the Plaintiffs' contention that the 2003, 2022, and 2024 Development Orders concerning the DRI create contractual rights, guarantees, Development Rights, or Entitlements within the DRI or for property within the DRI.
3. All documents and communications reflecting any alleged promise or guarantee by the City regarding utility capacity, Development Rights, or Entitlements within the DRI or for property within the DRI.
4. All communications between Plaintiffs and any third party regarding utility availability, utility capacity, utility service, Development Rights, Entitlements, or development approvals between Plaintiffs and any third party concerning development within the DRI or property within the DRI.
5. All documents relating to any alleged refusal by the City to provide, approve, or permit utility capacity, utility service, development approvals, Development Rights, or Entitlements within the DRI or for property within the DRI.
6. All documents identifying or relating to prospective purchasers of Development Rights or Entitlements within the DRI referenced in the Amended Complaint.
7. All contracts, letters of intent, or agreements with prospective purchasers of Development Rights or Entitlements within the DRI for which Development Rights have been assigned.
8. All documents reflecting cancellation or termination of any such agreements with prospective purchasers of Development Rights or Entitlements for which Development Rights have been assigned.
9. All traffic studies, trip calculations, development analyses, transportation analyses, or related documents that the Plaintiff has prepared or relied upon concerning the DRI, Development Rights, Entitlements.

10. All documents concerning the Remaining Entitlements, including any allocation, assignment, transfer, or use of the Remaining Entitlements or property within the DRI to which the Remaining Entitlements are associated or assigned.
11. All financial records supporting claims for lost profits other alleged damages concerning the DRI, Development Rights, Entitlements, or property within the DRI.
12. All documents reflecting the valuation of property within the DRI, including valuation of Development Rights or Entitlements.
13. All appraisals, market analyses, or feasibility studies concerning the DRI, Development Rights, Entitlements, or property within the DRI.
14. All documents relating to Plaintiffs' interactions with regulatory agencies, including FDEP concerning the DRI, Development Rights, Entitlements, utility capacity, development approvals, or development within the DRI.
15. All expert reports reflecting the claims, defenses, damages, Development Rights, Entitlements, utility capacity, or development within the DRI relied upon by the Plaintiffs.
16. All documents, records and communications regarding Plaintiff assigning Remaining Entitlements, Sold Entitlements, and Recently Assigned Entitlements or property within the DRI associated with such Entitlements.
17. All documents, records and communications regarding consideration to Plaintiff for Assignment of Remaining Entitlements, Sold Entitlements, and Recently Assigned Entitlements, or property within the DRI associated with such Entitlements.
18. All documents, records and communications with third party potential buyers who withdrew from a transaction involving Development Rights, Entitlements, or property within the DRI due to alleged based on water or utility concerns with City of Palm Coast.
19. All documents, records and communications with the State of Florida regarding Development Rights, Entitlements, or development within the DRI.
20. All materials and agreements concerning any conveyance by Plaintiff, Plaintiff's predecessor, the Developer or a Related Entity of any of the Sold Entitlements and/or the real property within the DRI for which the Sold Entitlements were assigned.
21. All materials and agreements concerning any conveyance by Plaintiff, Plaintiff's predecessor, the Developer or a Related Entity of any of the Recently Assigned

Entitlements and/or the real property within the DRI for which the Recently Assigned Entitlements were assigned.

22. All materials related to the efforts by Plaintiff, or any party to whom Plaintiff has sought to convey Remaining Entitlements or property within the DRI to which the Entitlements are assigned, to obtain or otherwise secure potable water capacity or sewer capacity for the Remaining Entitlements and/or the associated property within the DR
23. A list and description of improvements Plaintiff, Plaintiff's predecessor, a third party related to Plaintiff or the Developer has made to the potable water utility infrastructure or the sewer utility infrastructure in the City of Palm Coast which have increased the overall potable water capacity or the sewer capacity in the City of Palm Coast.
24. Please provide, in detail, a description of Plaintiff's alleged damages concerning impairment of Development Rights or Entitlements, or damages associated with property within the DRI.
25. All documents evidencing, reflecting, or relating to any assignment, transfer, conveyance, allocation, or sale of any development rights, entitlements, or rights associated with the subject Development of Regional Impact ("DRI"), or property within the DRI from 2014 to the present.

CERTIFICATE OF SERVICE

I certify that, in compliance with Fla. R. Gen. Prac. & Jud. Admin. 2.516, the foregoing document has been filed with the Florida Courts E-Filing Portal System on this 14th day of May 2026. Accordingly, a copy of the foregoing is being served on this day to the attorneys or interested parties identified in the e-Portal Electronic Service List, including those listed below, via transmission of Notices of Electronic Filing generated by the e-Portal System.

D. Kent Safriet (FBN 174939), *kent@holtzmanvogel.com*

Patrice Boyes (FBN 892520), *pboyes@holtzmanvogel.com*

Valerie L. Chartier-Hogancamp (FBN 1011269), *vhogancamp@holtzmanvogel.com*

DOUGLAS LAW FIRM

Counsel for Defendant

/s/ Jeremiah Blocker

Jeremiah Blocker FBN: 99305

Lisa Miles, FBN: 1036064

ZACHARY W. MILLER, ESQ.

Counsel for Defendant

s/ Zach Miller, Esq.

Zachary W. Miller, FBN: 59331

Email service to *zwmillerlaw@gmail.com*

Email address: *jeremiah@dhclawyers.com*

Email service to: *lisa@dhclawyers.com*

100 Southpark Blvd., Suite 414

St. Augustine, Florida 32086

(800) 705-5457 Telephone

(386) 385-5914 Facsimile

3203 Old Barn Court

Ponte Vedra Beach, Florida 32082

Cell: 904-651-8958