

**IN THE CIRCUIT COURT OF 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

v.

CITY OF PALM COAST, a Florida
municipal corporation,

Defendant.

PLAINTIFFS' RESPONSE TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION

Plaintiffs Palm Coast Holdings, Inc. and Florida Landmark Communities, LLC, (collectively, "Plaintiffs") by and through undersigned counsel and pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, serve their responses to Defendant City of Palm Coast's First Request for Production, served by Defendant on May 14, 2026.

DOCUMENTS TO BE PRODUCED

REQUEST #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.

OBJECTION: Plaintiffs object to this Request as vague, overly broad, unduly burdensome, and not narrowly tailored to the claims and defenses in this action. The term "implementation" is undefined and subject to varying interpretation, potentially encompassing an unlimited range of communications for the time period from 2003 to the present. The routine implementation of the DRI and the procurement or assignment of Development Rights or Entitlements are irrelevant to the claims and defenses in this action. Plaintiffs further object to this Request to the extent that Defendant seeks documents protected by the attorney-client privilege and work product doctrine, particularly internal communications relating to the "negotiation" and "drafting" of the Development Orders.

RESPONSE: Subject to and without waiving Plaintiffs' Objections, Plaintiffs will produce non-privileged, responsive documents in their possession, custody, or control that are reasonably accessible and relevant to the claims and defenses in this action.

REQUEST #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.

OBJECTION: Plaintiffs object to this Request to the extent that Defendant seeks documents protected by the attorney-client privilege and work product doctrine.

RESPONSE: The Development Orders themselves speak to the contractual nature of the agreement between the Developer and the City. The Development Orders constitute binding contractual obligations that are vested and enforceable as a matter of law. The DOs are attached to the Amended Complaint as Exhibits A, B, and C. Additionally, the course of dealing and conduct of the parties, i.e., the Developer providing and the City accepting \$35.5 million in infrastructure improvements in Town Center in exchange for the promise of vested entitlements. To the extent additional responsive documents exist, Plaintiffs will produce non-privileged, responsive documents in their possession, custody, or control that are reasonably accessible and relevant to the claims and defenses in this action.

REQUEST #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.

OBJECTION: See Objection to RFP No. 2. Additionally, Plaintiffs object to this Request as overly broad and unduly burdensome to the extent the terms “promise” and “guarantee” are undefined and subject to varying interpretation.

RESPONSE: Subject to and without waiving Plaintiffs’ Objections, see Response to RFP No. 2.

REQUEST #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.

OBJECTION: Plaintiffs object to this Request as overly broad and unduly burdensome. The Request seeks “all communications” with “any third party” on a wide range of topics, without any temporal limitation, and is not narrowly tailored to the claims or defenses in this action. Compliance with this Request would require a search of all communications over the entire history of the DRI with every conceivable third party, which is disproportionate to the needs of the case. Plaintiffs further object to this Request to the extent that it is duplicative of RFP No. 1.

RESPONSE: Subject to and without waiving Plaintiffs’ Objections, Plaintiffs will produce non-privileged, responsive documents in their possession, custody, or control that are reasonably accessible and relevant to the claims and defenses in this action for the period from 2024 to the present, which is the period relevant to the breach alleged in this action.

REQUEST #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.

OBJECTION & RESPONSE: See Objection and Response to RFP No. 4.

REQUEST #6: All documents identifying or relating to prospective purchasers of Development Rights or Entitlements within the DRI referenced in the Amended Complaint.

OBJECTION: Plaintiffs object to this Request as vague, overly broad, unduly burdensome, without temporal limits, and not narrowly tailored to the claims or defenses in this action.

RESPONSE: Subject to and without waiving Plaintiffs' Objections, Plaintiffs will produce non-privileged, responsive documents in their possession, custody, or control that are reasonably accessible and relevant to the allegations set forth in paragraphs 6 and 67 of the Amended Complaint.

REQUEST #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.

OBJECTION & RESPONSE: See Objection and Response to RFP No. 6.

REQUEST #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.

OBJECTION & RESPONSE: See Objection and Response to RFP No. 6.

REQUEST #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, [or] Entitlements.

OBJECTION: Plaintiffs object to this Request as overly broad, unduly burdensome, vague, and not narrowly tailored to the claims and defenses in this action. The terms "traffic studies, trip calculations, development analyses, [and] transportation analyses" are broad, undefined, and subject to varying interpretation. The term "development analyses" could encompass a myriad of documents irrelevant to the claims and defenses in this action. Additionally, Plaintiffs object to this Request to the extent that it seeks documents "relied upon" by Plaintiffs, as this language could be construed to invade the work product doctrine by requiring identification of documents counsel has selected and reviewed in anticipation of litigation.

RESPONSE: Subject to and without waiving Plaintiffs' Objections, Plaintiffs will produce non-privileged, responsive documents in their possession, custody, or control that

are reasonably accessible and relevant to the claims and defenses in this action, including the methodology letters, biennial traffic reports, and biennial status reports required by the terms of the Development Orders.

REQUEST #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.

OBJECTION: Plaintiffs object to this Request as overly broad, unduly burdensome, and irrelevant and not narrowly tailored to the claims and defenses in this action. The Request seeks “all documents concerning” the identified subject matter, which would encompass a substantial volume of documents beyond those relevant to the claims or defenses in this action.

RESPONSE: Subject to and without waiving Plaintiffs’ Objections, Plaintiffs will produce non-privileged, responsive documents in their possession custody, or control that are reasonably accessible and relevant to the claims and defenses in this action, including an entitlement tracking worksheet.

REQUEST #11: All financial records supporting claims for lost profits [or] other alleged damages concerning the DRI, Development Rights, Entitlements, or property within the DRI.

OBJECTION: Plaintiffs object to this Request to the extent it seeks confidential, proprietary information not relevant to the claims and defenses in this action.

RESPONSE: Subject to and without waiving Plaintiffs’ Objections, responsive documents were provided with Plaintiffs’ Initial Disclosures, dated December 29, 2025, pursuant to Florida Rules of Civil Procedure 1.280(a)(1)(B)–(C) (see Expert Report (Hank Fishkind, PhD), dated November 13, 2025).

REQUEST #12: All documents reflecting the valuation of property within the DRI, including valuation of Development Rights or Entitlements.

OBJECTION & RESPONSE: See Objection and Response to RFP No. 11.

REQUEST #13: All appraisals, market analyses, or feasibility studies concerning the DRI, Development Rights, Entitlements, or property within the DRI.

OBJECTION: Plaintiffs object to this Request as overly broad, vague, and not narrowly tailored to the claims or defenses in the action because the terms “appraisals,” “market studies,” and “feasibility studies” are undefined and subject to varying interpretation. This Request could encompass routine analyses conducted in relation to decades of property sales within the DRI, which are not relevant to the claims and defenses in this action.

RESPONSE: Subject to and without waiving Plaintiffs' Objections, see Response to RFP No. 11.

REQUEST #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.

OBJECTION: Plaintiffs object to this Request as vague, overly broad, and unduly burdensome because the term "regulatory agencies" is undefined and could encompass dozens of agencies and routine interactions, most of which are irrelevant to the claims and defenses in this action. Plaintiffs further object because the Request is not narrowly tailored or proportional to the needs of the case and lacks any temporal limitation.

RESPONSE: Subject to and without waiving Plaintiffs' Objections, Plaintiffs will produce non-privileged, responsive documents in their possession, custody, or control that are reasonably accessible and relevant to the claims and defenses in this action, including correspondence, if any, with the Florida Department of Environmental Protection for the period from 2024 to the present, which is the period relevant to the breach alleged in this action.

REQUEST #15: All expert reports reflecting the claims, defenses, damages, Development Rights, Entitlements, utility capacity, or development within the DRI relied upon by the Plaintiffs.

OBJECTION: Plaintiffs object to this Request to the extent it seeks production of expert witness materials before the deadlines established in the Court's Order Scheduling Trial and Directing Pretrial Procedures, dated February 4, 2026, and improperly attempts to expedite expert disclosure obligations set by the Court. Additionally, Plaintiffs object to this Request to the extent that it seeks documents protected by attorney-client privilege and the work product doctrine.

RESPONSE: Subject to and without waiving Plaintiffs' Objections, Plaintiffs will produce expert reports in accordance with the deadlines set forth in the Court's Order Scheduling Trial and Directing Pretrial Procedures, dated February 4, 2026. Responsive documents were provided with Plaintiffs' Initial Disclosures, dated December 29, 2025, pursuant to Florida Rules of Civil Procedure 1.280(a)(1)(B) (see Expert Report (Hank Fishkind, PhD), dated November 13, 2025).

REQUEST #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.

OBJECTION & RESPONSE: See Objection and Response to RFP No. 10.

REQUEST #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.

OBJECTION & RESPONSE: See Objection and Response to RFP No. 10.

REQUEST #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.

OBJECTION & RESPONSE: See Response to RFP No. 6.

REQUEST #19: All documents, records and communications with the State of Florida regarding Development Rights, Entitlements, or development within the DRI.

OBJECTION: Plaintiffs object to this Request as vague, overly broad, unduly burdensome, and not proportional to the needs or narrowly tailored to the claims and defenses in this action. The “State of Florida” encompasses dozens, if not hundreds, of agencies and entities. Additionally, over the twenty plus years of development of the DRI, thousands of routine communications have occurred with various “State of Florida” entities which are irrelevant to the claims and defenses in this case. Plaintiffs further object because the Request lacks any temporal limitation.

RESPONSE: Subject to and without waiving Plaintiffs’ Objections, see Response to RFP No. 14.

REQUEST #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.

OBJECTION & RESPONSE: See Objection and Response to RFP No. 10.

REQUEST #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.

OBJECTION & RESPONSE: See Objection and Response to RFP No. 10.

REQUEST #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[I].

OBJECTION & RESPONSE: See Response to RFP No. 6.

REQUEST #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.

OBJECTION: Plaintiffs object to this Request to the extent it seeks a "list and description" of improvements because such a request exceeds the scope of permissible discovery under Florida Rule of Civil Procedure 1.350(a)(1), which permits requests for the production or inspection of documents, not the creation of new lists or descriptions.

REQUEST #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.

OBJECTION: Plaintiffs object to this Request to the extent it seeks "a description" of Plaintiff's alleged damages because such a request exceeds the scope of permissible discovery under Florida Rule of Civil Procedure 1.350(a)(1), which permits for the production or inspection of documents, not the creation of new descriptions.

RESPONSE: Subject to and without waiving Plaintiffs' Objections, see Response to RFP No. 11.

REQUEST #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 present.

OBJECTION: Plaintiffs object to this Request as overly broad, unduly burdensome, and not narrowly tailored to the claims or defenses in this action. The Request seeks a broad range of documents over a span of more than twelve years and would encompass a substantial volume of materials not proportional to the needs of the case. This request is also duplicative of Requests Nos. 10, 16, 20, and 21, which seek substantially similar categories of documents.

RESPONSE: Subject to and without waiving Plaintiffs' Objections, see Response to RFP 10.

Date: June 15, 2026

/s/ D. Kent Safriet

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed this **15th** day of June 2026
via the Florida Court's E-Filing Portal, which will send notice to all counsel of record.

/s/ D. Kent Safriet

Attorney