

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR COLLIER COUNTY, FLORIDA

**HILLSDALE COLLEGE,**

Plaintiff,

Case No.

v.

**KELLY MASON LICHTER,**

Defendant.

\_\_\_\_\_ /

**PLAINTIFF HILLSDALE COLLEGE'S  
FIRST REQUEST FOR PRODUCTION TO DEFENDANT**

Plaintiff, Hillsdale College, through its undersigned counsel and pursuant to Florida Rule of Civil Procedure 1.350, hereby propounds its First Request for Production of Documents on Defendant, Kelly Mason Lichter. Defendant, Kelly Mason Lichter, must respond within forty-five (45) days to the following requests:

**DEFINITIONS**

1. The terms “you” and “your” shall mean Kelly Mason Lichter and any and all of her representatives, agents, and assigns.
2. The term “Hillsdale College” shall mean Hillsdale College and any and all of its representatives, agents, employees, and assigns.
3. The term “Hostile Takeover Site” shall mean the web page and content available at <https://www.thehostiletakeoverofmca.com/>
4. The term “Hostile Takeover Facebook Page” shall mean the web page and content formerly available at <https://www.facebook.com/thehostiletakeoverofmasonclassicalacademy/>
5. The term “Iron Lady Facebook Page” shall mean the web page and content available at <https://www.facebook.com/unofficialironlady/>

6. The terms “all” and “any” shall be considered to include “each” and “every.” Use of any of these terms incorporates them all.

7. The terms “relating” or “related to” mean constituting, embodying, containing, comprising, indicating, referring to, reflecting, memorializing, identifying, describing, discussing, involving, evidencing, stating, dealing with, supporting, and/or contradicting, in any way, in whole or in part, the subject matter referred to in the request.

8. The terms “document” or “documents” means all materials within the full scope of Florida Rule of Civil Procedure 1.350, including but not limited to: all writings and recordings, including the originals and no identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including but without limitation to, email and attachments, correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charges, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys) and electronic, mechanical, magnetic, digital, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, databases, cassettes, discs, recordings), including metadata.

9. The term “correspondence” shall be construed in its broadest sense and shall mean every manner or means of communication, disclosure, transfer or exchange of information,

whether orally, face-to-face, or by telephone, mail, personal delivery, document, facsimile, email, text, or otherwise.

### **INSTRUCTIONS**

1. These requests are intended to cover all documents in possession of you, your agents, attorneys, representatives, and any and all other persons or entities acting on your behalf, or subject to their custody or control.

2. All documents responsive to these requests shall be clearly designated and/or segregated by request number. All non-identical copies of particular documents are demanded.

3. These requests are not intended to compel production of documents subject to the attorney-client, work product, or other relevant privilege. If you contend that you are entitled to withhold from production any responsive document(s) on the basis of privilege or other grounds, then you must supply, pursuant to Florida Rule of Civil Procedure 1.280(b)(5), the following information with respect to each and every withheld document to enable one to assess the applicability of the privilege or protection:

- i. Describe the nature of the document (e.g., letter or memorandum);
- ii. State the date of the document;
- iii. Identify the persons who sent and received the original and/or copy of the document;
- iv. State the subject matter of the document; and
- v. State the basis upon which you contend you are entitled to withhold the document from production.

4. The requested form of production of electronically stored information (“ESI”) is Group IV single page .tif images, with each document separated by document breaks, together with a DII (Document Image Information) load file, and an index or populated fields of information delineating the folder structure, file path name and applicable metadata to be agreed to by the

parties. However, before production in this form, it is requested that counsel coordinate and discuss potential costs associated with this form of production.

5. An alternative form of production of ESI shall be in its native file format as agreed by the parties. Advance communications with the undersigned on the ESI production, including, without limitation, any planned conversion to TIFF is respectfully requested to coordinate technical issues to ensure that ESI is produced in a reasonably usable form.

6. E-mail produced in electronic form shall be segregated and produced on a custodian-by-custodian basis.

7. If you cannot produce any document or part of any document because such document or part of a document has been lost, destroyed, or transferred to the possession, custody or control of a person who is not subject to your control, you shall furnish a list setting forth for each such document or part of a document the information specified as follows: (a) the type of document; (b) its date; (c) its author(s); (d) each addressee; (e) its present location; (f) its present custodian; (g) the number of pages of the document; (h) a description of the document or a description of the contents of the documents (subject to appropriate privilege); (i) the name and address of each person who was provided with a copy of the document; and (j) the reason you cannot produce the document or a part of the document.

8. The time period for these requests is August 5, 2019 to present.

#### **REQUESTS FOR PRODUCTION**

1. Any document that references or relates to Hillsdale College.
2. Any correspondence that references or relates to Hillsdale College.
3. Any document that references or relates to the Barney Charter School Initiative.
4. Any correspondence that references or relates to the Barney Charter School Initiative.

5. Any document that references or relates to any Hillsdale College employee.
6. Any correspondence that references or relates to any Hillsdale College employee.
7. Any document that references or relates to the Hostile Takeover Site.
8. Any correspondence that references or relates to the Hostile Takeover Site.
9. Any document that references or relates to the Hostile Takeover Facebook Page.
10. Any correspondence that references or relates to the Hostile Takeover Facebook Page.
11. Any document that references or relates to the Iron Lady Facebook Page.
12. Any correspondence that references or relates to the Iron Lady Facebook Page.
13. Any correspondence sent by you or at your direction from the Citizens for Honesty in Government email address, <ingovernmentcitizensforhonesty@gmail.com>, that references or relates to Hillsdale College.
14. Any email correspondence sent by you or at your direction from the Mason Classical Academy email address, <info@masonacademy.ccsend.com>, that references or relates to Hillsdale College.
15. Any document or correspondence sent by you or at your direction to any school participating in the Barney Charter School Initiative that references or relates to Hillsdale College.
16. All documents that relate to communications with Melissa McMurray or her spouse as to Hillsdale College, the mediation between Mason Classical Academy and Collier County School District or social media postings, communications or responses that relate to Hillsdale College.
17. All documents, including internet and social media postings, mailings and emails, relating to any individual or entity that reference Hillsdale College.

18. Any documents or correspondence you consulted in answering the Interrogatories contemporaneously served herewith.

Dated: December 7, 2020

/s/ Michael Gay

Michael Gay

Florida Bar No.: 0938191

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