

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

MASON CLASSICAL ACADEMY, INC.,

Plaintiff,

CASE NO: 2019-CA-011779

v.

JOSEPH M. BAIRD,

Defendant.

**NON-PARTY, MATT MATHIAS', RESPONSE TO SUBPOENA DUCES TECUM  
WITHOUT DEPOSITION**

**COMES NOW** Non-Party, MATT MATHIAS ("Mathias"), by and through undersigned counsel, and hereby responds to that Subpoena Duces Tecum Without Deposition served on him on or about September 26, 2020 ("Subpoena"), as follows:

**GENERAL OBJECTIONS**

- A. Mathias objects to the Subpoena to the extent it seeks information that would qualify as trade secrets--which such information Mathias would not ordinarily reveal to third parties-or as information Mathias customarily maintains in confidence and/or is sensitive, protected, proprietary and/or secret. Mathias would consider producing some such documents pursuant to an acceptable Confidentiality Order.
- B. Mathias further objects to the Subpoena to the extent it seeks attorney-client, work-product, husband-wife, accountant-client, or other categorically privileged communications and other documents. Moreover, to the extent Plaintiff believes a Privilege Log is necessary, because Mathias

has asserted category-specific privilege objections, where the entire categories are protected, no privilege log is required. See *Nevin v. Palm Beach County Sch. Bd.*, 958 So. 2d 1003, 1008 (Fla. 1st DCA 2007).

- C. These general objections are incorporated by reference into the specific responses and objections set forth below as permitted by law.

### **DEFINITIONS AND INSTRUCTIONS**

- A. Mathias objects to Paragraph B on the grounds that it requires Mathias to provide “state” certain information, which instruction is beyond the scope of the Florida Rules of Civil Procedure.
- B. Similarly, Mathias objects to Paragraph C on the grounds that it requires Mathias to provide the “name” of files and documents, which instruction is beyond the scope of the Florida Rules of Civil Procedure.
- C. Mathias objects to Paragraph D to the extent it seeks to impose obligations on him that are not required or authorized by the Florida Rules of Civil Procedure.
- D. Mathias objects to Paragraph F to the extent it includes Mathias’ “agents, attorneys or representatives” because that phrase is undefined, vague, harassing, overbroad, unduly burdensome, violative of the work-product or attorney client privilege and seeks to impose obligations on him that are not required or authorized by the Florida Rules of Civil Procedure.
- E. Mathias objects to Paragraphs J through Q to the extent they either include “agents and representatives” or those acting as a representative capacity or individually, as such phrases are undefined, vague, harassing, overbroad, unduly burdensome, beyond the scope of the Florida Rules of Civil Procedure.

F. Mathias objects to certain portions of the term “Relevant Subject Matter” on the grounds that some of the subjects referenced are overbroad, unduly burdensome, harassing, unlikely to lead to the discovery of admissible evidence, seek private, proprietary, or otherwise confidential information, violative of Mathias’ constitutional and common law rights of financial privacy, and may invade the privacy rights of third parties.

**SPECIFIC RESPONSES<sup>1</sup>**

1. **OBJECTION.** In addition to the General Objections set forth above, Mathias objects to this Paragraph on the grounds that the subject Written Communications are a matter of public record and can be easily obtained by Plaintiff, or are actually in the possession, custody or control of Plaintiff. Subject to and without waiving these objections, or the General Objections, Mathias has no non-privileged, relevant documents in his possession, custody or control that are responsive to this Paragraph.
2. *See* No. 1 above. For the sake of clarity, Mathias has one Written Communication that is responsive to this Paragraph but is not producing it on the grounds of the objections incorporated herein.
3. *See* No. 1 above.

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<sup>1</sup> To the extent the preface to the “Documents to be Produced” section of the Subpoena seeks documents in the custody or control of Mathias’ “attorney, agent or other representative including any document that can be located or discovered and obtained by reasonably diligent efforts,” Mathias objects and incorporates by reference herein the objections set forth in the Definitions and Instructions Section above.

4. Subject to and without waiving the General Objections, Mathias has no documents in his possession, custody or control that are responsive to this Paragraph.
5. *See* No. 4 above.
6. *See* No. 4 above. For the sake of clarity, Mathias has some Written Communications that are responsive to this Paragraph but is not producing them on the grounds of the objections incorporated herein.
7. *See* No. 1 above.
8. *See* No. 6 above.
9. *See* No. 6 above.
10. *See* No. 6 above.
11. *See* No. 1 above.
12. *See* No. 1 above.
13. *See* No. 6 above.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing, was provided to Robert L. Roche, Esq., by electronic mail to [rroche@rmslegal.com](mailto:rroche@rmslegal.com); [mlamoureaux@rmslegal.com](mailto:mlamoureaux@rmslegal.com); Raul Valles, Jr., Esq., [rvalles@rmslegal.com](mailto:rvalles@rmslegal.com); [lknox@rmslegal.com](mailto:lknox@rmslegal.com); Ian Parry, Esq., [iparry@rmslegal.com](mailto:iparry@rmslegal.com); [lknox@rmslegal.com](mailto:lknox@rmslegal.com); Todd Allen, Esq., [todd@naples.law](mailto:todd@naples.law); [nancy@naples.law](mailto:nancy@naples.law); Kelsey Hazzard, Esq., [kelsey@naples.law](mailto:kelsey@naples.law); [victoria@naples.law](mailto:victoria@naples.law), on this 10<sup>th</sup> day of December, 2020.

/s/ Anthony M. Lawhon, Esq.

Anthony M. Lawhon, Esq.  
Florida Bar No. 965390  
Attorney for Non-Party, MATT  
MATHIAS  
Anthony M. Lawhon, P.A.  
5625 Strand Blvd., Suite 5121  
Naples, Florida 34110  
Telephone: (239) 326-8956  
Facsimile: (239) 236-3300  
[Tonylawhon@lawhonlaw.us](mailto:Tonylawhon@lawhonlaw.us)  
[Cathyray@lawhonlaw.us](mailto:Cathyray@lawhonlaw.us)