

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

MASON CLASSICAL ACADEMY, INC.,

Plaintiff,

CASE NO.: 19-CA-011779

v.

JOSEPH M. BAIRD,

Defendant.

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**NOTICE OF PRODUCTION FROM NON-PARTY**

**YOU ARE HEREBY NOTIFIED**, pursuant to Florida Rule of Civil Procedure 1.351(b) and Florida Rule of Judicial Administration 2.516, that after ten (10) days from the date of service of this notice by email delivery, and if no objection is received from any party, the undersigned will issue or apply to the Clerk of this Court for issuance of the attached subpoenas pursuant to Fla. R. Civ. P. 1.351(c) directed to Christopher Durst, who is not a party in this action, to produce the items listed at the time and place specified in the attached subpoena.

DATED on this 13 day of August, 2020.



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Robert L. Roche, Esq. (FBN 710342)  
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Telephone: 813-769-5600  
Facsimile: 813-769-5601  
Attorneys for Mason Classical Academy, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by Electronic Mail using the Court's ePortal system on August 13, 2020.

Todd B. Allen, Esq. (FBN 83990)  
Email: [todd@naples.law](mailto:todd@naples.law)  
Kelsey Hazzard, Esq. (FBN 99795)  
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\_\_\_\_\_  
Attorney

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**SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

THE STATE OF FLORIDA:

TO: Christopher Durst  
7318 Donatello Court  
Naples, FL 34114

YOU ARE COMMANDED to appear at Dines Court Reporting, Premier Executive Suites, 1415 Panther Lane, Naples, FL 33109 or an alternatively agreed upon location<sup>1</sup> on September 14, 2020 at 11:30 a.m., and to have with you at that time and place the following:

**PLEASE THOROUGHLY REVIEW THESE DEFINITIONS BEFORE RESPONDING TO THE REQUESTED PRODUCTION AS MANY OF THE TERMS ARE SPECIFICALLY DEFINED.**

**SCHEDULE A**  
**Definitions and Instructions**

A. It is requested that these documents be organized as they are kept in the usual course of business or organized and labeled to correspond with the categories in this request.

B. "Person" includes natural persons, corporations and all other forms of organization or association as well as any government or governmental body, commission, board, agency, partnership, joint venture, trust or other form of entity.

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<sup>1</sup> Please contact the attorney whose name and telephone number appears at the end of this subpoena to coordinate a different location to appear in person for the production of the requested documents. Alternatively, you may comply with this subpoena by producing the documents requested by this subpoena prior to September 14, 2020, thereby obviating the need for you to appear in person at any location.

C. "Document," whether singular or plural, shall mean documents and other tangible things defined in the broadest sense permitted by the Florida Rules of Civil Procedure, and shall include, without limitation: originals or, if such are not available, true copies of all letters, notes, memoranda, minutes of meetings or conversations, reports, evaluations, correspondence, intra- or inter-office communications or memoranda, agreements, contracts, bank statements, invoices, checks, journals, ledgers, telegraphs, telexes, telephone logs or records, handwritten notes, periodicals, pamphlets, computer or business machine printouts, files or programs, accountant's work papers, accountant's statements and writings, notations or records of meetings, medical records, books, papers, diaries, desk calendars, appointment books, promissory notes, leases, loan agreements, financing statements, deposit slips, advertising, articles of incorporation, bylaws, office manuals, employee manuals, company rules and regulations, reports of experts, drafts and copies of any of the foregoing, or such documents as are not an identical copy of an original or where such copy contains any commentary or notation whatsoever that does not appear on the original, tape recordings or other sound or visual production materials, including audio or videotapes, and any other written matter, tangible or physical objects, however produced or reproduced, such as e-mail, text messages or other form of electronic communications, upon which words or phrases are affixed and from which by appropriate transfixion such matter or tangible thing may be produced, that are in the possession, custody or control of the producing party or his or its agents, attorneys, or representatives. Without limitation of the foregoing, "documents" shall include all documents that are created or maintained on paper or electronically (including, but not limited to, e-mails).

E. "Written Communication," means the act of delivery or exchange of information or data between one person and another in writing, or an oral communication that was then reduced to writing (in a memorandum or notation, for example), and specifically includes the definition of "Document" above. This Definition specifically includes all forms of electronic messaging such as social media posts and messaging, electronic mail (e-mail) or text messages in the complete form as sent or received.

F. A communication or document "regarding," "relating" or "related" to any given subject means any communication or document that constitutes, contains, embodies, concerns, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including, without limitation, documents concerning the preparation of other documents.

G. The terms "you," "your" or "yourself" specifically refers to Christopher Durst.

H. "Hillsdale" shall mean Hillsdale College, including any of its current or former employees, agents and representatives, acting on behalf of Hillsdale or individually, for example but without limitation Larry Arn, Phil Kilgore, Chistopher VanOrman, Robert Norton and Mike Harner.

I. "Florida Legislator" shall mean any current or former member of the Florida Senate or Florida House of Representatives, acting on behalf of the state of Florida or individually, for example but without limitation Bob Rommel and Michael Bileca.

J. "MCA" shall mean Mason Classical Academy, Inc., including any of its current or former employees, agents and representatives, acting on behalf of MCA or individually, for example but without limitation Kelly Lichter, David Bolduc, Laura Miller (Mlinarich), Pearline Foster, Conrad Wilkhomm, Joseph Whitehead, David Hull, and Shawn Arnold, Esq.

K. "FDOE" shall mean the Florida Department of Education, including any current or former employees, agents, and representatives, acting on behalf of the FDOE or individually, for example but without limitation Jared Ochs, Richard Corcoran, Jacob Oliva, Adam Emerson, Lois Tepper, Alex Kelly and Erick Hall.

L. "CCPS" shall mean Collier County Public Schools, the Superintendent of Schools, and the Collier County School Board, including any current or former employees, agents, and representatives, acting on behalf of CCPS or individually, for example but without limitation Stephanie Lucarelli, Kamela Patton, Jory Westberry, Jenn Mitchell, Erick Carter, Roy Terry, Judith Delgado, Sheryl Rogers, and Jon Fishbane, Esq.

M. "RA" shall mean the law firm of Roetzel & Andress, including any current or former employees, agents, and representatives, acting on behalf of RA or individually, for example but without limitation James Fox, Esq.

N. "LA" shall mean the law firm of Lyndsay & Allen, PLLC, including any current or former employees, agents, and representatives, acting on behalf of LA or individually, for example but without limitation Todd Allen, Esq., Joseph Lindsay, Esq., and Kelsey Hazzard, Esq.

O. "Optima" shall mean The Optima Foundation, including any current or former employees, agents, and representatives, acting on behalf of Optima or individually, for example but without limitation Erika Donalds, Susan Turner and Chuck Marshall.

P. When producing the documents, please keep all documents segregated by the file in which the documents are contained and indicate the name of the file in which the documents are contained and the name of the documents being produced.

Q. In the event such file(s) or document(s) has (have) been removed for the purposes of these proceedings or for some other purpose, please state the name and address of the person who removed the file, the title of the file and each subfile, if any, maintained within the file, and the present location of the file.

R. In the event that you once had or through the exercise of reasonably diligent effort could have obtained a requested document, but do not now have or cannot obtain it, or if any requested document has been lost, misplaced, or destroyed, please set forth with regard to each such document the following: (a) the nature of the document (i.e., letter, memorandum, etc.); (b) the general contents or subject matter of the document; (c) the date the document was generated; (d) the name and job title of the author of the document; (e) the name and job title of the person(s) to whom the document was directed, copied, addressed, or received; (f) the date or approximate date of the loss or destruction of the document; (g) the last location of the

document prior to its loss or destruction; (h) the person or entity who last had control of the document prior to its loss or destruction; and (i) the reason for the loss or destruction of the document.

S. Unless otherwise specified, the relevant time period for this Subpoena is from January 1, 2018, through and including the date of production.

**PLEASE THOROUGHLY REVIEW THESE DEFINITIONS BEFORE RESPONDING TO THE REQUESTED PRODUCTION AS MANY OF THE TERMS ARE SPECIFICALLY DEFINED.**

### **Documents to be Produced**

This Subpoena is intended to cover all documents in your possession or subject to your custody or control or in possession of or subject to the custody and control of your attorney, agent or other representative including any document that can be located or discovered and obtained by reasonably diligent efforts.

1. All Written Communication between you and the FDOE which reference or relate to MCA.
2. All Written Communication between you and any Florida Legislator which reference or relate to MCA.
3. All Written Communication between you and CCPS which reference or relate to MCA.
4. All Written Communication between you and RA which reference or relate to MCA.
5. All Written Communication between you and LA which reference or relate to MCA.
6. All Written Communication between you and Optima which reference or relate to MCA.
7. All Written Communication between you and Byron Donalds which reference or relate to MCA.
8. All Written Communication between you and Erika Donalds which reference or relate to MCA.
9. All Written Communication between you and Joseph M. Baird which reference or relate to MCA.

10. All Written Communication between you and Shawn Arnold, Esq. which reference or relate to MCA.

11. All Written Communication between you and Matt Mathias which reference or relate to MCA.

12. All Written Communication between you and Douglas Schumann which reference or relate to MCA.

13. All Written Communication between and any person or entity which reference or relate to MCA between June 1, 2018 to the present.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. **You may comply with this subpoena by providing legible copies of the items to be produced to Rocke McLean Sbar, P.A., 2309 S. MacDill Ave., Tampa, Florida 33629, to the attorney whose name appears on this subpoena, on or before the scheduled date of production,** and thereby eliminate your appearance at the time and place specified above. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation of the copies. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.

If you fail to: (a) appear as specified; or (b) furnish the records instead of appearing as provided above; or (c) object to this Subpoena, **YOU MAY BE IN CONTEMPT OF COURT.** You are subpoenaed by the attorney whose name appears on this Subpoena and unless excused from this Subpoena by that attorney or the Court, you shall appear as this subpoena directs.

DATED on this \_\_\_ day of August, 2020.

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