

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

MASON CLASSICAL ACADEMY, INC.,
Plaintiff,

v.

CASE NO. 19-CA-011779

JOSEPH M. BAIRD,
Defendant.

**DEFENDANT'S NOTICE OF OBJECTION TO PLAINTIFF'S NOTICE OF PRODUCTION
FROM NON-PARTY FLORIDA DEPARTMENT OF EDUCATION**

Defendant JOSEPH M. BAIRD, by and through his undersigned counsel, hereby objects to Plaintiff's Notice of Production from Non-Party Florida Department of Education (FDOE) pursuant to Rule 1.351, Fla. R. Civ. P., and states:

1. The subpoena to the FDOE is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence
2. The subpoena commands the FDOE to produce fourteen broad categories of documents, namely, its communications with various persons "which reference or relate to MCA."
3. The FDOE's role as a governmental authority over charter schools would naturally lead it to discuss MCA with numerous people and entities. The vast majority of those communications are unlikely to be relevant to MCA's claims that Joe Baird committed tortious interference by raising his concerns about MCA to the FDOE and the District School Board of Collier County (the District).
4. The volume of the FDOE's communications about MCA—including but not limited to whistleblower complaints brought by MCA employees—is likely to be unduly burdensome to compile and review.
5. "The subpoena duces tecum is not the equivalent of a search warrant, and should not be used as a fishing expedition to require a witness to produce broad categories of documents which

the party can search to find what may be wanted.” *Walter v. Page*, 638 So.2d 1030, 1031 (Fla. 2d DCA 1994).

6. The first thirteen categories in the subpoena are also objectionable because they lack any time limitation. See, e.g., *Wooten, Honeywell & Kest, P.A. v. Posner*, 556 So.2d 1245, 1246 (Fla. 5th DCA 1990) (“We agree with petitioner that the requirement to search all of its files for the past *eight years* is unduly burdensome if not virtually impossible” (emphasis in original)).

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been served in accordance with Florida Rule of Judicial Administration 2.516 this 19th day of August, 2020, to:

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