

**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 MATT MATHIAS**

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

1. The subpoena to Mr. Mathias is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.
2. The subpoena commands Mr. Mathias to produce thirteen broad categories of documents, namely, his communications with various persons "which reference or relate to MCA." The thirteenth item is a catch-all demanding his communications with *any person or entity* concerning MCA.
3. Mr. Mathias is a former MCA parent. The enrollment of a child or children at MCA would naturally lead a parent 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 Florida Department of Education (FDOE) and the District School Board of Collier County (the District).
4. The volume of a parent's communications about their child's education is likely to be unduly burdensome to compile and review.

5. Mr. Mathias is also a former MCA board member and served on the finance committee. Those roles would have generated voluminous communications related to MCA that are irrelevant to this lawsuit and unduly burdensome to compile and review.

6. “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). By demanding all communications that “reference or relate to MCA,” rather than those which reference or relate to Joe Baird’s complaints about MCA to the FDOE or the District, MCA has cast much too wide a net.

7. The first twelve 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:

Raul Valles, Esq.
Rocke, McLean & Sbar, P.A.
2309 S. MacDill Ave.
Tampa, FL 33629
rvalles@rmslegal.com
mlamoureaux@rmslegal.com
lknox@rmslegal.com

LINDSAY & ALLEN, PLLC

/s/ Kelsey Hazzard
Todd B. Allen, Esq.
Florida Bar No. 83990
Kelsey Hazzard, Esq.
Florida Bar No. 99795
13180 Livingston Road, Suite 206
Naples, FL 34109
(P) 239.593.7900 (F) 239.593.7909
todd@naples.law

kelsey@naples.law
nancy@naples.law
victoria@naples.law