

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: 16-2017-CA-007080

DIVISION: CV-D

**JACKSONVILLE LANDING
INVESTMENTS, LLC,**
a Florida limited liability company,

Plaintiff,

vs.

CITY OF JACKSONVILLE,
a Florida municipal corporation,

Defendant.

SUBPOENA DUCES TECUM FOR DEPOSITION

THE STATE OF FLORIDA

TO: Sam Mousa
c/o Office of General Counsel
City of Jacksonville
117 West Duval Street, Suite 480
Jacksonville, Florida 32202

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at **Powers Reporting** located at **301 West Bay Street, Suite 1418, Jacksonville, Florida 32202 on Friday, August 17, 2018, at 9:00 a.m.**, for the taking of your deposition in this action. If you fail to appear, you may be in contempt of Court.

Each witness must bring to the deposition the documents and items listed on the attached Schedule "A."

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the Court, you shall respond to this subpoena as directed.

DATED on May 25th, 2018.

A handwritten signature in black ink, appearing to read "Ryan J. Mittauer", written over a horizontal line.

Ryan J. Mittauer
For the Court

Ryan J. Mittauer, Esquire
Liles Gavin, P.A.
301 West Bay Street, Suite 1030
Jacksonville, Florida 32202
Telephone Number: 904.634.1100
Email Address: *rmittauer@lilesgavin.com*
Florida Bar Number: 0091869

Schedule "A"

DEFINITIONS

As used herein, the following terms shall have the indicated meanings:

1. The term "COMMUNICATION" or "COMMUNICATIONS" means any oral, written or electronic utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, any DOCUMENTS, correspondence, letters, facsimiles, e-mails, text messages, voice recordings, video recordings, voicemail, instant messages, conversations, dialogues, discussions, interviews, conferences, meetings, consultations, agreements, and other understandings or exchanges between or among two or more people.

2. The terms "DOCUMENT" or "DOCUMENTS" means all paper DOCUMENTS, graphic or auditory records or representations, tangible items, and electronically stored information, and shall have the broadest possible meaning accorded to it consistent with Fla. R. Civ. P. 1.280 (which is incorporated in this definition as if fully set forth), and includes, by way of illustration only and not by way of limitation, the following items which are in YOUR possession, control, knowledge, or are known to YOU:

(1) all written, paper or printed material of any kind, including, but not limited to: all transmittal slips, memorandum, notes, schedules, agendas, notices, books, brochures, calendars, employment files, announcements, meeting minutes, records of meetings, records of conversations, newsletters, telegrams, summaries, lists, compilations, facsimile transmissions, transcripts, diaries, appointment books, agreements, contracts, reports, studies, checks, check stubs, invoices, financial statements, bank statements, receipts, COMMUNICATIONS, interoffice and intraoffice exchanges, conversations, inquiries,

replies, correspondence, and letters, whether in PERSON, by telephone, in writing, or by means of any other transmittal devices, and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing;

(2) graphic or auditory records or representations of any kind, including, but not limited to: all images, photographs, charts, drawings, sketches, diagrams, maps, schematics, microfiche, microfilm, slides, videotapes, laser discs, digital versatile discs, Blu-ray discs, UltraViolet discs, cassette tapes, reel to reel tapes, recordings, sound bites, motion pictures, voice messages, and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing; and

(3) electronically stored information, electronic, mechanical and electrical records or representations of any kind including, but not limited to: all electronic COMMUNICATIONS, text messages, e-mails, instant messages, computer logs, network logs, Internet history, DOCUMENT files, spreadsheet files, presentation files, database files, desktop publishing files, source code files, object code files, executable files, data files, script files, project management files, text files, portable DOCUMENT format files, tabulated data files, virtual machine files, XML files, webpage files, image files, design files, GIS files, system files, compressed files, disk image files, audio files, video files, backup files, metadata and all originals, reproductions, copies, changes, amendments, drafts, and all non-identical copies of the foregoing (defined herein as "ESI"; each individual electronically stored DOCUMENT is defined herein as an "ESI DOCUMENT").

For purposes of the foregoing, DOCUMENTS may be located, stored or archived in any physical location or on any electronic storage media, including, without limitation, any computer, server, appliance, cloud-based service, web-based service, database, internal hard

drive, external hard drive, solid-state drive, hard or floppy diskette, compact disc, digital versatile disc, Blue-ray disc, UltraViolet disc, flash memory, flash card, thumb drive, cartridge, magnetic tape, mobile phone, tablet device, or personal digital assistant. Moreover, for purposes of the foregoing, the term “draft” means any earlier, preliminary, preparatory, or tentative version of all or part of a DOCUMENT, whether or not such draft was superseded by a later draft and whether or not the draft's terms are the same as or different from the final DOCUMENT’s terms. **Please note that “DOCUMENT” and “DOCUMENTS” as defined herein specifically include “COMMUNICATION” and “COMMUNICATIONS” as defined above.**

3. The term “COJ” means, Defendant, City of Jacksonville and all of its parents, subsidiaries, successors, assigns, directors, officers, fiduciaries, agents, affiliates, employees, representatives, council members, elected officials, agencies, departments, partners, accountants, consultants, attorneys, and all other PERSONS acting on its behalf.

4. The term “JLI” means, Plaintiff, Jacksonville Landing Investments, LLC and all of its parents, subsidiaries, predecessors, successors, assigns, directors, officers, fiduciaries, agents, affiliates, employees, representatives, partners, accountants, consultants, attorneys, and all other PERSONS acting on its behalf.

5. The term “THE LANDING” means The Jacksonville Landing which is located at 2 Independent Drive, Jacksonville, Florida 32202.

6. The term “the LAWSUIT” means, the legal action styled *Jacksonville Landing Investments, LLC v. City of Jacksonville* filed under Case Number 16-2017-CA-007080 in the Fourth Judicial Circuit in and for Duval County, Florida.

7. The term “the LEASE” means the Disposition, Development and Lease Agreement entered into between COJ and Rouse-Jacksonville, LLC on June of 1983, including all exhibits attached to the LEASE, all subsequent amendments to the LEASE, and any assignments of the LEASE.

8. The term “PERSON” as used herein means any natural PERSON or any entity, including, without limitation, any individual, public company, private company, firm, corporation, limited liability company, joint venture, trust, proprietorship, tenancy, association, partnership, business, agency, department, governmental body, bureau, board, commission, or any other form of public or private entity. With respect to an entity, PERSON shall include all subsidiaries and affiliates of the entity, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of, the entity or its subsidiaries or affiliates.

9. The term “RELATES TO” or “RELATING TO” means authorizing, concerning, constituting, comprising, containing, consisting of, connected with, describing, disclosing, discussing, evidencing, explaining, mentioning, pertaining to, proposing, reflecting, regarding, referring to, directly or indirectly, setting forth, showing, or summarizing.

10. “YOU” means Sam Mousa and all of his agents, affiliates, employees, representatives, partners, accountants, consultants, attorneys, and all other PERSONS acting on YOUR behalf.

INSTRUCTIONS

General Instructions:

1. In response to this Subpoena, YOU are required to furnish all information and DOCUMENTS which are, or have been, in YOUR possession, custody, or control, or in the

possession, custody, or control of YOUR agents, representatives, attorneys, accountants, affiliates, and all PERSONS acting or purporting to act on behalf of any of the foregoing.

2. If any DOCUMENT is withheld under a claim of privilege or immunity, in order that the Court and the parties may determine the validity of the claim of privilege or immunity, YOU must provide sufficient information to determine the identity of the DOCUMENT as well as the basis for any asserted claim of privilege or immunity. DOCUMENTS shall be deemed adequately described for this purpose if YOU have supplied the following information: (1) a description of the nature of the DOCUMENT (e.g., letter or memorandum); (2) the date of the DOCUMENT; (3) the identity of the PERSON(s) who sent and received the original and any copy(ies) of the DOCUMENT as well as his or her respective capacity; (4) the identity of the custodian of the DOCUMENT; (5) a description of the subject matter of the DOCUMENT; (6) a description of the basis upon which YOU contend YOU are entitled to withhold the DOCUMENT from production; and (7) the identity of all PERSONS who have seen the DOCUMENT.

3. If any DOCUMENT or portion thereof has been destroyed, redacted in whole or in part, purged, or is no longer in YOUR possession, custody or control, state: (1) the date of the occurrence and reason why it was destroyed, redacted, purged, or no longer in YOUR possession, custody or control; (2) the PERSON who destroyed, redacted, purged or caused the DOCUMENT to no longer be in YOUR possession, custody or control; and (3) if the DOCUMENT was completely destroyed, the file where the DOCUMENT was maintained before its destruction.

4. ESI (Electronically Stored Information) shall be produced electronically, either in (1) Native Format, or (2) as single-page, uniquely and sequentially numbered Group IV

TIFF image files. For each ESI DOCUMENT, all metadata must remain intact and all parent/child document relationships must be maintained. All ESI shall be collected using methods that prevent the spoliation of data.

5. Unless otherwise specifically stated in the request, the responsive time period for this request for production is January 1, 2010 until May 25, 2018.

DOCUMENTS REQUESTED

Request No. 1: All DOCUMENTS evidencing or RELATING TO any COMMUNICATION with any PERSON regarding JLI.

Request No. 2: All DOCUMENTS evidencing or RELATING TO any COMMUNICATION with any PERSON regarding THE LANDING, including its redevelopment or transfer of ownership either in its entirety or as a joint venture with COJ.

Request No. 3: All DOCUMENTS evidencing or RELATING TO any COMMUNICATION with any PERSON regarding the LAWSUIT.

Request No. 4: All DOCUMENTS evidencing or RELATING TO the LEASE.

Request No. 5: All DOCUMENTS evidencing or RELATING TO the redevelopment of THE LANDING either by COJ or PERSONS either individually or in partnership with COJ.

Request No. 6: All DOCUMENTS evidencing or RELATING TO any PERSON holding a leasehold interest in THE LANDING.

Request No. 7: All DOCUMENTS evidencing or RELATING TO COJ's obligations to provide parking for THE LANDING or JLI.

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Request No. 9: All DOCUMENTS evidencing or RELATING TO COJ's obligations to maintain the exterior common areas surrounding THE LANDING.

Request No. 10: All DOCUMENTS evidencing or RELATING TO COJ's obligations to provide access to THE LANDING.

Request No. 11: All DOCUMENTS evidencing or RELATING TO COJ's obligations to maintain the docks, bulkheads, and other waterfront amenities bordering THE LANDING.

Request No. 12: All DOCUMENTS evidencing or RELATING TO the Florida/Georgia Weekend Celebration held annually at THE LANDING.

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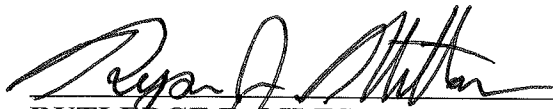
Defendant.

**NOTICE OF TAKING VIDEOTAPED
DEPOSITION DUCES TECUM OF SAM MOUSA**

PLEASE TAKE NOTICE THAT on Friday, August 17, 2018 at 9:00 a.m. Plaintiff, by and through its undersigned attorneys, will take the deposition of **Sam Mousa**, at Powers Reporting, 301 West Bay Street, Suite 1418, Jacksonville, Florida 32202, upon oral examination, before Powers Reporting and Tangible Productions, or some other person duly authorized by law to take depositions.

The deposition will be taken for the purposes of discovery, evidence, for use at trial, or for any other purpose permitted by law or the applicable rules of civil procedure. The deposition will continue from day to day until complete. The deponent is requested to bring with him to his deposition the documents/items listed on the attached **Schedule "A."**

LILES GAVIN, P.A.



RUTLEDGE R. LILES

Florida Bar No. 102805

MICHAEL D. LEE

Florida Bar No. 495336

RYAN J. MITTAUER

Florida Bar No. 91869

301 West Bay Street, Suite 1030

Jacksonville, Florida 32202

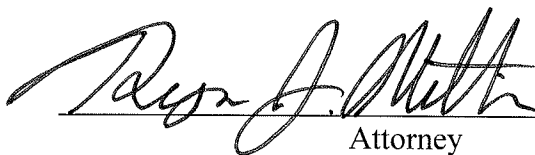
Telephone: (904) 634-1100

Facsimile: (904) 634-1234

*Counsel for Plaintiff, Jacksonville Landing
Investments, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic mail this 25th day of May, 2018, to Christopher M. Garrett, Esq., garrettc@coj.net, Tiffany Douglas Safi, Esq., tsafi@coj.net, and Jacob J. Payne, Esq., jpayne@coj.net, Office of General Counsel, 117 West Duval Street, Suite 480, Jacksonville, Florida 32202.



Attorney

Schedule "A"

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replies, correspondence, and letters, whether in PERSON, by telephone, in writing, or by means of any other transmittal devices, and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing;

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