

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
ALACHUA COUNTY, FLORIDA

GAINESVILLE CITIZENS  
CARE, INC.,

Plaintiff,

Case No.: 01 2012 CA 001346

v.

Division: J

CITY OF GAINESVILLE  
d/b/a  
GAINESVILLE REGIONAL UTILITIES,

Defendant

and

GAINESVILLE RENEWABLE ENERGY  
CENTER, LLC,

Intervenor.

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**GAINESVILLE RENEWABLE ENERGY CENTER, LLC'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO  
GAINESVILLE CITIZENS CARE, INC.**

Intervenor, Gainesville Renewable Energy Center, LLC ("GREC LLC"), hereby requests Plaintiff, Gainesville Citizens CARE, Inc. ("GCC"), to produce the documents requested in paragraphs 1-12 below, pursuant to Rule 1.350, Florida Rules of Civil Procedure, for inspection and copying at the offices of the City of Gainesville, Office of the City Attorney, 200 E. University Avenue, Room 425,

Gainesville, Florida 32601, on July 16, 2012, at 10:00 a.m. or at some other mutually agreeable place and time.

### Instructions

In response to these requests, please furnish all Documents in GCC's possession, custody, or control, or in the possession, custody, or control of GCC's officers, directors, agents, attorneys, accountants, advisors, employees, consultants, or any other persons acting on GCC's behalf.

If GCC is unable to provide all of the Documents requested below, please provide all of the Documents that GCC is able to produce and state the reason(s) for GCC's inability to produce the remainder of the documents. If GCC objects to a request for production, please provide those documents that can be supplied without objection and state the reason(s) for each objection. If a privilege is claimed with respect to any document that has been requested, please identify the document, the topic discussed in the document, the privilege claimed, and the basis for GCC's claim of privilege.

### Definitions

For the purposes of this request to produce, the following terms shall be defined in the manner set forth below:

A. “City” shall mean the City of Gainesville d/b/a Gainesville Regional Utilities.

B. “Document” shall mean all written or printed papers or other materials that contain or convey information, including, without limitation, all e-mails (including attachments which shall be kept with the e-mail), letters, reports, memoranda, laboratory data, records of telephone or other conversations, intraoffice and interoffice communications, correspondence, handwritten or typewritten notes, diaries, records of every kind, sound recordings, transcripts, contracts, agreements, books, financial statements, books of account, journals, ledgers, invoices, indices, data processing cards, other data processing materials, data sheets, computer modeling input and output files, tapes, photographs, photostats, aerial maps, bulletins, circulars, notices, messages, tabulations, economic or statistical studies, instructions, requests, calendars, desk pads, appointment books, scrapbooks, notebooks, specifications, drawings, diagrams, sketches, and writings of every kind or character, including preliminary drafts and other copies of the foregoing, however produced or reproduced.

C. “First Amended Complaint” shall mean the First Amended Complaint for Declaratory Judgment and Injunctive Relief filed by GCC on April 18, 2012.

D. “Gainesville Renewable Energy Center” shall mean the 100-megawatt biomass-fired electrical power plant that is currently being constructed by GREC LLC in Gainesville, Florida.

E. “GCC” shall mean Gainesville Citizens CARE, Inc., including GCC’s past or present officers, directors, agents, attorneys, accountants, advisors, employees, consultants, or any other Person acting on behalf of GCC.

F. “GREC LLC” shall mean Gainesville Renewable Energy Center, LLC.

G. “Person(s)” shall mean any natural person, individual, proprietorship, partnership, corporation, association, organization, joint venture, firm, other business enterprise, governmental body, group of natural persons or other entity and includes any other person acting on behalf of a person.

H. “Power Purchase Agreement” shall mean the “Power Purchase Agreement for the Supply of Dependable Capacity, Energy, and Environmental Attributes from a Biomass-Fired Power Production Facility” executed by the City and GREC LLC.

## Documents Requested

Please produce all of the following documents:

1. Any and all Documents identified by GCC in its answers to GREC LLC's First Set of Interrogatories.
2. Any and all Documents that GCC intends to rely upon or will introduce into evidence in this case.
3. GCC's articles of incorporation, by-laws, corporate minutes and resolutions.
4. Any and all Documents that identify GCC's current members, corporate officers and directors.
5. Any and all Documents that identify GCC's past members, corporate officers and directors.
6. Any and all Documents that relate to GCC's classification as a not-for-profit or tax exempt entity.
7. Any and all Documents including, but not limited to, GCC's corporate resolutions and corporate minutes that relate in any way to matters relevant to the First Amended Complaint.
8. Any and all Documents that identify the date on which any of GCC's past or present officers, directors, attorneys, or agents first became aware of facts supporting the allegation that "unnoticed meetings and discussions of the advisory

committee resulting in recommendations ratified by the [City] were held in violation of the Sunshine Law.”

9. Any and all Documents that identify the date on which any of GCC’s past or present members, officers, directors, attorneys or agents received notice or became aware of the May 7, 2009 City Commission meeting referenced in paragraphs 14 and 18 of the First Amended Complaint.

10. Any and all Documents (including all written correspondence and e-mails) reflecting communications between GCC and Ray Washington concerning GREC, the Gainesville Renewable Energy Center, or the City.

11. Any and all Documents concerning the Gainesville Renewable Energy Center.

12. Any and all Documents concerning GREC LLC.

Attorneys for Intervenor, GREC LLC



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Bowden, Bush, Dee, LaVia & Wright, P.A.

1300 Thomaswood Drive

Tallahassee, FL 32308

Telephone: (850) 385-0070

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery and U.S. Mail this 14th day of June, 2012, to the following:

Marcy I. Lahart  
4804 SW 45<sup>th</sup> Street  
Gainesville, FL 32608

Elizabeth A. Waratuke, Litigation Attorney  
City of Gainesville  
Office of the City Attorney  
P.O. Box 490  
Station 46  
Gainesville, FL 32627-0490

A handwritten signature in cursive script, appearing to read "David S. Lee". The signature is written in black ink and is positioned above a horizontal line.

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Attorney