

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

OTIS AND FIONA OLMAN,

Plaintiffs,

v.

Case No. 8-16-CV-00637

FULL MOON SPORTS, INC.,
& BRUCE BELCHER,

Defendants.

DEFENDANT'S RESPONSES AND OBJECTIONS
TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

As authorized by Federal Rule of Civil Procedure 34, Defendant Full Moon Sports, Inc. ("Defendant") hereby responds to Plaintiffs' First Request for Production of Documents as follows:

General Objections ←

RULE
34(b)(2)(B)

The following General Objections are applicable to, and incorporated by reference into, each of Defendant's responses to the specific document requests.

1. Defendant objects to the Document Request to the extent it demands production of any document protected from disclosure by the attorney-client privilege, the work-product doctrine or any other applicable privilege. To the extent any privileged document is produced by defendant, its production is inadvertent and does not constitute a waiver of any privilege.
2. Defendant objects to the Document Request to the extent it demands production of information concerning employment actions taken regarding any employee other than Otis Olman and Fiona Olman. Such records are irrelevant and confidential.

Specific Responses and Objections

Request #1

The personnel files for Otis Olman and Fiona Olman.

Response #1

Subject to the General Objections, Defendant states that it will produce all documents in its possession, custody or control responsive to this Request.

Request #2

The personnel or employee handbook(s) or manual(s) in effect at the Defendant for the period during which either Otis Olman or Fiona Olman were employed by Defendant.

Response #2

Subject to the General Objections, Defendant states that it will produce all documents in its possession, custody or control responsive to this Request.

Request #6

All documents concerning any investigation performed by Defendant or at its request concerning allegations that any employee, including either Plaintiff in this action, was terminated, demoted, transferred, denied a promotion, or otherwise harmed as a result of such employee's age.

Response #6

Defendant objects to Request #6 on the ground that it calls for the production of documents protected from disclosure by the attorney-client privilege or the work-product doctrine. Defendant further objects to this request on the ground that it is over broad and calls for the production of irrelevant material to the extent it seeks the production of information concerning persons other than plaintiffs Otis Olman and Fiona Olman. Based on these objections, Defendant declines to produce documents responsive to this Request.

Request #7

All documents concerning or supporting Defendant's allegation in its Answer and Counterclaim that Plaintiff Otis Olman converted Defendant's property.

Response #7

Defendant objects to Request #7 on the ground that it is vague and calls for the production of documents protected from disclosure by the attorney-client privilege and/or the work-product doctrine. Subject to and without waiving these or any objections, Defendant states that it will

USE
OF
REQUEST/
RESPONSE
FORMAT
NOT REQUIRED
BY RULES

RULE
34 (a) (1)

RULE
34 (b) (2)

produce all nonprivileged documents in its possession, custody or control that are responsive to this Request. Defendant states that documents otherwise responsive to this Request are being withheld on the basis of the attorney-client privilege and/or the work-product doctrine, and that all such withheld documents are reflected on the accompanying privilege log.

Request #15

All communications, including but not limited to email or other electronic communications, concerning the reduction in force at the Jacksonville store.

Response #15

Defendant objects to Request #15 as being over broad. Further, Defendant objects to this Request specifically with respect to the production of "email and other electronic communications" on the ground that compliance with the request would be financially burdensome and not proportional to the needs of the case. Defendant states that documents otherwise responsive to this Request are being withheld on the basis of the foregoing objections. Without waiving and subject to these objections, Defendant will produce nonprivileged documents in its possession, custody or control that are responsive to this request with the exception of "email and other electronic communications." With respect to "email and other electronic communications" Defendant will make available for plaintiffs' inspection and copying all responsive documents that are readily available without undue burden. Defendant states that it is withholding, pursuant to the foregoing objections, nonprivileged "email and other electronic communications" maintained in such a manner as would make retrieval unduly expensive or would impose a burden disproportionate to the needs of the case.

RULE
26(b)(1)

RULE
26(b)(2)(B)

RULE
34(b)(2)

Request #16

All documents concerning reductions in force for the period from 2015 to the present at any of the Defendant's retail locations, corporate headquarters, or any other location at which the Defendant conducts its business that indicate the ages of those employees terminated, transferred, or demoted as well as the ages of those persons who replaced such persons in the positions they held prior to the reduction in force.

Response #16

Defendant objects to Request #16 on the ground that it is over broad and thus calls for the production of documents that are irrelevant to the claims or defenses of the parties and would impose a burden disproportionate to the needs of the case. In addition, Defendant objects to this request on the ground that it calls for the production of confidential and private information concerning non-parties. Defendant states that nonprivileged documents otherwise responsive to this Request are being withheld on the basis of the foregoing objections.

[Signature block and certificate of service omitted]