

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIVIL DIVISION**

MICHAEL JOSEPH,
JEWISH LEADERSHIP COALITION

Plaintiffs,

Case No. 2015 012209 CA (01)

v.

PHYLLIS SMITH, PAMELA L. LATIMORE, in her
official capacity as the North Miami Beach City Clerk
and in her capacity as a member of the NORTH
MIAMI BEACH MUNICIPAL CANVASSING
BOARD, JOSE J. SMITH, in his capacity as a member
of the NORTH MIAMI BEACH MUNICIPAL
CANVASSING BOARD, ANA M. GARCIA, in her
capacity as a member of the NORTH MIAMI BEACH
MUNICIPAL CANVASSING BOARD,

Defendants,

_____ /

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO PHYLLIS SMITH

Plaintiffs, MICHAEL JOSEPH and the JEWISH LEADERSHIP COALITION by and
through their undersigned counsel and pursuant to Rule 1.350, Fla. R. Civ. P., request that the
Defendant PHYLLIS SMITH produce copies of the following documents, within forty five (45)
days of the date of service hereof.

INSTRUCTIONS

1. When an objection is made to any document request, the objection shall state with
specificity all grounds. Any ground not stated in an objection within the time provided
by the Florida Rules of Civil Procedure, or any extensions thereof, shall be waived.

2. Where a claim of privilege is asserted in objecting to any document demand, or subpart thereof, and any answer is not provided on the basis of such assertion,
 - a. The attorney asserting the privilege shall in the objection to the document demand, or subpart thereof, identify the nature of the privilege which is being claimed and if the privilege is being asserted in connection with a claim or defense governed by state law, indicate the state's privilege rule being invoked; and
 - b. The following information shall be provided in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:
 - i. For documents: (I) the type of document; (ii) general subject matter of the document; (iii) the date of the document; and (iv) such other information as is sufficient to identify the document for a subpoena duces tecum, including, where appropriate, the author of the document, the addressee of the document, and where not apparent, the relationship of the author to the addressee;
 - ii. For oral communications: (I) the name of the person making the communication and the names of the persons present while the communication was made and, where not apparent, the relationship of the persons present to the person making the communication; (ii) the date and place of communication; and (iii) the general subject matter of the communication.
3. If any document was, but is no longer, in your possession or custody, or subject to your control, identify the document and state what disposition was made of it.

DEFINITIONS

1. As used herein, “You”, “Your”, “DEFENDANT,” “PHYLLIS SMITH” and “SMITH” means PHYLLIS SMITH, a member of the North Miami Beach City Council and the Defendant in the above titled action/

2. “DOCUMENT,” as used herein, means anything on which information has been recorded, including, without limitation, information set down by letters, words, or numbers, or their equivalent, handwriting, typewriting, printing, emailing, photocopying, photographing, magnetic impulse, mechanical or electrical recording, or other form of data compilation.

3. “COMMUNICATIONS” means any letter, note, email or transcribed telephonic conversation.

4. A document “relates” or is “relating” to a given subject matter if it constitutes, contains, comprises, consists of, embodies, identifies, states, refers to, deals with, sets forth, proposes, shows, evidences, discloses, describes, discusses, explains, summarizes, concerns, or otherwise addresses in any way the subject matter of the Request.

5. The words “you” or “yourself”, refer to PHYLLIS SMITH, the Councilperson for Group 3 in North Miami Beach, Florida and the primary Defendant in the above titled action.

6. The terms “Re-Election”, “Election” and “Campaign”, unless used with the reference of another specific date, means the re-election campaign of PHYLLIS SMITH in both the primary election held on May 5, 2015 and subsequent run-off election between PHYLLIS SMITH and MICHAEL JOSEPH for City Council, Group 3, held in the City of North Miami Beach on May 19, 2015.

7. The term “Action” shall mean the above styled case filed in the 11th Circuit Court in and for Miami-Dade County, Florida.

8. The term “Complaint” means the Complaint and any and all subsequent amendments filed in the Action.

DOCUMENTS TO BE PRODUCED

1. Please produce any and all documents in your possession relating to any contracts for goods and services for your re-election campaign.

2. Please produce any and all communications (either written or electronic) between yourself and any person either employed or volunteering in your campaign between February 1, 2015 and the date you received this Request for Production.

3. Please produce any and all communications (either written or electronic) between yourself and any other member of the North Miami Beach City Council between February 1, 2015 and the date you received this Request for Production.

4. Please produce any and all documents pertaining to any and all payments, credits or other form of compensation paid to all individuals who worked on your re-election campaign.

5. Please produce any contracts and bills or invoices for all services provided to your campaign from any and all political consultants.

6. Please produce copies of any and all communications (either written or electronic) between your self and any consultant, vendor or other such individual that provided advice or assistance to your campaign.

7. Please produce any and all documents relating to communications (either written or electronic) between yourself and North Miami Beach City Councilperson, Frantz Pierre between April 1, 2015 and May 31, 2015.

8. Please produce any and all communications (either written or electronic) between yourself and Hubert “Bob” Campbell.

9. Please produce any and all copies of communications (either written or electronic) in which you were copied or that are in your possession between Hubert “Bob” Campbell and any campaign vendor, consultant or campaign worker.

10. Please produce any and all copies of communications (either written or electronic), in which you were copied or that are in your possession, between Hubert “Bob” Campbell and Frantz Pierre.

11. Please produce any and all communications (either written or electronic) between yourself and Guilna Prosper.

12. Please produce any and all copies of communications (either written or electronic), in which you were copied or that are in your possession, between Hubert “Bob” Campbell and Guilna Prosper.

13. Please produce any and all communications (either written or electronic) between yourself and Pierre Paul Myrthil.

14. Please produce any and all copies of communications (either written or electronic), in which you were copied or that are in your possession, between Hubert “Bob” Campbell and Pierre Paul Myrthil.

15. Please produce any and all documents relating to campaign mail pieces sent by your campaign, including but not limited to, copies of the mail pieces themselves, contracts for

the production of such mail pieces and contracts or receipts for postage and mailing of such advertisements.

16. Please provide copies of any and all voter lists (either in electronic form or on paper) used by your campaign for the purpose of canvassing door to door or for the purpose of sending mail to voters.

17. Please produce any and all lists in your possession of all volunteers and paid workers who participated in your campaign.

18. Please produce any and all documents of campaign mailers, scripts for robo-calls, scripts for any radio and TV advertisements placed by your campaign.

19. Please produce copies of all checks and other forms of payments and compensation to any and all vendors to your campaign including payment to all consultants and media companies.

20. Please produce copies of any and all agreements, contracts or sales receipts from any media broadcast company that aired any television or radio advertisement by your campaign.

21. Please produce copies of all filing and qualifying paperwork that your campaign filed with the North Miami Beach City Clerk.

22. Please produce copies of all campaign reports that your campaign filed with the North Miami Beach City Clerk.

23. Please produce any and all documents relating to your campaign that were filed with any governmental agency including but not limited to; The North Miami Beach City Clerk, The Florida Division of Elections, the Miami-Dade Supervisor of Elections, the Internal Revenue Service, the Florida Commission on Ethics and the Miami Dade Commission on Ethics and Public Trust.

24. Please produce copies of any and all correspondence received by either yourself or your campaign received from any entity listed in Request No. 23.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing Request for Production was served via personal service along with the Amended Complaint on the corresponding Defendant this 2nd day of June, 2015.

By:
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