

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

MICHAEL JOSEPH, and  
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,

\_\_\_\_\_ /

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO PHYLLIS SMITH**

Plaintiffs, MICHAEL JOSEPH and the JEWISH LEADERSHIP COALITION, by and through their undersigned legal counsel, hereby propound the following interrogatories on PHYLLIS SMITH, to be responded within the time provided for under the Florida Rules of Civil Procedure:

## **Definitions**

1. Words in the past tense include the present and words in the present tense include the past.
2. Use of the singular shall be deemed to include the plural and use of the masculine shall be deemed to include the feminine as appropriate, and vice versa.
3. “Person” shall mean and include natural persons, proprietorships, corporations, companies, partnerships, joint ventures, and all other forms of organization or association.
4. When used in reference to a natural person, “identify” and its derivatives shall require the statement of the person’s full name, present or past known address, and present or last known position or business affiliation (designating which).
5. When used in reference to an organization, “identify” and its derivatives shall require as to any corporation, partnership, joint venture, company, business entity or other organization, a statement of the full and proper name of the organization; the type of organization (e.g., corporation, partnership, proprietorship, etc.); and the principal business address of each such organization.
6. The term “identify” when used in connection with any written or other type of communication in these Interrogatories shall require a statement of by whom the document, electronic file, or other medium was prepared, to whom it was directed and sent, the date of preparation, the names of persons preparing and/or signing the document (if any), the type of

medium (memorandum, letter, contract, electronic file, etc.), and the general contents of the document.

7. In answering these Interrogatories, furnish all information which is available to you, including information in the possession of your agents, employees, representatives, and all others from whom you may freely obtain it, as well as from your attorneys and their investigators.
8. 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.
9. If you cannot answer any one, or any sub-part of these Interrogatories in full, after exercising due diligence to secure the information to do so, explicitly so state. Answer every other Interrogatory and sub-part and give any information in your possession which may partially answer the Interrogatory or sub-part which you cannot answer in full, or which may lead to discovery of the answer thereto.
10. If you claim that any document is privileged, state the nature of the privilege claimed and provide a separate listing of all such documents.
11. 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.

12. 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.
13. The term “Action” shall mean the above styled case filed in the 11<sup>th</sup> Circuit Court in and for Miami-Dade County, Florida.
14. The term “Complaint” means the Complaint and any and all subsequent amendments filed in the Action.

### **Interrogatories**

1. Please state your name, home address, all relevant work addresses and places of employment.

2. Identify each person that participated in answering these Interrogatories.

3. Please state when you were first elected to the North Miami Beach City Council.

4. Please state, prior to 2015, how many times have you been re-elected to the North Miami Beach City Council.

5. Please state if prior to being elected to the North Miami Beach City Council, you had either run for any other office or been elected to any other political office and if so, please list the position you previously held, position you previously sought and the dates of those elections.

6. Please describe in detail the structure of your 2015 re-election campaign, who was in charge of the day to day operations of the campaign and state who your campaign manager was (if you had one) and which consultants (if any) were used by your campaign.

7. Please state if you, personally, walked door to door (canvassing) while campaigning for your 2015 re-election.

8. Please state if any other campaign worker walked with or without you door to door and list their names if so.

9. If you answered in the affirmative to either Interrogatory No. 7 or No. 8, please state how you obtained the list of voters used for the door to door canvassing.

10. Please list the names of all paid employees in your campaign.

11. Please list the names of all volunteers in your campaign.

12. Of the names listed in the responses to Interrogatories No. 10 and No. 11, please state which of those individuals either were responsible for or participated in the canvassing of absentee ballot voters and/or campaigning to absentee ballot voters.

13. Please state how much time and effort was spent by your campaign on absentee ballot voters as compared to voters who voted in either early voting or election day.

14. Please state if your campaign sent specific mail pieces to absentee ballot voters and if so, how did your campaign obtain the lists of those voters.

15. Please state if your campaign employed the use of an automated or “robo” call service to call absentee ballot voters and if so, please state the name of the company or service used to provide such calls.

16. If you answered in the affirmative to Interrogatory No. 15, please state how that service obtained the names and phone numbers of the absentee ballot voters.

17. Please state if you, yourself, personally contacted absentee ballot voters either by phone or in person during the campaign.

18. Please the nature of the involvement of the following individuals with your campaign or if these individuals are friends and/or known individuals to yourself and/or your family members.

- Hubert “Bob” Campbell
- Guilna Prosper
- Pierre Paul Myrthil

19. Please state the nature of the involvement of your daughter, Susannah Smith in your campaign.

20. Please state the nature of your relationship with North Miami Beach Councilperson, Frantz Pierre.

21. Please state if you and/or your campaign received any assistance from Frantz Pierre during your re-election campaign.

22. Please state what was the nature of the support given to you and/or your campaign by Frantz Pierre.

23. Please state if any other member of the North Miami Beach City Council provided assistance to your campaign or raised money for your re-election effort.

24. Please state if your campaign received any assistance from any Political Committee or Electioneering Communication Organization either through direct contribution or through political advertising or electioneering communication.

25. Please state if you or any immediate or extended member of your family is, or has been in the past ten (10) years, the Chairperson, Registered Agent or Treasurer for any Political Committee or Electioneering Communication Organization.

26. Please state if you signed the fair campaign pledge provided by the Miami Dade Commission on Ethics and Public Trust.

27. Please state if you received a copy of the campaign finance and practices manual by the office of the Miami-Dade County Supervisor of Elections.

28. Identify each person you intend to call as a witness at the hearing in this matter; state if you intend to call any expert witness and the subject matter on which each expert witness is expected to testify; state the substance of all facts upon which each expert witness is expected to testify; state the substance of all opinions to which each expert witness is expected to testify; provide a summary of the grounds for each opinion and whether this opinion is rendered in a written report, identifying the report, if any, and its custodian; provide a summary of the expert's qualifications; and identify those administrative and court proceedings in which the expert has previously provided deposition or trial testimony, including an explanation of on which party's behalf the testimony was provided and a short description of the opinion testimony provided.

The undersigned does hereby attest and affirm that the foregoing responses are true and correct.

\_\_\_\_\_  
Affiant

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, who personally appeared before me at the time of notarization, and who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_  
Notary Public

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