

**IN THE CIRCUIT COURT OF THE 9TH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**CENTRAL FLORIDA TOURISM OVERSIGHT
DISTRICT,**

Plaintiff,

v.

CASE NO.: 2023-CA-011818-O

**WALT DISNEY PARKS AND RESORTS
U.S., INC.,**

Defendant.

_____ /

PLAINTIFF’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to Florida Rule of Civil Procedure 1.350, Plaintiff, Central Florida Tourism Oversight District (the “District”), requests that Defendant, Walt Disney Parks and Resorts U.S., Inc. (“Disney”), respond to the following Requests for Production (“Requests”) in accordance with its obligations under the Rules. Responses to the Requests shall be provided in the manner required by Rule 1.350(b) within thirty (30) days of service and pursuant to the Definitions and Instructions set out below.

DEFINITIONS

1. “District” refers to the special district established by the Florida Legislature in 1967 pursuant to H.B. 486, Chapter 67-764, which was previously known as the Reedy Creek Improvement District (“RCID”) and currently known as the Central Florida Tourism Oversight District (“CFTOD”).

2. “Disney” refers to Walt Disney Parks and Resorts, U.S., Inc., its Employees, agents and representatives, and its parent company, the Walt Disney Company, and its subsidiaries.

3. “Communication(s)” means all manner and type of communication, written and oral, electronic and handwritten, audio and visual, and including text messages, email messages, instant messages, messages or posts made on any form of social media, communications made through Signal, Slack, WhatsApp, or other messaging services, letters transmitted by U.S. Postal Service or any private carrier, and voice mail messages.

4. “Document(s)” means any writings, drawings, graphs, charts, photographs, sound recordings, images, Communications, and other data or data compilations, including back-up and archived copies of electronically-stored information (“ESI”), stored in any medium from which information can be obtained directly, or, if necessary, after translation by the responding party into a reasonably usable form. ESI includes, without limitation, all electronic data stored in any form that is responsive to these Requests, including the metadata for all Documents. A draft or non-identical copy is a separate Document within the meaning of this term.

5. “Person(s)” means any natural or legal person, including but not limited to a corporation, company, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, office or other business or legal entity, whether private or governmental.

6. “You” or “Your” includes Disney and all of its Employees, agents and representatives, and its parent company, the Walt Disney Company, and its subsidiaries.

7. The term “Employee(s)” includes but is not limited to all current and former employees, independent contractors, and Persons performing work as temporary employees.

8. “Parental Rights in Education Act” or “House Bill 1557” means the bill titled “Parental Rights in Education,” and signed into law by Governor Ron DeSantis on March 28, 2022.

9. “Comprehensive Plan” means the joint comprehensive plan originally adopted by the District, the City of Bay Lake, and the City of Lake Buena Vista in 1991, and as amended from time to time.

10. “Amendments to the Comprehensive Plan” means the amendments to the Comprehensive Plan considered and purportedly adopted by the District on May 22, 2022 and by the City of Bay Lake and the City of Buena Vista on May 24, 2022.

11. “Land Development Regulation Amendments” refers to amendments to the land development regulations purportedly adopted by the District, the City of Bay Lake, and the City of Lake Buena Vista in December 2022, January 2023, and February 2023.

12. “Development Agreement” refers to the agreement purportedly approved by the District’s Board of Supervisors and purportedly entered into by Disney and the District on February 8, 2023.

13. “Restrictive Covenants” refers to the declaration of restrictive covenants purportedly approved by the District’s Board of Supervisors and purportedly entered into by Disney and the District on February 8, 2023.

14. “House Bill 9B” means the bill titled “Reedy Creek Improvement District, Orange and Osceola Counties,” and signed into law by Governor Ron DeSantis on February 27, 2023.

15. “Senate Bill 4C” means the bill titled “Independent Special Districts,” and signed into law by Governor Ron DeSantis on April 22, 2022.

16. “Senate Bill 1604” means the bill titled “Land Use and Development Regulations,” and signed into law by Governor Ron DeSantis on May 5, 2023.

INSTRUCTIONS FOR RESPONSES TO REQUESTS FOR PRODUCTION

1. These Requests are intended to be a continuing obligation upon You to furnish all Documents requested herein until final disposition of this case. Corrections and supplemental answers are required as provided for in the Civil Rules.

2. In answering and responding to these Requests, You shall furnish such information and Documents in Your possession, custody, or control, including information that is in the possession, custody, or control of Your Employees, agents, investigators, consultants, representatives, attorneys (subject to any otherwise applicable privileges), or any other Person within Your control.

3. All Documents that respond, in whole or in part, to any part or clause of any paragraph of these Requests shall be produced in their entirety, including all attachments and enclosures. Documents that in their original condition were stapled, clipped, or otherwise fastened together shall be produced in such form.

4. Requested format for Documents produced electronically in response to this Request:

- a. Any Documents produced in response to this Request should be provided as a Group 4 compression single-page “TIFF” image that reflects how the source Document would have appeared if printed out to a printer attached to a computer viewing the file. Extracted text will be included in the manner provided herein. To the extent that extracted text does not exist, these images will be processed through Optical Character Recognition (“OCR”) so that they are fully searchable. Extracted text and OCR should be provided in separate Document level text files. “Load files” shall be produced to

accompany the images and shall facilitate the use of the litigation support database systems to review the produced images.

- b. Document Unitization. Each page of a Document shall be electronically converted into an image as described above. If a Document is more than one page, the unitization of the Document and any attachments and/or affixed notes shall be maintained as it existed in the original when creating the image file and appropriately designated in the load files. The corresponding parent/attachment relationships, to the extent possible, shall be provided in the load files furnished with each production.
- c. Bates Numbering. Each page of a produced Document shall have a legible, unique page identifier (“Bates number”) electronically branded onto the image at a location that does not obliterate, conceal, or interfere with any information from the source Document. In order to ensure that the Bates Numbers do not obscure portions of the Documents, the images may be proportionally reduced to create a larger margin in which the Bates number may be branded. There shall be no other legend or stamp placed on the Document image, except those sections of a Document that are redacted to eliminate material protected from disclosure by the attorney-client or work product privileges shall have the legend “REDACTED” placed in the location where the redaction(s) occurred or shall otherwise note the location and/or location of the information for which such protections are claimed. The Bates numbers must maintain a constant length across the entire production padded to the same number of characters, may not contain

special characters or embedded spaces, and must be sequential within a given document.

- d. File Naming Conventions: Each Document image file shall be named with the unique Bates number of the page of the Document in the case of single-page TIFFs, followed by the extension “TIF.” Each Document shall be named with a unique Document identifier. Attachments shall have their own unique Document identifiers.
- e. Production Media. The Documents should be produced on CD-ROM, DVD, external hard drive (with standard Windows PC compatible interface), or via FTP or common sharefile link (the “Production Media”). Each piece of Production Media shall identify a production number corresponding to the production “wave” the Documents on the Production Media are associated with (e.g., “V001,” “V002”), as well as the volume of the material in that production wave (e.g., “-001,” “-002”). For example, if the first production wave comprises Document images on three hard drives, You shall label each hard drive in the following manner: “V001-001,” “V001-002,” “V001-003.” Additional information that shall be identified on the Production Media shall include: (1) text referencing that it was produced in Case No. 2023-CA-011818-O, (2) the producing party’s name, (3) the production name, and (4) the Bates number range of the materials contained on the Production Media.
- f. Objective Coding/Extracted Metadata: You shall produce with each production of Documents with extracted metadata for each Document (the

“Objective Coding”) included in the load file. The data file shall include at least the following fields and type of content: “Custodian,” the date the Document was created, sent, or last modified (e.g., “Date Created,” “File Created Date,” “Date Sent,” and “Last Modified Date”); the filename (e.g., “File Name”) or, for emails, the “Subject” line and the individuals or entities listed in the “To,” “From,” “CC”, and “BCC” fields. In addition, the following fields shall also be provided, if available, Confidentiality_filepath, MD5 Hash, and file extension. Objective Coding shall be labeled and produced on Production Media in accordance with the provisions set forth above.

- g. Native format for PowerPoint Presentations, Spreadsheets (Excel), audiovisual files, and databases: PowerPoints, spreadsheets (Excel), audiovisual files, and databases shall be produced in native format along with the extracted text and relevant metadata.

5. Requested format for hard copies of Documents produced in response to this Request:

- a. Create electronic copies of Documents and produce them in accordance with the procedures described in section 4(a) herein, provided that you retain the originals from which the electronic copies were made until the final disposition of the matter.
- b. Include a loadfile with corresponding information, including the following data fields: BegDoc, EndDoc, Custodian, DocTitle, Filename, RequestNo.

- c. The Custodian field in the loadfile should contain the name of the custodian or location from which the hard copy Document was taken.
- d. The RequestNo. Field should contain the number of the Requests to which the Document is responsive.

6. If any Document is withheld, in whole or in part, for any reason, including but not limited to any alleged claim of privilege, confidentiality, or trade secret, or for any other reason or objection, provide a description of the Document being withheld that includes the following information:

- a. The date of the Document;
- b. The author of the Document;
- c. The recipient of the Document;
- d. All Persons to whom copies of the Document have been furnished or who have knowledge regarding the contents thereof;
- e. The subject matter of the Document;
- f. The file in which the Document is kept in the normal course of business;
- g. The current custodian of the Document; and
- h. The nature of the privilege or other reason for not producing the Document and description of the facts surrounding the contents of the Document with sufficient specificity to enable the parties, and permit the Court, if necessary, to assess the applicability of the privilege claim or other reason for withholding the Document.

7. Where the context in the Requests makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. The words “any,” “and,” and “or”

shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside its scope. Each of the following words includes the meaning of every other word: “each,” “every,” “all,” and “any.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

8. Where there exists a good faith doubt as to the meaning or intended scope of a Request, and Your sole objection would be to its vagueness or ambiguity, You are asked and encouraged to contact counsel for the Plaintiff in advance of asserting an avoidable objection. The undersigned counsel will provide additional clarification or explanation as may be needed.

REQUESTS FOR PRODUCTION

1. Documents sufficient to show whether Disney collects and pays any taxes to the District or City of Bay Lake or City of Lake Buena Vista on behalf of other entities (like businesses on Disney property), and if so, documents sufficient to show the amount of such taxes and the entities on whose behalf Disney collects and pays.
2. All Communications, internal and external, regarding the Parental Rights in Education Act.
3. All Communications, internal and external, regarding Governor Ron DeSantis.
4. All Communications, internal and external, regarding House Bill 9B.
5. All Communications, internal and external, regarding Senate Bill 4C.
6. All Communications, internal and external, regarding Senate Bill 1604.
7. All Communications with WESH 2 News, the Orlando Sentinel, Channel 9 WFTV, Channel 6 WKMG, Telemundo, and the Orlando Business Journal from January 1, 2022 to the present.
8. All Communications, internal and external, regarding the Development Agreement.
9. All Communications, internal and external, regarding the Restrictive Covenants.
10. All Communications, internal and external, regarding the Amendments to the Comprehensive Plan.
11. All Communications, internal and external, about legal notices in the Orlando Sentinel.
12. All Communications with other property owners or lessees within the District between January 1, 2022, and the present day, about the District.
13. All Communications with Ed Milgrim or the Milgrim Law Firm.

14. All drafts of public statements by Disney or its parent company regarding legislation in Florida from January 1, 2022 to the present.

15. All Communications, internal and external, related to membership of the District Board of Supervisors.

16. Documents sufficient to show all financial and/or land transactions between Disney and any member of the District Board of Supervisors.

17. All Communications, internal and external, related to membership of the District Board of Supervisors.

18. All leases to which Disney is a party related to land or property inside the District.

19. Documents sufficient to show all financial or land transactions between Disney and the District.

20. All deeds, deed restrictions, or restrictive covenants within your possession or control that restrict development on any property within the District, such that the property owner could not use any development rights purportedly vested in Disney under the Development Agreement.

Dated: November 16, 2023

Respectfully submitted,

DAVID THOMPSON
PETE PATTERSON
JOE MASTERMAN (FBN: 1004179)
MEGAN WOLD
COOPER & KIRK
1523 New Hampshire Ave., N.W.,
Washington, D.C. 20036
202-220-9600
dthompson@cooperkirk.com
ppatterson@cooperkirk.com
jmasterman@cooperkirk.com
mwold@cooperkirk.com

/s/ Alan Lawson
ALAN LAWSON (FBN: 709591)
PAUL C. HUCK JR. (FBN: 968358)
JASON GONZALEZ (FBN: 146854)
LAWSON HUCK GONZALEZ, PLLC
215 S. Monroe Street, Suite 320
Tallahassee, FL 32301
850-825-4334
alan@lawsonhuckgonzalez.com
paul@lawsonhuckgonzalez.com
jason@lawsonhuckgonzalez.com

MICHAEL A. NARDELLA (FBN: 51265)
JOHN J. BENNETT, JR. (FBN: 98275)
NARDELLA & NARDELLA, PLLC
135 W. Central Blvd., Ste. 300
Orlando, FL 32801
407-966-2680
mnardella@nardellalaw.com
jbennett@nardellalaw.com
nmacdougall@nardellalaw.com

Counsel for Central Florida Tourism Oversight District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of November, 2023, a true copy of the foregoing was served via email to: Adam Losey, Esquire at alosey@losey.law; M. Catherine Losey, Esquire at closey@losey.law; Alan Schoenfeld, Esquire at alan.schoenfeld@wilmerhale.com; Daniel Petrocelli, Esquire at dpetrocelli@omm.com; Jonathan D. Hacker, Esquire at jhacker@omm.com; Stephen D. Brodey, Esquire at sbrody@omm.com; Michael A. Nardella, Esquire at mnardella@nardellalaw.com; and John J. Bennett, Jr., Esquire at jbennett@nardellalaw.com.

/s/ Alan Lawson

Alan Lawson