

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

JOSIE MACHOVEC, et al.

Plaintiffs

CASE NO. 50-2020-CA-006920-XXXX-MB
CIRCUIT CIVIL DIVISION: AF

v.

PALM BEACH COUNTY, a political
subdivision of the State of Florida,

Defendant.

_____ /

**PLAINTIFFS' MOTION TO COMPEL RULE 1.310(b)(6) DEPOSITION OF
DEFENDANT PALM BEACH COUNTY**

COMES NOW, the Plaintiffs, by and through undersigned counsel, hereby respectfully submit this Motion to Compel Fla.R.Civ.P. 1.310(b)(6) Video Deposition of Defendant Palm Beach County, and in support states:

1. This Motion is occasioned by the Defendant's refusal to designate a representative for a deposition requested and noticed by Plaintiffs pursuant to Fla.R.Civ.P. 1.310(b)(6). Attached as Exhibit "1" is the Notice of Video Deposition that was refused and objected to by Defendant.
2. On August 3, 2020, the Defendant filed its Answer and Affirmative Defenses in the above-captioned action.
3. On August 6, 2020, the Defendant served Defendant's initial discovery requests to the Plaintiffs in the above-captioned action.
4. After being served with Plaintiffs' initial discovery requests directed to Defendant, and requests for Fla.R.Civ.P. 1.310(b)(6) designations, Defendant's counsel indicated via e-mail correspondence initially that Defendant would "identify the representative and coordinate a deposition date". After being provided with the topics however, Defendant's counsel indicated that

Defendant Palm Beach County is objecting “generally” to any Rule 1.310(b)(6) deposition in the above-captioned action and now refuses to designate any corporate representative for any relevant topic, fact or issue in the above-captioned action. Attached as Composite Exhibit “2” are written communications sent by Defendant’s Counsel claiming, *inter alia* a Rule 1.310(b)(6) “deposition would harass and unduly burden the County’s representative(s), requiring the representative(s) to take time away from their regular functions in performing government work, which currently includes combatting the spread of the novel coronavirus” and “there is nothing for Plaintiffs to discover from the County that would be relevant to the burdens of proof in a final hearing”.

5. There is no coronavirus or pandemic exception to Rule 1.310(b)(6), which conforms with Federal Rule of Civil Procedure 30(b)(6). “After receiving the Rule 1.310(b)(6) notice, the entity **must** designate the appropriate person or persons to be deposed on the issues identified in the notice.” *Racetrac Petroleum Inc. v. Sewell*, 150 So.3d 1247, 1252 (Fla. 3rd DCA 2014) (emphasis added) (citing *In re Florida Bar: Rules of Civil Procedure*, 265 So.2d 21, 30 (Fla. 1972)(Committee Note to 1972 amendment); *Plantation-Simon Inc. v. Bahloul*, 596 So.2d 1159, 1160 (Fla. 4th DCA 1992). Defendant Palm Beach County has set forth no legal basis to refuse to designate the appropriate person(s) to be deposed on the issues identified in the Notice of Video Deposition [attached as Exhibit “1”] which it must do as a matter of law.

6. The undersigned have diligently attempted to resolve this discovery dispute without Court intervention, having met and conferred with Defendant’s counsel, in writing, unsuccessfully.

7. Given the intolerable refusal and failure of Defendant to designate one or more representatives for deposition pursuant to Fla.R.Civ.P. 1.310(b)(6), without any legal basis, Plaintiffs hereby seek judicial intervention to overrule the Defendant’s objections and compel

Defendant to comply with the Florida Rules of Civil Procedure, designate a corporate representative and appear for video deposition pursuant to Fla.R.Civ.P. 1.310(b)(6).

8. This Motion has been made in good faith and not for purpose of delay and no party will be prejudiced by the relief sought. Plaintiffs will be prejudiced however, if Defendant is not ordered to comply with the Florida Rules of Civil Procedure, including Rule 1.310(b)(6).

WHEREFORE, Plaintiffs request that this Court enter an order overruling Defendant's objections and compelling Defendant to designate corporate representative(s) and comply with Florida Rule of Civil Procedure 1.310(b)(6) and all other applicable discovery rules, and award all other relief as is just and proper, including awarding attorneys' fees incurred in making this Motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August 2020, a true and correct copy of the above and foregoing was served via emailed to all counsel and parties of record using the Florida Courts E-Filing Portal.

/s/ Louis Leo IV
Louis Leo IV, Esq.
Florida Bar No. 83837
louis@medgebowlaw.com
Joel Medgebow, Esq.
Florida Bar No. 84483
joel@medgebowlaw.com
**Florida Civil Rights
Coalition, P.L.L.C.**
4171 W. Hillsboro Blvd. Suite 9
Coconut Creek, FL 33073
Telephone: 561-714-9126
info@floridacivilrights.org

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IN AND FOR PALM BEACH COUNTY, FLORIDA**

JOSIE MACHOVEC, et al.

Plaintiffs

CASE NO. 50-2020-CA-006920-XXXX-MB
CIRCUIT CIVIL DIVISION: AF

v.

PALM BEACH COUNTY, a political
subdivision of the State of Florida,

Defendant.

_____ /

**NOTICE OF TAKING VIDEO DEPOSITION OF THE CORPORATE
REPRESENTATIVE OF DEFENDANT PALM BEACH COUNTY**

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that the undersigned will take the videotaped deposition of:

Deponent: **Corporate Representative of Defendant PALM BEACH COUNTY**
Date: **September 16, 2020**
Time: **10:00 A.M.**
Place: **Zoom or other video conferencing**

Upon oral examination before a court reporter and video operator authorized by law to take depositions in the State of Florida. The oral examination will continue from day to day until completed. This deposition is being taken for purposes of discovery, for use at trial, or for other such purposes as are permitted under applicable Florida Rules of Civil Procedure.

Demand is hereby made that Defendant Palm Beach County duly designate one or more officers, directors or managing agents, or other persons who consent to testify on its behalf to the matters set forth below, pursuant to Fla.R.Civ.P. 1.310(b)(6). The person(s) designated must testify about the information known or reasonably available to Defendant Palm Beach County.

A. DEFINITIONS

1. "Document" shall have the broadest permissible meaning under the Florida Rules of Civil Procedure, and includes, without limitation, the original and all copies, drafts, transcriptions,

and translations of any information in any written, recorded, graphic, or electronic form, including all memoranda or oral conversations and communications, as well as all compilations, catalogs, and summaries of information or data, whether typed, handwritten, printed, recorded, digitally coded, or otherwise produced or reproduced, and shall include, without limitation, each and every note, memorandum, email, letter, telegram, publication, telex, circular, release, article, book, report, prospectus, record, financial statement, computer disc, computer tape, microfilm, microfiche, microform, index, list, claims file, analysis, chart, money order, account book, draft summary, dairy, transcript, agreement, contract, calendar, graph, receipt, chart, business record, insurance policy, computer printout, contract, and order. “Document” shall also include, without limitation, electronically stored information and any tape or audible recording, photograph, motion picture, videotape, computer and word processor disks, data cells, drums, print outs, and all other data compilations and any non-identical copy thereof, either by virtue of other material appearing thereon, such as handwriting or typewriting, or otherwise.

2. “Communication” or “communications” shall mean the transmittal of information (in the form of facts, ideas, inquiries or otherwise) by any means, including, but not limited to, any meeting, conversation, discussion, conference, correspondence, message, instant message, email message, text message or other written or oral transmission, exchange or transfer of information in any form between two or more Persons, including in person or by telephone, facsimile, telegraph, telex, letter, email or other medium.
3. “Concerning” or “concerns” means regarding, relating to, referring to, reflecting, describing, evidencing, consisting of, associated with, constituting or in any way connected with action, in whole or in part.

4. “Coronavirus” - Coronaviruses are a large family of viruses that usually cause mild to moderate upper-respiratory tract illnesses, like the common cold. Coronaviruses were first discovered in the 1930s. Scientists first identified a human coronavirus in 1965.
5. “COVID-19” is a mild to severe respiratory infection or illness caused by a coronavirus.
6. “Mask” is a covering worn on the face.
7. “Mask Mandate” shall mean the Defendant Palm Beach County’s requirement that any person wear a facial covering at any time.
8. “Palm Beach County” shall mean Defendant Palm Beach County, and/or its agents, servants, or other persons acting or purporting to act on her behalf.
9. “Pathogen” is any microorganism which causes disease.
10. “Peer review” is scholarly evaluation by experts in the related scientific field for quality of research and adherence to editorial standards before a study is accepted for publishing in a scholarly journal or other publication.
11. “Person” shall mean, without limitation, any natural person, firm, sole proprietorship, partnership, corporation, association, trust, governmental body or agency, and all past and present members, managing members, limited partners, general partners, officers, directors, employees and agents, along with all others acting or purporting to act on such Person’s behalf.
12. “Prevent” means to keep from happening or to interpose an obstacle.
13. “Respiratory infection” is any infection of the human respiratory tract. A respiratory infection are particularly dangerous for children, older adults and people with immune system disorders.
14. “Restrict” means to physically limit or control the movement of something or someone.
15. “Regarding,” “relate to,” “relating to,” and “referred to” means having any relationship or connection to, concerning, being connected to, commenting on, responding to, containing,

constituting, showing, memorializing, describing, analyzing, reflecting, pertaining to, compromising, identifying, discussing, evidencing, or otherwise establishing a reasonable, logical or causal connection.

16. “Speech” is the ability to express or communicate ideas, information, thoughts, opinions and/or emotions through spoken words, sounds and gestures.
17. “Study” is a peer reviewed written account of scientific research, examination, experiment and/or analysis.
18. “You” and “your” means the Defendant Palm Beach County, the entities affiliated with Defendant, and their respective managers, officers, agents, servants, employees, representatives, accountants, experts, attorneys, and assigns, or other persons under its control or acting or purporting to act on its behalf.

Areas of Inquiry

1. Coronaviruses and COVID-19.
2. Defendant Palm Beach County’s Mask Mandate.
3. Defendant Palm Beach County’s interest(s) in requiring masks be worn by any person pursuant to its Mask Mandate, including the Plaintiffs in the above-captioned action.
4. Defendant Palm Beach County’s claim that masks do not restrict speech.
5. Defendant Palm Beach County’s claim that its Mask Mandate does not infringe upon constitutional rights, including freedom of speech, due process and the right of privacy, bodily autonomy and medical self-determination.
6. Defendant Palm Beach County’s claim that masks are not medical devices when worn to prevent COVID-19 or other respiratory infections.
7. Defendant Palm Beach County’s claim that masks prevent the spread of COVID-19, including any studies supporting the use of wearing masks, if any.
8. All documents or public records produced by Defendant Palm Beach County concerning coronaviruses and COVID-19.

9. All documents or public records produced by Defendant Palm Beach County concerning Defendant's Mask Mandate, including the drafting, enactment and enforcement of the mandate.
10. All issues and facts raised by the pleadings in the Amended Complaint, or the Defendant's Answer and Affirmative Defenses, and any amendments thereto.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of August, 2020, I electronically served the foregoing on all counsel and parties of record using the Florida Courts E-Filing Portal.

/s/ Louis Leo IV
LOUIS LEO IV
Florida Bar No. 83837
louis@floridacivilrights.org
JOEL MEDGEBOW
Florida Bar No. 84483
joel@medgebowlaw.com

**Florida Civil Rights
Coalition, P.L.L.C.**
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Fax: 954-239-7771
info@floridacivilrights.org

Counsel for Plaintiffs

COMPOSITE EXHIBIT "2"

RE: SERVICE OF COURT DOCUMENT CASE NUMBER 502020CA006920XXXMB MACHOVEC, JOSIE - PALM BEACH COUNTY

1 message

Rachel Fahey <RFahey@pbcgov.org>

Thu, Aug 27, 2020 at 4:07 PM

To: Louis Leo IV <louis@floridacivilrights.org>, Anaili Cure <ACure@pbcgov.org>

Cc: Joel Medgebow <Joel@medgebowlaw.com>, melissa martz <melissamartzesq@gmail.com>, Cory Strolla <strollalaw@yahoo.com>, Jared Beck <jared@beckandlee.com>, Victor Arca <victor@beckandlee.com>, "Elizabeth Lee Beck, Esq." <elizabeth@beckandlee.com>

Louis,

The County maintains its objection to the deposition.

All the best,

Rachel

Rachel Fahey

Assistant County Attorney

Palm Beach County Attorney's Office

300 North Dixie Highway, Suite 359

West Palm Beach, Florida 33401

Tel.: (561) 355-6557

Fax.: (561) 355-4234

E-mail: rfahey@pbcgov.org

Assistant: jborum@pbcgov.org

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the original email.

From: Louis Leo IV <louis@floridacivilrights.org>

Sent: Thursday, August 27, 2020 3:43 PM

To: Rachel Fahey <RFahey@pbcgov.org>; Anaili Cure <ACure@pbcgov.org>

Cc: Joel Medgebow <Joel@medgebowlaw.com>; melissa martz <melissamartzesq@gmail.com>; Cory Strolla <strollalaw@yahoo.com>; Jared Beck <jared@beckandlee.com>; Victor Arca <victor@beckandlee.com>; Elizabeth Lee Beck, Esq. <elizabeth@beckandlee.com>

Subject: Fwd: SERVICE OF COURT DOCUMENT CASE NUMBER 502020CA006920XXXMB MACHOVEC, JOSIE - PALM BEACH COUNTY

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Dear Rachel and Anaili,

Attached please find the Notice of Taking Video Deposition filed today. Since you and your client have refused to provide my law office with a date for any deposition, we have unilaterally scheduled this deposition for September 16, 2020.

At your earliest convenience, please let us know if your client will continue to refuse to designate corporate representative(s). If so, we will need to coordinate a date for a hearing on your client's objections.

Thank you for your attention to this matter and we look forward to your response.

Sincerely,

Louis Leo I, Esq.
Florida Civil Rights Coalition, P.L.L.C.
4171 W. Hillsboro Blvd. Suite 9
Coconut Creek, FL 33073
louis@floridacivilrights.org

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RE: Machovec v PBC - re: request to stay matter

1 message

Rachel Fahey <RFahey@pbcgov.org>

Tue, Aug 18, 2020 at 3:57 PM

To: Louis Leo IV <louis@floridacivilrights.org>

Cc: Anaili Cure <ACure@pbcgov.org>, David Ottey <DOttey@pbcgov.org>, melissa martz <melissamartzesq@gmail.com>, Cory Strolla <strollalaw@yahoo.com>, Joel Medgebow <joel@medgebowlaw.com>, Jared Beck <jared@beckandlee.com>, Victor Arca <victor@beckandlee.com>, "Elizabeth Lee Beck, Esq." <elizabeth@beckandlee.com>

Louis,

Generally, yes, you understood the County's objection.

Sincerely,

Rachel

Rachel Fahey

Assistant County Attorney

Palm Beach County Attorney's Office

300 North Dixie Highway, Suite 359

West Palm Beach, Florida 33401

Tel.: (561) 355-6557

Fax.: (561) 355-4234

E-mail: rfahey@pbcgov.org

Assistant: jborum@pbcgov.org

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From: Louis Leo IV <louis@floridacivilrights.org>
Sent: Monday, August 17, 2020 9:12 PM
To: Rachel Fahey <RFahey@pbcgov.org>
Cc: Anaili Cure <ACure@pbcgov.org>; David Ottey <DOttey@pbcgov.org>; melissa martz <melissamartzesq@gmail.com>; Cory Strolla <strollalaw@yahoo.com>; Joel Medgebow <joel@medgebowlaw.com>; Jared Beck <jared@beckandlee.com>; Victor Arca <victor@beckandlee.com>; Elizabeth Lee Beck, Esq. <elizabeth@beckandlee.com>
Subject: RE: Machovec v PBC - re: request to stay matter
Importance: High

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Rachel,

I am in receipt of your letter, but so there is no misunderstanding, your client, the Defendant in this case, is now (1) refusing to provide the Plaintiffs with proposed dates for any Rule 1.310 deposition; (2) refusing to make a designation under Rule 1.310(b)(6) for *any* topic related to this case; and (3) refusing to participate in discovery in this case because "there is nothing for Plaintiffs to discover from the County that would be relevant to the burdens of proof in a final hearing"...?

Please correct me if I am misunderstanding your letter in any way, and if necessary, clarify your client's position in response to this message so we may proceed accordingly.

Thanks,

Louis Leo IV, Esq.

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Denise Marie Nieman
County Attorney

Litigation Section

300 North Dixie Highway, Suite 359
West Palm Beach, FL 33401-4606
(561) 355-2225
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Mary Lou Berger

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Official Electronic Letterhead

August 17, 2020

VIA ELECTRONIC MAIL: louis@floridacivilrights.org

Louis Leo IV, Esquire
Florida Civil Rights Coalition, P.L.L.C.
4171 West Hillsboro Boulevard, Suite 9
Coconut Creek, Florida 33073

Mr. Leo,

Plaintiffs requested that the County select and produce a corporate representative for a deposition. The County requested topics. Plaintiff responded, "The topics will **include** Palm Beach County's mask mandate **including but not limited** to drafting, enactment and enforcement of the mandate; the County's interests in requiring masks at any time; coronaviruses; any and all pleadings of the Parties in this case, including the Amended Complaint and the County's Answer and Affirmative Defenses and responses to discovery requests." (emphasis added). The County requested "reasonably particular topics." Plaintiffs disagreed that the topics were too general and inquired whether the County is objecting to Plaintiffs' request. Yes, the County objects specifically to the topics identified and generally to such a deposition.

First, the proposed topics are not reasonably particular. *See Carriage Hills Condo., Inc. v. JBH Roofing & Constructors, Inc.*, 109 So. 3d 329, 336 (Fla. 4th DCA 2013) ("The notice also fails to 'designate with reasonable particularity the matter on which examination is requested,' as required by Rule 1.310(b)(6). Its reference to 'the allegations contained in the complaint' is unduly broad, particularly in a case involving a multi-count pleading sounding in contract and tort."). As you know, Plaintiffs' Amended Complaint is a multi-count pleading with various theories. Moreover, due to the over breadth of the topics, including the word "drafting" and the incorporation of the County's answer and affirmative defenses signed and filed by counsel for the County, Plaintiffs appear to improperly include privileged and confidential attorney client communication, work product, or information protected by the legislative privilege into the corporate representative topics.

Page 1 of 2

Furthermore, the deposition of a County corporate representative is not likely to lead to the discovery of admissible evidence in this case for the following reasons:

1. The Court has found “no constitutional right is infringed by the Mask Ordinance’s mandate to wear a facial veering, and that the requirement to wear such a covering has a clear rational basis based on the protection of public health,” and rejected Plaintiffs’ claims that strict scrutiny must be applied.
2. Plaintiffs have made facial challenges, which do not hinge on individual cases of enforcement.
3. Plaintiffs may not use discovery as a fishing expedition in search of a colorable claim.
4. Such a deposition attempts to discover the individual motives, rationales, and processes of members of a legislative body, which are not relevant and are privileged. *See, e.g., Manatee County v. Estech Gen. Chemicals Corp.*, 402 So. 2d 75, 76 (Fla. 2d DCA 1981) (“The motive of the governmental entity in taking the action, much less the motive of an individual commissioner in voting, has no relevance to this action, and, moreover, we do not see any path from the questions leading to relevant matter.”); *In re Hubbard*, 803 F.3d 1298, 1310 (11th Cir. 2015) (“The legislative privilege ‘protects against inquiry into acts that occur in the regular course of the legislative process and *into the motivation for those acts.*’”) (emphasis original, citations omitted).
5. Given the forgoing, such a deposition would harass and unduly burden the County’s representative(s), requiring the representative(s) to take time away from their regular functions in performing government work, which currently includes combatting the spread of the novel coronavirus.

Accordingly, there is nothing for Plaintiffs to discover from the County that would be relevant to the burdens of proof in a final hearing.

Regards,

/s/ Rachel Fahey

Rachel Fahey
Assistant County Attorney

cc: Joel Medgebow, Esquire, joel@medgebowlaw.com
Melissa Martz, Esquire, melissamarteq@gmail.com
Cory C. Strolla, Esquire, strollalaw@yahoo.com
David Ottey, Chief Assistant County Attorney, dottey@pbcgov.org
Anaili Cure, Assistant County Attorney, acure@pbcgov.org

----- Original message -----

From: Rachel Fahey <RFahey@pbcgov.org>

Date: 8/17/20 7:36 PM (GMT-05:00)

To: Louis Leo IV <louis@floridacivilrights.org>

Cc: Anaili Cure <ACure@pbcgov.org>, David Ottey <DOttey@pbcgov.org>, melissa martz <melissamartzesq@gmail.com>, Cory Strolla <strollalaw@yahoo.com>, Joel Medgebow <joel@medgebowlaw.com>, Jared Beck <jared@beckandlee.com>, Victor Arca <victor@beckandlee.com>, "Elizabeth Lee Beck, Esq." <elizabeth@beckandlee.com>

Subject: RE: Machovec v PBC - re: request to stay matter

Good evening, Louis,

Please see the attached correspondence.

Best regards,

Rachel

Rachel Fahey

Assistant County Attorney

Palm Beach County Attorney's Office

300 North Dixie Highway, Suite 359

West Palm Beach, Florida 33401

Tel.: (561) 355-6557

Fax.: (561) 355-4234

E-mail: rfahey@pbcgov.org

Assistant: jborum@pbcgov.org

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the original email.

Rachel

From: Louis Leo IV <louis@floridacivilrights.org>
Sent: Friday, August 14, 2020 5:27 PM
To: Rachel Fahey <RFahey@pbcgov.org>
Cc: Anaili Cure <ACure@pbcgov.org>; melissa martz <melissamartzesq@gmail.com>; Cory Strolla <strollalaw@yahoo.com>; Joel Medgebow <joel@medgebowlaw.com>; Jared Beck <jared@beckandlee.com>; Victor Arca <victor@beckandlee.com>; Elizabeth Lee Beck, Esq. <elizabeth@beckandlee.com>
Subject: RE: Machovec v PBC - re: request to stay matter

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Rachel,

In an effort to expedite scheduling, we propose the following dates for your client's 30(b)(6) deposition: September 16, 17 or 18.

Please let us know your and your client's preferred date and location for the deposition as soon as possible, so we can finalize and serve the 30(b)(6) notice. Thank you.

Louis Leo IV, Esq.
Florida Civil Rights Coalition, P.L.L.C.
4171 W. Hillsboro Blvd. Suite 9
Coconut Creek, FL 33073
louis@floridacivilrights.org

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----- Original message -----

From: Rachel Fahey <RFahey@pbcgov.org>
Date: 8/14/20 4:50 PM (GMT-05:00)
To: Louis Leo IV <louis@floridacivilrights.org>

Cc: Anaili Cure <ACure@pbcgov.org>, melissa martz <melissamartzesq@gmail.com>, Cory Strolla <strollalaw@yahoo.com>, Joel Medgebow <joel@medgebowlaw.com>, Jared Beck <jared@beckandlee.com>, Victor Arca <victor@beckandlee.com>, "Elizabeth Lee Beck, Esq." <elizabeth@beckandlee.com>

Subject: RE: Machovec v PBC - re: request to stay matter

Louis,

I will provide a substantive response early next week.

Best regards,

Rachel

Rachel Fahey

Assistant County Attorney

Palm Beach County Attorney's Office

300 North Dixie Highway, Suite 359

West Palm Beach, Florida 33401

Tel.: (561) 355-6557

Fax.: (561) 355-4234

E-mail: rfahey@pbcgov.org

Assistant: jborum@pbcgov.org

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From: Louis Leo IV <louis@floridacivilrights.org>
Sent: Friday, August 14, 2020 11:34 AM
To: Rachel Fahey <RFahey@pbcgov.org>
Cc: Anaili Cure <ACure@pbcgov.org>; melissa martz <melissamartzesq@gmail.com>; Cory Strolla <strollalaw@yahoo.com>; Joel Medgebow <joel@medgebowlaw.com>; Jared Beck <jared@beckandlee.com>; Victor Arca <victor@beckandlee.com>; Elizabeth Lee Beck, Esq. <elizabeth@beckandlee.com>
Subject: RE: Machovec v PBC - re: request to stay matter

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Rachel,

You must have misunderstood my email. The word "filings" wasn't contained in the message below and the topics are not too general.

Is your client objecting to a 30(b)(6) deposition that includes as topics the Amended Complaint, the your client's Answer and Affirmative Defenses or your clients' responses to discovery requests? If so, and there is case precedent that supports your client's position, please provide it in response to this message.

In any event, please designate your representative(s) so we may serve the notice and you can file your objection as you deem necessary, and we can seek judicial intervention if needed.

Thanks,

Louis Leo IV, Esq.
Florida Civil Rights Coalition, P.L.L.C.
4171 W. Hillsboro Blvd. Suite 9
[Coconut Creek, FL 33073](http://CoconutCreekFL.com)
louis@floridacivilrights.org

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----- Original message -----

From: Rachel Fahey <RFahey@pbcgov.org>

Date: 8/14/20 10:59 AM (GMT-05:00)

To: Louis Leo IV <louis@floridacivilrights.org>

Cc: Anaili Cure <ACure@pbcgov.org>, melissa martz <melissamartzesq@gmail.com>, Cory Strolla <strollalaw@yahoo.com>, Joel Medgebow <joel@medgebowlaw.com>, Jared Beck <jared@beckandlee.com>, Victor Arca <victor@beckandlee.com>, "Elizabeth Lee Beck, Esq." <elizabeth@beckandlee.com>

Subject: RE: Machovec v PBC - re: request to stay matter

Louis,

The County requests reasonably particular topics. Reference to pleadings, filings, and discovery responses is too general.

Rachel

From: Louis Leo IV <louis@floridacivilrights.org>

Sent: Friday, August 14, 2020 10:35 AM

To: Rachel Fahey <RFahey@pbcgov.org>

Cc: Anaili Cure <ACure@pbcgov.org>; melissa martz <melissamartzesq@gmail.com>; Cory Strolla <strollalaw@yahoo.com>; Joel Medgebow <joel@medgebowlaw.com>; Jared Beck <jared@beckandlee.com>; Victor Arca <victor@beckandlee.com>; Elizabeth Lee Beck, Esq. <elizabeth@beckandlee.com>

Subject: RE: Machovec v PBC - re: request to stay matter

Importance: High

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Rachel,

The topics will include Palm Beach County's mask mandate including but not limited to drafting, enactment and enforcement of the mandate; the County's interests in requiring masks at any time; coronaviruses; any and all pleadings of the Parties in this case, including the Amended Complaint and the County's Answer and Affirmative Defenses and responses to discovery requests.

Please provide the name of your client's designated representative(s) and available dates for the deposition as soon as possible.

Thanks,

Louis Leo IV, Esq.

Florida Civil Rights Coalition, P.L.L.C.
louis@floridacivilrights.org

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----- Original message -----

From: Rachel Fahey <RFahey@pbcgov.org>

Date: 8/13/20 9:14 AM (GMT-05:00)

To: "Joel Medgebow, Esq." <joel@medgebowlaw.com>

Cc: louis@floridacivilrights.org, Anaili Cure <ACure@pbcgov.org>, melissa martz <melissamartzesq@gmail.com>, Cory Strolla <strollalaw@yahoo.com>

Subject: RE: Machovec v PBC - re: request to stay matter

Good morning, Joel,

The County's position on the Plaintiff's proposed terms for dismissing the case remains unchanged.

Please provide the topics for a (b)(6) deposition and then we will make the inquiries necessary to identify the representative and coordinate a deposition date.

All the best,

Rachel

Rachel Fahey

Assistant County Attorney

Palm Beach County Attorney's Office

300 North Dixie Highway, Suite 359

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