

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**TALLAHASSEE REGION
ENVIRONMENTAL GROUP, INC.**

Petitioner,

vs.

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Respondent.

DOAH CASE NO.: 26-0109

AGENCY CASE No.: 25-1045

PETITIONER'S FIRST REQUEST TO PRODUCE

To: Florida Department of Environmental Protection
c/o John Ryen Morgan-Ring, Esq
Kenneth B. Hayman, Esq.
Jay Patrick Reynolds, Esq.
Office of the General Counsel
Respondent

YOU ARE REQUESTED, pursuant to Rule 1.350, Florida Rules of Civil Procedure, to make available to the Petitioner, **Tallahassee Region Environmental Group, Inc.,** within thirty (30) days after service of this request at 10:00 a.m. at the offices of the undersigned, H. **RICHARD BISBEE, P.A.**, Attorney at Law, 1882 Capital Circle N.E., Suite 206, Tallahassee, Florida 32308, Petitioners' attorney, for the purpose of inspecting, photographing, and copying, the following described and identified documents, writings, electronic data, and other materials:

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply to the requests itemized under the section below titled "Items to be Produced."

1. The terms **Respondent**, or "you and "your" or "DEP" as used herein shall mean the Florida Department of Environmental Protection and any Divisions, Sections, Bureaus, or other subdivisions of DEP (wheresoever located) and any agent, employee, attorney, representative, or other person acting or purporting to act on behalf of DEP. The term "**Petitioner**" as used hereto shall mean Tallahassee Region Environmental Group, Inc. and any agent, employee, attorney, representative, or other person acting or purporting to act on behalf of the Petitioner.

2. The word “Document” as utilized herein shall be defined to encompass, without limitation, all documents within the purview of Rule 1.350(a) of the Florida Rules of Civil Procedure, including the original and any non-identical copies (whether different from the original only because of notations made on or attached to such copy or otherwise) and all drafts, whether printed or recorded (in digital, analogue, or other means) or reproduced by any other mechanical process or written or reproduced by hand (whether prepared by you or by any other person) and whether found in business or personal files.

3. The word “communications” as utilized herein shall be defined to encompass, without limitation, letters, memos, emails, post-it notes, presentations, notices, agenda, announcements, press releases, memoranda, or publications.

4. The term “or” means both “or” and “and”.

5. Unless otherwise indicated, all words and terms used in these interrogatories shall have the same meaning as in the Petition for Formal Hearing or any amendments to the Petition.

6. The use of the singular herein shall be determined to include the plural and the masculine or the feminine as appropriate in the context.

7. The term “any” means “any” and “all”.

8. This Request to Produce seeks all responsive information or documents beginning from the date the Respondent began working on the Plan to the present date, unless otherwise indicated.

9. “Relating to” means referring to, regarding, reporting, embodying, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting and consisting of or concerning.

10. The term “person” shall be defined herein as set forth in section 1.01(3), Florida Statutes, to include individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

11. If a corporation, LLC., or other business entity is referred to in this Request to Produce, please assume that this reference includes any officer, director, member, agent or employee of that corporation, LLC., or business entity.

12. Please make sure that your response complies with Rule 1.350(b), Florida Rules of Civil Procedure, which requires a party producing documents to, *inter-alia*, “identify them to correspond with the categories in the request.”

13. The term “**Plan**” shall refer to the Upper Wakulla River and Wakulla Spring Basin Management Action Plan and Final Order adopting same by the **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**), a copy of which is attached as Exhibit “1” to the Petition for Formal Hearing filed in this cause and which is the subject of this proceeding.

14. If you object to producing any documents based on any asserted privilege, including the attorney-client privilege and the work-product protection, you shall so indicate. Each privileged document shall be unambiguously described by setting forth at least:

- a.) The identity of all persons who initiated, received, or were privy to such privileged communication or work product.
- b.) Whether or not any of such persons were legal counsel to you and were acting in such capacity, and if so, which ones.
- c.) the date such communication was made or work product prepared.
- d.) the subject matter of such communication or work product; and
- e.) a concise statement of the reasons for asserting the privilege or privileges.
- f.) a concise statement of the reasons for asserting the privilege or privileges.

Note: there exists a very limited "attorney-client" privilege between an attorney employed by a state agency and the state agency.

ITEMS TO BE PRODUCED

Subject to the foregoing definitions incorporated below by reference, the Petitioners request the Respondent produce the following items:

- 1. With respect to the Plan, all:
 - a. Planning Documents outlining, *inter-alia*, the scope, objectives, timing, and procedures relating to the preparation of the Plan.
 - b. Any test Results, i.e. documentation of the results of the evidence obtained in support of the Plan.
 - c. Copies of any analytical procedures which were followed in developing the Plan.
 - d. All "work papers" that were reviewed and based upon which the opinion(s) of the author(s) of the Plan were based.
- 2. Any emails, letters, text messages, faxes, affidavits, notes, or any other methods for memorializing communications between the Respondent and any of the individuals or entities identified below relating to the Plan:
 - a. City of Tallahassee
 - b. Leon County

- c. Any governmental entities.
- d. Any person not employed by DEP.
- 3. Any formal or informal legal memoranda or opinions, internal operating procedures, guidance letters, office manuals, inspection, audit, or examination manuals, or declaratory statements of DEP relating to the development and final version of the Plan.
- 4. Any documents Respondent anticipates introducing as an exhibit at the final hearing.

H. RICHARD BISBEE P.A.

By: *H. Richard Bisbee*

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Tallahassee Region Environmental
Group, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was served via email through the DOAH filing system upon:

John Ryen Morgan-Ring, Esq
Kenneth B. Hayman, Esq.
Jay Patrick Reynolds, Esq.
Office of the General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd., Mail Station 35
Tallahassee, Florida 33299-3000
Attorneys for the Respondent,
Florida Department of Environmental Protection

on Wednesday, January 28, 2026.

H. RICHARD BISBEE P.A.

By: *H. Richard Bisbee*

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