

1 **IN THE UNITED STATES DISTRICT COURT**
2 **MIDDLE DISTRICT OF FLORIDA**
3 **JACKSONVILLE DISTRICT**

4 SCOTT MEIDE,

Case No. 3:18-cv-1037-MMH-MCR

Plaintiff,

5 v.

6 PULSE EVOLUTION CORPORATION,
7 JOHN TEXTOR, GREGORY CENTINEO,
8 JULIE NATALE, DANA TEJEDA,
9 AGNES KING, JOHN KING,
10 EVOLUTION AI CORPORATION,
11 JORDAN FIKSENBAUM, LAURA ANTHONY,
12 MICHAEL POLLACCIA, a/k/a
13 MICHAEL ANTHONY, FRANK PATTERSON,

Defendants.

14 **PLAINTIFF SCOTT MEIDE'S MOTION TO**
15 **COMPEL ANSWERS TO INTERROGATORIES**

16 COMES NOW the Plaintiff in the above-entitled action, Scott Meide, and moves this
17 Court for an order directing Defendant John Textor to furnish full, complete and non-
18 evasive answers to "Plaintiff Scott Meide's First Set of Interrogatories Directed to
19 Defendant John Textor." The document, "Defendant John Textor's Unverified Answers and
20 Objections to Plaintiff Scott Meide's First Set of Interrogatories," is attached hereto as
21 Exhibit A.

22 See Memorandum of Law, which follows.

23 WHEREFORE, Plaintiff Scott Meide moves this Court for the order directing
24 Defendant John Textor to furnish full, complete and non-evasive answers to Plaintiff Scott
25 Meide's First Set of Interrogatories.

...

...

FILED
2019 FEB 19 PM 2:51
CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DISTRICT

MEMORANDUM OF LAW

COMES NOW the Plaintiff in the above-entitled action, Scott Meide, and would show this Court the following.

Plaintiff Scott Meide ("Meide") has attempted—repeatedly—to comply with Local Rule 3.01(g). On January 12, 2019 Meide sent a letter to Michael J. Lufkin ("Lufkin"), attorney for Defendant John Textor ("Textor"), which was over forty (40) days after the First Set of Interrogatories had been sent. That letter is attached hereto as Exhibit B. That was followed up by email from Meide to Lufkin regarding the same with no result.

Then in January 2019 Meide made repeated phone calls to Michael J. Lufkin ("Lufkin") in an attempt to comply with Local Rule 3.01(g), the details of which are as follows:

(a) Left a voicemail on Lufkin's personal voicemail on Tuesday the 15th and Friday the 18th around 9:15 am.

(b) Left a message with the older female operator on Thursday the 17th and she said she tried to transfer me to his assistant, but couldn't and said there's something wrong with the phone system AND Lufkin is out-of-town till next Tuesday AND I gave her my contact info for her to give to him and his assistant and call me back as I am trying to settle a discovery dispute.

(c) Left a voice message on Tuesday the 22nd approximately at 9:30 am.

(d) Received no calls back from Lufkin.

Lufkin and Meide finally did have a phone conversation, pursuant to Local Rule 3.01(g). However, Meide encountered a masterpiece of obfuscation.

Lufkin made such statements as follows (Meide's brother took notes):

(a) The objections were raised in good faith and have a "good foundation."

(b) That's a transactional question falls outside the bounds of Rule 26.

Of course, it's a transactional question. Transactional information has a time

1 dimension and becomes historical once the transaction is completed. Financial transactions
 2 would pertain to orders, invoices, payments. Non-transactional information would last
 3 longer—a continuing nature, such as names and addresses of customers, vendors,
 4 stockholders, etc.

5 [The answers] are all unverified but in typical practice we are not having any
 6 problems here. Certainly, we can have the information verified in some point
 in time and obviously there are other matters in addressing that issue.

7 From conference phone call with Meide, Lufkin, and another attorney in
 8 Lufkin's firm, Rich Salazar on the afternoon of January 25, 2019.

9 As will more fully appear, *infra*, what Meide has received from Textor at this time is
 10 unverified, unsworn double talk. Meide very seriously doubts that Lufkin would spout such
 11 nonsense in front of a federal judge or a jury.

12 Lufkin should consider:

13 *Standards of Law*

The scope of discovery is well known:

14 Unless otherwise limited by court order, the scope of discovery is as
 15 follows: Parties may obtain discovery regarding any nonprivileged matter
 16 that is relevant to any party's claim or defense and proportional to the
 17 needs of the case, considering the importance of the issues at stake in the
 18 action, the amount in controversy, the parties' relative access to relevant
 information, the parties' resources, the importance of the discovery in
 resolving the issues, and whether the burden or expense of the proposed
 discovery outweighs its likely benefit. Information within this scope of
 discovery need not be admissible in evidence to be discoverable.

19 FED. R. CIV. P. 26(b)(1). The rules "strongly favor full discovery whenever
 20 possible." *Farnsworth v. Procter & Gamble Co.*, 758 F.2d 1545, 1547 (11th
 21 Cir. 1985). That said, relevancy is key. "The discovery process is designed to
 22 fully inform the parties of the relevant facts involved in their case." *U.S. v.*
Pepper's Steel & Alloys, Inc., 132 F.R.D. 695, 698 (S.D. Fla. 1990) (citing
 23 *Hickman v. Taylor*, 329 U.S. 495, 501 (1947)). "The overall purpose of
 24 discovery under the Federal Rules is to require the disclosure of all relevant
 information so that the ultimate resolution of disputed issues in any civil action
 may be based on a full and accurate understanding of the true facts, and
 therefore embody a fair and just result." *Oliver v. City of Orlando*, No. 6:06-

1 cv-1671-Orl-31DAB, 2007 WL 3232227, at * 1 (M.D. Fla. Oct. 31, 2007)
 2 (citing *United States v. Proctor & Gamble Co.*, 356 U.S. 677, 682 (1958)).
 3 “[R]equiring relevance to a claim or defense ‘signals to the court that it has the
 4 authority to confine discovery to the claims and defenses asserted in the
 5 pleadings, and signals to the parties that they have no entitlement to discovery
 6 to develop new claims or defenses that are not already identified in the
 7 pleadings.’” *Builders Flooring Connection, LLC v. Brown Chambliss
 Architects*, No. 2:11CV373-MHT, 2014 WL 1765102, at *1 (M.D. Ala. May 1,
 2014) (quoting GAP Report of Advisory Committee to 2000 amendments to
 Rule 26). “As the Advisory Committee Notes say, ‘[t]he Committee intends
 that the parties and the court focus on the actual claims and defenses involved
 in the action.’” *Liese v. Indian River Cty. Hosp. Dist.*, 701 F.3d 334, 355 (11th
 Cir. 2012) (quoting the GAP Report).

8 Parties can seek the production of information within the scope of Rule 26(b).
 9 See “ ‘state with specificity the grounds for objecting to the request, including
 10 the reasons;” (2) “state whether any responsive materials are being withheld on
 11 the basis of that objection;” and (3) “[a]n objection to part of a request must
 12 specify the part and permit inspection of the rest.” Rule 34(b)(2). The rules
 leave no place for boilerplate style objections. *Siddiq v. Saudi Arabian
 Airlines Corp.*, No. 6:11-cv-69-Orl-19GJK, 2011 WL 6936485, at *3 (M.D.
 Fla. Dec. 7, 2011) (quoting *Milinz v. State Farm Ins. Co.*, 247 F.R.D. 691,
 695 (S.D. Fla. 2007)).

13 *Local Access, LLC v. Peerless Network, Inc.*, Case No. 6:17-cv-236-Orl-
 14 40TBS (M.D. Florida 06/12/2018).

15 In his phone conversation with Lufkin, the response Meide got was worse than
 16 boilerplate—it was subterfuge.

17 Should a jury be allowed to determine the credibility of Textor or should it not?

18 Defendants also moved to dismiss the Amended Complaint because Elwadi
 19 allegedly engaged in “witness tampering” by attempting to bribe potential
 20 witnesses in the case “to provide false testimony . . . in exchange for financial
 21 compensation.” Doc. 27 at 1. Judge Chappell declined to impose sanctions for
 the alleged “witness tampering[.]” finding that the issue was “more of a dispute
 regarding the credibility of witnesses involved in the normal discovery, fact-
 finding process.” Doc. 43 at 5.

22 *Elwadi v. Yassir Alam, LLC*, Case No. 2:17-cv-646-FtM-38CM n. 3 (M.D.
 23 Florida 11/14/2018).

24 Either Defendant Pulse Evolution Corporation (“Pulse”) has “billionaire investors”

per Textor, or it does not. Either Textor is lying, or he is not. In either case, the issue is the credibility of Textor.

STATEMENT OF PLAINTIFF SCOTT MEIDE

This type of “pro se treatment” is not what Local Rule 3.01(g) seems to indicate.

Local Rule 3.01(g) expects parties to confer with unrepresented parties as they would counsel. *See Rigley v. Livingston Fin. LLC*, No. 6:12-cv-617, 2012 WL 12915480, at *1 (M.D. Fla. Dec. 4, 2012). As Lee Memorial points out, the original Case Management and Scheduling Order defines the term “confer” to require “a substantive conversation *in person or by telephone* in a good faith effort to resolve the motion without court action, and does not envision an exchange of ultimatums by fax or letter.” Doc. 74 at 2; Doc. 25 at 3 (emphasis in original).

Goines v. Lee Memorial Health System, Case No. 2:17-cv-656-FtM-29CM (MD Fla. 9/14/2018).

Meide suspects attorney Lufkin is under the impression that—if Meide does not comply in good faith with Local Rule 3.01(g)—his client is under no obligation to furnish honest, non-evasive answers to Meide’s First Set of Interrogatories Directed to Defendant John Textor. Assuming, arguendo, that such a “roadblock” will not be tolerated by this Court, Meide presents the following.

Interrogatory No. 1

Interrogatory No. 1: You have made the claim in an Affidavit, under oath, that the shares of Pulse Evolution were—and are—worth more than the amount for which Plaintiff Scott Meide purchased them. Describe how Plaintiff Scott Meide can exchange those restricted shares of Pulse Evolution for actual cash.

Answer: Defendant objects to this Interrogatory as vague and ambiguous in that it appears to seek a legal conclusion and/or legal advice from Defendant that Defendant has no duty to provide to Plaintiff. Defendant further objects that this Interrogatory because it seeks information not discoverable under Fed. R. Civ. P. 26(b), *i.e.*, information that is irrelevant to Plaintiff’s claims and disproportionate to the needs of the case since it will not assist in resolving anything at issue in this action.

Exhibit A, p. 3.

...

The Reason the Motion Should be Granted

The issue of Interrogatory No. 1 is whether or not Pulse is a “pump and dump” scheme and the credibility (or lack thereof) of Textor.

For a similar case:

As a result of the conspirators’ misrepresentations, the price of Cascade’s stock rose from \$.25 per share to a high of \$11.75 between 1985 and 1991. As the stock’s value increased, the conspirators secretly sold their shares in the company. When their fraudulent conduct came to light in November 1991, approximately eighteen million shares of Cascade stock held by the public immediately became worthless.

United States v. Hedges, 175 F.3d 1312, 1313 (11th Cir. 1999).

Defendants Curshen and Montgomery participated with many others in a conspiracy to defraud the investing public through a pump-and-dump stock manipulation scheme involving shares of CO2 Tech Ltd.’s (“CO2 Tech”) stock.

A pump and dump scheme involves artificially inflating the price and volume of an owned stock—by promotional or trading activity—to sell the stock at a higher price. Once the overvalued shares are dumped, the price and volume of shares plummet and unsuspecting investors lose their money.

Defendants Curshen and Montgomery and their co-conspirators perpetrated their pump-and-dump stock manipulation scheme by issuing false and misleading press releases and other promotional materials and by coordinating the trading activities of CO2 Tech-stock sellers and buyers. Their scheme left unsuspecting investors holding worthless shares of CO2 Tech stock.

United States v. Curshen, Case Nos. 12-12658; 12-12659. (11th Cir. 5/28/2014).

An honest, non-evasive answer will help to determine the following:

- (a) Does the stock Meide purchased have actual cash value or is it worthless?
- (b) Are the Defendants in this action running a “pump and dump” scheme or are they not?
- (c) Is Textor a credible witness or is he a lying, scheming and thieving stock

1 fraud manipulator?

2 (d) Can the Pulse Evolution Corporation stock that Meide owns be redeemed in
3 U.S. currency or is it the stock fraud equivalent of monopoly money?

4 **Interrogatory No. 2**

5 **Interrogatory No. 2:** You have boasted in emails to Plaintiff Scott Meide that you
6 live in a \$5.7 million house. State the exact amount that the Internal Revenue Service
has filed in tax liens against that house that have not been paid.

7 **Answer:** Defendant objects to this Interrogatory as it seeks information irrelevant to
8 any claim made by Plaintiff in his Complaint or defense asserted by any other party.
9 Defendant further objects to this Interrogatory as the information sought is
10 unimportant to resolving the issues in this case and, therefore, is disproportionate to
the needs of the case, and was made purely for vexatious and harassing reasons, and
the disclosure of responsive information would violate the privacy interests of one or
more non-parties.

11 Exhibit A, p. 3.

12 **The Reason the Motion Should be Granted**

13 Textor has repeatedly held himself out to be a super-successful businessman. The
14 question is whether or not Textor actually is a super-successful businessman or is Textor
15 merely another incompetent con-artist who needs more “investors” to keep his income in
16 step with his lifestyle while incapable of paying his taxes.

17 *E.g.*, Meide suspects Textor is “underwater” on his \$5.7 million home.

18 **Interrogatory No. 3**

19 **Interrogatory No. 3:** You have claimed that Defendant Pulse Evolution
20 Corporation has billionaire investors. Name the investors, including their mailing
addresses.

21 **Answer:** Defendant objects to this Interrogatory because it is not reasonably
22 calculated to lead to the discovery of admissible evidence. The information sought is
23 irrelevant to any cognizable claim made by Plaintiff in his Complaint or any defense
24 asserted by any other party. Further, the information this Interrogatory seeks is
disproportionate to the needs of this case; it is unimportant to resolving any matter at
issue in this lawsuit. Defendant also objects to this Interrogatory since it was made
purely for vexatious and harassing reasons, and the disclosure of responsive

1 information would violate the privacy interests of one or more nonparties.

2 Exhibit A, pp. 3-4.

3 **The Reason the Motion Should be Granted**

4 Meide submits that the “non-parties” (“billionaire investors”) are non-existent. The
5 claims of Textor referenced in this interrogatory appear to be part of his “sales pitch” to
6 keep concerned shareholders of Pulse lulled into thinking their investment is legitimate and
7 taking no action against Textor. If such individuals do not exist, Textor should so state.

8 If they do exist, the names and mailing addresses should be furnished under
9 mandatory disclosure, pursuant to Florida Statutes §607.1601 Corporate records and §
10 607.1602 Inspection of records by shareholders, attached hereto as Exhibits C and D,
11 respectively.

12 **Interrogatory No. 4**

13 **Interrogatory No. 4:** You have claimed that Defendant Pulse Evolution
14 Corporation has institutional investors. Name them, including their mailing
addresses.

15 **Answer:** Defendant objects to this Interrogatory as vague and ambiguous in that it
16 does not define the term “institutional investors” about which it seeks information.
17 Defendant objects to this Interrogatory because it is not reasonably calculated to lead
18 to the discovery of admissible evidence. The information sought is irrelevant to any
19 cognizable claim made by Plaintiff in his Complaint or any defense asserted by any
20 other party. Further, the information this Interrogatory seeks is disproportionate to
21 the needs of this case; it is unimportant to resolving any matter at issue in this
lawsuit. Defendant also objects to this Interrogatory because it was made purely for
vexatious and harassing reasons, and the disclosure of information would violate the
privacy interests of one or more non-parties.

22 Exhibit A, p. 4.

23 **The Reason the Motion Should be Granted**

24 Again, Meide does not believe there are any actual “institutional investors” (Textor
has used this term in his emails, so it strains credibility that Textor does not understand the

1 exact meaning).

2 Again, the credibility of Textor is at issue. If any “institutional investors” do exist,
3 the names and mailing addresses should be furnished under mandatory disclosure, pursuant
4 to Florida Statutes §607.1601 Corporate records and § 607.1602 Inspection of records by
5 shareholders, attached hereto as Exhibits C and D, respectively.

6 **Interrogatory No. 5**

7 **Interrogatory No. 5:** List the names and addresses of all the individuals who have
8 purchased stock in Defendant Pulse Evolution Corporation [attach additional sheets
if necessary].

9 **Answer:** Defendant objects to this Interrogatory on the grounds that it is not likely
10 to lead to the discovery of admissible evidence, is irrelevant and disproportionate to
11 any claim made by Plaintiff, was made purely for vexatious and harassing reasons,
and the disclosure of information would violate the privacy interests of one or more
non-parties.

12 Exhibit A, p. 4-5.

13 **The Reason the Motion Should be Granted**

14 This answer may not be necessary as Meide has already issued a third-party
15 subpoena to acquire the requested information.

16 This information is necessary for Meide in that he will be able to demonstrate that
17 Textor has been involved in numerous stock frauds.

18 However, the names and mailing addresses are legally available to Meide or any
19 other stockholder involved, pursuant to Florida Statutes §607.1601 Corporate records and §
20 607.1602 Inspection of records by shareholders, attached hereto as Exhibits C and D,
21 respectively.

22 **Interrogatory No. 6**

23 **Interrogatory No. 6:** List all the lawsuits, state and/or federal, to which you have
24 been a party, include names of lawsuits, docket numbers and the courts in which they
were filed within the last ten (10) years.

1 **Answer:** Defendant objects to this Interrogatory because it seeks information that is
 2 neither relevant to any claims or defenses in this action nor reasonably calculated to
 3 lead to the discovery of admissible evidence. Further, the information this
 4 Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to
 5 resolving any matter at issue in this lawsuit. Defendant also objects to this
 6 Interrogatory since it seeks information that is publicly available, available to
 7 Plaintiff from a more convenient, less burdensome source, and/or is in the possession
 8 of individuals and/or entities over which Defendant has no control.

9 Exhibit A, p. 5.

10 **The Reason the Motion Should be Granted**

11 This answer to this interrogatory may be public in courts across the United States,
 12 but only the federal courts have a complete searchable database but the years available are
 13 variable within each court. Textor has been a defendant in 10 federal cases in the last ten
 14 years, including this one.

15 However, within each state most cases originate in the local courts—county and city.
 16 There are 3,142 counties within the United States which would be like searching for
 17 haystacks and then the needles in those haystacks.

18 **Interrogatory No. 7**

19 **Interrogatory No. 7:** Form 8-K/A was filed on October 24, 2018 with the SEC to
 20 amend Form 8-K previously filed by Recall Studios on August 8, 2018 Report. The
 21 auditors, Fruci & Associates II, PLLC, made the following statements:

22 Our report dated October 24, 2018, with respect to those financial statements,
 23 includes an emphasis of matter paragraph relating to the uncertainty of
 24 [Defendant] Evolution AI Corporation's ability to continue as a going concern.

Form 8-K/A, Exhibit 23.1.

Our report dated October 24, 2018, with respect to those financial statements,
 includes an emphasis of matter paragraph relating to the uncertainty of
 [Defendant] Pulse Evolution Corporation's ability to continue as a going
 concern.

Form 8-K/A, Exhibit 23.2.

Explain how you intend to turn the failing operation around.

Answer: Defendant objects to this Interrogatory as vague and ambiguous since it seeks information about an unspecified “operation.” Defendant further objects to this Interrogatory since it assumes an erroneous fact, *i.e.*, that there is a “failing operation” for Defendant to “turn around.” Defendant also objects to this Interrogatory because it seeks information that is neither relevant to any claims or defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Further, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory since it seeks information that is confidential and/or proprietary business information.

Exhibit A, p. 5-6.

The Reason the Motion Should be Granted

The “operation” should be self-evident as it is described in the interrogatory as Form 8-K/A filed October 24, 2018 with the SEC (*see* Exhibit A, p. 5, Interrogatory No. 7).

“Going concern” would appear to be a synonym for “operation.”

On August 8, 2018, Recall Studios, Inc. entered into an agreement to acquire 99.7% of Defendant Evolution AI Corporation (EAI), which owned approximately 58% of Pulse.

As CEO and Director of Recall Studios, Inc. (now “operating” as “Pulse Evolution Group, Inc.” effective as of February 15, 2019, per the January 29, 2019 filing of “Amendment and Name Change” with the Florida Department of State, Division of Corporations) Textor could supply a general plan to all Pulse stockholders without revealing any confidential and/or proprietary business information. This would be especially relevant considering the recent Reverse Stock Split as described in the filing. Most of Textor’s “answer” is mere boilerplate.

Interrogatory No. 8

Interrogatory No. 8: You sent me a text via telephone the following:

You don’t mind if I block your number, do you? We really shouldn’t be talking to each other...and I am too busy running a company with a \$350 million market value in which you chose not to participate. Good luck with the dismissal action...and get ready to respond to court actions in multiple other states. :)

1 Evidently the \$350 million market value of Recall Studios, Inc. appears to be due to
 2 the consolidation of two corporations—Defendant Evolution AI Corporation (of
 3 which you are named as President, Secretary, Treasurer, and Initial Director in
 4 reports filed with the Florida Secretary of State) and Defendant Pulse Evolution
 Corporation (of which you are named as Director in reports filed with the Florida
 Secretary of State)—with Recall Studios, Inc.

5 Recall Studios filed Form 10-Q on August 15, 2018, which you signed as Chief
 6 Executive Officer (Principal Executive Officer, Principal Financial Officer and
 7 Principal Accounting Officer). That form shows that on June 30, 2018, the total
 assets were \$378,000 and the total liabilities were \$4,100,000, which results in a net
 worth of (\$3,722,000) or in layman's terms, 3.722 million dollars in the hole.

8 On December 31, 2017 the balance sheet of Defendant Evolution AI Corporation
 9 shows total assets of \$5,840 and total current liabilities of \$45,100, which results in a
 net worth of (\$39,260) or in layman's terms, 39 thousand dollars in the hole.

10 On June 30, 2018 the balance sheet of Defendant Pulse Evolution Corporation shows
 11 total assets of \$11,766,462 and total liabilities of \$13,776,503, which results in a net
 worth of (\$2,010,041) or in layman's terms, 2 million dollars in the hole.

12 Please explain how consolidating three companies with a combined net worth of less
 13 than zero (- 0 -) has resulted in the market value of Recall Studios, Inc. becoming
 350 million dollars.

14 **Answer:** Defendant objects to this Interrogatory as vague and ambiguous in that it
 15 appears to seek legal and/or accounting advice from Defendant that Defendant has
 16 no duty to provide to Plaintiff under Fed. R. Civ. P. 26. Defendant further objects
 17 that this Interrogatory because it seeks information not discoverable under Fed. R.
 Civ. P. 26(b), i.e., information about an uninvolved third party that is irrelevant to
 Plaintiff's claims and disproportionate to the needs of the case since it will not assist
 in resolving anything at issue in this action.

18 Exhibit A, p. 6-7.

19 **The Reason the Motion Should be Granted**

20 Meide is not seeking legal advice.

21 Meide is not seeking accounting advice.

22 Meide is merely asking a question that can be answered with simple arithmetic.

23 Pulse Evolution Corporation is not an "uninvolved third party," rather, it is a
 24 Defendant. As for Recall Studios, Inc., as noted *supra*, it is now "operating" as "Pulse

1 lead to the discovery of admissible evidence. Further, the information this
 2 Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to
 3 resolving any matter at issue in this lawsuit. Defendant also objects to this
 4 Interrogatory since it seeks information that is confidential or proprietary business
 information. Defendant objects to this Interrogatory because it is impossible, as a
 practical matter, for Defendant to answer and/or the disclosure of such information
 would violate the personal and privacy interests of non-parties.

5 Exhibit A, p. 8.

6 **The Reason the Motion Should be Granted**

7 An answer of “none,” which Meide suspects is the truth, would certainly underscore
 8 Meide’s claim that Textor and his cohorts are con artists, stock fraudsters, market
 9 manipulators and the like.

10 Again, the issue is Textor’s credibility. Meide believes, honest, non-evasive answers
 11 to Plaintiff’s First Set of Interrogatories will determine that Textor is a pathological liar who,
 12 if this Motion is granted, will probably hide behind the self-incrimination clause of the Fifth
 13 Amendment, U.S. Constitution.

14 WHEREFORE, Plaintiff Scott Meide moves this Court to grant his Motion to
 15 Compel Answers to his First Set of Interrogatories Directed to Defendant John Textor.

16 Respectfully submitted,

17 Dated: February 19, 2019

18 /s/ Scott Meide
 19 Scott Meide
 4446-1 Hendricks Avenue, Suite 327
 Jacksonville, FL 32207
 Phone: 904-343-1094

21 Email: jsicenterzo@gmail.com
 22
 23
 24

1 Evolution Group, Inc” and has acquired 58% of Pulse.

2 Once again, the credibility of Textor is at issue.

3 **Interrogatory No. 9**

4 **Interrogatory No. 9:** Describe all compensation you have personally received from
5 Recall Studios, Inc., Evolution AI Corporation, and Pulse Evolution Corporation in
the last five (5) years to date.

6 **Answer:** Defendant objects to this Interrogatory because it seeks information that is
7 neither relevant to any claims or defenses in this action nor reasonably calculated to
8 lead to the discovery of admissible evidence. Further, the information this
9 Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to
10 resolving any matter at issue in this lawsuit. Defendant also objects to this
Interrogatory because it seeks information that is confidential or proprietary business
information. Defendant further objects to this Interrogatory since portions of
information responsive hereto are contained in public documents as available to
Plaintiff as Defendant.

11 Exhibit A, p. 7.

12 **The Reason the Motion Should be Granted**

13 The information Meide seeks is totally relevant. How much money has Textor
14 looted from his various “pump and dump” schemes? Meide submits that, to the extent
15 public documents are available, said documents are not trustworthy. Textor and his cohorts
16 have a penchant for paying people to send bogus press releases and submit false filings to
17 the Securities and Exchange Commission.

18 Is Textor taking money from the companies he is involved in or is he not? Again,
19 the credibility of Textor is at issue.

20 **Interrogatory No. 10**

21 **Interrogatory No. 10:** Describe the money (not in terms of stock, only in terms of
22 actual payments in cash) that investors have received as profit from investing in
Recall Studios, Inc., Evolution AI Corporation, and Pulse Evolution Corporation in
23 the last five (5) years to date.

24 **Answer:** Defendant objects to this Interrogatory because it seeks information that is
neither relevant to any claims or defenses in this action nor reasonably calculated to

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of February 2019, a true and accurate copy of the foregoing,

**PLAINTIFF SCOTT MEIDE'S MOTION TO COMPEL ANSWERS TO
INTERROGATORIES WITH MEMORANDUM IN SUPPORT**

has been placed in the U.S. Mail, first class postage prepaid, addressed to the following:

MICHAEL D. LEE

Liles Gavin, P.A.

Attorneys for Defendants Gregory Centineo,

Julie Natale, Agnes King and John King

301 W. Bay Street, Suite 1030

Jacksonville, Florida 32202

Florida Bar No.: 495336

Email: mlee@lilesgavin.com

R. KYLE GAVIN

Liles Gavin, P.A.

Attorneys for Defendants Gregory Centineo,

Julie Natale, Agnes King and John King

301 W. Bay Street, Suite 1030

Jacksonville, Florida 32202

Florida Bar No.: 747076

Email: kgavin@lilesgavin.com

Ph.: (904) 634-1100 / Fax: (904) 634-1234

Secondary email: jostwald@lilesgavin.com

MICHAEL J. LUFKIN

Florida Bar No. 0030492

Buchanan Ingersoll & Rooney PC

*Attorneys for Defendants Pulse Evolution Corporation, Evolution AI
Corporation, Jordan Fiksenbaum, Frank Patterson and John Textor*

50 North Laura Street, Suite 2800

Jacksonville, FL 32202

E-mail: michael.lufkin@bipc.com

Ph.: (904) 598-3100 / Fax: (904) 598-3131

RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), Plaintiff Scott Meide has conferred with opposition counsel, Michael J. Lufkin, Esq. of Buchanan Ingersoll & Rooney PC, *Attorneys for Defendants Pulse Evolution Corporation, Evolution AI Corporation, Jordan Fiksenbaum, Frank Patterson and John Textor* and represents that Defendant John Textor opposes the entry of an order granting this motion.

Respectfully submitted this 19th day of February 2019.

/s/ Scott Meide

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SCOTT MEIDE,

Plaintiff,

Case No. 3:18-cv-01037-MMH-MCR

v.

PULSE EVOLUTION CORPORATION,
JOHN TEXTOR, GREGORY CENTINEO,
JULIE NATALE, DANA TEJEDA, AGNES KING,
JOHN KING, EVOLUTION AI CORPORATION,
JORDAN FIKSENBAUM, LAURA ANTHONY,
MICHAEL POLLACCIA, a/k/a MICHAEL ANTHONY,
and FRANK PATTERSON,

Defendant.

**DEFENDANT JOHN TEXTOR'S UNVERIFIED ANSWERS AND OBJECTIONS
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 26 and 33, Defendant John Textor ("Defendant") provides the following responses and objections to Plaintiff Scott Meide's ("Plaintiff" or "Meide") First Set of Interrogatories to Defendant ("Plaintiff's Interrogatories").

GENERAL OBJECTIONS

A. Defendant objects to Plaintiff's Interrogatories to the extent that they purport to impose requirements that exceed those set forth by the Federal Rules of Civil Procedure or Local Civil Rules.

B. Defendant objects to Plaintiff's Interrogatories to the extent that they are not limited in time and scope or are overbroad in time and scope.

C. Defendant objects to Plaintiff's Interrogatories to the extent that they request information that is trade secret and/or confidential or proprietary business information.

D. Defendant objects to Plaintiff's Interrogatories to the extent that they seek information protected from discovery by the attorney-client privilege, work product doctrine, or other recognized privilege against disclosure. Inadvertent identification or production of any such information shall not constitute a waiver of any privilege with respect to the subject matter thereof or the information contained therein, and shall not waive Defendant's rights to object to the use of any information contained therein during any subsequent proceeding.

E. Defendant objects to Plaintiff's Interrogatories to the extent that they seek personal and/or confidential information and/or documents pertaining to non-parties to the litigation, including but not limited to Defendant's current or former employees, representatives or agents and Defendant's current or former clients and customers.

F. Defendant objects to Plaintiff's Interrogatories to the extent that they seek legal advice, are conclusions of fact or law and argumentative matter, assume facts and matters that are in controversy, or seek information more appropriately sought by other discovery devices or questions better posed to Plaintiff's counsel, if any.

G. Defendant objects to Plaintiff's Interrogatories to the extent that they seek documents or information available to Plaintiff from a more convenient, less burdensome source and/or are in the possession of individuals and/or entities over which Defendant has no control.

H. Defendant objects to Plaintiff's Interrogatories to the extent that they seek electronically stored information ("ESI") in the absence of an agreed-upon, not overly burdensome approach for searching for ESI relevant to this litigation in Defendant's electronic information systems.

I. In accordance with Fed. R. Civ. P. 26(e) and 33, Cordell reserves the right to amend, supplement, or correct any part of her answers to these interrogatories.

ANSWERS AND SPECIFIC OBJECTIONS

Interrogatory No. 1:

You have made the claim in an Affidavit, under oath, that the shares of Pulse Evolution were — and are — worth more than the amount for which Plaintiff Scott Meide purchased them. Describe how Plaintiff Scott Meide can exchange those restricted shares of Pulse Evolution for actual cash.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous in that it appears to seek a legal conclusion and/or legal advice from Defendant that Defendant has no duty to provide to Plaintiff. Defendant further objects that this Interrogatory because it seeks information not discoverable under Fed. R. Civ. P. 26(b), *i.e.*, information that is irrelevant to Plaintiff's claims and disproportionate to the needs of the case since it will not assist in resolving anything at issue in this action.

Interrogatory No. 2:

You have boasted in emails to Plaintiff Scott Meide that you live in a \$5.7 million house. State the exact amount that the Internal Revenue Service has filed in tax liens against that house that have not been paid.

ANSWER: Defendant objects to this Interrogatory as it seeks information irrelevant to any claim made by Plaintiff in his Complaint or defense asserted by any other party. Defendant further objects to this Interrogatory as the information sought is unimportant to resolving the issues in this case and, therefore, is disproportionate to the needs of the case, and was made purely for vexatious and harassing reasons, and the disclosure of responsive information would violate the privacy interests of one or more non-parties.

Interrogatory No. 3:

You have claimed that Defendant Pulse Evolution Corporation has billionaire investors. Name the investors, including their mailing addresses.

ANSWER: Defendant objects to this Interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence. The information sought is irrelevant to any cognizable claim made by Plaintiff in his Complaint or any defense asserted by any other party. Further, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory since it was made purely for vexatious and harassing reasons, and the disclosure of responsive information would violate the privacy interests of one or more non-parties.

Interrogatory No. 4:

You have claimed that Defendant Pulse Evolution Corporation has institutional investors. Name them, including their mailing addresses.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous in that it does not define the term “institutional investors” about which it seeks information. Defendant objects to this Interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence. The information sought is irrelevant to any cognizable claim made by Plaintiff in his Complaint or any defense asserted by any other party. Further, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory because it was made purely for vexatious and harassing reasons, and the disclosure of information would violate the privacy interests of one or more non-parties.

Interrogatory No. 5:

List the names and addresses of all the individuals who have purchased stock in Defendant Pulse Evolution Corporation [attach additional sheets if necessary].

ANSWER: Defendant objects to this Interrogatory on the grounds that it is not likely to lead to the discovery of admissible evidence, is irrelevant and disproportionate to any claim made by Plaintiff, was made purely for vexatious and harassing reasons, and the disclosure of information would violate the privacy interests of one or more non-parties.

Interrogatory No. 6:

List all the lawsuits, state and/or federal, to which you have been a party, include names of lawsuits, docket numbers and the courts in which they were filed within the last ten (10) years.

ANSWER: Defendant objects to this Interrogatory because it seeks information that is neither relevant to any claims or defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Further, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory since it seeks information that is publicly available, available to Plaintiff from a more convenient, less burdensome source, and/or is in the possession of individuals and/or entities over which Defendant has no control.

Interrogatory No. 7:

Form 8-K/A was filed on October 24, 2018 with the SEC to amend Form 8-K previously filed by Recall Studios on August 8, 2018 Report. The auditors, Fruci & Associates II, PLLC, made the following statements:

Our report dated October 24, 2018, with respect to those financial statements, includes an emphasis of matter paragraph relating to the uncertainty of [Defendant] Evolution AI Corporation's ability to continue as a going concern.

Form 8-K/A, Exhibit 23.1.

Our report dated October 24, 2018, with respect to those financial statements, includes an emphasis of matter paragraph relating to the uncertainty of [Defendant] Pulse Evolution Corporation's ability to continue as a going concern.

Form 8-K/A, Exhibit 23.2.

Explain how you intend to turn the failing operation around.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous since it seeks information about an unspecified “operation.” Defendant further objects to this Interrogatory since it assumes an erroneous fact, *i.e.*, that there is a “failing operation” for Defendant to “turn around.” Defendant also objects to this Interrogatory because it seeks information that is neither relevant to any claims or defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Further, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory since it seeks information that is confidential and/or proprietary business information.

Interrogatory No. 8:

You sent me a text via telephone the following:

You don't mind if I block your number, do you? We really shouldn't be talking to each other...and I am too busy running a company with a \$350 million market value in which you chose not to participate. Good luck with the dismissal action...and get ready to respond to court actions in multiple other states. :)

Evidently the \$350 million market value of Recall Studios, Inc. appears to be due to the consolidation of two corporations—Defendant Evolution AI Corporation (of which you are named as President, Secretary, Treasurer, and Initial Director in reports filed with the Florida Secretary of State) and Defendant Pulse Evolution Corporation (of which you are named as Director in reports filed with the Florida Secretary of State)—with Recall Studios, Inc.

Recall Studios filed Form 10-Q on August 15, 2018, which you signed as Chief Executive Officer (Principal Executive Officer, Principal Financial Officer and Principal Accounting Officer). That form shows that on June 30, 2018, the total assets were \$378,000 and the total liabilities were \$4,100,000, which results in a net worth of (\$3,722,000) or in layman's terms, 3.722 million dollars in the hole.

On December 31, 2017 the balance sheet of Defendant Evolution AI Corporation shows total assets of \$5,840 and total current liabilities of \$45,100, which results in a net worth of (\$39,260) or in layman's terms, 39 thousand dollars in the hole.

On June 30, 2018 the balance sheet of Defendant Pulse Evolution Corporation shows total assets of \$11,766,462 and total liabilities of \$13,776,503, which results in a net worth of (\$2,010,041) or in layman's terms, 2 million dollars in the hole.

Please explain how consolidating three companies with a combined net worth of less than zero (- 0 -) has resulted in the market value of Recall Studios, Inc. becoming 350 million dollars.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous in that it appears to seek legal and/or accounting advice from Defendant that Defendant has no duty to provide to Plaintiff under Fed. R. Civ. P. 26. Defendant further objects that this Interrogatory because it seeks information not discoverable under Fed. R. Civ. P. 26(b), *i.e.*, information about an uninvolved third party that is irrelevant to Plaintiff's claims and disproportionate to the needs of the case since it will not assist in resolving anything at issue in this action.

Interrogatory No. 9:

Describe all compensation you have personally received from Recall Studios, Inc., Evolution AI Corporation, and Pulse Evolution Corporation in the last five (5) years to date.

ANSWER: Defendant objects to this Interrogatory because it seeks information that is neither relevant to any claims or defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Further, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory because it seeks information that is confidential or proprietary business information. Defendant further objects to this Interrogatory since portions of information responsive hereto are contained in public documents as available to Plaintiff as Defendant.

Interrogatory No. 10:

Describe the money (not in terms of stock, only in terms of actual payments in cash) that investors have received as profit from investing in Recall Studios, Inc., Evolution AI Corporation, and Pulse Evolution Corporation in the last five (5) years to date.

ANSWER: Defendant objects to this Interrogatory because it seeks information that is neither relevant to any claims or defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Further, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory since it seeks information that is confidential or proprietary business information. Defendant objects to this Interrogatory because it is impossible, as a practical matter, for Defendant to answer and/or the disclosure of such information would violate the personal and privacy interests of non-parties.

Dated this 4th day of January 2019.

By: /s/ Michael J. Lufkin

Michael J. Lufkin

Florida Bar No. 0030492

E-mail: michael.lufkin@bipc.com

BUCHANAN INGERSOLL & ROONEY PC

50 North Laura Street, Suite 2800

Jacksonville, FL 32202

Telephone: (904) 598-3100

Facsimile: (904) 598-3131

Attorneys for Defendants Pulse Evolution Corporation,
Evolution AI Corporation, John Textor, Jordan
Fiksenbaum, and Frank Patterson

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the foregoing Defendant John Textor's Answers and Objections to Plaintiff's First Set of Interrogatories was served via e-mail and U.S.

Mail this 4th day of January 2019 on the following:

Scott Meide
4446-1 Hendricks Avenue, Suite 327
Jacksonville, FL 32207
E-mail: jsicenterzo@gmail.com

Pro se Plaintiff

Michael D. Lee, Esq.
R. Kyle Gavin, Esq.
Liles Gavin, P.A.
301 W. Bay Street, Suite 1030
Jacksonville, FL 32202
E-mail: mlee@lilesgavin.com
kgavin@lilesgavin.com
jostwald@lilesgavin.com

Attorneys for Defendants Gregory Centineo,
Julie Natale, Agnes King, and John King

Dana Tejada
245 NE 14th Street, Apt. 3808
Miami, FL 33132-1641
E-mail: dana.t@icloud.com

Pro se Defendant

Robert F. Salkowski, Esq.
Zarco Einhorn Salkowski & Brito, PA
One Biscayne Tower
2 South Biscayne Blvd., Suite 3400
Miami, FL 33131
E-mail: rsalkowski@zarcolaw.com

Attorneys for Defendants Laura Anthony and
Michael Pollaccia a/k/ Michael Anthony

/s/ Michael J. Lufkin

Attorney

VERIFICATION

STATE OF _____)
)
COUNTY OF _____)

By: _____
JOHN TEXTOR

The foregoing answers to interrogatories were acknowledged before me as true and correct this _____ day of _____, 2019 by Defendant John Textor, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

NOTARY PUBLIC

Printed Name of Notary Public

Commission Number: _____

Scott Meide
4446-1 Hendricks Avenue
Suite 327
Jacksonville, FL 32207
907.343.1094

January 12, 2019

Michael J. Lufkin, Esq.
Florida Bar No. 0030492
Buchanan Ingersoll & Rooney PC
*Attorneys for Defendants Pulse Evolution Corporation, Evolution AI Corporation,
Jordan Fiksenbaum, Frank Patterson and John Textor*
50 North Laura Street, Suite 2800
Jacksonville, FL 32202
E-mail: michael.lufkin@bipc.com
Ph.: (904) 598-3100 / Fax: (904) 598-3131

RE: Case No. 3:18-cv-1037-MMH-MCR, Plaintiff Scott Meide's First Set of
Interrogatories Directed to Defendant John Textor

Dear Sir:

This is an attempt to resolve a discovery dispute we are obviously having, as well
as I am attempting to comply with Local Rule 3.01(g).

(g) Before filing any motion in a civil case, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action, the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion, and shall file with the motion a statement (1) certifying that the moving counsel has conferred with opposing counsel and (2) stating whether counsel agree on the resolution of the motion. A certification to the effect that opposing counsel was unavailable for a conference before filing a motion is insufficient to satisfy the parties' obligation to confer. The moving party retains the duty to contact opposing counsel expeditiously after filing and to supplement the motion promptly with a statement certifying whether or to what extent the parties have resolved the issue(s) presented in the motion. If the interested parties agree to all or part of the relief sought in any motion, the caption of the motion shall include the word "unopposed," "agreed,"

or “stipulated” or otherwise succinctly inform the reader that, as to all or part of the requested relief, no opposition exists.

Local Rule 3.01(g)

(a) A motion to compel discovery pursuant to Rule 36 or Rule 37, Fed.R.Civ.P., shall include quotation in full of each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed; each of which shall be followed immediately by quotation in full of the objection and grounds therefor as stated by the opposing party; or the answer or response which is asserted to be insufficient, immediately followed by a statement of the reason the motion should be granted. The opposing party shall then respond as required by Rule 3.01(b) of these rules.

Local Rule 3.04(a)

I realize you are in a difficult situation. If John Textor answers the interrogatories fully, honestly, and non-evasively, he loses his case and, in addition, opens himself up to criminal prosecution.

I consented to an extension of time for your client to answer the interrogatories.

This is an example of what I received:

Interrogatory No. 1:

You have made the claim in an Affidavit, under oath, that the shares of Pulse Evolution were—and are—worth more than the amount for which Plaintiff Scott Meide purchased them. Describe how Plaintiff Scott Meide can exchange those restricted shares of Pulse Evolution for actual cash.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous in that it appears to seek a legal conclusion and/or legal advice from Defendant that Defendant has no duty to provide to Plaintiff. Defendant further objects that this Interrogatory because it seeks information not discoverable under Fed. R. Civ. P. 26(b), i.e., information that is irrelevant to Plaintiff's claims and disproportionate to the needs of the case since it will not assist in resolving anything at issue in this action.

This interrogatory is hardly “vague and ambiguous” or requires a “legal conclusion.”

How does asking how to cash in shares constitute “legal advice”? It appears, from the first shareholder’s list provided to me that John Textor is running a corporation that has 224 million shares, 214 million of which are “restricted.” Plaintiff suspects that hundreds of other shareholders would like to know how to cash in their stock as well.

Contrary to John Textor’s assertion that the information “will not assist in resolving anything at issue in this action,” the information *is* relevant because it will allow a judge or a jury to assess the credibility of John Textor.

You might want to review some relevant case law:

The object of all legal investigations, ladies and gentlemen, is the discovery of the truth.

... You are the sole and the exclusive judges of the credibility of the witnesses, and in determining the credibility of the witnesses, you may consider all the facts and all the circumstances of this case.

Brooks v. Kemp, 762 F.2d 1383, 1417 (11th Cir. 1985) (jury instructions).

Issues concerning the credibility of witnesses and weight of the evidence are questions of fact which require resolution by the trier of fact.

Tippens v. Celotex Corp., 805 F.2d 949, 954 (11th Cir. 1986).

Discovery, whether civil or criminal, is essentially a private process because the litigants and the courts assume that the sole purpose of discovery is to assist trial preparation.

United States v. Anderson, 799 F.2d 1438, 1441 (11th Cir. 1986).

I am entitled to demonstrate to a jury that John Textor is not a credible witness.

[I]n resolving discovery disputes, relevancy and proportionality are the guiding principles: “Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b). In order to determine the scope of discovery the Courts and the parties must consider and evaluate “the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” *Id.* (“The parties and the court have a collective responsibility to consider the proportionality of all discovery and consider it in resolving discovery disputes.” Comment, 2015 Amendment).

Novero v. Duke Energy, Case No. 5:16-cv-571-Oc-39PRL (M.D. Florida 7/31/2017).

I realize you will probably give me the “pro se treatment.” However:

Local Rule 3.01(g) expects parties to confer with unrepresented parties as they would counsel. *See Rigley v. Livingston Fin. LLC*, No. 6:12-cv-617, 2012 WL 12915480, at *1 (M.D. Fla. Dec. 4, 2012). As Lee Memorial points out, the original Case Management and Scheduling Order defines the term “confer” to require “a substantive conversation *in person or by telephone* in a good faith effort to resolve the motion without court action, and does not envision an exchange of ultimatums by fax or letter.” Doc. 74 at 2; Doc. 25 at 3 (emphasis in original).

Goines v. Lee Memorial Health System, Case No. 2:17-cv-656-FtM-29CM (9/14/2018).

John Textor’s boilerplate responses to my interrogatories are not satisfactory:

Defendant also interposed boilerplate objections in response to specific discovery requests. Defendant objected to interrogatory number 4 and each of Plaintiff’s requests for production numbered 1-5, 7 and 8 “on the grounds that [they are] vague and overly broad, harassing, create[] and undue burden on Defendant, and seek[] irrelevant information not proportional to the needs of this case” (Doc. 22-2 at 5, 16-17). These objections are improper. “The grounds for objecting to an interrogatory must be stated with specificity.” FED. R. CIV. P. 33(b)(4). The federal rules require a party objecting to requests for production to: (1) “state with specificity the grounds for objecting to the request, including the reasons;” (2) “state

whether any responsive materials are being withheld on the basis of that objection;” and (3) if the objection is only made to part of a request, “specify the part and permit inspection of the rest.” FED. R. CIV. P. 34(b)(2)(B)-(C).

Hilton v. IC Systems, Inc., Case No. 6:16-cv-1366-Orl-40TBS (7/21/2017).

You have already been given more time than F. R. Civ. P. 33 allows. However, I am also aware of the Local Rules that I must comply with. Therefore, pursuant to Local Rule 3.01(g), please advise me of a time to telephone so that we can discuss our discovery disputes. You should get back to me within ten (10) days of this correspondence.

I am aware of “what comes next” should our conference fail to elicit the response I seek.

Rule 37 of the Federal Rules of Civil Procedure states, in relevant part:

(a) Motion for an Order Compelling Disclosure or Discovery.

(1) *In General.* On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.

Federal Rules of Civil Procedure (2019 Edition)

A motion to compel must comply with the Federal and Local Rules. *See Loren v. Sasser*, 309 F.3d 1296, 1304 (11th Cir. 2002). Priore does not file a motion to compel that complies with FL R USDCTMD Rule 3.04(a). Specifically, Priore does not include a full quotation of each interrogatory or request for production to which the motion is addressed that is immediately followed by a statement of the reason the motion should be granted. *See* FL R USDCTMD Rule 3.04(a).

Daisy, Inc. v. Pollo Operations, Inc., Case No. 2:14-cv-564-FtM-38CM (6/10/2015) (footnote omitted).

Please respond appropriately. Hopefully, there will be no need to attach this correspondence to a Motion to Compel.

Sincerely,

/s/ Scott Meide

Scott Meide
4446-1 Hendricks Avenue, Suite 327
Jacksonville, FL 32207
Phone: 904-343-1094
Email: jsicenterzo@gmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 12th day of January, 2019, a true and accurate copy of the foregoing

**LETTER TO MICHAEL J. LUFKIN, ATTORNEY FOR DEFENDANT
JOHN TEXTOR, REGARDING PLAINTIFF SCOTT MEIDE'S FIRST SET
OF INTERROGATORIES DIRECTED TO DEFENDANT JOHN TEXTOR**

has been placed in the U.S. Mail, first class postage prepaid, addressed to the following:

Michael J. Lufkin, Esq.
Florida Bar No. 0030492
Buchanan Ingersoll & Rooney PC
*Attorneys for Defendants Pulse Evolution Corporation, Evolution AI Corporation,
Jordan Fiksenbaum, Frank Patterson and John Textor*
50 North Laura Street, Suite 2800
Jacksonville, FL 32202
E-mail: michael.lufkin@bipc.com
Ph.: (904) 598-3100 / Fax: (904) 598-3131

/s/ Scott Meide _____
Scott Meide

Select Year:

The 2018 Florida Statutes

[Title XXXVI](#)

[Chapter 607](#)

[View Entire Chapter](#)

BUSINESS ORGANIZATIONS FLORIDA BUSINESS CORPORATION ACT

607.1601 Corporate records.—

(1) A corporation shall keep as permanent records minutes of all meetings of its shareholders and board of directors, a record of all actions taken by the shareholders or board of directors without a meeting, and a record of all actions taken by a committee of the board of directors in place of the board of directors on behalf of the corporation.

(2) A corporation shall maintain accurate accounting records.

(3) A corporation or its agent shall maintain a record of its shareholders in a form that permits preparation of a list of the names and addresses of all shareholders in alphabetical order by class of shares showing the number and series of shares held by each.

(4) A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

(5) A corporation shall keep a copy of the following records:

(a) Its articles or restated articles of incorporation and all amendments to them currently in effect;

(b) Its bylaws or restated bylaws and all amendments to them currently in effect;

(c) Resolutions adopted by its board of directors creating one or more classes or series of shares and fixing their relative rights, preferences, and limitations, if shares issued pursuant to those resolutions are outstanding;

(d) The minutes of all shareholders' meetings and records of all action taken by shareholders without a meeting for the past 3 years;

(e) Written communications to all shareholders generally or all shareholders of a class or series within the past 3 years, including the financial statements furnished for the past 3 years under s. [607.1620](#);

[607.1620](#);

(f) A list of the names and business street addresses of its current directors and officers; and

(g) Its most recent annual report delivered to the Department of State under s. [607.1622](#).

History.—s. 150, ch. 89-154.

Select Year:

The 2018 Florida Statutes

[Title XXXVI](#)

[Chapter 607](#)

[View Entire Chapter](#)

BUSINESS ORGANIZATIONS FLORIDA BUSINESS CORPORATION ACT

607.1602 Inspection of records by shareholders.—

(1) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office, any of the records of the corporation described in s. [607.1601\(5\)](#) if the shareholder gives the corporation written notice of his or her demand at least 5 business days before the date on which he or she wishes to inspect and copy.

(2) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the shareholder meets the requirements of subsection (3) and gives the corporation written notice of his or her demand at least 5 business days before the date on which he or she wishes to inspect and copy:

(a) Excerpts from minutes of any meeting of the board of directors, records of any action of a committee of the board of directors while acting in place of the board of directors on behalf of the corporation, minutes of any meeting of the shareholders, and records of action taken by the shareholders or board of directors without a meeting, to the extent not subject to inspection under subsection (1);

(b) Accounting records of the corporation;

(c) The record of shareholders; and

(d) Any other books and records.

(3) A shareholder may inspect and copy the records described in subsection (2) only if:

(a) The shareholder's demand is made in good faith and for a proper purpose;

(b) The shareholder describes with reasonable particularity his or her purpose and the records he or she desires to inspect; and

(c) The records are directly connected with the shareholder's purpose.

(4) A shareholder of a Florida corporation, or a shareholder of a foreign corporation authorized to transact business in this state who resides in this state, is entitled to inspect and copy, during regular business hours at a reasonable location in this state specified by the corporation, a copy of the records of the corporation described in s. [607.1601\(5\)\(b\)](#) and (f), if the shareholder gives the corporation written notice of his or her demand at least 15 business days before the date on which he or she wishes to inspect and copy.

(5) This section does not affect:

(a) The right of a shareholder to inspect and copy records under s. [607.0720](#) or, if the shareholder is in litigation with the corporation, to the same extent as any other litigant;

(b) The power of a court, independently of this act, to compel the production of corporate records for examination.

(6) A corporation may deny any demand for inspection made pursuant to subsection (2) if the demand was made for an improper purpose, or if the demanding shareholder has within 2 years

preceding his or her demand sold or offered for sale any list of shareholders of the corporation or any other corporation, has aided or abetted any person in procuring any list of shareholders for any such purpose, or has improperly used any information secured through any prior examination of the records of the corporation or any other corporation.

(7) A shareholder may not sell or otherwise distribute any information or records inspected under this section, except to the extent that such use is for a proper purpose as defined in subsection (3). Any person who violates this provision shall be subject to a civil penalty of \$5,000.

(8) For purposes of this section, the term “shareholder” includes a beneficial owner whose shares are held in a voting trust or by a nominee on his or her behalf.

(9) For purposes of this section, a “proper purpose” means a purpose reasonably related to such person’s interest as a shareholder.

History.—s. 151, ch. 89-154; s. 12, ch. 94-327; s. 42, ch. 97-102.