

IN THE CIRCUIT COURT OF THE 8<sup>th</sup> JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA

US RIGHT TO KNOW,

Case No. 01 2017 CA 002426

Plaintiff,

v.

UNIVERSITY OF FLORIDA  
BOARD OF TRUSTEES,

Defendant.

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**DEFENDANT-INTERVENER DREW KERSHEN'S FIRST SET OF  
INTERROGATORIES TO PLAINTIFF, US RIGHT TO KNOW**

Drew Kershen, (“Kershen” or the “Defendant-Intervener”), individually and as a member of the list-serve AgBioChatter Yahoo Group, (“AgBioChatter”), propounds the following interrogatories to be answered under oath Plaintiff, US Right to Know, pursuant to Rule 1.340, Florida Rules of Civil Procedure.

**GENERAL INSTRUCTIONS**

A. If in furnishing answers to any of these interrogatories, you refer to any documents or consult with any person, please identify in your answer the document(s) and/or person(s) referred to or consulted.

B. If with respect to any of your answers you claim a testimonial privilege, please identify each such document or conversation with sufficient particularity to allow counsel to analyze the circumstances under which the document was prepared or the conversation was made, together with any other facts that are predicate to a valid claim of privilege.

C. Once any person or document has been properly identified, it is sufficient thereafter to identify such person or document by name only.

## DEFINITIONS

A. “Identify,” when used in reference to an individual person, means to state his or her full name, present address or last known address, telephone number, and his or her present or last known employment position, business affiliation, and business or employment address and telephone number.

B. “Identify,” when used in reference to a person other than an individual person, means to state whether such person is a corporation, partnership, or other form of entity; its name, its present or last known address; its telephone number; and its principal place of business.

C. “Identify,” when used in reference to a document or documents, means to state: the date of its execution, or if undated, the date it was prepared; the author, and if different, the signatory or signatories; the addressee; the type of document; the aspect(s) of the transaction, events, or facts about which that document concerns; and other identification with such particularity as you would require in a request for production pursuant to the Florida Rules of Civil Procedure. If a document was, but is no longer, in your possession, custody, or control, state what disposition was made of it and the reason for its disposition and the name and address of the present or last known custodian of the document.

D. “Or” shall be construed either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope.

E. “Person” means all natural persons and entities, including without limitation: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus, commissions, and boards.

F. “Requested Records” means the records requested (i) on September 3, 2015 by you pertaining to University of Florida Professor Kevin M. Folta, professor of horticulture,

specifically seeking “all email to or from Professor Folta that is to, from CC or BCC to the email address [AgBioChatter@yahoogroups.com](mailto:AgBioChatter@yahoogroups.com) . . . from July 1, 2012 to the present,” and as detailed in paragraph 3 of the Complaint for Writ of Mandamus and attached as Exhibit A thereto; and (ii) on June 16, 2017 by to University of Florida specifically seeking “ all email to or from Professor Folta that is to, from CC or BCC to the email address [AgBioChatter@yahoogroups.com](mailto:AgBioChatter@yahoogroups.com) . . . from January 1, 2011 to the present,” and as detailed in paragraphs 11 and 35 of the Complaint for Writ of Mandamus and attached as Exhibit F thereto.

G. “You” or “Your” means plaintiff, US Right to Know, and/or its agents employees, representatives, attorneys, attorneys-in-fact, investigators, accountants, predecessors and successors in interest, or other persons or entities acting or purporting to act for or on behalf of Plaintiff, at Plaintiff’s direction or in concert with Plaintiff.

### **INTERROGATORIES**

1. Describe the actions by AgBioChatter that resulted in the Requested Records becoming “public records,” as that term is defined in Chapter 119, Florida Statutes.

2. Describe the actions by Dr. Folta that resulted in the Requested Records becoming “public records,” as that term is defined in Chapter 119, Florida Statutes.

3. Describe what connection the Requested Records have to any “official agency business” of the University of Florida or any other state agency required to produce public records under Chapter 119, Florida Statutes.

4. Describe the type of knowledge the Requested Records were intended to perpetuate, communicate, or formalize.

5. What official University of Florida duties of Dr. Folta's are related to or require Dr. Folta's membership and involvement in the AgBioChatter Group?

6. What official University of Florida duties of Dr. Folta's are related to or require Dr. Folta to send or receive emails to or from the AgBioChatter Group?

7. How many pages of documents were produced by the University of Florida in response to your September 3, 2015 and your June 16, 2017 requests for the Requested Records?

8. Describe any University of Florida official business Dr. Folta had with the AgBioChatter Group.

9. Why are you seeking the Requested Documents from the University of Florida?

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

\_\_\_\_\_, on behalf of US Right to Know, being duly sworn, deposes and says that he/she has read the foregoing Answers to First Set Of Interrogatories To Plaintiff, US Right to Know, knows the contents thereof, and said Answers are true to the best of his/her knowledge and belief.

US RIGHT TO KNOW

By: \_\_\_\_\_

Its: \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

SWORN TO and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

NOTARY PUBLIC:

Sign \_\_\_\_\_

Print \_\_\_\_\_

State of \_\_\_\_\_

(Seal)