

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR BREVARD COUNTY, FLORIDA

CASE NO. 05-2013-CA-033457-XXXX-XX

SCOTT ELLIS, in his official capacity as
Brevard County Clerk of the Circuit Court,

Plaintiff,

vs.

BLUEGEM, LLC, a Florida limited liability
company,

Defendant.

BLUEGEM, LLC, a Florida limited liability
company,

Counter-Plaintiff,

vs.

SCOTT ELLIS, in his official capacity as
Brevard County Clerk of the Circuit Court.

Counter-Defendant.

RESPONSE TO DEFENDANT'S REQUEST FOR ADMISSIONS

Plaintiff, SCOTT ELLIS, in his official capacity as Brevard County Clerk of the Circuit Court, through undersigned counsel and pursuant to Fla. R. Civ. P. 1.370, hereby responds to Defendant, BLUEGEM, LLC's Request for Admissions, dated May 6, 2013, as follows:

1. Admitted.
2. Denied. The comments referenced in paragraph 2 of Defendant's Request for Admissions were not made by Scott Ellis in his official capacity as Brevard County Clerk of the Circuit Court, which is the capacity in which this action has been brought by Plaintiff.
3. Denied.

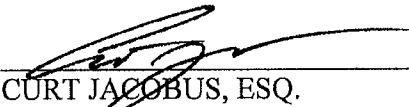
4. Admitted.
5. Admitted.
6. Admitted that Plaintiff toured the Defendant's facilities but denied that Plaintiff praised Defendant's facilities or its capabilities.
7. Objection. Paragraph 7 of Defendant's Request for Admissions is vague, not relevant and not reasonably calculated to lead to the discovery of admissible evidence and calls for speculation.
8. Admitted.
9. Objection. Paragraph 9 of Defendant's Request for Admissions calls for a legal conclusion.
10. Objection. Paragraph 10 of Defendant's Request for Admissions calls for a legal conclusion.
11. Admitted that former Chief Staff Counsel Merrily Longacre and former Assistant Staff Counsel Mark Cook issued a June 3, 2012 "Memorandum and Opinion" warning former Clerk Mitch Needelman of the perils of the Scanning Contract as outlined and the ITN process itself. Further, Plaintiff admits that the Clerk's Office received an opinion dated May 18, 2012 from attorney Dale Dettmer advising former Clerk Mitch Needleman that the proposed Scanning Contract required significant changes to fully protect the Clerk's Office from harm.
12. Admitted that former Clerk Mitch Needelman received an opinion dated October 23, 2012 from attorney Joe Caruso. The document speaks for itself. Plaintiff is without knowledge whether the Brevard County Clerk of the Circuit Court received legal advice from counsel other than Mr. Caruso prior to executing the Amendment, therefore denied.
13. Without knowledge and therefore denied.
14. Without knowledge and therefore denied.
15. Without knowledge and therefore denied.
16. Without knowledge and therefore denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.

21. Admitted that the Brevard County Clerk of the Circuit Court received a copy of a legal opinion dated October 24, 2012 from Attorney Joe Caruso to Hewlett-Packard Financial Services Company.
22. Admitted that the Brevard County Clerk of the Circuit Court received a copy of a legal opinion dated October 24, 2012 from Attorney Joe Caruso to Hewlett-Packard Financial Services Company. The document speaks for itself.
23. Admitted.
24. Admitted.
25. Admitted.
26. Admitted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via E-Service on this 28th day of May, 2014 to: David S. Cohen, Esq. at david@dscohenlaw.com, admin@dscohenlaw.com and cadams@dscohenlaw.com.

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