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HARTOG & BAER
A Professional Corporation
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*Attorneys for Petitioners, Sarah
Hansford, Brad Piepenbrink, and Rick
Scott*

2014 OCT -3 P 17
J. Hartog
Dated: _____
By: _____

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

SARAH HANSFORD, an individual,
BRAD PIEPENBRINK, an individual,
and RICK SCOTT, an individual,

Petitioners,

v.

STEVEN R. ANDREWS, an individual,

Respondent.

CASE NO. 114CV271495

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITION FOR AN ORDER TO
QUASH THE SUBPOENA DUCES
TECUM WITHOUT DEPOSITION
FILED BY RESPONDENT, STEVEN R.
ANDREWS, PURSUANT TO CODE
OF CIVIL PROCEDURE §2029.600

In re out-of-state action:
*Steven R. Andrews v. The Executive
Office of the Governor, State of Florida,*
Case No. 2013-CA-3280 (In the Circuit
Court of the Second Judicial Circuit, in
and for Leon County, Florida)

Filed by Sarah Hansford, Brad
Piepenbrink and Rick Scott, non-parties
in the out-of-state action

BY FAX

DATE: November 7, 2014
TIME: 9:00 am
DEPT.: 1a

RECEIVED OCT 10 2014

1 I. BACKGROUND.

2 1. In November 2013, Respondent, Steven R. Andrews ("Andrews"), filed a
3 Petition for Writ of Mandamus, and in January 2014, an Amended Petition for Writ of
4 Mandamus ("Amended Petition"), against the Executive Office of the Governor, State of
5 Florida ("EOG"), a nonparty in the above styled action, in the Circuit Court of the Second
6 Judicial Circuit, in and for Leon County, Florida, Case No. 2013-CA-3280 (the "Florida
7 action").

8 2. Although Andrews couched the Florida action as a pursuit of a legal right,
9 the Florida action is little more than a manifestation of Andrews' animus for the EOG and
10 state government, expressed in part through a pattern of hectoring public records
11 demands. Andrews' abuse of that mechanism as a tool to harass the EOG, and
12 individuals who work for the EOG, is unprecedented. The EOG has not previously
13 suffered such abuse, nor has any Florida state agency experienced similar harassment.
14 Between March 2012 and March 2014, the EOG has produced to Andrews over 16,000
15 pages of public records and over 10,000 emails. See a true and correct copy of the
16 Affidavit of Bonnie Hazelton attached hereto as **Exhibit "A."** Andrews has made
17 approximately ten additional public records demands since March 2014.

18 3. In furtherance of his scheme to harass the EOG and its individual
19 employees, on or about June 14, 2014, Andrews served the EOG with his Notice of
20 Production from Non-Party ("Notice") and attached a proposed Subpoena Duces Tecum
21 Without Deposition ("Subpoena"), true and correct copies of which are attached hereto as
22 **Composite Exhibit "B."**

23 4. First, the proposed Subpoena is a single document and a single subpoena.
24 It is directed to Google.com ("Google"), and requests documents related to the
25 Petitioners' personal email addresses: gov.rls@gmail.com, bradpie@gmail.com, and
26 sarah.hansford09@gmail.com. Governor Scott is the Governor of Florida. Sarah
27 Hansford and Brad Piepenbrink are former EOG employees.

1 5. In September 2014, the Subpoena was domesticated to California (In Re:
2 Google, Inc., Case No. 1-14-CV-270417), and served on Google on or about September
3 16, 2014 (hereinafter the "Domesticated Subpoena"). A true and correct copy of the
4 Domesticated Subpoena is attached hereto as **Exhibit "C."**

5 II. *THE COURT HAS AUTHORITY TO QUASH THE DOMESTICATED SUBPOENA.*

6 6. Google cannot release the information requested in the Domesticated
7 Subpoena without the Petitioners' permission. Google does not have such permission.

8 7. Under section 2702(a) of the federal Stored Communications Act, Google is
9 prohibited from disclosing the content of electronic communications, such as content from
10 Google email accounts, without the account holder's permission, even with a subpoena.
11 See 18 U.S.C. § 2702(a) (2014). See also Suzlon Energy Ltd. v. Microsoft Corp., 671
12 F.3d 726, 730 (9th Cir. 2011); Theofel v. Farey-Jones, 359 F.3d 1066, 1072-77 (9th Cir.
13 2004); Mintz v. Mark Bartelstein & Assocs., Inc., 2012 WL 3553351 at *5 (C.D. Cal. Aug.
14 14, 2012); In re Subpoena Duces Tecum to AOL, LLC, 550 F. Supp. 2d 606, 611 (E.D.
15 Va. 2008); Flagg v. City of Detroit, 252 F.R.D. 346, 366 (E.D. Mich. 2008); Viacom Int'l
16 Inc. v. YouTube Inc., 253 F.R.D. 256, 264-65 (S.D.N.Y. 2008); O'Grady v. Superior Court
17 of Santa Clara, 139 Cal. App. 4th 1423, 1441-43 (2006). Accordingly, it would be
18 improper for Google to respond to the Domesticated Subpoena and produce the
19 Petitioners' private information without their permission.

20 8. The Domesticated Subpoena requests the IP addresses associated with
21 the three email accounts. In other words, Respondent is requesting information regarding
22 the identifying information and location of any computer used to log in to the email
23 accounts, regardless of who owns the computer. This invades not only the Petitioners'
24 privacy, but also the privacy of an unknown number of third parties whose information will
25 be revealed if Google responds to the Subpoena. This is exacerbated by the fact that the
26 Domesticated Subpoena contains no time limitation and is open-ended.

27 9. The process for serving a subpoena for the production of documents on a
28

1 nonparty in Florida is relevant here. Initially, the party serving the production notices the
2 other parties that, absent objection, the subpoena will be served. If an objection is made
3 and overruled, the subpoena is served on the nonparty. Once the subpoena is issued to
4 the nonparty, Florida's rules provide for a separate and distinct opportunity for the
5 nonparty to object. If the nonparty objects to the subpoena, the party seeking the
6 discovery may proceed only by taking the deposition of the records custodian and may
7 no longer proceed under the subpoena process. See, e.g., Fla. R. Civ. P. 1.351;
8 Patrowicz v. Wolff, 110 So. 3d 973, 974 (Fla. 2d DCA 2013). Here, Google is the records
9 custodian. Under Florida law, Andrews would be required to depose a Google
10 representative.

11 10. In California, a nonparty served with a subpoena duces tecum may object,
12 and if so, the party seeking the information must file a motion to compel against the party
13 possessing the information. See, e.g., C.C.P. § 1985.3(g); Unzipped Apparel, LLC v.
14 Bader, 156 Cal. App. 4th Dist. 123, 136 (Oct. 17, 2007).

15 11. The foregoing is an important distinction. A Florida subpoena informs the
16 nonparty of the right to make the objection, whereas a nonparty subpoena in California,
17 like the Domesticated Subpoena that Google received, does not inform the nonparty of
18 that option. Compare Composite Ex. B, Ex. C.

19 12. Andrews should be required to demonstrate that the subpoena served on
20 the nonparty has force and effect under Florida law (a logical prerequisite prior to any
21 resort to California's courts to effectuate the same). Since the Petitioners object,
22 Andrews' subpoena does not have force and effect under Florida Law. Such a showing
23 should be an initial prerequisite to establish the validity of the Domesticated Subpoena.
24

25 13. In addition, under both Florida and California law, the information requested
26 by the Domesticated Subpoena is not reasonably calculated to lead to the discovery of
27

1 admissible evidence. See Capco Props., LLC v. Monterey Gardens of Pinecrest Condo.,
2 982 So. 2d 1211, 1213 (Fla. 3d DCA 2008) (“Discovery in civil cases . . . must be
3 admissible or reasonably calculated to lead to admissible evidence.” (citing Fla. R. Civ. P.
4 1.280(b)(1))); C.C.P. § 2017.010 (2014) (“Unless otherwise limited . . . any party may
5 obtain discovery regarding any matter, not privileged, that is relevant to the subject
6 matter involved in the pending action . . . if the matter either is itself admissible in
7 evidence or appears reasonably calculated to lead to the discovery of admissible
8 evidence.”).

10 14. The Amended Petition in the Florida action alleges that the EOG did not
11 “request or search” private email accounts that may have contained public records in
12 response to a demand from Andrews. The Amended Petition seeks an order from the
13 Florida court commanding the EOG to perform certain tasks, provide certain documents,
14 and cease claiming certain exemptions. The Florida Court has not ruled on the requested
15 relief. Andrews should continue to seek the relief sought in the Amended Petition in the
16 context of the Florida action.¹

18 15. Andrews’ tactics in the Florida action are a ploy to force the revelation of
19 irrelevant private material so that it can be introduced into a public court file, and later,
20 widely disseminated. Through the Domesticated Subpoena, Andrews is attempting to use
21 the California courts to further his improper agenda.

23 16. California courts have broad discretion to quash subpoenas. See, e.g., In re
24 Groundwater Cases, 154 Cal. App. 4th Dist. 659, 693 (Aug. 24, 2007) (“Management of
25 discovery lies within the sound discretion of the trial court . . .”). This Court should
26

27 ¹ This entire matter emanates from a property dispute between Andrews and the Florida Cabinet, which is
28 now pending on appeal. Bd. of Trustees of the Internal Improvement Trust Fund v. Andrews, Fla. 1st Dist.
Ct. App. Case No. 1D13-5052.

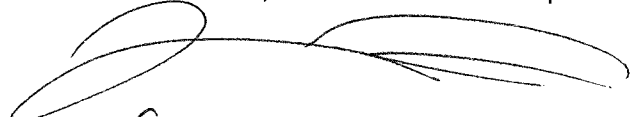
1 exercise such authority here.

2 II. CONCLUSION.

3 For the above reasons, Sarah Hansford, Brad Piepenbrink, and Governor Scott
4 respectfully request that this Court enter an order quashing the Domesticated Subpoena.

5
6 DATED: October 3, 2014

HARTOG & BAER, A Professional Corporation

7
8 
9 By: for

Daniel J. Leahy,
Attorney for *Petitioners, Sarah Hansford,*
Brad Piepenbrink, and Rick Scott

EXHIBIT "A"

AFFIDAVIT OF BONNIE HAZLETON

STATE OF FLORIDA
COUNTY OF LEON

1. My name is Bonnie Hazleton and I am over the age of 18.
2. I am employed by the Executive Office of the Governor ("EOG") as Director of Open Government. I have been employed by the EOG as the designated point of public contact for Chapter 119 purposes since January 2012. My duties as Director of Open Government include, but are not limited to, responding to public records requests received by the EOG and producing those responses.
3. I have faithfully, courteously, and lawfully responded to all of Andrews' public records demands and have produced all public records to him.
4. Since January 2012, the EOG has received over 30 public records demands, consisting of multiple subparts, from the Law Offices of Steven Andrews ("Andrews").
5. Between March 2012 and the present, the volume of public records demanded by Andrews is three times the volume of records requested by any other person or entity.
6. I have personally supervised the production of over 16,000 pages of public records and over 10,000 emails responsive to Andrews' public records demands.
7. I have spent over 200 hours of taxpayer time responding to Andrews' public records requests. In addition, I have spent more time corresponding with Andrews and compiling responsive public records than I have with regard to any other public records request by any other person.
8. I have received over 230 emails and correspondences, and numerous telephone calls from persons employed by the Andrews law firm.

9. On November 4, 2013, I received 13 emails from Andrews within the same business day.
On several occasions, I have received multiple emails, telephone calls, and correspondence from more than one employee of Andrews' within the same business day.
10. On at least three occasions, I have received more than one public records request, each consisting of multiple subparts, from Andrews within the same business day. In addition, I have received multiple requests within days of each other.
11. In the spring 2012, Andrews initiated the practice of sending runners to my office for records retrieval despite being advised that records were not yet prepared for release. On several occasions, runners were sent twice within the same day and were instructed not to leave until the demanded records were produced.
12. Further, I have received correspondence from Andrews containing harassing commentary bearing no relevance to his pending public records request. Specifically, I received hectoring correspondence from Stephen Webster, an attorney with the Andrews firm, on May 3, 2012, utterly unconnected to any records request. See May 3, 2012 correspondence attached hereto.
13. I have reviewed the Amended Petition for Writ of Mandamus dated January 18, 2014 filed by Andrews, against the EOG, in case number 2013 CA 3280.
14. I have received and responded to Andrews' public records requests dated March 20, 2012, April 2, 2012, April 18, 2012, June 8, 2012, July 27, 2012, February 23, 2013, July 16, 2013, July 19, 2013, September 17, 2013, and September 30, 2013 that are the topics of the Amended Petition.
15. Generally, if a public records request includes a request for public records that may exist on an employee's personal communication device, it is my standard practice and procedure to request the employee search the device(s) for responsive public records. Public records

provided to me are then submitted to the requestor. I do not have control over employees' personal devices, and therefore, I rely on employees, as the public records custodians, to provide me with any responsive public records consistent with the EOG written policy regarding records maintenance and the General Records Schedule GS1-SL for State and Local Governmental Agencies.

16. As a matter of practice, upon receipt of a public records request, I instruct EOG Information Systems to conduct a search for responsive emails on the EOG server. I provide Information Systems with search terms. Responsive records are provided to me for my review and production to the requestor.

**March 20, 2012 and April 2, 2012 Correspondence, and April 18, 2012
Public Records Request**

17. Upon receipt of Andrews' March 20, 2012 and April 2, 2012 correspondence, and April 18, 2012 public records request, I requested all responsive public records from the appropriate EOG staff, including any public records contained in personal accounts or devices. In addition, I requested EOG Information Systems conduct a search on the EOG server for responsive emails based on search terms I developed collaboratively with representatives of the Andrews law firm.
18. All public records responsive to Andrews' March 20, 2012 and April 2, 2012 correspondence, and April 18, 2012 public records request that were retrieved from EOG Information Systems and submitted to me by EOG employees were produced to Andrews on April 20, 2012, April 26, 2012, April 27, 2012, April 30, 2012, May 8, 2012, May 9, 2012, May 15, 2012, May 18, 2012, and June 1, 2012.
19. Andrews did not specifically request the O'Rourke text messages until February 23, 2013. After receiving O'Rourke's text messages, I noted that there were 18 text messages

responsive to Andrews' spring 2012 requests. The text messages responsive to Andrews' spring 2012 requests were produced to Andrews on November 22, 2013.

20. Andrews alleges that the EOG failed to produce "tracking logs for original documents sent to agency heads to be executed in connection with Case No. 2012 CA 859." The requested logs were produced to Andrews on April 27, 2012.
21. Additionally, Andrews alleges that the EOG asserted improper privileges in response to the March 20, 2012 and April 2, 2012 correspondence, and April 18, 2012 public records request. I produced a privilege log to Andrews on June 4, 2012, asserting the attorney work product privilege for 24 emails. Eighteen of the twenty-four emails from that log were later produced to Andrews on October 30, 2013, pursuant to his September 17, 2013 public records request for those eighteen emails, because the privilege no longer applied.

June 8, 2012 Public Records Request

22. Upon receipt of Andrews' June 8, 2012 public records request, I requested all responsive public records from the appropriate EOG and Mansion staff, including public records contained in personal accounts. In addition, I requested EOG Information Systems conduct a search on the EOG server for responsive emails.
23. All public records responsive to Andrews' June 8, 2012 public records request that were retrieved from Information Systems and submitted to me by EOG employees were produced to Andrews on June 22, 2012, June 26, 2012, July 3, 2012, July 6, 2012 (two releases), July 10, 2012, and July 26, 2012.
24. Andrews alleges that the EOG failed to produce the "Mansion Foundation" binder. The "Mansion Foundation" binder was not produced because it was not created and therefore, does not exist.

25. Andrews also alleges that the EOG failed to produce an exemption log for personal calendar entries. Personal records are not public records and therefore, exemption logs are not a legal requirement.

July 27, 2012 Public Records Request

26. Upon receipt of Andrews' July 27, 2012 public records request, I requested EOG Information Systems create a "Master List of Emails (from, to and deleted)" as a public service and courtesy to Andrews. This list was produced to Andrews on August 6, 2012. Andrews erroneously alleges that he requested and failed to receive emails; however, emails were not requested in the July 27, 2012 request.
27. A copy of the audio tape and/or minutes of the Cabinet Aides meeting on March 14, 2012 was not produced to Andrews because the audio tape and/or minutes does not exist.
28. Andrews alleges that the EOG failed to produce daily timesheets; however, the requested daily timesheets were produced to Andrews on August 14, 2012.

February 23, 2013 Public Records Request

29. Upon receipt of Andrews' February 23, 2013 public records request, I requested responsive public records from the appropriate EOG staff, including public records contained in personal accounts. In addition, I requested EOG Information Systems create a list called a "Master List of Emails (from, to and deleted)" as a courtesy to Andrews. That list as requested did not exist on the EOG server.
30. Andrews did not specifically request O'Rourke's text messages until February 23, 2013. After receiving O'Rourke's text messages, I determined that there were 18 text messages responsive to Andrews' spring 2012 requests. The text messages responsive to Andrews'

spring 2012 and February 23, 2013 requests were produced to Andrews on November 22, 2013.

31. All public records responsive to Andrews' February 23, 2013 public records request were produced to Andrews on April 19, 2013, April 30, 2013, and November 22, 2013.

July 16, 2013 and July 19, 2013 Public Records Requests

32. I advised Andrews on July 18, 2013 and July 19, 2013, that there were no documents responsive to his July 16, 2013 public records request. As a courtesy, I provided four emails from the eogfl@yahoo.com account to Andrews on July 19, 2013 to demonstrate that there were no emails located within the requested time period.
33. I spoke with Andrews on the evening of Friday, August 16, 2013, regarding his July 16, 2013 and July 19, 2013 public records requests. Andrews advised that he was withdrawing his requests and asked that I send him an email confirming his withdrawal. Before I sent the email confirming Andrews' withdrawal of the July 16, 2013 and July 19, 2013 requests, I received an email from Andrews on August 18, 2013 confirming that he withdrew his public records requests relating to eogfl@yahoo.com. On Monday, August 19, 2013, I sent an email confirming Andrews' withdrawal. Therefore, records responsive to the July 19, 2013 request were not provided. These records are ready for production today.

September 17, 2013 Public Records Request

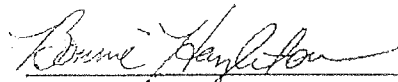
34. Upon receipt of Andrews' September 17, 2013 public records request, I requested that EOG Information Systems retrieve 1,325 emails identified by Andrews from the list provided to him in response to his July 27, 2012 public records request. This was an enormous task requiring EOG Information Systems recreate a dataset of over 54,000 emails and scrutinize the Master List to locate each of the 1,325 emails demanded by Andrews.

35. All public records responsive to Andrews' September 17, 2013 public records request were produced to Andrews on October 30, 2013, January 10, 2014, January 30, 2014, and February 17, 2014.
36. I produced the emails identified by Andrews from the Privilege Log submitted in response to Andrews' March 20, 2012, April 2, 2012, and April 18, 2012 requests on October 30, 2013.

September 30, 2013 Public Records Request

37. The first two items of Andrews' September 30, 2013 public records request required the EOG to create three lists of e-mails. Since no such lists existed, I provided information regarding the number/volume of emails responsive to Andrews' September 30, 2013 public records request on November 5, 2013. I sent a third e-mail on January 14, 2014 advising Andrews that the lists would not be created as demanded.
38. Regarding the third item, I produced a redacted version of the "Broker Opinion of Value" to Andrews on November 5, 2013 and November 7, 2013. § 119.07(1)(e), Fla. Stat. (2013).

FURTHER AFFIANT SAYETH NAUGHT.


Bonnie Hazleton

The foregoing instrument was sworn before me by Bonnie Hazleton, who did take an oath and who is personally known to me, or who has produced _____ as identification. Witness my hand and official seal in the county and state last aforesaid, this 21 day of March, 2014.


NOTARY PUBLIC, State of Florida



COMPOSITE EXHIBIT "B"

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

STEVEN R. ANDREWS,

Petitioner,

vs.

CASE NO. 2013 CA 3280

THE EXECUTIVE OFFICE OF THE
GOVERNOR, STATE OF FLORIDA,

Respondent.

PETITIONER'S NOTICE OF PRODUCTION FROM NON-PARTY

TO: Thomas E. Bishop, Esquire
TANNER BISHOP
Specially Retained, Private Counsel
For The Executive Office of the Governor
One Independent Drive, Suite 1700
Jacksonville, Florida 32202
tbishop@tannerbishop.com; carnold@tannerbishop.com

The Executive Office of the Governor, State of Florida
c/o Heather Stearns
PL-04 The Capitol
Tallahassee, Fl. 32399
Heather.stearns@eog.myflorida.com

YOU ARE HEREBY NOTIFIED that after ten (10) days from the state of service by electronic transmission, and if no objection is received from any party, the undersigned will issue the attached Subpoena Duces Tecum Without Deposition directed to the following, who are not parties to this action and whose address is listed, to produce the items at the time and place specified in the subpoena:

Google.com
Custodian of Records
1600 Amphitheater Parkway
Mountain View, CA 94043

Respectfully submitted,

The Law Offices of
STEVEN R. ANDREWS, P.A.
822 Monroe Street
Tallahassee, Florida 32303
Tel: (850) 681-6416
Fax: (850) 681-6984

/s/ Steven R. Andrews
STEVEN R. ANDREWS
Fla. Bar No: 0263680
BRIAN O. FINNERTY
Fla. Bar No: 0094647

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been
furnished via electronic transmission this 14th day of June, 2014, to:

The Executive Office of the Governor, State of Florida
c/o Heather Stearns
PL-04 The Capitol
Tallahassee, FL 32399
Heather.stearns@eog.myflorida.com

Thomas E. Bishop, Esquire
TANNER BISHOP
Specially Retained, Private Counsel
For The Executive Office of the Governor
One Independent Drive, Suite 1700
Jacksonville, FL 32202
tbishop@tannerbishop.com; carnold@tannerbishop.com

/s/ Steven R. Andrews
STEVEN R. ANDREWS

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

STEVEN R. ANDREWS,

Petitioner,

vs.

CASE NO. 2013 CA 3280

THE EXECUTIVE OFFICE OF THE
GOVERNOR, STATE OF FLORIDA,

Respondent.

SUBPOENA DUCES TECUM WITHOUT DEPOSITION

TO: Google.com
Custodian of Records
1600 Amphitheater Parkway
Mountain View, CA 94043

RECORDS MAY BE MAILED TO THE LAW OFFICES OF STEVEN R. ANDREWS 822
NORTH MONROE STREET, TALLAHASSEE, FL 32303

YOU ARE COMMANDED to appear at the Law Offices of Steven R. Andrews, 822 North Monroe Street, Tallahassee, FL 32303, on _____, and to have with you at that time and place the following documents on **Exhibit A**, attached hereto.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of copies upon the payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena.

If you fail to: (1) appear as specified; or (2) furnish the records in lieu of appearance; or (3) object to this subpoena, you may be in contempt of court. You are subpoenaed by the attorney whose name appears on this subpoena and unless excused from this subpoena by that attorney or the Court, you shall respond to this subpoena as directed.

WITNESS my hand and seal of this Court on this ____ day of June, 2014.

Steven R. Andrews
For the Court

EXHIBIT A

In this action, Petitioner, Steven R. Andrews has alleged a claim for violations of the Florida Public Records Laws. The purpose of the present subpoena is to obtain documents related to the identity of the individual or individuals who created the following email addresses:

1. gov.rls@gmail.com;
2. bradpie@gmail.com; and
3. sarah.hansford09@gmail.com

by seeking identifying information as to the owners or registrars since the day of creation of the following Gmail accounts:

1. gov.rls@gmail.com;
2. bradpie@gmail.com; and
3. sarah.hansford09@gmail.com

as further described below.

INSTRUCTIONS

1. Each of the document requests set forth below ("Requests") seeks production of documents within the possession, custody, or control of Google, Inc.
2. In responding to the Requests, please produce all information (whether in hard copy or electronically stored) in your possession, custody, or control, including without limitation information in the possession of any and all representatives.
3. Please produce each document, together with all drafts thereof, separately and as completely as possible, without redaction of any kind.

4. The conjunctions "and" and "or" shall be interpreted conjunctively and shall not be interpreted disjunctively to exclude any information otherwise within the scope of any Request.

5. These Instructions shall be considered as part of the Requests as if they were fully set forth in each Request.

6. Unless otherwise noted, this subpoena requests the production of documents for the period of time beginning on January 1, 2011 until the present.

DEFINITIONS

1. "You," "your," or "Google" shall refer to shall refer to Google, Inc., a company located at: 1600 Amphitheater Parkway, Mountain View, CA 94043, as well as the website <https://google.com> and all variants and sub-pages thereof.

2. "gov.rls@gmail.com, bradpie@gmail.com and sarah.hansford09@gmail.com" shall refer to shall refer to the various accounts registered with Google which use the names "gov.rls@gmail.com, bradpie@gmail.com and sarah.hansford09@gmail.com" to send and / or receive messages, communications, as well as any person who operates, maintains, or otherwise controls "gov.rls@gmail.com, bradpie@gmail.com and sarah.hansford09@gmail.com" and uses them to send and / or receive messages and communications.

3. The term "document" is used in its broadest sense and includes all tangible things that record information. "Document" includes any written, printed, typed, Photostatted, photographed, recorded, electronically stored, or otherwise reproduced or stored communication or representation, whether comprised of letters, words, numbers, data, pictures, sounds, symbols, or any combination thereof. This definition includes copies or duplicates of documents contemporaneously or subsequently created which contain any additional or non-conforming notes or other markings.

"Document" or "documents" includes, without limitation, correspondence, memoranda, notes, records, letters, envelopes, messages, contracts, agreements, working papers, accounts, analytical records,

reports or summaries of investigations, trade letters, charts, graphs, photographs, phonograph recordings, films, tapes, disks data cells, electronic mail (e-mail), printouts of information stored or maintained by electronic data processing or word processing equipment, all other data compilations from which information can be obtained (by translation, if necessary, by you through detection devices into useable form) including, without limitation, databases, electromagnetically sensitive storage media such as floppy disks, hard disks, and magnetic tapes and any preliminary versions, drafts or revisions of the foregoing. "Document" or "documents" also includes electronically stored information ("ESI"). ESI should be afforded the broadest possible meaning and includes potentially relevant information stored electronically, magnetically, and/or optically.

4. The term "person" means all individuals and entities including, without limitation, any natural person, sole proprietorship, organizations, associations, companies, partnerships, joint ventures, corporations, trusts and estates

5. The terms "relate," "relating to," and "related" are used in their broadest sense and mean referring to, describing, evidencing, constituting, reflecting, recording, memorializing, discussing, explaining, considering, embodying, evaluating, analyzing, reviewing, demonstrating, showing, reporting on, commenting on, impinging upon or impacting the subject matter of the Request.

DOCUMENTS REQUESTED

1. All documents which relate to the subscriber information/registrant information for "gov.rls@gmail.com, bradpie@gmail.com and sarah.hansford09@gmail.com" including, but not limited to, documents which set forth the full name, e-mail address, and/or other contact information or phone numbers of the subscriber who created and/or maintains the "gov.rls@gmail.com, bradpie@gmail.com and sarah.hansford09@gmail.com" accounts.

2. All documents which relate to the identity, e-mail address, and/or other contact information of any person who has used "gov.rls@gmail.com, bradpie@gmail.com and sarah.hansford09@gmail.com" to send and/or receive messages or communications, or otherwise

log into the "gov.rls@gmail.com, bradpie@gmail.com and sarah.hansford09@gmail.com" accounts.

3. All documents which relate to the IP addresses associated with the "gov.rls@gmail.com, bradpie@gmail.com and sarah.hansford09@gmail.com" or documents which show the IP addresses which are associated with where the Google account has accessed and logged onto from January 1, 2010 to the present.

EXHIBIT "C"

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steven R. Andrews, Esquire (FL Bar # 0263680) 822 N. Monroe Street Tallahassee, FL 32303 TELEPHONE NO: 850 681-6410 FAX NO: 850 681-6984 E-MAIL ADDRESS: service@andrewslawoffice.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 605 W. El Camina Real, Sunnyvale, CA 94087 MAILING ADDRESS: 191 N. First Street CITY, STATE, AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Sunnyvale Courthouse (408) 481-3500	
Court in which action is pending: Leon County Circuit Court Name of Court: Leon County, 2nd Judicial Circuit for Leon County, FL STREET ADDRESS: 301 S. Monroe Street MAILING ADDRESS: 301 S. Monroe Street CITY, STATE, AND ZIP CODE: Tallahassee, FL 32301 COUNTRY: USA	
PLAINTIFF/PETITIONER: Steven R. Andrews DEFENDANT/RESPONDENT: Executive Office of the Governor, State of FL	CALIFORNIA CASE NUMBER (if any assigned by court): 2013 CA 3280
SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of action pending outside California): 2013 CA 3280

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Google, Inc. (Records Custodian) c/o CSC 2710 Gateway Oaks St., #150N, Sacramento, CA 95833

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in Item 3, as follows:

To (name of deposition officer): Steven R. Andrews	At (time):
On (date):	
Location (address): 822 N. Monroe Street, Tallahassee FL 32303	
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):
 See attached Form MC-025

Continued on Attachment 3 (use form MC-025).

4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): Steven R. Andrews, 822 N. Monroe St, Tallahassee FL 32303 for Plaintiff

Continued on Attachment 4 (use form MC-025).

9/12/14

PLAINTIFF/PETITIONER: Steven R. Andrews	CASE NUMBER (of action pending outside California): 2013 CA 3280
DEFENDANT/RESPONDENT: Executive Office of the Governor, State of FL	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

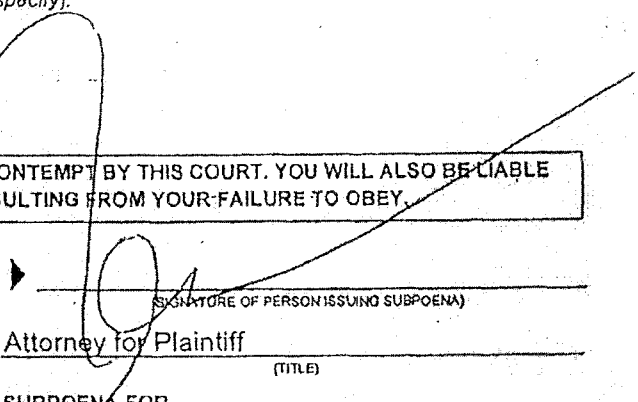
6. Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 6 (use form MC-025).

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

Steven R. Andrews, Esq.
(TYPE OR PRINT NAME)



Attorney for Plaintiff
(TITLE)

PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this Subpoena for Production of Business Records in Action Pending Outside California by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (check one):

(1) were paid. Amount: \$ _____

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (date):

3. I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)

SHORT TITLE: Steven R. Andrews v. EOG, State of Florida	CASE NUMBER: 2013 CA 3280
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ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

DOCUMENTS REQUESTED

A. All documents which relate to the subscriber information/registrant information for "gov.rls@gmail.com," "bradpie@gmail.com" and "sarah.hansford09@gmail.com" including, but not limited to, documents which set forth the full name, e-mail address, and/or other contact information or phone numbers of the subscriber who created and/or maintains the "gov.rls@gmail.com," "bradpie@gmail.com" and "sarah.hansford09@gmail.com" accounts. This Subpoena does not request information relating to electronic communications between the above-listed e-mail addresses and any other third party.

B. All documents which relate to the IP addresses associated with the "gov.rls@gmail.com," "bradpie@gmail.com" and "sarah.hansford09@gmail.com" accounts. This Subpoena does not request information relating to electronic communications between the above-listed e-mail addresses and any other third party.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 3 of 3

(Add pages as required)