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October 21, 2022

**Via Email**

Atlanta Community Press Collective  
atlprescollective@protonmail.com

**Re: *South River Watershed Alliance v. DeKalb County, Georgia*; Superior Court of DeKalb County, Georgia; Civil Action No. 21CV1931**

Dear Sir or Madam:

Our firm represents Blackhall Real Estate Phase II, LLC (“Blackhall”) in the above-referenced action filed by South River Watershed Alliance, South River Forest Coalition, Margaret S. Brady, Allen P. Doyle, Joel Finegold, and Joseph S. Perry pending in DeKalb County Superior Court. Enclosed please find your service copy of Blackhall’s Non-Party Request for Production of Documents to Atlanta Community Press Collective in the above-referenced civil action.

You may produce documents to us electronically via email to lguarnotta@burr.com. Thank you for your attention to this matter, and please let me know if you have any questions.

Sincerely,



Leesa M. Guarnotta

LMG/ajl

Enclosures

cc: John O’Shea Sullivan, Esq.  
Grace B. Callanan, Esq.  
Mark G. Trigg, Esq.  
Steven J. Labovitz, Esq.  
Brent Herrin, Esq., Attorney for DeKalb County, Georgia  
Gus Small, Esq., Attorney for DeKalb County, Georgia  
Benjamin S. Klehr, Esq., Attorney for DeKalb County, Georgia  
Kimberly “Kasey” A. Sturm, Esq., Attorney for Plaintiffs

**IN THE SUPERIOR COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

**SOUTH RIVER WATERSHED ALLIANCE, )  
SOUTH RIVER FOREST COALITION, )  
MARGARET S. BRADY, ALLEN P. )  
DOYLE, JOEL FINEGOLD, JOSEPH S. )  
PERRY, AND JOHN AND JANE DOES, )**

**Plaintiffs,**

**v.**

**DEKALB COUNTY, GEORGIA, BY AND )  
THROUGH ITS BOARD OF )  
COMMISSIONERS, AND BLACKHALL )  
REAL ESTATE PHASE II, LLC, )**

**Defendants.**

**CIVIL ACTION  
FILE NO. 21CV1931**

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**DEFENDANT’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
TO NON-PARTY ATLANTA COMMUNITY PRESS COLLECTIVE**

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To: Atlanta Community Press Collective  
atlpresscollective@protonmail.com

COMES NOW Defendant Blackhall Real Estate Phase II, LLC (hereinafter, “Defendant” or “Blackhall”), and pursuant to O.C.G.A. §§ 9-11-26 and 9-11-34(c), hereby propounds its First Request for Production of Documents to Non-Party Atlanta Community Press Collective in the above-styled action as follows:

**DEFINITIONS AND INSTRUCTIONS**

1. Document -- As used herein, “document” shall mean any tangible thing upon which information is or has been stored, recorded or communicated in your custody, control or possession, or of which you have knowledge, including without limitation, letters, correspondence, e-mails, text messages, invoices, contracts, agreements, purchase orders, leases, deeds, covenants,

restrictions, permits, work orders, letters of intent, quotes, drawings, drawing revisions, specifications, requests for information and responses to requests for information, submittals, samples, memoranda, tapes, stenographic and handwritten notes, microfilm, bulletins, circulars, pamphlets, studies, reports, notices, diaries, summaries, books, messages, instructions, pictures, film, graphs, statistical compilations, magnetic discs, records and tapes and other media, computer cards, tapes, printouts, reports and other machine-readable records and data, sound recordings, and every draft or copy of a document which is not identical to the original or which draft or copy contains any commentary or notation whatsoever that does not appear on the original.

2. Person -- As used herein, "person" shall mean a natural person or an artificial person, including partnerships, corporations, proprietorships, unincorporated associations, governmental bodies or any other legally cognizable entities.

3. Date -- As used herein, "date" shall mean the exact day, month and year, if known, or, if the exact date is not known, the best available approximation.

4. Communication -- As used herein, "communication" shall include any oral utterance made, heard or overheard, whether in person or by telephone or otherwise, as well as every document and every other mode of intentionally conveyed meaning.

5. Identify -- As used herein, "identify" when used in reference to:

- a. A person who is an individual, shall mean to state his or her full name, present or last known residence address (designating which), and present or last known position or business affiliation (designating which), job title, employment address, business and residence telephone numbers;
- b. A person who is a firm, partnership, corporation, proprietorship, association, financial institution, or other organization or entity, shall mean to state its full name

and present or last known address and telephone number (designating which), the legal form of such entity or organization and the identity of its chief executive officer;

- c. An oral communication, the date, subject matter, communicator, communicate, nature of the communication, place or places where the communication occurred, whether it was recorded or otherwise memorialized, and the identity of any witness thereto;
- d. A document, shall mean to state the title (if any), the date, author, sender, recipient, the identity of persons signing it, type of document (i.e., a letter, memorandum, book, telegram, invoice, etc.) or some other means of identifying it (e.g., invoice number), the names of the persons known to have seen the document or to have received copies, its present location or custodian, and a description of its contents (in lieu of stating the foregoing information, you may attach a legible copy of a document to their responses hereto, specifying the particular Interrogatory to which the copy is in response and identifying the present custodian of the original).

If any document which you would have identified in response to any Interrogatory was but is no longer in your present possession or subject to your control or is no longer in existence, in addition to all of the above information of which you have knowledge, “identify” shall also mean to state whether any such document is or has been missing, lost, destroyed, transferred to others or otherwise disposed of, and in any such instance to set forth the surrounding circumstances in any authorization for such disposition, to state the approximate date of such disposition, and, if known, the present location and custodian of such document.

6. State all Facts -- As used herein, “state all facts” means to state all facts known to you or your attorneys, and to identify all persons having knowledge of such facts, identify all documents concerning or relating to such facts, and identify all communications concerning or relating to such facts. When used in reference to an allegation of the pleadings, “state all facts” shall include all facts negating, as well as supporting the allegation.

7. You/Your/Atlanta Community Press Collective-- As used herein, the terms “You” and/or “Your” shall mean Atlanta Community Press Collective, including without limitation any person(s) acting or purporting to act in any manner on your behalf, including your members.

8. Plaintiffs -- As used herein, the terms “Plaintiffs” shall mean Plaintiffs South River Watershed Alliance, South River Forest Coalition, Margaret S. Brady, Allen P. Doyle, Joel Finegold, and Joseph S. Perry, collectively or individually, including without limitation any person(s) acting or purporting to act in any manner on their behalf, including their counsel of record in this action, or actions through their members.

9. DeKalb County – As used herein, the term “DeKalb County” shall refer to Defendant DeKalb County, Georgia, by and through its Board of Commissioners, including without limitation any person(s) acting or purporting to act in any manner on its behalf, including its counsel of record in this action.

10. Internal Communications -- As used herein, the term “Internal Communications” shall mean communications between any member, employee, or agent of Atlanta Community Press Collective.

11. ““ICP” -- As used herein, the term “ICP” shall mean Intrenchment Creek Park located in DeKalb County, Georgia.

12. “Complaint” -- As used herein, the term “Complaint” shall mean the complaint filed in this case, Civil Action File No. 21CV1931, on or about February 12, 2021.

13. “Land Swap” -- As used herein, the term “Land Swap” shall mean the exchange of property between Blackhall and DeKalb County whereby Blackhall provided DeKalb County approximately 53 acres of land in exchange for 40 acres of land from DeKalb County approved by the DeKalb County Board of Commissioners on October 13, 2022 and memorialized in the January 29, 2021 Land Swap Agreement.

14. “Land Swap Agreement” -- As used herein, the term “Land Swap Agreement” shall mean the Quitclaim Deed dated January 29, 2021 that contains and sets forth the terms and conditions for the Land Swap.

15. “Blackhall Property” -- As used herein, the term “Blackhall Property” shall mean the property received by Blackhall in the Land Swap.

16. “DeKalb Property” -- As used herein, the term “DeKalb Property” shall mean the property received by DeKalb County in the Land Swap.

17. “TPL” -- As used herein, the term “TPL” shall mean the Trust for Public Land, including without limitation any person(s) acting or purporting to act in any manner on its behalf, including George Dusenbury.

18. “Blank Foundation” -- As used herein, the term “Blank Foundation” shall mean The Arthur M. Blank Foundation, including without limitation any person(s) acting or purporting to act in any manner on its behalf, including Penelope McPhee.

### **INSTRUCTIONS**

1. In producing documents, you are requested to furnish all documents known or available to you regardless of whether the documents are possessed: directly by you, your agents,

employees, representatives, or investigators; or by other entities controlled by or in any manner affiliated with you.

2. If the meaning of any term in any Request herein is unclear to you, without waiver of Defendant's right to seek a full and complete response to the Request, you shall assume a reasonable meaning, state what the assumed meaning is, and respond to the Request according to the meaning.

3. If any document cannot be produced in full, produce to the extent possible, specifying the reasons for the inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the non-produced portion.

4. If any requested document is claimed to be immune from discovery on the grounds of privilege or exemption, serve a written list of withheld documents, including the following information as to each such document, describing the document alleged to be privileged in detail sufficient to enable the Court to decide if the privilege has been properly invoked:

- a. type of document (*e.g.*, letter, memorandum, notes, e-mail, etc.);
- b. name of author(s) or preparer(s);
- c. name of recipient(s);
- d. date(s) of recording or preparation;
- e. description of the subject matter and content of the document sufficient to identify it; and
- f. reason for claim of privilege or other exemption from discovery.

5. For each document requested herein that has been destroyed, discarded, or lost, in whole or in part, please provide a complete description of the nature, subject matter, and contents of the document.

6. All documents are to be produced as they are kept in the usual course of business with any identifying labels, file markings or similar identifying features.

7. If there are no documents responsive to any particular category, you shall so state in writing.

8. If any document is produced in redacted form, that portion of the document which is redacted should be identified, and the response should, with respect to each such redaction, identify the ground or grounds for producing the document in redacted form.

9. Unless otherwise stated, these Requests are limited to the time period of November 1, 2018 to the present.

These Requests are continuing in nature. If after producing documents you obtain or become aware of any further documents responsive to these Requests, you are required to produce such additional documents.

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

Please produce the following documents at the offices of Blackhall's counsel, John O'Shea Sullivan, Burr & Forman LLP, 171 Seventeenth Street, N.W., Suite 1100, Atlanta, Georgia 30363, within thirty (30) days of service of these Requests, or at such other time and place as is mutually agreed upon by counsel:

1. All communications with Plaintiffs (or any of them) regarding ICP, the Land Swap, the Complaint, Blackhall, and/or Ryan Millsap.

2. All internal communications regarding ICP, the Land Swap, the Complaint, Blackhall, and/or Ryan Millsap.

3. All communications with the Blank Foundation regarding ICP, the Land Swap, the Complaint, Blackhall, and/or Ryan Millsap.



4. All communications with TPL regarding ICP, the Land Swap, the Complaint, Blackhall, and/or Ryan Millsap.

5. All communications with DeKalb County, or anyone employed by DeKalb County, regarding ICP, the Land Swap, the Complaint, Blackhall, and/or Ryan Millsap.

6. All communications with any third party regarding ICP, the Land Swap, the Complaint, Blackhall, and/or Ryan Millsap.

7. All communications, internal or otherwise, regarding any protest of or meeting/gathering relating to the Land Swap.

8. All documents reflecting any payment, donation, or transfer of money from you to Plaintiffs, or their attorneys, regarding the Land Swap or the Complaint.

9. All photographs or videos you have of any protest of or meeting/gathering relating to the Land Swap.

10. All photographs or videos you have of Plaintiffs, or any of them, on the Blackhall Property from October 13, 2020 to the present.

11. All reports, appraisals, evaluations, etc. which constitute, relate to, or contain information about the Blackhall Property.

12. All reports, appraisals, evaluations, etc. which constitute, relate to, or contain information about the DeKalb Property.

13. All documents which relate to or contain information about your communications with persons who donate money or in kind gifts to you.

This 21st day of October, 2022.

/s/ John O'Shea Sullivan

John O'Shea Sullivan  
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*Counsel for Defendant Blackhall Real Estate  
Phase II*

**BURR & FORMAN LLP**  
171 Seventeenth Street, NW  
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Atlanta, Georgia 30363  
Telephone: (404) 815-3000  
Facsimile: (404) 817-3244

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## CERTIFICATE OF SERVICE

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I hereby certify that a copy of **DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO NON-PARTY ATLANTA COMMUNITY PRESS COLLECTIVE** has been served on Atlanta Community Press Collective by email and to Plaintiffs by First Class United States Mail on this the 21st day of October, 2022:

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*/s/ John O'Shea Sullivan* \_\_\_\_\_  
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