

SUPREME COURT OF FLORIDA
CASE NO. SC17-1391
The Florida Bar File No. 2016-70,106 (11J)

THE FLORIDA BAR,
Complainant,

versus

JONATHAN STEPHEN SCHWARTZ,
Respondent.

_____ /

RESPONDENT'S FIRST SET OF INTERROGATORIES TO
COMPLAINANT THE FLORIDA BAR

Respondent Jonathan S. Schwartz tenders this first set of interrogatories pursuant to Rule 1.340 of the Florida Rules of Civil Procedure, requesting Complainant The Florida Bar answer the interrogatories within thirty (30) days of service.

1. State the name, address, telephone number and email address of any person you intend to call as a witness, either through live testimony or by affidavit, at the final hearing of this cause for any purpose, including guilt and/or sanctions. State a brief description of the expected testimony of each potential witness.

RECEIVED, 11/08/2017 12:18:30 AM, Clerk, Supreme Court

2. State the name, address, telephone number, and email address of every expert witness retained by you, or on your behalf, who is expected to testify as an expert at the final hearing of this cause for any purpose, including guilt and/or sanctions. For each such person, state the following:
 - A. The subject matter on which said expert is expected to testify.
 - B. The substance of the fact and opinions upon which the expert is expected to testify.
 - C. Provide a summary of the opinion each witness is anticipated to offer.
 - D. Identify every document submitted to each expert.
 - E. State the identify of each prior action in which each such expert was retained to testify as an expert witness, including: (1) the case,

caption, docket number and name of the court or agency involved; (2) the identity of the party on whose behalf such testimony was given; (3) the dates of such testimony; (4) a description of the nature of the proceeding in which such testimony was given.

3. If any person named in the answer to Interrogatory No. 2 above has submitted a written report or opinion related to the subject matter of this case, state the following:

- A. The name of the person authoring any such report or opinion.
- B. The date (or dates, if more than one) of such report or opinion.
- C. The name and address of the person to whom such report or opinion was submitted.

4. State and describe all documentary or tangible evidence you intend to introduce at the final hearing of this cause for any purpose, including guilt and/or sanctions.

5. List any and all reasons for imposing sanctions, and the severity of sanctions that will be presented to the referee.

6. State all circumstances and identify all cases in which a defendant prosecuted by initiating complainant Cristina M. Cabrera was wrongfully accused, misidentified, acquitted, or the subject of charges dropped.

7. State all circumstances and identify all cases in which a defendant prosecuted by initiating complainant Miami-Dade State Attorney's Office was wrongfully accused, misidentified, acquitted, or the subject of charges dropped during the entire period of 2005 through the present.

8. State and summarize all complaints by witness Gerdie Tellisma to any person or institution directed to any conduct by Respondent Jonathan Stephen Schwartz.

9. State all information concerning the duty, responsibility, and/or obligation of criminal defense counsel to vigorously defend a defendant against criminal charges when counsel or the defendant has reason to believe the defendant has been wrongfully identified or accused.

10. State information sufficient to identify every case by name and case number prosecuted by initiating complainant Miami-Dade State Attorney's Office in which defense counsel utilized a defense-created photographic line-up to test the accuracy of a witness identification of the defendant, for the entire period commencing 2005 through the present.

NOTARY CERTIFICATE

THE FLORIDA BAR

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared _____, who produced _____ as identification, or who is personally known to me, and who being duly sworn, deposes and says the Answers to interrogatories attached hereto are true and correct.

Sworn to and subscribed before me on the ___ day of _____, 2017.

Notary Public, State of Florida At Large

Print Name

Commission No. _____

My Commission Expires _____

Respectfully submitted,
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By: S/ Benedict P. Kuehne
BENEDICT P. KUEHNE

CERTIFICATE OF SERVICE

I CERTIFY the foregoing was emailed November 7, 2017, to:

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By: S/ Benedict P. Kuehne
BENEDICT P. KUEHNE

GENERAL INSTRUCTIONS FOR ANSWERING INTERROGATORIES

1. Identify yourself and identify each and every person with whom you consulted, upon whom you relied, or who otherwise constituted a source of information for you in connection with the preparation of your answers to these interrogatories, listing with respect to each and every person the number(s) of the interrogatories to which he or she helped to prepare answers or with respect to which he or she was consulted, relied upon, or otherwise constituted a source of information.

2. Make such inquiry of your agents, servants, employees, representatives, and other persons in your control and make such examination of all documents relating to this matter so as to enable you to answer the interrogatories herein as completely and accurately as you possibly can.

3. As used herein, the term "document," "documents," or "documentation" includes any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, all paper material of any kind, whether written, typed, recorded, transcribed, punched, filmed, or marked in any way (including, but not limited to, computer printouts and data compilations from which information can be obtained and transcribed, if necessary, into reasonable useable form), or graphic matter, however produced or reproduced, which is in your possession, custody, or control or which was, but is no longer, in your possession, custody, or control. If any or all documents identified herein are no longer in your possession, custody or control because of destruction, loss, or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; and (d) state in as much detail as possible the contents of the document. All documents relating to the subject matter of an interrogatory are to be listed (or attached), not just "representative" documents.

4. If you contend that you are entitled to withhold from production any or all documents identified herein on the basis of the attorney-client privilege, the work-product doctrine, or other ground, then do the following with respect to each and every document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state the subject matter of the document; and (e) state the basis upon which you contend you are entitled to withhold the document from production.

5. As used herein, the term “communication” means any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings between two or more persons.

6. The terms “you,” “your,” or “yourself” as used herein refer to The Florida Bar and its agents, representatives, and unless privileged, attorneys, and each person acting or purporting to act on your behalf, including the initiating complainants Penny H. Brill, Cristina M. Cabrera, and the Miami-Dade State Attorney’s Office.

7. As used herein, the term “representative” means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on behalf of the person in question.

8. As used herein, the term “person” means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, and other units therein, and shall include, but not be limited to, public or private corporations, partnerships, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau or department.

9. As used herein, the term “employee” or “employees” includes any person(s), agent(s), servant(s), representative(s), whether full time or

part time, and any other person(s) in the control of The Florida Bar and initiating complainants Penny H. Brill, Cristina M. Cabrera, and the Miami-Dade State Attorney's Office.

10. As used herein, the terms "identify," "identification," or "identity" when used in reference to an individual person means to state his or her full name, present address, if known (if not, his/her last known address), and his/her present employment position and business affiliation. When used in reference to a person other than an individual person, "identify," "identification" or "identity" means to state whether that person is a corporation, partnership, or other organization, the full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business and the addresses of all of its officers. When used in reference to a business, the terms "identify," "identification," or "identity" means to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those businesses, and the identity of the person or persons who own, operate and control the business. Once any person has been identified properly, it shall be sufficient thereafter when identifying that person to state only his or her name. When an interrogatory requests the identity of persons having knowledge of a particular matter, all persons having such knowledge are to be listed, not just those persons who would know the names of others having such knowledge.

11. As used herein, the terms "identify," "identification," or "identity" when used in reference to a document or documents means to state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its author(s) (or, if different, the signor or signors) and recipients, and its present location and custodian. When used in reference to a communication, the terms "identify," "identification," and "identity" mean, if any part of the communication is written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was not written, to identify the persons participating in

the communication and to state the date, manner, place, and substance of the communication. All references to document, documents, or communications should be identified with sufficient particularity to meet the requirements for its inclusion in a request for production of documents pursuant to Rule 1.350 of the Florida Rules of Civil Procedure. In lieu of identifying any document, a true and correct copy may be annexed to and incorporated in the answers to these interrogatories. If any such document has already been furnished to counsel for Respondent, only one reference to it is necessary to enable counsel for Respondent to identify it.

12. Whenever an interrogatory requires you to “state the basis of” a particular claim, contention, or allegation, state in your answer the identity of each and every communication and each and every legal theory that you think supports, refers to, or evidences such claim, contention or allegation.

13. As used herein, the word “or” appearing in an interrogatory should not be read so as to eliminate any part of the interrogatory, but, whenever applicable, it should have the same meaning as the word “and.” For example, an interrogatory stating “support or refer” should be read as “support and refer” if an answer that does both can be made.

14. Identify each and every person known or believed by you to have knowledge relevant to the subject matter of this action.

15. If more than one person answers these interrogatories on behalf of the Complainant, indicate in parentheses after each answer the name of the person answering each interrogatory.

16. If the person or persons answering these interrogatories cannot give answers based on personal knowledge, the answer must state this fact and state the source of the given answer.