

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 24-005243

In re:

HERON POND CONDOMINIUM  
ASSOCIATION, INC.

Petitioner.

v.

HERON POND CONDOMINIUM  
ASSOCIATION, INC.

Defendant/Respondent.

**NOTICE OF INTENT TO SERVE SUBPOENA**

**YOU ARE HEREBY** notified that, pursuant to Fla. R. Civ. P. 1.351(c), after ten (10) days from the date of service of this Notice, and if no objections are received from any party, the undersigned will issue the attached Subpoena for the Production of Documents and Records, upon:

**PMG Asset Services LLC  
c/o Jose Bernal, Property Manager  
4651 Sheridan Street, Suite 480  
Hollywood, FL 33021**

Dated: September 19, 2024

Respectfully submitted,

BERGER SINGERMANN LLP  
*Counsel for Receiver*  
201 East Las Olas Boulevard  
Suite 1500  
Fort Lauderdale, Florida 33301  
Tel. (954) 525-9900  
Fax (954) 523-2872

By: /s/ Michael J. Niles

Brian G. Rich  
Florida Bar No. 38229

[brich@bergersingerman.com](mailto:brich@bergersingerman.com)  
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Florida Bar No. 107203  
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[DRT@bergersingerman.com](mailto:DRT@bergersingerman.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 19, 2024, the foregoing was filed using the Florida Court's E-Filing Portal, which will, in turn, send notice of electronic filing to all electronic service parties.

By: /s/ Michael J. Niles  
Michael J. Niles

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\_\_\_\_\_ /

**SUBPOENA FOR THE PRODUCTION OF DOCUMENTS AND RECORDS**

STATE OF FLORIDA:

To All Singular Sheriffs of Said State:

TO: PMG Asset Services LLC  
c/o Jose Bernal, Property Manager  
4651 Sheridan Street, Suite 480  
Hollywood, FL 33021

**YOU ARE COMMANDED** to appear at the offices of **Berger Singerman, LLP, 201 East Las Olas Blvd., Suite 1500, Fort Lauderdale, FL 33301** within thirty (30) days the service of this Subpoena and to have with you at that time and place the documents listed on **Schedule “A” – Document Requests** 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 attorneys whose names appears on this subpoena on or before the

scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. 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. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

If you fail to:

- (1) appear as specified; or
- (2) furnish the documents as specified; or
- (3) object to this subpoena,

you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you must respond to this subpoena as directed.

Dated: September 19, 2024

Respectfully submitted,

BERGER SINGERMAN LLP  
*Counsel for Receiver*  
201 East Las Olas Boulevard  
Suite 1500  
Fort Lauderdale, Florida 33301  
Tel. (954) 525-9900  
Fax (954) 523-2872

By: /s/ Michael J. Niles

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on September 19, 2024, the foregoing was filed using the Florida Court's E-Filing Portal, which will, in turn, send notice of electronic filing to all electronic service parties.

By: /s/ Michael J. Niles  
Michael J. Niles

**SCHEDULE A – DEFINITIONS AND INSTRUCTIONS**

A. “You” or “Your” or means or refers to Jose Bernal, the recipient of this subpoena including his agents, and assigns.

B. “PMG” means or refers to non-party PMG Asset Services LLC, and includes its shareholders, officers, directors, managers, employees, agents, parent companies, subsidiaries, affiliates, and any other entity which owns, holds, or exercises a majority or controlling interest.

C. “Receivership Entity” means or refers to Heron Pond Condominium Association, Inc., and includes all of its agents, members, managers, employees, parent companies, subsidiary companies, and any other person or entity acting, or purporting to act, on behalf of Heron Pond Condominium Association, Inc.

D. “Receiver” means or refers to Court-appointed Receiver Daniel J. Stermer.

E. “Documents” shall mean the original or copies of any tangible written, typed, printed or other form of recorded or graphic matter of every kind or description, however produced or reproduced, whether mechanically or electronically recorded, draft, final original, reproduction, signed or unsigned, regardless of whether approved, signed, sent, received, redrafted, or executed, and whether handwritten, typed, printed, photostated, duplicated, carbon or otherwise copied or produced in any other manner whatsoever. Without limiting the generality of the foregoing, “documents” shall include correspondence, letters, telegrams, telexes, mailgrams, memoranda, including inter-office and intra-office memoranda, memoranda for files, memoranda of telephone or other conversations, including meetings, invoices, reports, receipts and statements of account, ledgers, notes or notations, notes or memorandum attached to or to be read with any document, booklets, books, drawings, graphs, charts, photographs, phone records, electronic tapes, discs or other recordings, computer programs, printouts, data cards, studies, analysis and other data compilations from which information can be obtained. Copies of documents, which are not identical duplications of the originals or which contain additions to or deletions from the originals or copies of the originals if the originals are not available, shall be considered separate documents.

“Documents” shall also include all electronically stored information (hereinafter “ESI”) including but not limited to computer generated information or data of any kind, stored in or on any storage media located on computers, file servers, disks, tape or other real or virtualized devices or media, including Digital Communications (*e.g.*, e-mail, text messages, voice mail, instant messaging, chats, tweets, blog posts, social media posts, comments, etc.), E-Mail Server Stores (*e.g.*, Lotus Domino .NSF or Microsoft Exchange .EDB), Word Processed Documents (*e.g.*, Word or WordPerfect files and drafts), Spreadsheets and tables (*e.g.*, Excel or Lotus 123 worksheets), Accounting Application Data (*e.g.*, QuickBooks, Money, Peachtree data), Image and Facsimile Files (*e.g.*, .PDF, .TIFF, .JPG, .GIF images), Sound Recordings (*e.g.*, WAV and .MP3 files), Video and Animation (*e.g.*, .AVI and .MOV files), Databases (*e.g.*, Access, Oracle, SQL Server data, SAP, other), Contact and Relationship Management Data (*e.g.*, Outlook, ACT!), Calendar and Diary Application Data (*e.g.*, Outlook PST, blog entries), Online Access Data (*e.g.*, Temporary Internet Files, History, Cookies), Presentations (*e.g.*, PowerPoint, Corel Presentations), Network Access and Server Activity Logs, Project Management Application Data, Computer Aided Design/Drawing Files; and Backup and Archival Files *e.g.*, Veritas, Zip, .GHO).Your search for

ESI shall include all of computer hard drives, floppy discs, compact discs, backup and archival tapes, removable media such as zip drives, password protected and encrypted files, databases, electronic calendars, personal digital assistants, mobile devices, smart phones, tablets, proprietary software and inactive or unused computer disc storage areas.

Production of ESI or any electronically stored data shall be in native format unless otherwise agreed, consistent with **Exhibit 1** below. In producing Documents consisting of electronically stored data in machine-readable form in response to any Request, provide such data in a form that does not require specialized or proprietary hardware or software.

The meaning of “Documents” shall be construed as broadly as permitted by the applicable rules of civil procedure but is not intended and shall not be interpreted to expand upon or enlarge the responding party’s obligations beyond that required by applicable rules of civil procedure.

F. “Communication” or “Communications” as used herein shall mean any oral or written statement, dialogue, colloquy, discussion or conversation and any transfer of thoughts or ideas between persons by means of any writings, recordings or reproducible data, and includes any transfer of documents or data from one location to another by electronic or similar means.

G. “Related to,” “relating to,” “referring to,” or “reference(s)” mean containing, constituting, showing, mentioning, reflecting, evidencing, discussing, or pertaining, directly or indirectly, to the subject matter identified in the request, and includes any documents supporting, denying, underlying or used to prepare any document called for by each request.

H. “Concerning” means relating to, referring to, describing, evidencing and/or constituting.

I. The conjunctions “and” and “or” shall be always interpreted as meaning “and/or” to encompass the broader of the two possible constructions and shall not be interpreted disjunctively to exclude any information or documents otherwise within the scope of any request.

J. Any reference to any public or private company, partnership, association, or other entity includes such entity’s subsidiaries and affiliates, and the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of the entity, its subsidiaries or its affiliates.

K. The conjunctions “and” and “or” shall be interpreted in each instance as meaning “and/or” so as to encompass the broader of the two possible constructions and shall not be interpreted disjunctively to exclude any information or documents otherwise within the scope of any request.

L. Any pronouns used include and be read and applied as to encompass the alternative forms of the pronoun, whether masculine, feminine, neuter, singular or plural, and shall not be interpreted to exclude any information or documents otherwise within the scope of the request.

M. If you contend that you may withhold any responsive document(s) on the basis of privilege or other grounds, for every such document specify:

- (i) The type or nature of the document;

- (ii) The general subject matter of the document;
- (iii) The date of the document;
- (iv) The author, addressee, and any other recipient(s) of the document; and
- (v) The basis on which you contend you are entitled to withhold the document.

N. You must produce all documents within your possession, custody or control that respond to any of these requests. A document is deemed within your possession, custody or control if you possess the document or if you have the right or ability to secure the document or a copy thereof from any other person having physical possession thereof.

O. You must produce the original documents as kept and maintained in the ordinary course of business, or as segregated by category of response to which the documents are responsive. All documents produced in response to this notice shall be presumed to be authentic for all purposes, including, but not limited to, for use at trial and at any other proceedings in this matter. In either case, the parties serving this discovery request demand an opportunity to inspect the file(s) in which all documents responsive to this discovery request are kept.

P. If you at any time had possession, custody or control of a document called for under this request and if such document has been lost, destroyed, purged, or is not presently in your possession, custody or control, you shall describe the document, the date of its loss, destruction, purge, or separation from possession, custody or control and the circumstances surrounding its loss, destruction, purge, or separation from possession, custody or control.

Q. When appropriate, the singular form of a word should be interpreted in the plural as may be necessary to bring within the scope hereof any documents which might otherwise be construed to be outside the scope hereof.

R. Unless otherwise specified in the separately numbered requests below, the time frame for each request is from January 1, 2020, through the date of Your production of Documents.

### **SCHEDULE A – DOCUMENT REQUESTS**

1. Any and all Documents or Communications related to the Receivership Entity in your custody, possession or control.

2. Any and all Documents or Communications sent in response to receipt of that certain Final Demand for Turnover of Association Official Records sent by Eisinger Law dated March 21, 2024.

3. Any and all Documents or Communications sent in response to receipt of that certain Demand letter to PMG Assets from ALG Attorneys at Law dated November 9, 2023.

4. All bank statements and financial records of the Receivership Entity.



**SCHEDULE A – EXHIBIT “1”**

**Production of Electronically Stored Information (ESI)  
FORM OF PRODUCTION**

Plaintiff requests that all ESI (electronically stored information) be produced as follows:

ESI will be produced (printed and loaded) in 300DPI resolution or greater, Group IV Monochrome Tagged Image File Format (.TIF) files in single-page format, with **ALL** native files provided and word searchable OCR/extracted text (Optical Character Recognized – i.e. searchable text) in UTF-8 format. Color photographs should be produced as color JPEG images. Email natives will be delivered in MSG or EML format. Load files will be provided in Opticon (.OPT) format and an IPRO LFP (.lfp) format. Metadata will be provided in a DAT file with standard Concordance delimiters. The text files containing the OCR/Extracted Text shall be produced in multi-page format with the name corresponding to its associated document. **All small and oversized images should be resized to fit on 8.5x11 canvas.**

The files should be delivered with the following folder structure:

**IMAGES** – contains the TIF and JPG files, up to 10,000 items.

**DATA** – contains the OPT and LFP files and the metadata text file (DAT)

**NATIVES** – contains all the original native files named as the BEGDOC

**TEXT** – contains the document-level OCR/Extracted text files named as the BEGDOC

<b>Eclipse Metadata Field</b>	<b>Field Description</b>
BegDoc	BegDoc
EndDoc	EndDoc
BegAttach	BegAttach
EndAttach	EndAttach
Application	Application/Application Name
AttachmentIDs	Bates numbers of attachment(s)
Attachments	Names of attachment files
AttachRange	Attachment Range
Authors	Document author
BCC	BCC (Name + email)
CC	CC (Name + email)
Companies	Company name
Custodian	Custodian (Last, First)
DateCreated	Date created (MM/DD/YYYY)
DateReceived	Date email received (MM/DD/YYYY)
DateSaved	Date last saved (MM/DD/YYYY)
DateSent	Date email sent (MM/DD/YYYY)
Doctitle	Title
FileType	Document Type Description
FileExtension	File extension
Doclink	Link to native files produced
ExtractedText	Link to text files produced

Filename	Original filename
FileSize	File size in bytes
Folder	Relative Path (Inbox, Sent, etc.)
From	Sender (Name + email)
Hash_Code	MD5 hash
Header	Email header
InternetMSGID	IntMsgID
MessageID	MsgID
NumAttachments	Attachment count
NumPages	Page count
ParentID	Parent bates number
Password_Protect	Y/N field
PDF_Comments	“yes” if PDF Comments exist
Read	Y/N
SHA1	SHA1 hash
Sources	CD, DVD, hard drive; brief desc. of data
StoreID	Name of PST/NSF file (if relevant)
Subject	Email/Document subject
TimeReceived	Time email received (12-hour HH:MM)
TimeSent	Time email sent (12-hour HH:MM)
To	To (Name + email)

**For .xls (Excel), .ppt (PowerPoint), and .doc (Word) files the following additional metadata fields should be included**

Excel_Comments	Comments
Excel_HiddenColumns	Hidden Columns
Excel_HiddenRows	Hidden Rows
Excel_HiddenWorksheets	Hidden Worksheets
Num_Lines	Number of lines
Num_Paragraphs	Number of paragraphs
Num_slides	Number of slides
Num_Notes	Number of notes
Num_HiddenSlides	Number of hidden slides
Num_Multimedia	Number of multimedia clips
Security	Security
Word_Comments	Comments
Word_HiddenText	Hidden Text
Word_Revisions	Revisions/Markups