

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

HIGH GABLES HOMEOWNERS  
ASSOCIATION, INC., et al.,

Plaintiffs,

**v.**

LARRY C. OLDHAM,

Defendant.

CIVIL ACTION

FILE NO. 05 CV 2005

**HIGH GABLES HOMEOWNERS ASSOCIATION, INC.'S RESPONSE  
TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
AND NOTICE TO PRODUCE**

COMES NOW High Gables Homeowners Association, Inc. (“High Gables”), Plaintiff/Defendant-in-Counterclaim in the above-captioned case, and files this Response to Defendant’s First Request for Production of Documents and Notice to Produce, showing this Court as follows:

**PRELIMINARY OBJECTION**

High Gables objects to the definitions and instructions contained in Defendant's First Request for Production of Documents and Notice to Produce on the grounds of and to the extent that the same seeks documents which are outside the scope of permissible discovery under O.C.G.A. § 9-11-26 et seq. High Gables further objects to the definitions and instructions to the extent that same seeks documents which are protected from discovery by the attorney-client privilege and seeks documents which constitute attorney work product and/or materials prepared in anticipation of litigation and the required showing has not been made. High Gables further

objects to the definitions and instructions on the grounds that the same are overly broad and unduly burdensome.

**DOCUMENTS REQUESTED**

1.

All documents identified by you in response to any of Defendant's First Interrogatories served concurrently herewith.

**RESPONSE:**

See attached.

2.

To the extent not already provided to Defendant pursuant to his January 17, 2006 demand for inspection of Plaintiffs records and his follow-up requests through February 24, 2006, all corporate or other documents of Plaintiff of whatever kind and wherever situated, whether in the possession of Plaintiff, the Management Company, or Plaintiffs Counsel.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same is over broad and unduly burdensome. High Gables further objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq. High Gables further objects to this Request on the grounds that the same seeks documents protected by the attorney/client privilege. Subject to and without waiving the foregoing objections, High Gables has previously produced the requested documents to Defendant.

3.

All documents pertaining to all meetings of the Board for the past the past four years, including, without limitation, all attendance and voting records from said meetings.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same is overbroad and seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq. Subject to and without waiving the foregoing objection, High Gables has previously produced documents related to the 2004 and 2005 annual meetings.

4.

All documents evidencing rules and regulations of Plaintiff that are not contained or included in the Declaration and the Building and Design Specifications.

**RESPONSE:**

None, other than the By-laws, Declarations and Covenants and Building and Design Specifications.

5.

All documents containing information about Plaintiff, the HOA Members, the Neighborhood, the Covenants, the Building and Design Specifications, or the Board.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq. High Gables further objects to this Request on the grounds that the same is vague and ambiguous.

6.

All documents identifying the HOA Members entitled to vote at meetings of Plaintiff, all proxies given by HOA Members to others, and all roll calls, attendance records or other lists of

HOA Members in attendance at annual meetings and/or other meetings of the HOA Members for the past four years.

**RESPONSE:**

See Response to Request No. 3.

7.

All documents that Plaintiff or the Board has distributed, or has had distributed through the Management Company, to any Owner regarding the Covenants or any alleged violations thereof.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq.

8.

All documents prepared by Plaintiff or any member of the Board of any discussion or conversation it has had about Defendant or Defendant's Alleged Covenant Violations with: (i) other members of the Board; (ii) HOA Members; (iii) Governmental Authorities; or (iv) the Management Company.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which constitute work product and/or materials prepared in anticipation of litigation. High Gables further objects to this Request on the grounds that the same seeks documents protected by the attorney/client privilege. Subject to and without waiving the foregoing objections, see the attached documents.

9.

All documents between Plaintiff and Defendant, including notes or records of any

conversations with Defendant by Officers and Directors.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which constitute work product and/or materials prepared in anticipation of litigation. High Gables further objects to this Request on the grounds that the same seeks documents protected by the attorney/client privilege. Subject to and without waiving the foregoing objections, see the attached documents.

10.

All documents the Board has sent or received in the last four years regarding alleged violations of the Covenants, including those pertaining to Defendant's Alleged Covenant Violations.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq. Subject to and without waiving the foregoing objections, see documents attached pertaining to Defendant's Covenant violations.

11.

Any documents evidencing any agreements between Plaintiff and Management Company regarding the provision of management services and the charges therefor.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq.

12.

Any documents evidencing any agreements between Plaintiff and Plaintiffs Counsel regarding the provision of legal services and the charges therefor.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq.

13.

All policies of insurance insuring Plaintiff, the Board, or the Officers and Directors.

**RESPONSE:**

High Gables will produce a copy of the insurance policy.

14.

Any petitions, including signatures, or documents that the Board, any HOA Member or the Management Company circulated in connection with Defendant's Alleged Covenant Violations and the Action.

**RESPONSE:**

None.

15.

All documents from or to the Board and/or Governmental Authorities regarding Defendant's Alleged Covenant Violations or the Oldham Property.

**RESPONSE:**

None.

16.

All deposition transcripts from any other litigation in which Plaintiff has been involved, including, without litigation, that certain civil action styled High Gables Homeowners Association v. Jason and Lisa Creech, Civil Action File No. 03-CV-0073, Superior Court of Forsyth County, Georgia (the "Creech Litigation").

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq.

17.

All correspondence between Plaintiff, Plaintiffs Counsel, the Management Company or the Board and the defendants in the Creech Litigation and/or their counsel, including all documents and correspondence pertaining to the settlement of the Creech Litigation.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq.

18.

All requests or documents submitted to Plaintiff or the ACC within the past four years by HOA Members, and all responses or other actions taken by Plaintiff or the ACC in connection with such requests.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq. High Gables objects to this Request on the grounds that

the same is over broad and unduly burdensome.

19.

All documents from Plaintiff, the Board, the ACC, the Management Company, Plaintiffs Counsel, or any other agents or persons on behalf of any of the foregoing which pertain to alleged violations of the Covenants, the Building and Design Specifications, or any other rules or regulations of Plaintiff.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence pursuant to O.C.G.A. § 9-11-26, et seq. High Gables objects to this Request on the grounds that the same is over broad and unduly burdensome.

20.

All invoices, bills or documents pertaining to legal services provided by Plaintiffs Counsel in connection with the Action, including a usual and customary detailed breakdown of the services performed and the personnel performing such services, and also including an itemization of reimbursable advances and expenses charged by Plaintiff's Counsel in connection with such representation.

**RESPONSE:**

High Gables objects to this Request on the grounds that the same seeks documents which are protected by the attorney/client privilege. Subject to and without waiving the foregoing objections, High Gables will produce a copy of the amount of their legal fees to date.

21.

The specifications for the "neighborhood standard" mailbox as contemplated by the Building and Design Specifications.

**RESPONSE:**

See By-laws and letter previously sent to Defendant.



22.

All photographs and documents pertaining to the Oldham Property.

**RESPONSE:**

See attached.

23.

All documents that you may or will introduce at trial or upon which you rely for any contentions or allegations made by you in the Action.

**RESPONSE:**

High Gables will submit an exhibit list with the Pre-trial Order. High Gables has attached all relevant documents.

24.

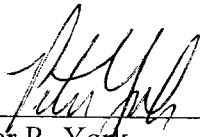
All documents sent by you to Defendant or the HOA Members regarding any of the issues in the above-styled Action.

**RESPONSE:**


See attached.

This 14 day of April, 2006

HAWKINS & PARNELL, LLP

  
\_\_\_\_\_  
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ATTORNEYS FOR HIGH GABLES  
HOMEOWNERS ASSOCIATION

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## STATE OF GEORGIA

HIGH GABLES HOMEOWNERS  
ASSOCIATION, et al.,

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## CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for Defendant in this action with a copy of the foregoing **HIGH GABLES HOMEOWNERS ASSOCIATION, INC.’S RESPONSE TO DEFENDANT’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND NOTICE TO PRODUCE** by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Larry C. Oldham, P.C.  
416 Pirkle Ferry Road  
Suite K-500  
Cumming, GA 30040

This 14 day of April, 2006.

  
Peter R. York