BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE CASE NO.: SC09-1182 09-01

N. JAMES TURNER JQC Case No.: 09-01

RESPONDENT’S SECOND REQUEST TO PRODUCE

Respondent, by and through his undersigned counsel, hereby requests that the Florida Judicial Qualifications Commission, to produce the documents and things described below for inspection and copying at the offices of the undersigned counsel, and serve a written response to this Request within thirty (30) days of its service, pursuant to Rule 1.350, Fla.R.Civ.P.

I. DEFINITIONS AND INSTRUCTIONS

1. The term “person” means any natural person, any business entity (whether a corporation, partnership, or other business association), any government or political subdivision thereof, or governmental body, commission board, agency, bureau, or department.

2. The terms “document” or “documents” mean the original, and all copies thereof which are different in any way from the original (whether by interlineation, receipt stamps notation, indication of copies sent or received, or otherwise), and all attached or annexed materials to any written, typewritten, handwritten, printed, graphic, photographic or recorded material, as well as all computer data files, tapes, disks, inputs or outputs, and other computer-readable records or programs, transcripts and copies and reproductions thereof, however produced or reproduced, now or at any time in your actual or constructive possession, custody or control. The terms “document” or “documents” shall specifically include, but not be limited to, correspondence, telegrams, facsimiles, telexes, memoranda, memoranda or records of meetings, conferences,
telephone or other communications, pamphlets, books, notes, reports, studies, transcripts, indexes, accounting records of any kind, including bank examination reports whether state or federal, filings, records, charts, tabulations, lists, analyses, graphs, diagrams, estimates, minutes, (including board and loan committee minutes), tapes, photographs and photographic films, sound recording tapes, phonograph records, video tapes, data compilations from which information can be obtained or can be translated into a form reasonably usable, as well as any contracts or agreements, and records of every kind and type, including any information formerly or presently kept by any method of electronic data processing or magnetic tape storage medium, including the printed output of any such electronic data processing equipment or magnetically stored information.

3. The terms “identify” or “identification” when used in reference to an individual person mean to state his or her full name, present or last known address, telephone number and his or her present or last known employment position and business affiliation. When used in reference to a person other than an individual person, “identify” or “identification” means to state whether such a person is a corporation, partnership, or other organization, and the name, present or last known address, and the principal place of business thereof. Once any person has been identified properly, it shall be sufficient thereafter when identifying that same person to state his or her name only.

4. The term “communication” means any written or oral communication, including, but not limited to, telephone conversations and meetings, letters, facsimile, telegraphic, electronic mail, and telex communications.

5. The terms “and” and “or” shall be construed conjunctively rather than disjunctively, as is necessary to make each interrogatory inclusive rather than exclusive.

6. The phrase “pertaining or relating” means being connected or associated, or referring to something.
7. To the extent that you consider any of the following requests or questions objectionable, respond to so much of each, and each part thereof, which is not objectionable in your view, and separately state that part of each which is objectionable and the ground for each objection. When identification of a document is required, your response should include such information as is sufficient to enable the Respondent to form an intelligible request for production of such a document with the degree of specificity required by Rule 1.350, Fla.R.Civ.P., and if no copy of the document identified is in your possession, custody, or control, the name and address of the person now having possession, custody, or control of the document or any copy thereof.

II. CLAIM OF PRIVILEGE

If you object to fully identifying a document or communication because of a privilege, you must nevertheless provide the following information unless divulging the information would disclose the privileged information:

1. the nature of the privilege claimed (including work product);
2. if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
3. the date of the document or oral communication;
4. if a document: its type (correspondence, memorandum, facsimile etc.), custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum, or a document request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;
5. if an oral communication: the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
6. the general subject matter of the document or oral communication.
DOCUMENTS TO BE PRODUCED

1. Any documents, correspondence, or other communication sent by any person to the Judicial Qualifications Commission regarding any allegation made in the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

2. Any and all documents reflecting any internal investigation of the actions and events that form the basis of the allegations set forth in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

3. Any and all documents reflecting any internal investigation of the actions and events that form the basis of the allegations set forth in paragraph 11 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

4. Any and all documents related to complaints, both oral and written, of sexual harassment involving Respondent, including, but not limited to, those pertaining to the allegations set forth in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

5. Any and all documents related to complaints, both oral and written, of a hostile work environment involving Respondent, including, but not limited
to, those pertaining to the allegations set forth in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

6. Any and all documents which relate or support in any way the allegations set forth in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

7. Any and all documents which relate or support in any way the allegations set forth in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010 that Respondent “made inappropriate comments and had improper, unwanted and uninvited physical contact with subordinate female personnel, including hugging, kissing and massaging them, attempting to force yourself into the personal and private lives of subordinate female employees, including, loaning them money.”

8. Any and all witness statements which relate or support in any way the allegations set forth in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010 made prior to December 31, 2009.

9. Any and all witness statements which relate or support in any way the allegations set forth in paragraph 11 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010 made prior to December 31, 2009.
10. All documents including, but not limited to, diaries, calendars, notes, or memoranda, written by any person who was the subject of any of the alleged actions of the Respondent, which record, reflect, or refer to events and/or actions alleged in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges, whether recorded to or prior to or at the time of such event that such events occurred, or at any time thereafter.

11. Any and all documents which relate or support in any way the allegations set forth in paragraph 11 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

12. Copies of any and all correspondence, including emails, between Circuit Judge Margaret Waller and Chief Judge Belvin Perry, Jr., which relate, in any way, to the allegations set forth in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

13. Copies of any and all correspondence, including emails, between Circuit Judge Margaret Waller and Chief Judge Belvin Perry, Jr., which relate, in any way, to the allegations set forth in paragraph 11 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

14. Copies of any and all correspondence, including emails, between Judicial Assistant Trina Bryant and Chief Judge Belvin Perry, Jr., which relate, in
any way, to the allegations set forth in paragraphs 10 and 11 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

15. Copies of any and all correspondence, including emails, between Circuit Judge John Kest and Chief Judge Belvin Perry, Jr., which relate, in any way, to the allegations set forth in paragraphs 10 and 11 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

16. Copies of any and all correspondence, including emails, between Judicial Assistant Trina Bryant and Circuit Judge Margaret Waller, which relate, in any way, to the allegations set forth in paragraphs 10 and 11 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

17. Any and all documents which relate or support in any way the allegations set forth in paragraph 12 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.


20. Copies of all courtroom recordings that support the allegations in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.


22. Copies of all courtroom recordings that support the allegations in paragraph 12 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

23. Copies of all documents that the Judicial Qualifications Commission intends to offer as evidence at the final hearing of this matter.

24. Copies of all documents that would prove or tend to prove that the Respondent did not commit the offenses alleged in paragraph 10 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

25. Copies of all documents that would prove or tend to prove that the Respondent did not commit the offenses alleged in paragraph 11 of the Notice of Third Amended Consolidated Formal Charges dated June 16, 2010.

[Space below intentionally blank.]
Dated this 7th day of July, 2010.

Respectfully submitted,

/s/ Barry W. Rigby
Barry W. Rigby, Esq.
Florida Bar No. 613770
Law Offices of Barry Rigby, P.A.
47 East Robinson Street, Ste. 204
Orlando, FL 32801
Phone 407-999-2630
Fax 407-386-6150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 7th day of July, 2010, to the persons listed on the attached Service List.

/s/ Barry W. Rigby
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# Service List

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<td>The Honorable John P. Cardillo, Esq.</td>
<td>Chairman, Hearing Panel</td>
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