

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT, IN AND
FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2019-CA-013860-XXXX-MB

GABE HOFFMAN,

Plaintiff,

v.

THOMAS SCHOENBERGER,

Defendant.

**NOTICE OF SERVICE OF PLAINTIFF'S
FIRST INTERROGATORIES TO DEFENDANT**

Plaintiff, GABE HOFFMAN, by and through its undersigned attorneys, pursuant to Rule 1.340(e), Fla.R.Civ.P., hereby files this Notice of Service of Interrogatories to be answered by the Defendant, THOMAS SCHOENBERGER, answer each of the following interrogatories, numbered 1-5, separately and fully, in writing, under oath, within thirty (30) days after service of this request.

I HEREBY CERTIFY that on the 7th day of August, 2020, this document was filed using the Florida Courts E-Filing Portal. This document is being served on all counsel and pro se parties of record by the Florida Courts E-Filing Portal, pursuant to and in compliance with Fla. R. Jud. Admin. 2.516. The mailing and electronic addresses are: Thomas Schoenberger, (*pro se Defendant*) at tstger13@gmail.com, 1726 Willowbrook Drive, Provo, UT 84604.

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15TH JUDICIAL CIRCUIT, IN AND
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CASE NO.: 50-2019-CA-013860-XXXX-MB

GABE HOFFMAN,

Plaintiff,

v.

THOMAS SCHOENBERGER,

Defendant.

PLAINTIFF'S, NOTICE OF PROPOUNDING
FIRST SET OF INTERROGATORIES TO DEFENDANT, THOMAS SCHOENBERGER

Plaintiff, GABE HOFFMAN, by and through its undersigned attorneys, pursuant to Rule 1.340(e), Fla.R.Civ.P., requests that Defendant, THOMAS SCHOENBERGER, ("SCHOENBERGER") answer each of the following interrogatories, numbered 1-5, separately and fully, in writing, under oath, within thirty (30) days after service of this request.

DEFINITIONS & INSTRUCTIONS

A. In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys, their investigators, or any person acting on your behalf, and not merely information as is known of your own personal knowledge. If you cannot answer a part of these interrogatories in full, after exercising due diligence to secure the information requested, so state that you are unable to answer the interrogatory fully and answer the remainder as fully as possible, stating whatever information or knowledge you have concerning the unanswered or partially answered portion of the interrogatory.

B. If you object to part of any interrogatory and refuse to answer that part, state your objection, identify the part to which you are objecting, and answer the remaining portion of the interrogatory. If you object to the scope or the time period of any interrogatory, state your objection, identify the scope or time period to which you are objecting and answer the interrogatory for the scope or time period you believe appropriate.

C. If you need additional space to respond full to any interrogatory, retype the interrogatory and answer it on a separate page and attach that page to this document.

D. As used herein, the terms “you” or “your” mean the party or parties to whom these interrogatories are addressed, including his attorneys, and all other persons acting or purporting to act on his behalf.

E. As used herein, the terms “Gabe Hoffman” means the Plaintiff, in this action.

F. As used herein, the term “Complaint” means that Complaint filed by Plaintiff IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA.

G. As used herein, the terms “person”, “individual”, or “entity” mean any natural person, individual, proprietorship, partnership, corporation, association, organization, joint venture, firm, other business enterprise, governmental body, group of natural persons or other entity.

H. As used herein, the term “document” means all written and graphic matter, however produced or reproduced, and each and every thing from which information can be processed, transcribed, transmitted, restored, recorded, or memorialized in any way, by any means, regardless of technology or form. It includes, without limitation, correspondence, memoranda, notes, notations, diaries, papers, books, accounts, newspaper and magazine articles, photographs, notebooks, ledgers, letters, telegrams, cables, telex messages, facsimiles, contracts, offers, agreements, reports, objects, tangible things, work papers, transcripts, minutes, reports and recordings of telephone or other conversations or communications, or of interviews or conferences, or of other meetings, occurrences or transactions, affidavits, statements, summaries, opinions, tests, experiments, analysis, evaluations, journals, balance sheets, income statements, statistical records, desk calendars, appointment books, lists, tabulations, sound recordings, data processing input or output, microfilms, checks, statements, receipts, summaries, computer printouts, computer programs, information kept in computer hard drive, computer tape back-up, CD-ROM, computer floppy diskettes, teletypes, telecopies, invoices, worksheets, printed matter of every kind and description, graphic and oral records and representations of any kind, and electronic and mechanical records and representations of any kind and all things included in the definitions of “writings” and “recordings” as set forth in the Florida Rules of Evidence, in the actual or constructive possession, custody, care or control of Defendant including, but not limited to, originals or copies where originals are not available. Any document with any marks such as initials, comments or notations of any kind is not deemed to be identical with one without such marks and is to be listed as a separate document. Where there is any question about whether a

tangible item otherwise described in these requests falls within the definition of “document” such tangible item shall be listed.

I. As used herein, the term “all documents” means every document or group of documents or communication as defined herein that are known to you or that can be located or discovered by reasonably diligent efforts.

J. As used herein, the term “communications” shall mean any oral or written statement, dialogue, colloquy, discussion, conversation, or direct or indirect representation and, also, means any transfer of thoughts or ideas between persons by means of documents and includes any transfer of data from one location to another by electronic or similar means.

K. As used herein, the term “all communications” means each and every communication as above-defined that is known to you or about which you have any information.

L. As used herein, the terms “and” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope hereof any information (as defined herein) which might otherwise be construed to be outside the scope of this discovery request.

M. As used herein, the term “any” shall be understood to include and encompass “all” and vice versa.

N. Whenever appropriate herein, the masculine form of a word shall be interpreted as feminine, and vice versa.

O. All words in the present tense include the past tense and all words in the past tense include the present tense.

P. These interrogatories shall be deemed continuing so as to require prompt, further and supplemental responses if Defendant locates or obtains possession, custody or control of additional responsive documents or information at any time prior to trial herein to the extent and in the manner prescribed by the Florida Rules of Civil Procedure and any and all other rules of the court having jurisdiction over this matter.

Q. As used herein, the term “information” shall be expansively construed and shall include, but not be limited to, facts, data, opinions, images, impressions, concepts and formulae.

R. As used herein, the singular shall include the plural, the plural shall include the singular, and the masculine, feminine, and neuter shall include each of the other genders.

S. As used herein, the term “identify” or “identity” when used with reference to a natural person means:

- (1) the full name and address (or, if the current address is not known, the last known address) of the person; the full name and address of each employer, each corporation of which the person is an officer or director, and each business in which the person is a principal;
- (2) the person's present (or, if the present is not known, the last known) position and the position or positions at the time of the act to which the interrogatory answer relates;
- (3) each position the person has ever held with you or the date such positions were held;
- (4) such other information sufficient to provide full identification of the person;

T. As used herein, the term "identify" or "identity" when used with reference to any entity other than a natural person means:

- (1) the full name of the entity, the type of entity (e.g., corporation, partnership, etc.), the address of its principal place of business, its principal business activity and, if it is a corporation, the jurisdiction under the laws of which it has been organized and the date of such organization.
- (2) each of the entities, officers, directors, shareholders, or other principals;
- (3) any other available information concerning the existence or an identity of the entity.

U. As used herein, the term "identify" or "identity" when used with reference to a document or written communication means:

- (1) its nature (e.g, letter, telegram, memorandum, chart, report or study), date, author, date and place of preparation, and the name and address of each addressee;
- (2) The identity of each signature of the document or communication;
- (3) the title or heading of the document or communication;
- (4) its substance;
- (5) its present (or, if the present is not known, the last known), location and custodian;
- (6) the identity of each person to whom a copy was sent and each date of its receipt and each date of its transmittal or other disposition by (i) you and (ii) any other person (naming such other person) who, at any time, either received, transmitted or otherwise disposed of such document or communication and each copy thereof;

- (7) the circumstances of each such receipt and each transmittal or other disposition, including identification of the person from whom received and the person to whom transmitted.

V. As used herein, the term “identify” or “identity” when used with reference to an oral communication means:

- (1) its nature (e.g., telephone call, conversation in person, etc.);
- (2) its substance;
- (3) the date and place thereof;
- (4) the identity and address of each person participating therein, present, during, or witness to any part thereof;
- (5) a description of each document in which such communication was recorded, described, or referred to.

W. As used herein, the term “identify” or “identity” when used with reference to a contract means:

- (1) the date and place it was made;
- (2) the name and address of each party thereto;
- (3) its terms, including but not limited to, the performance to be rendered by each party;
- (4) a statement whether the performance was rendered;
- (5) any litigation with reference to said contract.

X. As used herein, the term “identify” or “identity” when used with reference to an act, action or event means:

- (1) its nature and the sequence of steps in its occurrence;
- (2) the date and time it occurred;
- (3) where it occurred;
- (4) the persons who were involved;
- (5) who or what caused the act, action or event to occur;
- (6) the purposes or reasons for its occurrence.

Y. As used herein, the term “identify” or “identity” when used in any other context than hereinabove set forth means:

- (1) description of the subject to be identified and specification of the documents or communications at which the subject is or was recorded, described, or referred to;
- (2) all other information necessary to fully identify the subject.

Z. Except as otherwise expressly indicated, responses shall continue to the date of your answers to these interrogatories.

AA. In answering each interrogatory, identify each document, communication, or act:

- (1) relied upon in the preparation of each answer;
- (2) which forms all or part of the basis for that answer;
- (3) which corroborates the answers; or
- (4) the substance of which forms all or part of the answer.

BB. You may, in lieu of identifying any document or written communication, attach a true copy of such document or communication as an exhibit to the answers to these interrogatories, including an explicit reference to the interrogatory to which each such attached document or written communication relates.

CC. If all the information furnished in answer to all or part of an interrogatory is not within the personal knowledge of the affiant, identify each person to whom all or part of the information furnished is a matter of personal knowledge and each person who communicated to the affiant any part of the information furnished.

DD. If the answer to all or part of the interrogatory is not presently known or available, include a statement to that effect, furnish the information known or available, and respond to the entire interrogatory by supplemental answer, in writing, under oath, within ten days from the time the entire answer becomes known or available, and in no event, less than five days prior to trial.

EE. Whenever, in any answer to any interrogatory, a reference is made to one or more persons, specify by name the particular person to whom reference is intended.

FF. As used herein, the term “state” means to set forth fully and unambiguously each and every fact of which the answering party, or his agent or representative has knowledge and which is relevant to the answer called for by the interrogatory.

GG. As used herein, the terms “relate to” or “relating to” mean in any way, directly or indirectly concern, reflect, refer to, constitute, contain, evidence, analyze, memorialize, discuss, show, amend, confirm, endorse, represent, support, qualify, describe, terminate, revoke, pertain to, comment on, negate or relate to or connect in any way, logically or factually, with the matter described in this request.

INTERROGATORIES

For the period subsequent to May 13, 2019, the date of Isaac Kappy's death, please provide:

1. List of email addresses used or accessed, in any way, shape, or form, whether those accounts are currently operational, or were operational at any time subsequent to May 13, 2019, and have since been suspended or otherwise de-activated

Answer:

2. List of cellular phone numbers used or accessed, in any way, shape, or form, whether those accounts are currently operational, or were operational at any time subsequent to May 13, 2019, and have since been suspended or otherwise de-activated.

Answer:

3. List of all social media accounts utilized, accessed, in any way, shape, or form, including, but not limited to, Twitter, Facebook, Parler, Gab, Discord, and any other platforms, whether those accounts are currently operational, or were operational at any time subsequent to May 13, 2019, and have since been suspended or otherwise de-activated.

Answer:

4. List of all accounts on all video hosting sites, utilized or accessed, including, but not limited to, YouTube, Streamable, Bitchute, Vimeo, DLive, whether those accounts are currently operational, or were operational at any time subsequent to May 13, 2019, and have since been suspended or otherwise de-activated.

Answer:

5. Describe your current employment position, identify your current employer, and your job duties.

Answer:

By: _____
Signature of Defendant

Date

JURAT PAGE

STATE OF FLORIDA)
) §§
COUNTY OF _____)

BEFORE ME, the undersigned authority, personally appeared _____, who, after being duly sworn according to law, deposes and says that he has read the foregoing Answers to Interrogatories and they are true and correct.

Dated:

(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Name of
Notary Public)

COMMISSION NUMBER
My Commission Expires: