

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, STATE OF FLORIDA
CIVIL DIVISION

EN POINTE PRODUCTIONS, LLC,
ROBERT LAURIE, NICOLE NOYA, AND
APRIL CARTER,

Plaintiff,

v.

CASE No.: 2020-016840-CA-01

GAILEN DAVID,

Defendant.

_____ /

**DEFENDANT’S RESPONSES TO PLAINTIFF ROBERT LAURIE’S FIRST REQUEST
FOR ADMISSIONS**

COMES NOW the Defendant, GAILEN DAVID (“Defendant”), by and through undersigned counsel, hereby serves its Responses to Plaintiff Robert Laurie’s First Request for Admissions as follows:

1. Admit that on March 31 and May 22, 2012, you emailed Robert Laurie and asked him for the login information for AluminumLady.com.

Response: Despite reasonable inquiry, Mr. David is unable to admit or deny as Plaintiff is referencing emails over 8 years ago. As such, this Request is unduly burdensome. If Plaintiff attaches the e-mails, Mr. David can admit or deny.

2. Admit that Robert Laurie was a manager of the Aluminum Lady Google Account, including the associated YouTube account.

Response: Denied as phrased.

3. Admit that Robert Laurie, being a manager of said account, did not “hack” into the Aluminum Lady YouTube Channel as you have claimed.

Response: Defendant objects to this Request as improper because it goes to the central issues in this case. See *Sentz v. Tracy*, 266 So. 3d 1279 (Fla. 5th DCA 2019). Additionally, the Request presupposes Mr. Laurie was a manger at all times.

4. Admit that in a Facebook message to Shawn Kathleen Howard you stated: “I am fine, but it’s now a legal matter and I have the FBI involved because Bobby hacked his way into the Aluminum Lady YouTube channel and deleted everything because I told him I would expose him publicly.”

Response: Defendant objects to this Request as unduly burdensome as it would require Mr. David to go through all Facebook messages. If Plaintiff attaches the message, Mr. David can admit or deny.

5. Admit that on or about April 20, 2020, you filed a criminal complaint with the Loudoun County Sheriff alleging larceny and theft by Robert Laurie.

Response: Denied as phrased. Admit that Mr. David filed the criminal complaint, but it is Mr. David's belief that it was the police department that inserted "Larceny/Theft."

6. Admit that in said criminal complaint you alleged that you received emails from En Pointe Productions LLC's bank.

Response: Despite reasonable inquiry, Defendant is unable to admit or deny. Admit that Mr. David spoke to police department personnel, and the police department personnel took notes and input Mr. David's statements in a general form and not word-for-word.

7. Admit that at no time were you a signatory or authorized person on any such bank accounts.

Response: Mr. David is still in the process of obtaining the information of the bank because it was many years ago. As such, at this juncture, Mr. David is unable to admit or deny.

8. Admit that you never received any such emails or other alerts from En Pointe Productions, LLC's bank.

Response: Denied as phrased. Admit that Mr. Avid received an alert that a payment was made to "Jaime" from En Pointe Productions, LLC's financials.

9. Admit that you created the Twitter account with the handle @widelaurie.

Response: Admit.

10. Admit that you authored and posted all Tweets from @widelaurie.

Response: Admit.

11. Admit that you created the Twitter account with the handle @gamblermgm in or about November 2020.

Response: Despite reasonable inquiry, Defendant is unable to admit or deny as this information is not recognized.

12. Admit that you authored and posted all Tweets from @gamblermgm.

Response: Despite reasonable inquiry, Defendant is unable to admit or deny as this information is not recognized.

13. Admit that prior to the filing of this lawsuit you posted a comment on Instagram stating that you were “working on a story of how to spot scam artists disguised as business partners and traffic reporters.”

Response: Admit.

14. Admit that you tagged Robert Laurie’s employer, FOX 5 DC, in the Instagram comment set forth above.

Response: Despite reasonable inquiry, Defendant is unable to admit or deny. If the post is provided, Defendant can admit or deny.

15. Admit that said Instagram comment and tagging of Robert Laurie’s employer as set forth in the preceding two requests was intended, in whole or in part, to damage or disrupt the employment relationship between Robert Laurie and his employer.

Response: Defendant objects to this Request as improper because it goes to the central issues in this case. See *Sentz v. Tracy*, 266 So. 3d 1279 (Fla. 5th DCA 2019).

16. Admit that you tagged Robert Laurie’s employers in damaging tweets with the intention of causing harm to Robert Laurie.

Response: Defendant objects to this Request as improper because it goes to the central issues in this case. See *Sentz v. Tracy*, 266 So. 3d 1279 (Fla. 5th DCA 2019). Further, “damaging” is vague and ambiguous and presupposes that damages actually ensued.

17. Admit that in a text chat with Robert Laurie on January 19, 2020, you stated: “We should have discussion of when the loans are payed off and at what pace to balance how we are able to operate personally as well.

Response: Defendant objects as unduly burdensome, irrelevant, and not likely to lead to admissible evidence. I

18. Admit that you knew about the \$25,000 loan offered and granted to En Pointe Productions, LLC by Kenneth Fields, prior to En Pointe Productions, LLC moving into the studio location at 45915 Maries Rd.

Response: Defendant objects as irrelevant and not likely to lead to admissible evidence.

19. Admit that you knew about the \$40,000 credit line offered and granted to En Pointe Productions, LLC by Kenneth Fields.

Response: Defendant objects as irrelevant and not likely to lead to admissible evidence.

20. Admit that on multiple occasions you referenced and inquired about withdrawing from the \$40,000 credit line which Kenneth Fields granted to En Pointe Productions, LLC.

Response: Defendant objects as irrelevant and not likely to lead to admissible evidence.

21. Admit that you have authored and posted all Tweets from the Twitter account with the handle @aluminumlady from March 1, 2020 through the present.

Response: Admit.

22. Admit that you have authored and posted all Tweets from the Twitter account with the handle @onthemovetvnow from March 1, 2020 through the present.

Response: Admit.

23. Admit that you have authored and posted all Tweets from the Twitter account with the handle @thesavvystews from March 1, 2020 through the present.

Response: Admit.

24. Admit that you have altered the content of the article titled “Aluminum Lady YouTube Channel Hacked and Deleted” since November 1, 2020.

Response: Denied as phrased.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the above and foregoing has been furnished by electronic delivery to Robert L. Switkes, Esq., Attorney for the Plaintiff, (rswitkes@switkeslaw.com, Switkes & Zappala, P.A., 407 Lincoln Road PH SE, Miami Beach, FL, 33139) on 02/07/2021.

By: /s/ Carlo D. Marichal

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