

**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 EN POINTE PRODUCTIONS, LLC’S  
FIRST REQUEST FOR ADMISSIONS**

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

1. Admit that on March 7, 2020 you verbally resigned as a member of En Pointe Productions, LLC.

**Response: Denied.**

2. Admit that you are the owner of the web domain www.OTMTV.com.

**Response: Admit.**

3. Admit that you have control over the web domain www.OTMTV.com.

**Response: Admit.**

4. Admit that you authored the article titled “TV Talk Show Misconduct Accusation Drama Escalates.”

**Response: Admit.**

5. Admit that you caused the article titled “TV Talk Show Misconduct Accusation Drama Escalates” to be published on the website www.OTMTV.com.

**Response: Admit.**

6. Admit that you authored the article titled “Aluminum Lady YouTube Channel Hacked and Deleted.”

**Response: Admit.**

7. Admit that you caused the article titled “Aluminum Lady YouTube Channel Hacked and Deleted” to be published on the website www.OTMTV.com.

**Response: Admit.**

8. Admit that you never reported information regarding Plaintiffs to the FBI as you claimed to have done in or about August 2020.

**Response: Denied as phrased.**

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

**Response: Admit.**

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

**Response: Admit.**

11. Admit that on August 5, 2020, you filed copyright complaints against En Pointe Productions, LLC on the media platforms Vimeo and Roku.

**Response: Admit that Mr. David did so in response to a copyright complaint being made against Mr. David, which Ms. Carter admitted to during the evidentiary hearing.**

12. Admit that you directly contacted Circle F Media via an email to Rob Floyd on or about August 3, 2020.

**Response: Admit.**

13. Admit that a business relationship existed between En Pointe Productions, LLC and Circle F Media at the time you contacted Rob Floyd via email on August 3, 2020.

**Response: Despite reasonable inquiry, Mr. David is unable to admit or deny because, on the date listed in the Request, Mr. David had already been locked out of the company and, therefore, was not apprised of En Pointe Productions, LLC’s business relationships.**

14. Admit that you had no factual basis to support the statements set forth in your email to Rob Floyd on August 3, 2020.

**Response: Denied as phrased.**

15. Admit that your email to Rob Floyd on August 3, 2020 was intended to induce a breach or disruption to the business relationship between En Pointe Productions, LLC and Circle F Media.

**Response: Denied as phrased. Furthermore, this Request is improper because it goes to the central issues of this case. See *Sentz v. Tracy*, 266 So. 3d 1279 (Fla. 5th DCA 2019). Additionally, the Request presupposes a business relationship existed at the time of the e-mail.**

16. Admit that you directly contacted AMGTV via an email to Terry Elaqua on or about July 29, 2020.

**Response: Admit.**

17. Admit that a business relationship existed between En Pointe Productions, LLC and AMGTV at the time you contacted Terry Elaqua on July 29, 2020.

**Response: Despite reasonable inquiry, Mr. David is unable to admit or deny because, based on the reply from Ms. Elaqua, AMGTV was going to run *off network* programming. Further, on the date listed in the Request, Mr. David had already been locked out of the company and, therefore can neither admit or deny as to what business relationship existed at that time because he was not apprised of En Pointe Productions, LLC's business relationships.**

18. Admit that your email to Terry Elaqua was intended to induce a breach or disruption to the business relationship between En Pointe Productions, LLC and AMGTV.

**Response: Denied. Furthermore, this Request is improper because it goes to the central issues of this case. See *Sentz v. Tracy*, 266 So. 3d 1279 (Fla. 5th DCA 2019). Additionally, the Request presupposes a business relationship existed at the time of the e-mail.**

19. Admit that you directly contacted the Association of Flight Attendants (AFA) via Sara Nelson in March of 2020.

**Response: Admit that I did so in reply to AFA's request for clarification of En Pointe's false statements regarding my departure from the company; I replied to AFA, which had an ongoing business relationship with me before and during the formation of En Pointe Productions, LLC.**

20. Admit that a business relationship existed between En Pointe Productions, LLC and AFA at the time you contacted Sara Nelson in March of 2020.

**Response: Despite reasonable inquiry, Mr. David is unable to admit or deny because, on the date listed in the Request, Mr. David had already been locked out of the company and, therefore, was not apprised of En Pointe Productions, LLC's business relationships.**

21. Admit that your contact with Sara Nelson in March of 2020 was intended to induce a breach or disruption to the business relationship between En Pointe Productions, LLC and AFA.

**Response: Denied. Furthermore, this Request is improper because it goes to the central issues of this case. See *Sentz v. Tracy*, 266 So. 3d 1279 (Fla. 5th DCA 2019). Additionally, the Request presupposes a business relationship existed at the time of the e-mail.**

22. Admit that you made multiple threats to Plaintiffs during the period of July through August of 2020.

**Response: Defendant objects as vague and ambiguous. “Threats” is subjective.**

23. Admit that you threatened to send negative communications to the family members, friends, and business associates of Robert Laurie, Nikki Noya, and April Carter if said persons did not unblock you on their cellular phones and/or Facebook Messenger.

**Response: Denied as phrased. Admit that Mr. David wrote, “I expect to be unblocked by all of you today on cellular phone, Facebook Messenger. Otherwise, I’ll pass communications to you through your friends, family, business associates, etc...”**

24. Admit that you threatened to send negative communications to the family members, friends, and business associates of Robert Laurie, Nikki Noya, and April Carter if said persons did not meet certain demands that you were making of them in or about July 2020.

**Response: Denied as phrased. Admit that Mr. David wrote, “I expect to be unblocked by all of you today on cellular phone, Facebook Messenger. Otherwise, I’ll pass communications to you through your friends, family, business associates, etc...”**

25. Admit that you tagged @ZLivingUS in a Tweet from @takealooktv with the intention of causing harm to En Pointe Productions, LLC and April Carter.

**Response: Denied as phrased. Furthermore, this Request is improper because it goes to the central issues of this case. See *Sentz v. Tracy*, 266 So. 3d 1279 (Fla. 5th DCA 2019). Additionally, the Request presupposes a business relationship existed at the time of the e-mail.**

26. Admit that you disseminated a hyperlink to nude images of April Carter via the @takealooktv Twitter account.

**Response: Denied as phrased. The link was to google search results and were not images in my possession.**

27. Admit that your dissemination of a link to nude photographs of April Carter via Twitter was intended to cause Carter embarrassment and reputational harm and served no legitimate purpose.

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

28. Admit that you have made false and damaging statements about Plaintiffs to third parties.

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

29. Admit that you threatened to cause damage to Plaintiffs if they did not meet your demands for a cash payment.

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

30. Admit that you escalated your efforts to harm Plaintiffs after they failed to meet your demands for a cash payment.

**Response: Defendant objects as vague and ambiguous as to “escalated.” Furthermore, this Request is improper because it goes to the central issues of this case. See *Sentz v. Tracy*, 266 So. 3d 1279 (Fla. 5th DCA 2019).**

**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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