

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
CIVIL DIVISION

JOSEPH PETITO and  
NICHOLE SCHMIDT,

Plaintiffs,

vs.

CASE NO. 2022 CA 1128 SC

CHRISTOPHER LAUNDRIE and  
ROBERTA LAUNDRIE,

Defendants.

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**PLAINTIFFS' MOTION TO COMPEL RESPONSES TO  
PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
AND FOR AN AWARD OF ATTORNEY'S FEES AND COURT COSTS**

COME NOW, Plaintiffs, JOSEPH PETITO and NICHOLE SCHMIDT, by and through their undersigned counsel, and pursuant to Fla.R.Civ.P. 1.380, hereby move this Honorable Court for an Order compelling the Defendants, CHRISTOPHER LAUNDRIE and ROBERTA LAUNDRIE, to fully and completely respond to Plaintiffs' First Request for Production of Documents, and in support thereof state as follows:

1. On March 24, 2022, Plaintiffs served their First Request for Production to Defendants (DIN #14 and #16).
2. Defendants' responses were due on or before April 25, 2022. Defendants have never served or filed a response to the Requests for Production served on them.
3. On May 9, 2022, Defendants served their Objections and Responses to Plaintiffs' First Request for Production of Documents on Plaintiffs. However, such objections and responses were never e-filed with the Court.
4. Defendants have waived their right to object to the Request for Production

by failing to file timely objections.

5. The Plaintiffs have incurred substantial attorney fees as a result of the failure and refusal of the Defendants to comply with reasonable discovery requests and seek an award of all of their reasonable attorney fees against these Defendants.

**CERTIFICATE OF GOOD FAITH**

The undersigned certifies he has made a good faith effort to resolve these discovery disputes with opposing counsel but has been unsuccessful. (See Plaintiffs' counsel's Good Faith Letter of December 5, 2022, to counsel for Defendants attached hereto and incorporated herein as Exhibit "A.")

WHEREFORE, the Plaintiffs respectfully request this Honorable Court enter an Order directing the Defendants to provide full and complete responses to Plaintiffs' First Request for Production of Documents within twenty (20) days from the date hereof, and further request an award of reasonable attorney fees and court costs incurred in the preparation for hearing in this discovery dispute, and for such other and further relief as this Court deems appropriate.

/s/ Patrick J. Reilly, Esquire  
PATRICK J. REILLY, ESQUIRE  
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Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been electronically filed on this 20<sup>th</sup> day of December 2022, with the Clerk of Court via the E-Filing Portal System which will simultaneously email the same to:

P. Matthew Luka, Esq.  
Trombley & Hanes, P.A.  
707 N. Franklin Street, 10<sup>th</sup> Floor  
Tampa, FL 33602  
[mluka@trombleyhaneslaw.com](mailto:mluka@trombleyhaneslaw.com) (primary)  
[wtrombley@trombleyhaneslaw.com](mailto:wtrombley@trombleyhaneslaw.com) (secondary)

by utilizing the Designation of Electronic Mail Addresses registered with the E-Filing Portal System.

/s/ PATRICK J. REILLY, Esquire  
PATRICK J. REILLY, ESQUIRE



# Snyder & Reilly

TRIAL LAWYERS

(A Partnership of Professional Associations)

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December 5, 2022

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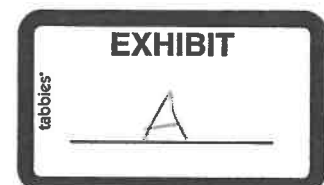
Re: Petito and Schmidt vs. Laundrie;  
Case No. 2022 CA 001128 SC

Dear Mr. Luka:

This letter is to follow up with you regarding the following outstanding discovery responses in the above-referenced matter. While your clients initially objected to the following Requests for Production, I believe in light of Judge Carroll's ruling on Defendants' Motion to Dismiss Plaintiffs' Amended Complaint and his recent ruling on Defendants' Motion for Protective Order, there is no limitation on these discovery requests and thereby your clients' objections are not well founded.

With regard to the Request for Production of Documents, we believe that the relationship between your clients and Gabby are clearly relevant to the issues in this case. Thus, Requests numbers 2, 3 and 4 are relevant and would ask that you provide the documents responsive to same.

I also believe that the relationship between your clients and mine is relevant to the lawsuit, which is why I believe Requests Nos. 5, 6 and 7 are relevant.



P. Matthew Luka, Esq.  
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The conversations between your clients and their son are clearly relevant, particularly during the period of time that Gabby was murdered. Thus, Requests Nos. 8, 9 and 10 are certainly relevant and discoverable.

Requests Nos. 11 and 12 regarding telephone bills are discoverable and relevant to communications between the respective parties and, thus I would ask that they be produced.

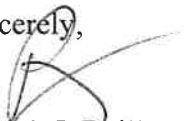
Communications that your clients may have had with any third parties regarding Gabby and Brian, to the extent that they were not privileged, are certainly relevant to the issues in the case, and thus I would ask that you provide documents responsive to Request No. 15.

Request No. 16 is certainly relevant because, again, it goes to the issue of knowledge on the part of your clients of Gabby's passing and the location of her body. This Request certainly would also include the note that Roberta Laundrie wrote to Brian Laundrie which she offered to bring a shovel to help bury the body. This note was released to the custody of Mr. Bertolino on Friday, June 24, 2022 by the FBI.

This letter is sent in a good faith effort to resolve this continuing discovery dispute. If I do not hear from you within ten (10) days from the date of this letter that you will provide documents responsive to the Requests for Production of Documents, I will file a Motion to Compel and set this matter for hearing.

Thank you for your attention to this.

Sincerely,



Patrick J. Reilly

PJR:di

cc: Joseph Petito  
Nichole Schmidt