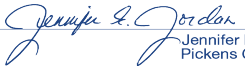


AUG 10, 2026 04:47 PM


Jennifer E. Jordan, Clerk
Pickens County, Georgia

IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA

BIG CANOE PROPERTY OWNERS'
ASSOCIATION, INC.,

Plaintiff,

v.

BIG CANOE COMPANY, LLC, and
BIG CANOE HOLDINGS GROUP, LLC,

Defendants.

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CIVIL ACTION FILE NO.
2026SUCV0326

**DEFENDANTS' BRIEF IN SUPPORT OF THEIR
MOTION FOR PROTECTIVE ORDER**

COME NOW Defendant Big Canoe Company, LLC ("BCC") and Defendant Big Canoe Holdings Group, LLC ("BCC Holdings" and collectively, "Defendants") and respectively request that this Court grant their motion and enter a protective order relieving Defendants from responding to written discovery propounded by the Plaintiff pending this Court's adjudication of the Defendants Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted, which Motion was filed on August 7, 2026. O.C.G.A. § 9-11-12(j) expressly provides that discovery is stayed pending the Court's adjudication of a motion to dismiss.

STATEMENT OF FACTS

On May 13, 2026, Plaintiff Big Canoe Property Owners' Association, Inc. ("Plaintiff POA") filed the Complaint in this matter. Plaintiff POA simultaneously served upon Defendants the following written discovery:

- Plaintiff's First Interrogatories to Defendant Big Canoe Holdings Group, LLC;
- Plaintiff's First Requests for Production of Documents to Defendant Big Canoe Holdings Group, LLC;

- Plaintiff's First Requests for Admissions to Defendant Big Canoe Holdings Group, LLC;
- Plaintiff's First Interrogatories to Defendant Big Canoe Company, LLC;
- Plaintiff's First Requests for Production of Documents to Defendant Big Canoe Company, LLC; and
- Plaintiff's First Requests for Admissions to Defendant Big Canoe Company, LLC.

Copies of those discovery requests are attached hereto as Exhibits 1-6 and incorporated by reference herein ("Plaintiff's Written Discovery Requests").

The parties entered into a stipulation for extension of time which extended the time "to file their respective answer, defensive pleadings, counterclaims, cross claims, responses, objections, motions and/or initial responses" to the Complaint and Plaintiff's Written Discovery Requests to August 8, 2026. That stipulation for extension of time was filed with the Court on June 17, 2026. August 8, 2026, falls on a Saturday, thereby making the response deadline Monday, August 10, 2026. *See* O.C.G.A. § 9-11-6(a) & O.C.G.A. § 1-3-1(d)(3).

On August 7, 2026, Defendants filed Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted pursuant to O.C.G.A. § 9-11-12(b)(6).

Upon filing that Motion to Dismiss, undersigned asked counsel for Plaintiff POA to confirm that the Motion to Dismiss stayed the time for responding to the Plaintiff's Written Discovery Requests pursuant to O.C.G.A. § 9-11-12(j). Counsel for Plaintiff POA, however, expressed their disagreement. Undersigned thereafter asked Plaintiff's counsel to provide legal authority that would support their position. Undersigned followed up pursuant to Uniform Superior Court Rule 6.4 in a good faith attempt to resolve the dispute and requested a conference to attempt to resolve the dispute. Plaintiff's counsel was unable to have a conference by telephone. The correspondence is attached hereto as Exhibit 7 and incorporated by reference herein. Accordingly, Defendants timely served objections to the Plaintiff's Written Discovery

Requests out of an abundance of caution and to preserve Defendants' objections, including but not limited to pursuant to O.C.G.A. § 9-11-12(j). Defendants timely filed this motion for protective order.

ARGUMENT AND CITATION OF AUTHORITY

O.C.G.A. § 9-11-26(c) provides as follows:

(c) **Protective orders.** Upon motion by a party or by the person from whom discovery is sought and for good cause shown, including, but not limited to, the factors provided in Code Section 9-11-26.1 for the deposition of a high-ranking officer, the court in which the action is pending or, alternatively, on matters relating to a deposition, the court in the county where the deposition is to be taken may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) That the discovery not be had....

O.C.G.A. § 9-11-12(j) provides that upon the filing of a motion to dismiss in lieu of an answer, discovery is stayed. The relevant provisions are set forth as follows.

O.C.G.A. § 9-11-12(a) provides:

(a) **When answer presented.**

(1) Except as provided in paragraph (2) of this subsection, a defendant shall serve an answer within 30 days after the service of the summons and complaint upon the defendant, unless otherwise provided by statute. A cross-claim or counterclaim shall not require an answer, unless one is required by order of the court, and shall automatically stand denied.

(2) Unless the court sets a different time, **serving a motion under this Code section alters the time for serving an answer pursuant to paragraph (1) of this subsection as follows:**

(A) If the court denies the motion or postpones its disposition until trial, the answer shall be served within 15 days after notice of the court's action;

O.C.G.A. § 9-11-12(a) (emphasis added).

O.C.G.A. § 9-11-12(b) provides:

How defenses and objections presented. Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross claim, or a third party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may, at the option of the pleader, be made by motion in writing: . . .

(6) Failure to state a claim upon which relief can be granted. . . .

When defendants, as here, file a motion pursuant to O.C.G.A. § 9-11-12(b)(6) and do not file an answer therewith (as allowed by O.C.G.A. § 9-11-12(a)), discovery is stayed as follows:

(j) Stay of discovery.

(1) If a party files a motion to dismiss before filing an answer and pursuant to the provisions of this Code section, discovery shall be stayed until the ruling of the court on such motion; provided, however, that, if a defendant files an answer before the ruling of the court on such motion, the stay imposed by this subsection shall immediately terminate with respect to such defendant. The court shall decide the motion to dismiss within 90 days following the conclusion of briefing on such motion.

(2) The discovery period and all discovery deadlines shall be extended for a period equal to the duration of the stay imposed by this subsection.

In this case, Defendants timely filed a Motion to Dismiss for a Failure to State a Claim Upon Which Relief Can be Granted pursuant to O.C.G.A. § 9-11-12(b)(6). Defendants did not contemporaneously file an answer, in accordance with O.C.G.A. § 9-11-12(a). Therefore, pursuant to O.C.G.A. § 9-11-12(j), discovery is stayed, and Defendants are not required to respond to the Plaintiff's Written Discovery Requests until after this Court has adjudicated Defendants' Motion to Dismiss.

In this case, however, counsel for Plaintiff POA has stated their belief that the provisions of O.C.G.A. § 9-11-12(j) do not apply because counsel for Plaintiff POA granted a stipulation to extend the time for responding to their Complaint and Plaintiff's Written Discovery Requests. However, the statute makes no exception for circumstances in which the parties may have entered a stipulation to extend the time to answer or otherwise respond to a complaint and

discovery. Rather, the express terms of the statute state: “If a party files a motion to dismiss before filing an answer and pursuant to the provisions of this Code section, discovery shall be stayed until the ruling of the court on such motion....” O.C.G.A. § 9-11-12(j).

In their “Stipulation for Extension of Time”, the parties expressly stipulated that the time was extended to August 8, 2026 “within which [Defendants] shall each have to file their respective answer, defensive pleadings, counterclaims, cross-claims, responses, objections, **motions** and/or initial responses to [the Complaint and the Plaintiff’s Written Discovery Requests]. . . .” (emphasis added.) Defendants timely filed their Motion to Dismiss within the time allowed by the Stipulation. Under the express terms of O.C.G.A. § 9-11-12(j), discovery is now stayed, including Defendants’ obligation to respond to Plaintiff’s Written Discovery Requests.

This rule makes sense: the Legislature undoubtedly intended to relieve parties of the burden and expense of responding to discovery during the pendency of a motion to dismiss for failure to state a claim upon which relief can be granted. There is no reason why an extension of time for the filing of an answer and other responsive pleadings and motions should obviate the application of the clear rule of the statute.

Defendants show the Court that they have timely filed this motion for protective order prior to the expiration of the time in which the response to Plaintiff’s Written Discovery Requests would otherwise had been due had an answer been filed and not a Motion to Dismiss. The Stipulation for Extension of Time provided for an extension through and including August 8, 2026, which falls on a Saturday. Therefore, that deadline is carried through the following Monday, August 10, 2026, pursuant to O.C.G.A. § 9-11-6(a) and O.C.G.A. § 1-3-1(d)(3).

Defendants further show the Court that out of an abundance of caution, Defendants timely served objections to the Plaintiff's Written Discovery Requests.

Defendants further show that they have complied with Uniform Superior Court Rule 6.4(B) and attempted to resolve these issues and have included their statement required by the below.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that this Court grant their motion and enter a protective order holding that: discovery is stayed pursuant to O.C.G.A. § 9-11-12(j); Defendants are relieved of any obligation to object or otherwise respond to Plaintiff's Written Discovery Requests; and that in the event that the Court were to deny Defendants' Motion to Dismiss, that Defendants would thereafter have 15 days from the date of the entry of said order to respond to Plaintiff's Written Discovery Requests.

Rule 6.4(B) Compliance Statement

Undersigned state pursuant to Uniform Superior Court Rule 6.4(B) that they have conferred with opposing counsel and the effort to resolve by agreement the issues raised failed.

This 10th day of August, 2026.

/s/ John R. Grimes

John R. Grimes

(Signed by EDB with express permission)

Georgia Bar No. 312200

LEFKOFF, DUNCAN, GRIMES, MCSWAIN

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Counsel for Big Canoe Company, LLC

/s/ Edward D. Burch, Jr.

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T: (404) 815-3500

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acheek@sgrlaw.com

Counsel for Big Canoe Holdings Group, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day filed the foregoing **DEFENDANTS' BRIEF IN SUPPORT OF THEIR MOTION FOR PROTECTIVE ORDER** electronically with the Clerk of Court using PeachCourt, which will send email notification of such filing to counsel of record.

This 10th day of August, 2026.

/s/ Edward D. Burch, Jr. _____

Edward D. Burch, Jr.

Georgia Bar No. 094710

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Counsel for Big Canoe Holdings Group, LLC

Exhibit 1

graphic material in whatever form, including copies, drafts, and reproductions. "Document" also refers to any other data compilation from which information can be obtained, and translated, if necessary, by you through computers or detection devices into reasonably usable form.

- ii. To "identify" when used with reference to a natural person means to state the person's name, residence and business address and residence and business phone numbers.
- iii. To "identify" a "document" means to provide the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:
 - a. the title or other means of identification of each such document;
 - b. the type of document (e.g., letter, memorandum, record);
 - c. the date of each such document;
 - d. the author of each such document;
 - e. the recipient or recipients of each such document;
 - f. the present location of any and all copies of each such document in the care, custody, or control of Respondent;
 - g. the names and current addresses of any and all persons who have custody and control of each such document or copies thereof; and
 - h. if all copies of the document have been destroyed, the names and current addresses of the person or persons authorizing the destruction of the document and the date the document was destroyed.
- iv. In lieu of "identifying" any document, it shall be deemed a sufficient compliance with these Interrogatories to attach a copy of each such document to the answers hereto and reference said document in the Interrogatory to which the document is responsive. To "identify" a person that

is a business, organization or group of persons means to state the full name and mailing address of such business organization or group of persons, the form of the business, organization, or group of persons (*e.g.*, governmental agency, corporation, partnership, joint venture, etc.), and to “identify” the natural person who would have knowledge of the information sought by the Interrogatory.

- v. To “identify” a person that is a business, organization or group of persons means to state the full name and mailing address of such business organization or group of persons, the form of the business, organization, or group of persons (*e.g.*, governmental agency, corporation, partnership, joint venture, etc.), and to “identify” the natural person who would have knowledge of the information sought by the Interrogatory.
- vi. “Identify” when used with reference to a statement, oral or written, means to state the exact language of the statement or, if Respondent does not know the exact language of the statement, to state the substance of the statement, and to “identify” the person making the statement, the person to which the statement was made, the date of the statement and to describe the nature, oral or written, of the statement.
- vii. To “describe” or “describe in detail” means to give a complete and full description concerning the matter about which inquiry is made, including the full name, address, and telephone number of persons involved, if appropriate, along with dates, times, places, amounts, and other particulars necessary for a complete understanding.
- viii. The term “regarding” means relating to, referring to, describing, evidencing, or constituting.
- ix. The terms “person” or “persons” shall include individuals, associations, partnerships, corporations, and any other type of entity or institution whether formed for business purposes or any other purpose.

- x. The term “Property” shall refer to the real estate located in Pickens County, being more particularly described in the records of Pickens County at Deed Book 523, Pages 183-187.
- xi. Terms in the singular shall be deemed to include the plural and terms in the plural shall be deemed to include the singular.
- xii. All capitalized terms used herein that are not defined are given the meaning as defined in the Complaint filed in this action.
- xiii. Any undefined terms shall be defined by the Georgia Civil Practice Act or common usage.

INTERROGATORIES

1. Identify all persons who have assisted in providing any information responsive to these Interrogatories.

2. Identify all persons who have any knowledge or information about any of the allegations, claims, facts, or other matters asserted in Plaintiff’s Complaint and your responsive pleading thereto. For each person identified, please state the following:

- a. describe in detail the knowledge or information possessed by each person identified;
- b. identify the source from which the knowledge or information has been derived; and
- c. identify all persons to whom the individual has communicated any of the knowledge or information possessed, together with the time, date, place, and circumstance of the communications and identify all documents that memorialize the communication.

3. Identify all of your corporate officers and state their role (CEO, CFO, etc.).

4. Identify any document, exhibit, or other evidence you intend to introduce or rely upon at any hearing or trial in this litigation.

5. Identify each and every person you currently expect to call as a witness at any hearing or trial in this litigation.

6. Do you believe that you or Big Canoe Company, LLC have the right to annex the Remaining Waterford Properties into the Big Canoe development? If you do, please state the factual basis for this and identify any documents evidencing your reasoning.

7. Do you believe that, if you or Big Canoe Company, LLC annex the Remaining Waterford Properties into the Big Canoe development, it will have to be done in compliance with the density restrictions outlined in the Agreement? If you do not believe so, please state the factual basis for this and identify any documents evidencing your reasoning.

8. Do you believe that the Agreement is still binding? If you do not believe so, please state the factual basis for this and identify any documents evidencing your reasoning.

9. Identify any agreements that you and Big Canoe Company, LLC have entered into concerning the Remaining Waterford Properties or the development of the Remaining Waterford Properties.

10. Identify any agreements that you and any third-party have entered into concerning the Remaining Waterford Properties or the development of the Remaining Waterford Properties.

11. Identify when and how you became aware that Big Canoe Property Owners Association, Inc. did not agree to then annexation of the Remaining Waterford Properties into the Big Canoe development.

12. Have you ever contributed to the purchase, management, development, improvement or maintenance of any of the Remaining Waterford Properties. If yes, identify the following:

- a. The dates of all contributions;
- b. The amount of each contribution;
- c. All documents evidencing each contribution including but not limited to cancelled checks and receipts;
- d. Any agreements between you and any third party for the performance of management, improvement, maintenance and or repair;
- e. Any agreements between you and any other named party hereto referring or relating to costs associated with the purchase, management, improvement or maintenance of; and
- f. To whom the contributions were delivered.

13. Identify each and every route in which access to Remaining Waterford Properties is possible.

14. Identify each and every expert you may call or expect to call as a witness at trial. For any such expert, state in detail:

- a) The subject matter on which the expert is expected to testify;
- b) The substance of the facts and opinions to which the expert is expected to testify, including any opinion he or she is expected to testify to; and
- c) A summary of the grounds for each opinion of the expert.

15. Have you had any communication with any non-party hereto regarding the potential development of any of the Remaining Waterford Properties. If so, identify the following:

- a) the parties to such communications(s); and
- b) the subject matter of the communications(s).

Respectfully submitted this 13th day of May, 2026.

WEISSMAN PC

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MaxF@weissman.law

/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

Exhibit 2

is under a duty to seasonably supplement or amend Defendant's responses accordingly. Furthermore, pursuant to O.C.G.A. § 24-10-26, Defendant is directed to produce at trial the documents and materials referenced in these discovery requests.

If privilege is claimed as to any document otherwise covered by this request for production, Petitioner requests that each document as to which privilege is claimed be identified in a manner such that the Court may determine whether or not such document is entitled to be accorded privileged status. Specifically, state (a) the document's sender or author, recipient, date, type of document (e.g., letter, memorandum, record, etc.) and general subject matter; and (b) each basis upon which privilege is claimed. This request for production seeks inspection and copying of documents in the possession of Defendant and Defendant's agents and attorneys, including both copies and originals, unless otherwise specifically stated.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

- i. "Document" means every writing or record of every type and description that is or has been in your possession, custody, or control or of which you have knowledge, including but not limited to correspondence, memoranda, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, pictures, drawings and photographs, films, microfilms, voice recordings, maps, reports, surveys, minutes or statistical compilations, or any other reported or graphic material in whatever form, including copies, drafts, and reproductions. "Document" also refers to any other data compilations from which information can be obtained, and translated, if necessary, by you through computers or detection devices into reasonably usable form.
- ii. "Person" means any natural person, corporation, partnership, proprietorship, association,

governmental entity, agency, group, organization, or group of persons.

- iii. Terms in the singular shall be deemed to include the plural and terms in the plural shall be deemed to include the singular.
- iv. Use of feminine pronouns shall be deemed to include the masculine and neuter, and use of masculine pronouns shall be deemed to include the feminine and neuter.

REQUESTS FOR PRODUCTION

1. All communications and documents exchanged between you and Big Canoe Company, LLC related to any of the allegations, claims, facts, or other matters asserted in Plaintiff's Complaint.

2. All documents exchanged between you and Big Canoe Property Owners' Association, Inc. related to any of the allegations, claims, facts, or other matters asserted in Plaintiff's Complaint.

3. All communications and documents exchanged between you and Waterford Mountain Properties, LP related to the sale and development of the Remaining Waterford Properties.

4. All documents exchanged between you and Waterford Mountain Properties, LP related to any of the allegations, claims, facts, or other matters asserted in Plaintiff's Complaint.

5. All documents exchanged between you and any third party related to the the Remaining Waterford Properties including, but not limited to, all communications, contracts, agreements, estimates, surveys, architectural drawings, engineering drawings, specifications, calculations, invoices, receipts, or reports.

6. All documents exchanged between you and any and all architects (including any of their owners, agents, employees or representatives) related to the Remaining Waterford Properties,

including, but not limited to, all communications, contracts, agreements, estimates, architectural drawings, engineering drawings, specifications, calculations, invoices, receipts, or reports.

7. All documents identified in your responsive pleading to the Complaint.

8. All documents identified in your responses to any of Plaintiff's First Interrogatories to Defendant, or otherwise relied upon by you in responding to any of Plaintiff's First Interrogatories.

9. The curriculum vitae of each expert witness you expect to testify in this lawsuit.

10. All documents relied on by each expert witness you expect to testify in this lawsuit.

11. All documents regarding any evaluation, analysis, study, test, or opinion conducted by, relied upon, and/or held by any expert witness you expect to testify in this lawsuit, including reports generated by such expert witness.

12. All documents, photographs, diagrams, charts, plats, drawings, or video regarding the issues presented in the Complaint.

13. All statements, affidavits, transcripts, or recordings of any person who has knowledge of the contentions in the Complaint including any parties to this action.

14. Your entire file regarding the Remaining Waterford Properties including, but not limited to contracts, plans, emails, letters, invoices, accounting records, bookkeeping records, internal communications, communications with third parties, or other notes.

15. Any documents seeking or related to any agreements, development plans, or clearing plans related to any portion of the Remaining Waterford Properties.

16. Copies of any field notes, notes of construction meetings (however denominated) and any other documents related to the Remaining Waterford Properties.

17. Any and all documents evidencing any communications and/or agreements with subcontractors and/or suppliers for the work to be performed by You or directed by you to be performed at Remaining Waterford Properties.

18. All documents evidencing any permits, inspections performed and or citations issued by the State or local municipality concerning the work you have done or desire to perform at Remaining Waterford Properties.

Respectfully submitted this 13th day of May, 2026.

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/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA**

BIG CANOE PROPERTY OWNERS'
ASSOCIATION, INC.,

Plaintiffs,

v.

BIG CANOE COMPANY, LLC, and
BIG CANOE HOLDINGS GROUP LLC,

Defendants.

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CIVIL ACTION FILE NO.
2026SUCV0326

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served all counsel and parties of record with a copy of **PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT BIG CANOE HOLDINGS GROUP, LLC** statutory hand delivery by serving a copy concurrently with the personal service of the Summons and Complaint for Equitable Relief, Declaratory Judgment, and Fees.

Respectfully submitted this 13th day of May, 2026.

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/s/ Max S. Franco
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Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

Exhibit 3

**IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA**

BIG CANOE PROPERTY OWNERS'
ASSOCIATION, INC.,

Plaintiffs,

v.

BIG CANOE COMPANY, LLC, and
BIG CANOE HOLDINGS GROUP LLC,

Defendants.

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CIVIL ACTION FILE NO.
2026SUCV0326

**PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS TO DEFENDANT BIG CANOE
HOLDINGS GROUP, LLC**

COMES NOW Plaintiff Big Canoe Property Owners' Association, Inc. ("Plaintiff" hereinafter) requests, pursuant to O.C.G.A. § 9-11-36, that Defendant Big Canoe Holdings Group, LLC ("You" hereinafter) make the following admissions within forty-five (45) days of service of this request. You are hereby required to respond to all the following Requests separately and fully in writing within the time required.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

- i. The terms "person" or "persons" shall include individuals, associations, partnerships, corporations, and any other type of entity or institution whether formed for business purposes or any other purpose.
- ii. The term "Subject Property" shall refer to the real estate located in Pickens County, being more particularly described in the records of Pickens County at Deed Book 523, Pages 183-187.

- iii. The term “You” and “Your” shall refer to Big Canoe Holdings Group LLC, including any of its members, agents, employees or representatives.
- iv. Terms in the singular shall be deemed to include the plural and terms in the plural shall be deemed to include the singular.
- v. All terms used are given the meaning as defined in the Complaint filed in this action.
- vi. Any undefined terms shall be defined by the Georgia Civil Practice Act or common usage.

REQUESTS FOR ADMISSION

- 1. Admit that the you own the Subject Property.
- 2. Admit that the Annexation Agreement attached to Plaintiff’s Complaint runs with the land.
- 3. Admit that the Annexation Agreement covers the Subject Property.
- 4. Admit that the Annexation Agreement contains a development density limitation.
- 5. Admit that the Annexation Agreement contains a phasing provision.
- 6. Admit that the Annexation Agreement contemplates annexing the Subject Property.
- 7. Admit that the Annexation Agreement provides a twenty (20) year window for the annexation of the Subject Property, among other land.
- 8. Admit that the annexation window provided for in the Annexation Agreement has expired.
- 9. Admit that you intend to develop the Subject Property.
- 10. Admit that you intend to hire Big Canoe Company, LLC to develop the Subject Property.
- 11. Admit that you intend to hire a third party to develop the Subject Property.

12. Admit that you intend to sell more than five (5) residential lots per year out of the Subject Property.

13. Admit that your planned development of the Subject Property will contain more than one hundred sixty (160) residential lots.

14. Admit that you intend to annex the Subject Property into Big Canoe.

15. Admit that you are aware of members of Big Canoe who oppose annexing the Subject Property into Big Canoe.

16. Admit that you are aware that Plaintiff opposes annexing the Subject Property into Big Canoe.

17. Admit that you cut trees down at the Subject Property in the past sixty (60) days.

18. Admit that you hired a third party to cut trees down at the Subject Property in the past sixty (60) days.

19. Admit that you, or someone you hired, cut stress down at the Subject Property in the past sixty (60) days to build an access road.

20. Admit that you intend for the access road to become a permanent entry point into the Subject Property.

21. Admit that you were aware that Plaintiff intended to file a lawsuit regarding the Subject Property prior to you, or someone you hired, cutting trees down at the Subject Property.

Respectfully submitted this 13th day of May, 2026.

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[Faint, illegible text]

WEISSMAN PC

/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF PICKENS COUNTY
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BIG CANOE PROPERTY OWNERS'
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v.

BIG CANOE COMPANY, LLC, and
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Defendants.

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CIVIL ACTION FILE NO.
2026SUCV0326

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served all counsel and parties of record with a copy of **PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS TO DEFENDANT BIG CANOE HOLDINGS GROUP, LLC** statutory hand delivery by serving a copy concurrently with the personal service of the Summons and Complaint for Equitable Relief, Declaratory Judgment, and Fees.

Respectfully submitted this 13th day of May, 2026.

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WEISSMAN PC

/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

Exhibit 4

**IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA**

BIG CANOE PROPERTY OWNERS'
ASSOCIATION, INC.,

Plaintiffs,

v.

BIG CANOE COMPANY, LLC, and
BIG CANOE HOLDINGS GROUP LLC,

Defendants.

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CIVIL ACTION FILE NO.
2026SUCV0326

**PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT BIG CANOE COMPANY,
LLC**

COMES NOW Plaintiff Big Canoe Property Owners' Association, Inc. in the above-styled civil action and serves these Interrogatories upon Defendant Big Canoe Company, LLC ("Defendant" or "You" hereinafter), pursuant to O.C.G.A. § 9-11-33. Defendant is required to respond to these Interrogatories separately and fully, in writing and under oath, and to serve a copy of these responses upon counsel for Plaintiff within forty-five (45) days after service hereof.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

- i. "Document" means every writing or record of every type and description that is or has been in your possession, custody, or control or of which you have knowledge, including but not limited to correspondence, memoranda, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, pictures, drawings and photographs, films, microfilms, voice recordings, maps, reports, surveys, minutes or statistical compilations, or any other reported or graphic material in whatever form, including copies, drafts, and reproductions. "Document"

also refers to any other data compilation from which information can be obtained, and translated, if necessary, by you through computers or detection devices into reasonably usable form.

- ii. To “identify” when used with reference to a natural person means to state the person’s name, residence and business address and residence and business phone numbers.
- iii. To “identify” a “document” means to provide the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:
 - a. the title or other means of identification of each such document;
 - b. the type of document (e.g., letter, memorandum, record);
 - c. the date of each such document;
 - d. the author of each such document;
 - e. the recipient or recipients of each such document;
 - f. the present location of any and all copies of each such document in the care, custody, or control of Respondent;
 - g. the names and current addresses of any and all persons who have custody and control of each such document or copies thereof; and
 - h. if all copies of the document have been destroyed, the names and current addresses of the person or persons authorizing the destruction of the document and the date the document was destroyed.
- iv. In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these Interrogatories to attach a copy of each such document to the answers hereto and reference said document in the Interrogatory to which the document is responsive. To “identify” a person that is a business, organization or group of persons means to state the full name and

mailing address of such business organization or group of persons, the form of the business, organization, or group of persons (*e.g.*, governmental agency, corporation, partnership, joint venture, etc.), and to “identify” the natural person who would have knowledge of the information sought by the Interrogatory.

- v. To “identify” a person that is a business, organization or group of persons means to state the full name and mailing address of such business organization or group of persons, the form of the business, organization, or group of persons (*e.g.*, governmental agency, corporation, partnership, joint venture, etc.), and to “identify” the natural person who would have knowledge of the information sought by the Interrogatory.
- vi. “Identify” when used with reference to a statement, oral or written, means to state the exact language of the statement or, if Respondent does not know the exact language of the statement, to state the substance of the statement, and to “identify” the person making the statement, the person to which the statement was made, the date of the statement and to describe the nature, oral or written, of the statement.
- vii. To “describe” or “describe in detail” means to give a complete and full description concerning the matter about which inquiry is made, including the full name, address, and telephone number of persons involved, if appropriate, along with dates, times, places, amounts, and other particulars necessary for a complete understanding.
- viii. The term “regarding” means relating to, referring to, describing, evidencing, or constituting.
- ix. The terms “person” or “persons” shall include individuals, associations, partnerships, corporations, and any other type of entity or institution whether formed for business purposes or any other purpose.

- x. The term "Property" shall refer to the real estate located in Pickens County, being more particularly described in the records of Pickens County at Deed Book 523, Pages 183-187.
- xi. Terms in the singular shall be deemed to include the plural and terms in the plural shall be deemed to include the singular.
- xii. All capitalized terms used herein that are not defined are given the meaning as defined in the Complaint filed in this action.
- xiii. Any undefined terms shall be defined by the Georgia Civil Practice Act or common usage.

INTERROGATORIES

1. Identify all persons who have assisted in providing any information responsive to these Interrogatories.

2. Identify all persons who have any knowledge or information about any of the allegations, claims, facts, or other matters asserted in Plaintiff's Complaint and your responsive pleading thereto. For each person identified, please state the following:

- a) describe in detail the knowledge or information possessed by each person identified;
- b) identify the source from which the knowledge or information has been derived; and
- c) identify all persons to whom the individual has communicated any of the knowledge or information possessed, together with the time, date, place, and circumstance of the communications and identify all documents that memorialize the communication.

3. Identify all of your corporate officers and state their role (CEO, CFO, etc.).

4. Identify any document, exhibit, or other evidence you intend to introduce or rely upon at any hearing or trial in this litigation.

5. Identify each and every person you currently expect to call as a witness at any hearing or trial in this litigation.

6. Do you believe that you or Big Canoe Holdings Group, LLC have the right to annex the Remaining Waterford Properties into the Big Canoe development? If you do, please state the factual basis for this and identify any documents evidencing your reasoning.

7. Do you believe that, if you or Big Canoe Holdings Group, LLC annex the Remaining Waterford Properties into the Big Canoe development, it will have to be done in compliance with the density restrictions outlined in the Agreement? If you do not believe so, please state the factual basis for this and identify any documents evidencing your reasoning.

8. Do you believe that the Agreement is still binding? If you do not believe so, please state the factual basis for this and identify any documents evidencing your reasoning.

9. Identify any agreements that you and Big Canoe Holdings Group, LLC have entered into concerning the Remaining Waterford Properties or the development of the Remaining Waterford Properties.

10. Identify any agreements that you and any third-party have entered into concerning the Remaining Waterford Properties or the development of the Remaining Waterford Properties.

11. Identify when and how you became aware that Big Canoe Property Owners' Association, Inc. did not agree to then annexation of the Remaining Waterford Properties into the Big Canoe development.

12. Have you ever contributed to the purchase, management, development, improvement or maintenance of any of the Remaining Waterford Properties. If yes, identify the following:

- a) The dates of all contributions;
- b) The amount of each contribution;
- c) All documents evidencing each contribution including but not limited to cancelled checks and receipts;
- d) Any agreements between you and any third party for the performance of management, improvement, maintenance and or repair;
- e) Any agreements between you and any other named party hereto referring or relating to costs associated with the purchase, management, improvement or maintenance of; and
- f) To whom the contributions were delivered.

13. Identify each and every route in which access to Remaining Waterford Properties is possible.

14. Identify each and every expert you may call or expect to call as a witness at trial.

For any such expert, state in detail:

- a) The subject matter on which the expert is expected to testify;
- b) The substance of the facts and opinions to which the expert is expected to testify, including any opinion he or she is expected to testify to; and
- c) A summary of the grounds for each opinion of the expert.

15. Have you had any communication with any non-party hereto regarding the potential development of any of the Remaining Waterford Properties. If so, identify the following:

- a) the parties to such communications(s); and
- b) the subject matter of the communications(s).

Respectfully submitted this 13th day of May, 2026.

WEISSMAN PC

3500 Lenox Road
One Alliance Center, 4th Floor
Atlanta, Georgia 30326
Main: (404) 926 – 4500
JeffS@weissman.law
MaxL@weissman.law

/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA**

BIG CANOE PROPERTY OWNERS'
ASSOCIATION, INC.,

Plaintiffs,

v.

BIG CANOE COMPANY, LLC, and
BIG CANOE HOLDINGS GROUP LLC,

Defendants.

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CIVIL ACTION FILE NO.
2026SUCV0326

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served all counsel and parties of record with a copy of **PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT BIG CANOE COMPANY, LLC** statutory hand delivery by serving a copy concurrently with the personal service of the Summons and Complaint for Equitable Relief, Declaratory Judgment, and Fees.

Respectfully submitted this 13th day of May, 2026.

WEISSMAN PC

3500 Lenox Road
One Alliance Center, 4th Floor
Atlanta, Georgia 30326
Main: (404) 926 – 4500
Jeffrey@weissmanlaw.com
Max@weissmanlaw.com

/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

Exhibit 5

is under a duty to seasonably supplement or amend Defendant's responses accordingly. Furthermore, pursuant to O.C.G.A. § 24-10-26, Defendant is directed to produce at trial the documents and materials referenced in these discovery requests.

If privilege is claimed as to any document otherwise covered by this request for production, Petitioner requests that each document as to which privilege is claimed be identified in a manner such that the Court may determine whether or not such document is entitled to be accorded privileged status. Specifically, state (a) the document's sender or author, recipient, date, type of document (e.g., letter, memorandum, record, etc.) and general subject matter; and (b) each basis upon which privilege is claimed. This request for production seeks inspection and copying of documents in the possession of Defendant and Defendant's agents and attorneys, including both copies and originals, unless otherwise specifically stated.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

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- ii. "Person" means any natural person, corporation, partnership, proprietorship, association,

governmental entity, agency, group, organization, or group of persons.

- iii. Terms in the singular shall be deemed to include the plural and terms in the plural shall be deemed to include the singular.
- iv. Use of feminine pronouns shall be deemed to include the masculine and neuter, and use of masculine pronouns shall be deemed to include the feminine and neuter.

REQUEST FOR PRODUCTION

1. All documents exchanged between you and Big Canoe Holdings Group, LLC related to any of the allegations, claims, facts, or other matters asserted in Plaintiff's Complaint.

2. All documents exchanged between you and Big Canoe Property Owners' Association, Inc. related to any of the allegations, claims, facts, or other matters asserted in Plaintiff's Complaint.

3. All documents exchanged between you and Waterford Mountain Properties, LP related to any of the allegations, claims, facts, or other matters asserted in Plaintiff's Complaint.

4. All documents exchanged between you and any third party related to the the Remaining Waterford Properties including, but not limited to, all communications, contracts, agreements, estimates, surveys, architectural drawings, engineering drawings, specifications, calculations, invoices, receipts, or reports.

5. All documents exchanged between you and any and all architects (including any of their owners, agents, employees or representatives) related to the Remaining Waterford Properties, including, but not limited to, all communications, contracts, agreements, estimates, architectural drawings, engineering drawings, specifications, calculations, invoices, receipts, or reports.

6. All documents identified in your responsive pleading to the Complaint.

7. All documents identified in your responses to any of Plaintiff's First Interrogatories to Defendant, or otherwise relied upon by you in responding to any of Plaintiff's First Interrogatories.

8. The curriculum vitae of each expert witness you expect to testify in this lawsuit.

9. All documents relied on by each expert witness you expect to testify in this lawsuit.

10. All documents regarding any evaluation, analysis, study, test, or opinion conducted by, relied upon, and/or held by any expert witness you expect to testify in this lawsuit, including reports generated by such expert witness.

11. All documents, photographs, diagrams, charts, plats, drawings, or video regarding the issues presented in the Complaint.

12. All statements, affidavits, transcripts, or recordings of any person who has knowledge of the contentions in the Complaint including any parties to this action.

13. Your entire file regarding the Remaining Waterford Properties including, but not limited to contracts, plans, emails, letters, invoices, accounting records, bookkeeping records, internal communications, communications with third parties, or other notes.

14. Any documents seeking or related to any agreements, development plans, or clearing plans related to any portion of the Remaining Waterford Properties.

15. Copies of any field notes, notes of construction meetings (however denominated) and any other documents related to the Remaining Waterford Properties.

16. Any and all documents evidencing any communications and/or agreements with subcontractors and/or suppliers for the work to be performed by You or directed by you to be performed at Remaining Waterford Properties.

17. All documents evidencing any permits, inspections performed and or citations issued by the State or local municipality concerning the work you have done or desire to perform at Remaining Waterford Properties.

Respectfully submitted this 13th day of May, 2026.

WEISSMAN PC

3500 Lenox Road
One Alliance Center, 4th Floor
Atlanta, Georgia 30326
Main: (404) 926 – 4500
JeffS@weissman.law
MaxF@weissman.law

/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

Exhibit 6

- iii. The term “Big Canoe,” “You,” and “Your” shall refer to Big Canoe Company, LLC, including any of its members, agents, employees or representatives.
- iv. Terms in the singular shall be deemed to include the plural and terms in the plural shall be deemed to include the singular.
- v. All terms used are given the meaning as defined in the Complaint filed in this action.
- vi. Any undefined terms shall be defined by the Georgia Civil Practice Act or common usage.

REQUESTS FOR ADMISSION

- 1. Admit that the Big Canoe Holdings Group, LLC owns the Property.
- 2. Admit that the Annexation Agreement attached to Plaintiff’s Complaint was signed by You.
- 3. Admit that the Annexation Agreement provides regulations and rules concerning the Property.
- 4. Admit that the annexation Agreement contains a development density limitation.
- 5. Admit that the annexation Agreement contains a phasing provision.
- 6. Admit that the annexation Agreement contemplates annexing the Property.
- 7. Admit that the annexation Agreement provides a twenty (20) year window for the annexation of the Property, among other land.
- 8. Admit that the annexation window provided for in the annexation Agreement has expired.
- 9. Admit that you intend to develop the Property.
- 10. Admit that you intend to sell more than five (5) residential lots per year out of the Property.

11. Admit that your planned development of the Property will contain more than one hundred sixty (160) residential lots.

12. Admit that you intend to annex the Property into Big Canoe.

13. Admit that you are aware of members of Big Canoe who oppose annexing the Property into Big Canoe.

14. Admit that you are aware that Plaintiff opposes annexing the Property into Big Canoe.

15. Admit that you cut trees down at the Property in the past sixty (60) days.

16. Admit that you hired a third party to cut trees down at the Property in the past sixty (60) days.

17. Admit that you, or someone you hired, cut trees down at the Property in the past sixty (60) days to build an access road.

18. Admit that you intend for the access road to become a permanent entry point into the Property.

19. Admit that you were aware that Plaintiff intended to file a lawsuit regarding the Property prior to you, or someone you hired, cutting trees down at the Property.

Respectfully submitted this 13th day of May, 2026.

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One Alliance Center, 4th Floor
Atlanta, Georgia 30326
Main: (404) 926 – 4500
Jeffrey.H.Schneider@weissmanpc.com
Max.S.Franco@weissmanpc.com

WEISSMAN PC

/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA**

BIG CANOE PROPERTY OWNERS'
ASSOCIATION, INC.,

Plaintiffs,

v.

BIG CANOE COMPANY, LLC, and
BIG CANOE HOLDINGS GROUP LLC,

Defendants.

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CIVIL ACTION FILE NO.
2026SUCV0326

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served all counsel and parties of record with a copy of **PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS TO DEFENDANT BIG CANOE COMPANY, LLC** statutory hand delivery by serving a copy concurrently with the personal service of the Summons and Complaint for Equitable Relief, Declaratory Judgment, and Fees.

Respectfully submitted this 13th day of May, 2026.

3500 Lenox Road
One Alliance Center, 4th Floor
Atlanta, Georgia 30326
Main: (404) 926 – 4500
jeff@weissmanllp.com
max@weissmanllp.com

WEISSMAN PC

/s/ Max S. Franco
Jeffrey H. Schneider, Esq.
Georgia Bar No. 629545
Max S. Franco, Esq.
Georgia Bar No. 355592
Attorneys for Plaintiff

Exhibit 7(a)

Burch, Edward

From: Burch, Edward
Sent: Friday, August 7, 2026 12:54 PM
To: Jeff H. Schneider
Cc: May, Connie; John Grimes
Subject: FW: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support
Attachments: 2026.08.07 Motion to Dismiss.pdf; 2026.08.07 Brief in Support of Motion to Dismiss_.pdf

Jeff,

I've enclosed a courtesy copy of the defendants' joint motion to dismiss and brief in support. Under the most recent amendment to OCGA 9-11-12, we are filing same in lieu of an answer, which alters the time to answer until after disposition of the motion. The motion also stays discovery, so responses to Plaintiffs' written discovery requests, including requests for admission, are stayed until after disposition of the motion. If you disagree with our understanding of the deadlines under the statute, please let us know.

Best
Ed

Edward D. Burch
Partner

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f | 404-815-3509
e | eburch@sgrlaw.com
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www.sgrlaw.com | My Bio | vCard



From: May, Connie <cmay@sgrlaw.com>
Sent: Friday, August 7, 2026 12:30 PM
To: Burch, Edward <eburch@sgrlaw.com>
Subject: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

Connie F. May
Legal Assistant

p | 404-815-3593
f | 404-815-3509
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Exhibit 7(b)

Burch, Edward

From: Jeff H. Schneider <jeffs@weissman.law>
Sent: Friday, August 7, 2026 1:55 PM
To: Burch, Edward; Max Franco
Cc: May, Connie; John Grimes
Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Ed

Thanks for sending this over. Let me know if you have a few minutes to discuss this case this afternoon; I'm headed out of the country tomorrow and will be gone for two weeks.

Thanks.

Jeff

From: Burch, Edward <eburch@sgrlaw.com>
Sent: Friday, August 7, 2026 12:54 PM
To: Jeff H. Schneider <jeffs@weissman.law>
Cc: May, Connie <cmay@sgrlaw.com>; John Grimes <jgrimes@ldfirm.law>
Subject: FW: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Best

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From: May, Connie <cmay@sgrlaw.com>
Sent: Friday, August 7, 2026 12:30 PM

To: Burch, Edward <eburch@sgrlaw.com>

Subject: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

Connie F. May

Legal Assistant

p | 404-815-3593

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e | cmay@sgrlaw.com

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Exhibit 7(c)

Burch, Edward

From: Burch, Edward
Sent: Friday, August 7, 2026 5:45 PM
To: Jeff H. Schneider; Max Franco
Cc: May, Connie; John Grimes
Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

Jeff, sorry I missed you today. Let's talk when you get back. I hope you have a great trip. Ed

Edward D. Burch
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From: Jeff H. Schneider <jeffs@weissman.law>
Sent: Friday, August 7, 2026 1:55 PM
To: Burch, Edward <eburch@sgrlaw.com>; Max Franco <MaxF@weissman.law>
Cc: May, Connie <cmay@sgrlaw.com>; John Grimes <jgrimes@ldfirm.law>
Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Jeff

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Connie F. May
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Exhibit 7(d)

Burch, Edward

From: Jeff H. Schneider <jeffs@weissman.law>
Sent: Sunday, August 9, 2026 1:07 PM
To: Burch, Edward; Max Franco
Cc: May, Connie; John Grimes
Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Ed

Our understanding when we gave the extension was that we would receive discovery responses by the end of that extended deadline particularly given the substantial time provided. While I understand from your response that you believe the discovery to be stayed based on the filing of the Motion, the stipulation did not reserve that right.

Feel free to discuss with Max in my absence.

Jeff

From: Burch, Edward <eburch@sgrlaw.com>
Sent: Friday, August 7, 2026 5:45 PM
To: Jeff H. Schneider <jeffs@weissman.law>; Max Franco <MaxF@weissman.law>
Cc: May, Connie <cmay@sgrlaw.com>; John Grimes <jgrimes@ldfirm.law>
Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Edward D. Burch
Partner

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Best

Ed

Edward D. Burch

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To: Burch, Edward <eburch@sgrlaw.com>

Subject: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

Connie F. May

Legal Assistant

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Exhibit 7(e)

Burch, Edward

From: Burch, Edward
Sent: Sunday, August 9, 2026 3:34 PM
To: Jeff H. Schneider; Max Franco
Cc: May, Connie; John Grimes
Subject: Re: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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From: Jeff H. Schneider <jeffs@weissman.law>
Sent: Sunday, 09 August 2026 13:06:44
To: Burch, Edward <eburch@sgrlaw.com>; Max Franco <MaxF@weissman.law>
Cc: May, Connie <cmay@sgrlaw.com>; John Grimes <jgrimes@ldfirm.law>
Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Sent: Friday, August 7, 2026 5:45 PM

To: Jeff H. Schneider <jeffs@weissman.law>; Max Franco <MaxF@weissman.law>

Cc: May, Connie <cmay@sgrlaw.com>; John Grimes <jgrimes@ldfirm.law>

Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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To: Burch, Edward <eburch@sgrlaw.com>
Subject: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Cc: May, Connie; John Grimes
Subject: FW: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support
Attachments: 2026.08.07 Motion to Dismiss.pdf; 2026.08.07 Brief in Support of Motion to Dismiss_.pdf

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Exhibit 7(f)

Burch, Edward

From: Burch, Edward
Sent: Monday, August 10, 2026 11:34 AM
To: Jeff H. Schneider; Max Franco
Cc: May, Connie; John Grimes
Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

Max,

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Jeff stated his disagreement based on Plaintiff having extended the time to respond to the complaint and discovery served with the complaint. I asked for legal authority that would provide such an exception to OCGA 9-11-12(j). You have not provided any such authority, and I have found no exception.

I'd like to have a conference today to try to resolve our discovery issue. If, however, we are unable to resolve it, we will need to file a motion for protective order out of an abundance of caution.

I am sending this correspondence pursuant to Uniform Superior Court Rule 6.4(B) in an attempt to resolve this discovery issue and in anticipation of filing a motion for protective order.

Thanks,

Ed

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Cc: May, Connie <cmay@sgrlaw.com>; John Grimes <jgrimes@ldfirm.law>
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Subject: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Exhibit 7(g)

Burch, Edward

From: Max Franco <MaxF@weissman.law>
Sent: Monday, August 10, 2026 12:49 PM
To: Burch, Edward; Jeff H. Schneider
Cc: May, Connie; John Grimes
Subject: Re: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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Hello Ed,

I am driving home from Savannah after attending a hearing. I will be free tomorrow to discuss.

Thanks,
Max

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From: Burch, Edward <eburch@sgrlaw.com>
Sent: Monday, 10 August 2026 11:33:52
To: Jeff H. Schneider <jeffs@weissman.law>; Max Franco <MaxF@weissman.law>
Cc: May, Connie <cmay@sgrlaw.com>; John Grimes <jgrimes@ldfirm.law>
Subject: RE: Case # 2026SUCV0326; Big Canoe Property Owners' Ass'n, Inc. v. Big Canoe Co., LLC, et al; Motion to Dismiss and Brief in support

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