IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY, FLORIDA

CASE NO.: 2025-CA-001320A000MX

BRADLEY BYRD, an individual, and ANNA BYRD, an individual,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, a foreign for profit corporation, COSTCO-INNOVEL SOLUTIONS, LLC, d/b/a COSTCO WHOLESALE LOGISTICS, a foreign limited liability company, and RXO LAST MILE, INC., a foreign for profit corporation,

Defendants.
_____/

ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL DEFENDANT COSTCO WHOLESALE CORPORATION'S RESPONSES TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION

THIS CAUSE came before the Court on August 6, 2026, for hearing on Plaintiffs' Motion to Compel Defendant Costco Wholesale Corporation's ("Costco") Responses to Plaintiffs' First Request for Production [Docs. 64, 68] (the "Motion"). The Court, having reviewed the Motion and the court file, having heard argument of counsel, and being otherwise fully advised in the premises, makes the following findings:

A. Plaintiffs served their First Request for Production on Costco on December 16, 2025. Costco served responses and objections on January 15, 2026, and served supplemental responses on March 13, 2026 and August 3, 2026.

B. Costco is bound by the discovery obligations of the Florida Rules of Civil Procedure to the same extent as any other litigant.

It is therefore ORDERED:

1. The Motion is **GRANTED**.

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2. On or before, fifteen (15) days from the date the Court executes this Order, Costco shall serve supplemental responses to Plaintiffs' First Request for Production Nos. 2, 12, and 18, if not duplicative of documents already produced following reasonable inquiry and search and within its possession, custody, or control, in particular, non-privileged (a) communications between Costco, its officers, or its employees and Defendant RXO Last Mile, Inc. or its representatives relating to the December 2, 2024 incident or Plaintiffs' claim; (b) documents relating to assessments or evaluations of the installation or the incident.

3. Any responsive document withheld under a claim of privilege shall be identified on a privilege log served on or before the same date, in conformity with Fla. R. Civ. P. 1.280.

4. The production shall be organized and labeled to correspond with the categories in the Request, as required by Fla. R. Civ. P. 1.350(b).

5. Plaintiffs' request for reasonable expenses incurred in obtaining this Order, including attorneys' fees, pursuant to Fla. R. Civ. P. 1.380(a)(4), is **RESERVED**.

6. The Court reserves jurisdiction to enforce this Order and, in the event of non-compliance, to impose sanctions in accordance with Fla. R. Civ. P. 1.380 and Section 3.C of the Court's Practices and Procedures Standing Order for Civil Cases in Division 59.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 03 day of September, 2026.

9/3/2026 10:53 AM CA25-1320

e-Signed 9/3/2026 10:53 AM CA25-1320

CIRCUIT JUDGE

Copies furnished to:

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Kevin E. Jakab, Esq., Counsel for Defendants Costco Wholesale Corporation and Costco-Innovel Solutions, LLC (kjakab@jakablaw.com)

Heather L. Stover, Esq. and Richard S. Maselli, Esq., Counsel for Defendant RXO Last Mile, Inc. (hstover@ogdensullivan.com; RMaselli@ogdensullivan.com; Eservice@ogdensullivan.com)