



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
CIVIL DIVISION**

**ROBERT B. SANSOME and GAIL
SANSOME,**

Plaintiffs,

v.

**HOAR CONSTRUCTION, LLC;
LAKESHORE DATA CENTER, LLC;
NEBIUS, INC.; THE CITY OF
BIRMINGHAM, ALABAMA,**

Defendants.

**CIVIL ACTION NUMBER:
01-CV-2026-902889**

**NON-PARTY IRON CITY PREMIER REALTY'S OBJECTIONS TO PLAINTIFFS'
NOTICE OF INTENT TO SERVE SUBPOENA**

COMES NOW non-party Iron City Premier Realty ("Iron City"), appearing solely for purposes of objecting to Plaintiffs' Notice of Intent to Serve Subpoena for Production of Documents, Electronically Stored Information, and Things on Non-Party Iron City Premier Realty (Doc. 180), and pursuant to Rule 45(a)(3)(B) of the Alabama Rules of Civil Procedure, respectfully objects to the issuance of the proposed subpoena. In support thereof, Iron City states as follows:

RELEVANT PROCEDURAL HISTORY

1. On September 18, 2026, Plaintiffs filed a Notice of Intent to Serve Subpoena for Production of Documents, Electronically Stored Information, and Things on Non-Party Iron City Premier Realty. (Doc. 180). The proposed subpoena has not been served upon Iron City. Plaintiffs' Notice expressly identifies Iron City as a non-party and seeks sixteen categories of documents and electronically stored information purportedly concerning the acquisition, conveyance, and closing of certain real property associated with the BHM01 data-center project.

2. Defendant City of Birmingham has separately objected to the issuance of the proposed subpoena. (Doc. 192). Iron City joins in and adopts the City's objections to the extent applicable and further objects on its own behalf as the non-party from whom Plaintiffs seek the requested documents and information.

ARGUMENT

I. The proposed subpoena seeks discovery from a non-party with no connection to the transaction at issue.

Iron City had no involvement in the acquisition, purchase, sale, conveyance, financing, brokerage, development, zoning, permitting, or closing of the property identified in Plaintiffs' proposed subpoena. Notably, as Defendant City of Birmingham highlights, Plaintiffs' Notice identifies *no act* performed by Iron City and does not explain what role Iron City allegedly played in the transaction that forms the basis of this lawsuit. This stands in contrast to Plaintiffs' other non-party discovery, in which Plaintiffs specifically identified each recipient's alleged connection to the transaction.

Additionally, as Defendant City of Birmingham highlights, the recorded deeds introduced at the preliminary injunction hearing do not identify Iron City, 2812 Elite Realty, or any real-estate broker or agent, and Iron City is absent from Plaintiffs' own definition of the relevant "Transaction Parties." Plaintiffs nevertheless seek extensive discovery from Iron City without identifying any factual basis to believe it participated in the transaction. The proposed subpoena is therefore nothing more than an impermissible fishing expedition. Simply put, the proposed subpoena is an attempt to use the discovery process to search for a connection to Iron City where none has been identified or shown to exist.

II. The proposed subpoena is overbroad and unduly burdensome.

Even if Plaintiffs could demonstrate a legitimate basis for seeking discovery from Iron City, which they have not, the proposed subpoena is facially overbroad and unduly burdensome. It contains sixteen separate requests covering the period from January 1, 2024, to the present and seeks sweeping categories of business and financial information, including brokerage and compensation records, closing documents, communications, MLS entries, offers and bidder information, contracts, escrow and trust-account records, calendars, meeting notes, and other records. (*See* Doc. 180 at pp. 10-12).

These sweeping requests impose an undue and unwarranted burden on a non-party with no demonstrated connection to the transaction or any matter at issue in this case. The breadth of the proposed subpoena, particularly when measured against the complete absence of any demonstrated connection to Iron City, confirms that the discovery sought is speculative, overbroad, and unduly burdensome.

III. The information Plaintiffs purport to seek is available from the actual participants in the transaction.

The proposed subpoena is further unwarranted because the information Plaintiffs claim to seek is available from sources actually involved in the transactions at issue. The relevant deeds are public records and have already been introduced into evidence, and Plaintiffs have separately identified and sought discovery from entities they contend participated in the conveyances. Plaintiffs offer no explanation for why Iron City should be required to undertake the substantial burden of searching its business records, electronic accounts, and even personal devices for information concerning a transaction in which it did not participate.

CONCLUSION

For the foregoing reasons, Iron City objects to the proposed subpoena in its entirety and respectfully requests that the Court order that the subpoena not issue. Alternatively, to the extent the Court determines that Plaintiffs may pursue any discovery from Iron City notwithstanding these objections, Iron City respectfully requests that the Court enter an appropriate protective order narrowly limiting any permitted discovery to specifically identified matters for which Plaintiffs first demonstrate both relevance and a factual basis for believing that Iron City possesses responsive information.

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CERTIFICATE OF SERVICE

I hereby certify on this 6th day of October 2026, I have filed a copy of the foregoing via the *Alafile* electronic filing system, which will send notification of such filing to the following registrants:

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