

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY, FLORIDA

MARK BACIAK,

CASE NO.: 05-2024-CA-019998-XXCA-BC

Plaintiff,

v.

GARY KIRBY,

Defendant.

_____ /

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
TO DEFENDANT

Plaintiff, MARK BACIAK ("Plaintiff"), through the undersigned attorney, and pursuant to Florida Rule of Civil Procedure 1.340, propounds its First Set of Admissions upon Defendant GARY KIRBY ("Defendant"), and requests that Defendant answer these Admissions in writing, within thirty (30) days pursuant to the applicable Rules of Civil Procedure.

I. REQUESTS

1. ADMIT that Marck Baciak has loaned you money.
2. ADMIT that Mark Baciak has paid money to third parties that benefitted you.
3. ADMIT that you owe Mark Baciak money because he has loaned you money.
4. ADMIT that you owe Mark Baciak money because he paid money to third parties that benefitted you.
5. ADMIT that **exhibit one** attached to these requests shows that Mark Baciak lent you \$1,700.00.
6. ADMIT that **exhibit two** shows Mark Baciak paying the Florida Department of State \$138.75 for your benefit.

7. ADMIT that **exhibit three** shows Mark Baciak paying Attorney Daniel Martinez \$1000 for your benefit.
8. ADMIT that **exhibit four** shows Mark Baciak paying \$85,950.00 to Dianna Griffiths for your benefit.
9. Admit that **exhibit five** shows Mark Baciak lending you \$3,000.
10. Admit that **exhibit six** shows Mark Baciak lending you \$5,000.
11. Admit that **exhibit seven** shows Mark Baciak lending you \$1,700.00
12. Admit that **exhibit eight** shows you agreeing that you owe Mark Baciak money.
13. Admit that **exhibit nine** shows you agreeing to pay Mark Baciak \$500.00 a month to pay him back money you owed him.
14. Admit that **exhibit ten** shows you agreeing to pay Mark Baciak \$1,000 a month to pay him back money you owed him.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via e- service to Eric Hostetler, Esq., Attorney for Defendant, at Eric@USLegalTeam.com, cwhite@uslegalteam.com, and Jessica@uslegalteam.com on May 1, 2025.

Respectfully Submitted,

/s/Geoffrey Golub
Geoffrey Golub, P.A.
Geoffrey P. Golub, Esq.
Florida Bar No. 992089
(321)757-6848
512 N. Harbor City Blvd.
Melbourne, FL 32935
golublawnfirm@gmail.com

EXHIBIT 1

263177903 - Space Coast Credit Union

Wednesday, May 22, 2024 12:38 PM CT

Capture Date	Sequence #	Check #	Member #	HiLo	Amount	Return Reason	Return Date
3/1/2019	4656694	8339	5990000353745		\$1,000.00		

MARK G. BACIAK
PH 321-958-1819
236 BRY LYNN DRIVE
WEST MELBOURNE, FL 32904

8339

53-7790/2631
21

25 Feb 19

DATE

CHECK NUMBER

PAY TO THE
ORDER OF

Daniel Martinez

\$ 1000.00

One thousand & 00

DOLLARS



Photo Safe
Deposit Card on back



**SPACE COAST
CREDIT UNION**
Melbourne, FL 32901

FOR

Mark G. Baciak

⑆ 263177903⑆ 5990000353745⑆ 8339

Harvard Classic

3188337802

EXHIBIT 2

Capture Date	Sequence #	Check #	Member #	HiLo	Amount	Return Reason	Return Date
3/6/2019	4752170	8338	5990000353745		\$138.75		

MARK G. BACIAK
PH 321-958-1819
235 BRY LYNN DRIVE
WEST MELBOURNE, FL 32904

8338

83-7790/2631
21

DATE

CHECK AMOUNT

PAY TO THE
ORDER OF

Florida Dept of State

\$ 138.75

One hundred thirty eight & 75

DOLLARS



Florida
State
Department
of Banking



**SPACE COAST
CREDIT UNION**
Melbourne, FL 32901

FOR

Mark G. Baciak

⑆ 263177903⑆ 5990000353745⑈ 8338

Member's Choice

WELLS FARGO BANK NA ORO
33105245 62227

DO NOT WRITE, STAMP OR SIGN
IN THESE SPACES
8-4836113155
Y 138.75
00062--024

ENDORSE HERE

EXHIBIT 3

Capture Date	Sequence #	Check #	Member #	HiLo	Amount	Return Reason	Return Date
4/4/2019	4685650	8367	5990000353745		\$60.00		

MARK G. BACIAK
 PH 321-950-1819
 235 BRY LYNN DRIVE
 WEST MELBOURNE, FL 32904

8367

03-7700/2831
21

3 Apr 19

DATE



PAY TO THE
ORDER OF

Janice Leema-Pewco

\$ 60.00

Sixty & 00

DOLLARS



Photo
Copy
Resistant
Security Ink



**SPACE COAST
CREDIT UNION**
 Melbourne, FL 32901

Mark G. Baciak

FOR

⑆263177903⑆5990000353745⑆ 8367

Member Checks

11/14/19 11:11

11/14/19 11:11

Search for... (faint text)

- ...
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11/14/19 11:11

- ...
- ...
- ...
- ...

11/14/19 11:11

Seq: 66

Batch: 936987

Date: 04/03/19

Seq: 00066 04/03/19
 BAT: 936987 CC: 0750189061
 WT: 01 LTPS: Jacksonville
 BC: Wickham Road BC FL0-715

☐ CHECK HERE IF MOBILE DEPOSIT


DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

Janice Leema-Pewco

EXHIBIT 4

Capture Date	Sequence #	Check #	Member #	HiLo	Amount	Return Reason	Return Date
3/6/2019	4721504	217028	800000000169		\$85,950.00		

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND OR WHITE PAPER. THE BACK, A UNIQUE CHECK IDENTITY BAR CODE AND A TRUE WATERMARK. HOLD UP TO LIGHT TO VIEW.

 **SPACE COAST CREDIT UNION**
Your life. Your financial watchdog.

TELLER CHECK
VOID AFTER 90 DAYS

63-77903031
217028
March 04, 2019


PAY Eighty-Five Thousand Nine Hundred Fifty and 00/100***** \$*****85,950.00

PAY TO THE ORDER OF Dianna Griffiths

Memo

Dianna Griffiths
Authorized Signature

⑈ 217028 ⑈ ⑆ 263177903 ⑆ 800000000169 ⑈

 The security features listed below, as well as those not listed, exceed industry guidelines.

Security Features:

- Microsignature line: "THIS IS AN ORIGINAL CHECK" stamp type in the signature line appears as dotted line when photocopied.
- Warning Sign: Alerts handler the document contains security features.
- True Watermark: Indicates document originality, difficult to reproduce.

* Peabody design is a certification mark of Check Payment Systems Association

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

CHECK IDENTITY BAR CODE

ENDORSE HERE

Dianna Griffiths

EXHIBIT 5

263177903 - Space Coast Credit Union

Tuesday, May 28, 2024 2:16 PM CT

Capture Date	Sequence #	Check #	Member #	HiLo	Amount	Return Reason	Return Date
3/8/2019	4653234	8353	5990000353745		\$3,000.00		

MARK G. BACIAK
 PH 321-856-1819
 235 BRY LYNN DRIVE
 WEST MELBOURNE, FL 32904

8353

63-7790/2631
21

CHECK AMOUNT

PAY TO THE
ORDER OF

Gary Kirby

\$ 3000.00

Three Thousand & 00/100

DOLLARS

Photo
Safe
Deposit
Check on back

**SPACE COAST
 CREDIT UNION**
 Melbourne, FL 32901

FOR

Mark G. Baciak

⑆ 263177903⑆ 5990000353745⑆ 8353

Member's Office

☐ CHECK HERE IF MOBILE DEPOSIT

 2015 UNITED STATES FEDERAL RESERVE NOTE
 100 DOLLARS

 X
 ENFORCE HERE

EXHIBIT 6

Capture Date	Sequence #	Check #	Member #	HiLo	Amount	Return Reason	Return Date
3/5/2019	4823220	8351 -	5990000353745		\$5,000.00		

MARK G. BACIAK
 PH 321-956-1819
 235 BRY LYNN DRIVE
 WEST MELBOURNE, FL 32904

8351

63-7790/2631
21

DATE

CHECK ARMOR
21PAY TO THE
ORDER OF

Gary Kirby \$ 5000.00
Five Thousand & 00/100 DOLLARS

Photo
Safe
Deposit
Create on back

**SPACE COAST
 CREDIT UNION**
 Melbourne, FL 32901

FOR

Mark G. Baciak

⑆ 263177903⑆ 5990000353745⑆ 8351

Hazard Check

☐ CHECK HERE IF MOBILE DEPOSIT
 DO NOT WRITE STAMP OR SIGN BEYOND THIS LINE

ENDORSE HERE

X
Mark G. Baciak

EXHIBIT 7

Capture Date	Sequence #	Check #	Member #	HiLo	Amount	Return Reason	Return Date
2/4/2019	4732696	8324	5990000353745		\$1,700.00		

MARK G. BACIAK
 PH 321-956-1819
 235 BRY LYNN DRIVE
 WEST MELBOURNE, FL 32904

8324

63-7790/2631
 21

1 Feb 19

DATE

CHECK NUMBER

PAY TO THE
 ORDER OF

Gary Kirby

\$ 1700 ⁰⁰/₁₀₀

One Thousand Seven Hundred & 00

DOLLARS



Photo
 Safe
 Deposit
 Create on spot



**SPACE COAST
 CREDIT UNION**
 Melbourne, FL 32901

FOR

Mark G. Baciak

⑆ 263177903⑆ 5990000353745⑆ 8324

Member Name

☐ CHECK HERE IF MOBILE DEPOSIT

DO NOT WRITE, STAMP OR SIGN BEYOND THIS LINE

X

CENDORSE WITH

1916

EXHIBIT 8

4:56



GW

Gary

For

Thu, Apr 13 at 10:02 AM

It's in your mailbox I just dropped it off

Ok thanks

Wed, May 31 at 9:13 AM

May and June invest return due. Effective 1 July 23 I want to increase the amount to \$1000 per month. I ran some numbers and even at the new amount it will take years to recover the current balance.

OK. What do you have as current balance?

98792. I have a copy of the original spreadsheet and used that to start this spreadsheet and started it with a balance of 102292

Are you sure that's right I know I've produced more than 4k. Just let me know

I can make you a copy of both



Text Message



4:57



GW

Gary

Are you sure that's right I know I've produced more than 4k. Just let me know

I can make you a copy of both spreadsheets. I have 3 at 500 and 2 at 1000. These started on 14 October 22. I didn't get out of the hospital until 20 July 22 and didn't get back to start anything till September

I used what you did pay on the original and deducted that from the original investment to start the new spreadsheet.

I have 9995 received prior to October 22. Original investment was 113288

Okay that seems to make more sense now

Thu, Jun 8 at 12:46 PM

May and June ok?

It's a coming

Wed, Jun 14 at 7:31 AM



Text Message



EXHIBIT 9

2:54

98



GW

Gary >

I have a number - \$500 a month.
Let me know what you think

Sep 10, 2022 at 2:03 PM

Call you back in a bit, I think that
would work no problem

Ok. Good!

Sep 13, 2022 at 10:48 AM

I would like to start the checks no
later than 1 October 22. Make
checks payable to Mark or Cathy
Baciak. Thanks!

Sep 29, 2022 at 1:06 PM

Did the medicine work for you?

Sep 29, 2022 at 6:41 PM

Man I got them too late, I had
already shaken it. Hopefully I won't
need those again that was awful

I know

Oct 3, 2022 at 6:17 PM

It's 3 October. Got a check for us?



Text Message



4:48

100



Gary >

It's 3 October. Got a check for us?

I'll grab one tm for you, banks were closed weekend

Ok

Oct 5, 2022 at 6:32 PM

Is the check at Westside?

Oct 6, 2022 at 4:47 PM

Do you have the check?

Yes sorry I stayed in all day/night yesterday. I'll pop it in mailbox this evening for you

Ok. Thanks!

Oct 7, 2022 at 3:53 PM

Where's the check?

Shit, it's in my office

Sorry for delay

Cathy is coming down tomorrow to watch my basketball. I leave it in the



Text Message



4:49

100



GW

Gary

Oct 11, 2022 at 3:57 PM

Still no check

I'm back in town I'll take care of it tn

Oct 13, 2022 at 10:56 AM

I will be out and about today. I'll stop by Westside and pick up the check before 2

Let me know if the check will be there

Oct 14, 2022 at 2:44 PM

Where's the check?

Are you coming up for fish? I'm out running errands atm

Yes. Be there shortly

Okay Give me like 30 and I'll be there too. Fish sounds good. See you soon

Oct 14, 2022 at 4:49 PM

Thanks for the check!



Text Message



4:50

100



Gary >

Thanks for the check!

I'll have another ready next month



Ok. Thanks!

Nov 4, 2022 at 11:30 AM

Check this month?

Nov 4, 2022 at 2:41 PM

Yes

Nov 14, 2022 at 10:52 AM

Please leave the check in the drawer so we can pick it up when we are able to stop in and pick it up. Let me know when it's there. Thanks!

Nov 17, 2022 at 11:10 AM

We will be stopping by Westside early afternoon. Please leave the check with Mandy so we can pick it up. Thanks

Nov 17, 2022 at 3:03 PM



Text Message



4:53



GW

Gary

NOV 17, 2022 at 3:03 PM

At Westside. Check here?

It's in the office

Can Mandy get it?

Lol nobody can get in the office, I'll be up later I'll grab it for you if your still there. Could have just put it in an envelope and gave it to Cathy last night but I didn't want her to lose it

Ok. No problem

Wed, Dec 14 at 12:21 PM

Ck ready for this month?

Just got back in town I'll grab 9ne this week for you. You coming tn?

Yes we will be there. Had eye surgery yesterday got released today.

How are you feeling?

Good



Text Message



4:53

100



GW

Gary

Ck ready?

I have cash here if that works instead or I can grab a check Monday. Up to you

Cash works.

Cool. You coming up for steakshoot?

No. Cathy is. Just put in an envelope and she will give it me. She will text me when she gets it.

Rather just give it to you, you know how she gets sometimes. Lol

Can you believe someone stole the cowboys table?

No but there are a lot of Dallas fans

It's been outside for 2.5 years. 🙄

New people were there for the Christmas party

I think it was this random black couple that was here yesterday



Text Message



EXHIBIT 10

4:55

100



GW

Gary

Thu, Feb 9 at 3:46 PM

Cks in the mail?

Thu, Feb 9 at 7:10 PM

I've still got it here its only one but made for 1000. I guess I'll just give it Cathy I just don't want her to lose it. Idk how long she's staying

That will work. I will be picking them up later so she can hang on to it till then. Thanks

Okay sounds good

Is that her brother or son?

Brother

10-4

Thu, Feb 9 at 8:55 PM

Thanks for the ck!

No problem, thank you

Fri, Mar 10 at 5:48 PM

Ck for March?



Text Message



4:56

100



Gary

Mail the March ck. 235 Bry Lynn Dr.
West Melbourne fl 32904. Not sure
when we'll get there to pick up

Btw. Congratulations on your new
baby!

Sat, Mar 25 at 11:37 AM

Thank thank you, and yes will do so

Prllly just send 2

Ok

Sun, Apr 2 at 11:44 AM

Did you mail the check yet?

Tue, Apr 4 at 10:05 AM

Check?

Tue, Apr 4 at 5:02 PM

What's the status of the check?
Mailed yet?

Tue, Apr 4 at 6:20 PM

Sending both to you this week sorry
for delay



Text Message



4:56



Gary

For

Thu, Apr 13 at 10:02 AM

It's in your mailbox I just dropped it off

Ok thanks

Wed, May 31 at 9:13 AM

May and June invest return due. Effective 1 July 23 I want to increase the amount to \$1000 per month. I ran some numbers and even at the new amount it will take years to recover the current balance.

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I can make you a copy of both



Text Message

