IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

CAIR-FOUNDATION, INC. and
CAIR FLORIDA, INC.,

Plaintiffs,

v.

Case No. 4:26-cv-521-AW-MAF

RON DESANTIS, *et al.*,

Defendants.
_____/

REPORT OF THE PARTIES' RULE 26(f) PLANNING MEETING

1. The following persons participated in a Rule 26(f) conference on November 2, 2026 by video conference:

Representing Plaintiffs CAIR-Foundation, Inc. and CAIR Florida, Inc.:

- Manoj S. "Sachin" Varghese
- Mark L. Bailey
- Kayla Polonsky Gannon

Representing Defendants:

- John Ramer
- Jessica Craine
- Riley Walters
- Nicole Moss

2. **Nature and basis of all claims and defenses**:

Plaintiffs' Position:

This is a civil rights action challenging Plaintiffs' designation as "domestic terrorist organizations" pursuant to Florida's new statutory

designation scheme. Fla. Stat. §§ 617.1420, 775.30, 775.33, 775.34, 823.05, 874.03–12, 943.03102, and Florida Department of Law Enforcement Emergency Rule 11RER26-8 (with respect to provisions concerning "domestic terrorist organizations," the "DTO regime"). The DTO regime on its face gives Defendants the unilateral power to designate any U.S. organization as a "domestic terrorist organization"—including nonprofits engaged in First Amendment-protected activity—subject to no evidentiary requirement or burden of proof. Designation punishes those organizations in several ways, including by exposing them—and anyone who provides them with "material support" or who initiates, organizes, or directs activity intended to further the organization's interests—to severe criminal penalties, including up to life in prison. *See, e.g.*, Fla. Stat. §§ 775.33(2), 874.10.

Defendants announced their intent to designate CAIR pursuant to the DTO regime on July 1, 2026. The Florida Department of Law Enforcement subsequently decided to adopt emergency regulations implementing the DTO regime. Florida Department of Law Enforcement Emergency Rule 11RER26-8. The Florida Chief of Domestic Security then issued a second notice of intent to designate Plaintiffs on September 15, 2026. Defendants served this second Notice on Plaintiffs on September 18, 2026. It identified no law Plaintiffs violated and no criminal or terrorist activity in which Plaintiffs are allegedly engaging. The Notice informed Plaintiffs that they could submit written objections, and it informed them of a public meeting on September 29, 2026, to consider Plaintiffs' designation. Plaintiffs submitted written objections on September 25, 2026.

The Notice went before Governor Desantis and the Florida Cabinet on September 29, 2026 for a vote. Plaintiffs appeared through counsel to object but were not given the opportunity to be heard. Governor DeSantis and the Florida Cabinet voted to adopt that designation without any public comment or review of the evidence.

The designation became effective on November 5, 2026, forcing Plaintiffs to shut down their operations statewide under penalty of criminal enforcement. Defendants had no legitimate basis for making this designation.

The DTO regime and Defendants' designation of Plaintiffs violate Plaintiffs' First Amendment rights to freedom of speech, association, petition, and legal counsel, and Defendants' designation of Plaintiffs constitutes unlawful First Amendment retaliation. The DTO regime and Defendants' designation of Plaintiffs also violate Plaintiffs' Fourteenth Amendment rights to due process and to legal counsel, and they are preempted by federal regimes governing the designation of terrorist organizations, which are rooted in the federal government's powers over foreign affairs, foreign commerce, and immigration.

Defendants' Position:

The Florida Legislature passed, and Governor DeSantis signed, two bills intended to address the issue of domestic terrorist organizations. The first, HB 1471, defines "domestic terrorist organizations" (DTOs) and provides a process by which the Chief of Domestic Security may designate such organizations with the approval of the Governor and the Cabinet. HB 1471 also provides restrictions and penalties associated with such designations. HB 1473 provides an exemption from public-records requirements for certain information relating to the designation of an organization as a domestic terrorist organization. Pursuant to its statutory authority, the Florida Department of Law Enforcement (FDLE) engaged in rulemaking to implement the process established by HB 1471, ultimately issuing an implementing emergency rule, *see* Emergency Rule 11RER26-8, 52 Fla. Admin. Reg. 3963, 3967 (Sept. 14, 2026).

On September 18, 2026, Florida's Chief of Domestic Security provided Plaintiffs CAIR-Foundation, Inc. and CAIR-Florida, Inc. (collectively "CAIR") with an official notice of intent to designate it as a DTO, which set out the factual basis for the proposed designation. That factual basis included evidence demonstrating that CAIR was founded to serve as a front for Hamas and the Muslim Brotherhood—as demonstrated in part by a federal court's finding that there was ample evidence of CAIR's involvement in a financing scheme in support of Hamas.

CAIR submitted written objections to the proposed designation. On September 29, the Governor and Cabinet voted to approve the designations of CAIR. On October 1, CAIR filed this lawsuit after the Court dismissed its original suit for lack of standing. FDLE published notice of the approved

designation in the Florida Administrative Register on October 6, triggering CAIR's opportunity for judicial review in state court.

Plaintiffs have sued the Governor, the Chief of Domestic Security, the Cabinet (the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture), and all State Attorneys in Florida. Plaintiffs allege that their designation violates the First Amendment (speech, association, retaliation, petition, and right to counsel), the Fourteenth Amendment (procedural due process and right to counsel), and is preempted by federal law.

Presently, the legal and factual issues include (1) whether a designation under the statutory and regulatory scheme implicates the First Amendment; (2) if a designation does implicate the First Amendment, whether the State can satisfy the relevant level of scrutiny; (3) whether the statutory and regulatory scheme satisfies due process; (4) whether the statutory and regulatory scheme deprives Plaintiffs of the right to counsel; (5) whether the statutory and regulatory scheme is preempted by federal law; and (6) any other legal or factual issues raised in Defendants' eventual motion to dismiss or responsive pleading, *see* ¶ 4.b.

3. **Discovery Plan**. The parties propose this discovery plan:

a. Discovery will be needed on these subjects:

Plaintiffs' Position:

Discovery will include all topics relevant to the claims and defenses in this action. These topics will include, but not be limited to: (1) Defendants' purported bases for designating Plaintiffs as domestic terrorist organizations under the DTO regime; (2) Defendants' opposition to Plaintiffs' First Amendment-protected activity and retaliation against Plaintiffs for such activity; (3) Defendants' involvement in the development of the DTO regime; (4) Defendants' evaluation, if any, of alternatives to the DTO regime; (5) Defendants' development of regulations pursuant to the DTO regime; and (6) communications and actions relating to Defendants' interpretation, enforcement, and implementation of the DTO regime.

Based on discovery Governor Ron DeSantis has sought in a related case, *CAIR-Foundation, Inc. v. DeSantis*, No. 25-cv-516 (N.D. Fla.), Plaintiffs understand that Defendants intend to seek discovery on categories of information and documents regarding Plaintiffs' alleged relationship with terrorist groups, activity, and financing; CAIR chapter organizations nationwide; decades-old documents related to Plaintiffs' founding, Plaintiffs' finances, Plaintiffs' personnel files, travel of Plaintiffs' individual executive and staff members, Plaintiffs' legal advocacy work on behalf of Muslim Americans, Plaintiffs' donors, and Plaintiffs' communications on any of these topics—most if not all for over a period of more than three decades.

If Defendants seek discovery on these topics, Plaintiffs intend to object to these requests because they are irrelevant, are unduly burdensome and disproportionate to the needs of the case, and seek information that is privileged, including information protected by the First Amendment. Discovery should focus on what information Defendants possessed and relied on in designating Plaintiffs under the DTO regime. It is Plaintiffs' position that Defendants cannot pursue discovery on the theory that they may be able to retroactively justify their designation or retroactively defend themselves against Plaintiffs' retaliation claim (which looks to Defendants' motivation at the time of designation). Similarly, it is Plaintiffs' position that Defendants' proposed discovery on these topics is irrelevant to the First Amendment tailoring analysis and Plaintiffs' other claims. The exact scope of Plaintiffs' objections will depend on the discovery requests Defendants serve, and Plaintiffs reserve the right to object to those requests on other grounds after receiving them. Because the scope of discovery that Plaintiffs understand Defendants may seek is extraordinarily broad and could require searching for and producing documents and information spanning over three decades, Plaintiffs may move to extend the discovery period depending on the volume of documents they ultimately are required to produce in this case. If Defendants do seek discovery on these or any other topics that Plaintiffs contend are unduly burdensome, disproportionate to the needs of the case, privileged, or otherwise objectionable, Plaintiffs will timely object, and, if necessary following conferral with Defendants, move for the entry of a protective order.

Defendants' Position:

Discovery will include all topics relevant to the claims and defenses in this action, including any factual or legal defenses made in Defendants' eventual motion to dismiss or responsive pleading, *see* ¶ 4.b. These topics will include, but not be limited to, Plaintiffs' relationship to terrorist groups, terrorist activity, and terrorist financing. This discovery will support Defendants' arguments as to why they can satisfy any form of heightened scrutiny that applies, defeat a claim of First Amendment retaliation (including by showing Defendants would have made the same designation absent any alleged protected activity), and prevail in the face of Plaintiffs' other claims. It will also support Defendants' refutation of factual assertions that Plaintiffs have put in issue. For example, in asserting their claims, Plaintiffs have consistently denied any connection to terrorist groups, activity, or financing. *See, e.g.*, Compl., Doc. 1, at ¶¶ 6, 103, 106, 132, 230; Pls.' Emer. Mot. for Temporary Restraining Order and Prelim. Inj., Doc. 6, at 8, 25, 30-31, 36; Pls.' Reply in supp. of Their Emer. Mot. for a Prelim. Inj., Doc. 60, at 2, 16; Pls.' Emer. Mot. for an Inj. Pending Appeal, Doc. 69, at 8.

b. **Dates for discovery.** Pursuant to the Court's Initial Scheduling Order, Doc. 47, discovery started as of October 7, 2026 and closes as of February 4, 2027. The parties propose the following schedule below and in ¶ 6.
    i. Close of Fact discovery: June 7, 2027.
    ii. Expert Discovery:
        1. Disclosure of affirmative experts:
            a. Initial scheduling order contemplates disclosure of Defendants' experts on December 6, 2026.
            b. The parties request this deadline be modified to require the disclosure of affirmative experts by both sides 30 days after the close of fact discovery.
        2. Disclosure of Rebuttal experts
            a. Initial scheduling order contemplates disclosure of Defendants' experts on January 5, 2027.

b. The parties request this deadline be modified to require the disclosure of rebuttal experts by both sides 60 days after the close of fact discovery.

3. Close of expert discovery:
   a. The initial scheduling order does not contemplate a separate expert discovery deadline.
   b. The parties request this deadline be modified to 90 days after the close of fact discovery.

iii. **Limited Consolidation of Discovery with *CAIR I*.** The parties are negotiating possible consolidation of discovery with *CAIR-Foundation, Inc. v. DeSantis*, No. 4:25-cv-516-AW-MJF (N.D. Fla.) (*CAIR I*). Plaintiffs have proposed consolidating depositions for the parties in common between the two cases to reduce the burden on the parties and the Court, and Plaintiffs reserve the right to seek this consolidation if the parties cannot reach an agreement. Defendants agree that efficiencies can be realized by coordinating the discovery process in this case with the discovery process in *CAIR I* and will continue to meet and confer with Plaintiffs to find opportunities to do so.

c. **Interrogatories**. The number of interrogatories by each party to another party, along with the dates the answers are due will be governed by Federal Rule of Civil Procedure 33, unless consented to by all parties or authorized by the Court. The parties therefore agree that the opposing side may serve 25 interrogatories total upon each opposing party.

d. **Requests for Admission**.
   i. Plaintiffs' Position: The number of requests for admission will be limited to 50 requests for admission total upon each opposing party and otherwise governed by Federal Rule of Civil Procedure 36,
   ii. Defendants' Position: The number of requests for admission, along with the dates responses are due will be governed by Federal Rule of Civil Procedure 36.

e. **Number of Depositions**. The number of depositions will be governed by Federal Rule of Civil Procedure 30, unless consented to by all parties or authorized by the Court.

f. **Limits on Depositions.** The length of depositions will be governed by Federal Rule of Civil Procedure 30, unless consented to by all parties or authorized by the Court.

g. **Initial Disclosures**. The parties agreed to serve their initial disclosures on December 7, 2026.

h. **Deadline to Object to or Amend Scheduling Order.** The Court's Initial Scheduling Order states that any objection or request for a different scheduling order must be made within 44 days, making such a motion due November 20, 2026. The parties jointly submit the proposed schedule in this report in lieu of filing a separate motion.

i. **Expert Disclosures.** The Court's Initial Scheduling Order states that expert disclosures pursuant to FRCP 26(a)(2) are due within 60 days of the order, by December 6, 2026. As set forth in ¶ 3(b)(ii) above and ¶ 6 below, the parties propose that affirmative expert disclosures are due 30 days after the close of fact discovery, and rebuttal expert disclosures are due 60 days after the close of fact discovery.

j. **Dates for supplementations under Rule 26(e).** As set forth in Federal Rule of Civil Procedure 26(e).

4. **Other Items:**

a. **A date if the parties ask to meet with the court before a scheduling order.** The parties do not request a scheduling conference at this time.

b. **Answer or Responsive Pleading.** December 4, 2026.

c. **Joinder of Parties.** January 11, 2027.

d. **Amendments to the Pleadings.** January 11, 2027.

e. **Motions to Compel Discovery.** May 7, 2027, 30 days before the close of fact discovery.

f. **Dispositive Motions.** The Court's Initial Scheduling Order sets a dispositive motion deadline of February 25, 2027. As set forth in ¶ 6 below, the parties propose extending this deadline to 30 days after the close of expert discovery.

g. **Requested dates for pretrial conferences.** 60 days after the Court's ruling on dispositive motions.

h. **Dates for Trial**. 60 days after the pretrial conference. The parties anticipate this will be more than eight months after the issuance of the Initial Scheduling Order. The parties contemplate, at minimum, eight months of fact discovery followed by 90 days of expert discovery. Lastly, all parties intend to file dispositive motions after the close of discovery. Together, this schedule will push any trial out more than eight months.

i. **Prospects for Settlement**: The Parties do not presently foresee a likelihood of settling this dispute.

j. **Identify any alternative dispute resolution procedure that may enhance settlement prospects.** The parties do not believe that mediation appears helpful at this time.

k. **Other Matters.**
    i. Notwithstanding Rule 26(b)(5)(A)(ii), a party need not log responsive documents, electronically stored information (ESI), or tangible things that the party claims, in response to a discovery request, are protected attorney–client communications, attorney

work product, or litigation- or trial-preparation materials, if they were sent to or from an attorney for any party after the filing of *CAIR I* and are related to *CAIR I*, *CAIR-Foundation Inc. v. DeSantis*, No. 4:26-cv-315-MW/MJF (N.D. Fla.) (*CAIR II*), or this litigation. All other claims of privilege remain subject to the requirements in Rule 26(b)(5), unless the parties agree otherwise.

ii. Pursuant to Rule 5, the parties agree to service by email to all counsel of record. As a professional courtesy but not a requirement for effective service, the parties will copy non-counsel of record upon request.

5. Pursuant to the Initial Scheduling Order, Doc. 47 ¶ 2(a)(i)–(ix), the parties also discussed the following matters:

a. **The matter of magistrate judge jurisdiction over the case.** The parties conferred regarding their willingness to consent to magistrate judge.

b. **Proposed timetables and cutoff dates for the joinder of other parties, amendments to the pleadings, and the filing of motions and responses, and in particular, whether this initial scheduling order should be revised or amended in any way.** The parties request that the deadlines in the Court's initial scheduling order be extended to allow additional time for discovery. A summary of the agreed upon deadlines is included in the chart below, ¶ 6.

c. **The parties' respective discovery requirements in this case, and if the parties deem this initial scheduling order to be inadequate, they shall develop an alternate proposal which specifically addresses the timing and form of discovery, whether discovery should be conducted in phases or limited in any respect, and what, if any, changes should be made in the discovery procedures and time deadlines set out in this initial scheduling order, or in the applicable rules.** *See* ¶¶ 3, 6.

d. **Whether any party will likely request or produce information from electronic or computer-based media.** The parties will likely request or produce information from electronic or computer-based media.

Disclosure or production will be limited to data reasonably accessible pursuant to Rule 26(b)(2)(B) unless the Court orders otherwise. The parties will jointly propose an ESI protocol to be entered by the Court. Claims of privilege or of protection as litigation- or trial-preparation materials may be asserted after production pursuant to the procedures set forth in Rule 26(b)(5)(B), except that the party making the claim must make the notice under Rule 26(b)(5)(B) promptly after learning that the material was inadvertently disclosed. The parties do not, at this time, anticipate other problems that may arise in connection with ESI discovery.

e. **Any other matters which the parties deem appropriate with regard to specific aspects or the uniqueness of this case, and including any applicable subject within Rule 16(c).**

i. Plaintiff's position: Though Plaintiffs assert that such discovery is irrelevant to any claim or defense, discovery in this case may involve documents that are not in English, and translation of those documents may impose additional burdens. Though Plaintiffs assert that such discovery is irrelevant to any claim or defense, this case will also likely require a protective order as Defendants are likely to seek discovery concerning commercially sensitive and confidential information like financial records, sensitive information concerning Plaintiffs' personnel and staff, and donor information. Plaintiffs reiterate their position above that they will timely object to requests for any such information, and if necessary, move for a protective order.

ii. Defendants' position: To defend against Plaintiffs' claims, Defendants intend to seek discovery related to, among other things, Plaintiffs' relationship to terrorist groups, terrorist activity, and terrorist financing. To the extent such discovery requires translation of documents, Defendants are meeting and conferring with Plaintiffs regarding entry of a stipulated ESI protocol that will address the procedure for producing and using translated documents. In addition, Defendants are meeting and conferring with Plaintiffs regarding the entry of a stipulated protective order.

To the extent discovery will involve the use of search terms run across custodial files, Defendants reserve their right to object on

grounds of relevance, proportionality, and undue burden depending on the purported relevance of any particular search term and the number of documents responsive to that search term. Defendants also expect that Plaintiffs may seek information protected by the attorney-client privilege, the work-product doctrine, the deliberative-process privilege, the law-enforcement privilege, the investigative-files privilege, or other privilege or immunity. In the event that Plaintiffs seek such information, Defendants will timely object and, if necessary, move for a protective order.

f. **The Manual for Complex Litigation.** This case should not be made subject to the Manual for Complex Litigation.

6. The following table summarizes the parties' agreed discovery deadlines and proposed changes from the Initial Scheduling Order:

Deadline	**Initial Scheduling Order Date**	**Proposed Date**
Initial Disclosures	November 16, 2026	December 7, 2026
Deadline to Object to or Amend Scheduling Order	November 20, 2026	November 20, 2026
Answer or Responsive Pleading	None	December 4, 2026
Joinder of Parties	None	January 11, 2027
Amendments to the Pleadings	None	January 11, 2027
Close of Fact Discovery	February 4, 2027	June 7, 2027
Motions to Compel Discovery	January 5, 2027	30 days before the close of fact discovery
Plaintiffs' Expert Disclosures	December 7, 2026	30 days after the close of fact discovery
Defendants' Expert Disclosures	January 6, 2027	60 days after the close of fact discovery
Close of Expert Discovery	None	90 days after the close of fact discovery

Dispositive Motions	February 25, 2027	30 days after the close of expert discovery.
Pretrial Conference	None	60 days after the Court's ruling on dispositive motions.
Dates for Trial	None	60 days after the pretrial conference.

[signatures on following page]

/s/Charles J. Cooper

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**Pro hac vice*
***Pro hac vice motion forthcoming*

Counsel for Plaintiffs

CERTIFICATE OF COMPLIANCE

The undersigned counsel hereby certifies that this filing has been prepared with one of the font and point selections approved by the Court in LR 5.1(C): Times New Roman, 14- point type.

This 18th day of November, 2026.

/s/ Manoj S. "Sachin" Varghese
Manoj S. "Sachin" Varghese
(Pro Hac Vice)

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2026, the undersigned electronically filed the foregoing **REPORT OF THE PARTIES' RULE 26(f) PLANNING MEETING** using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record.

/s/ Manoj S. "Sachin" Varghese
Manoj S. "Sachin" Varghese
(Pro Hac Vice)