

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

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

*Plaintiffs,*

v.

Case No. 4:25-cv-00516-MW-MJF

RONALD DESANTIS, in his official ca-  
pacity as Governor, State of Florida,

*Defendant.*

\_\_\_\_\_ /

**PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION  
TO COMPEL DISCOVERY**

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## INTRODUCTION

As this Court previously recognized, Governor DeSantis’s Executive Order “coerces third parties, under threat of losing government benefits, to disassociate from the Council on American-Islamic Relations (“CAIR”), thereby closing avenues of expression and suppressing CAIR’s protected speech.” ECF 43, at 1-2. Discovery has since shown no genuine dispute that CAIR’s First Amendment rights have been suppressed. Rather, the primary issue is whether the Governor had a compelling interest when he issued the Executive Order. He did not, as his meager discovery responses have confirmed.

Perhaps recognizing the deficiencies in his Order, Defendant now seeks to compel responses to dozens of sweeping requests for documents spanning over three decades to invent a compelling interest that did not exist in December 2025. The Court can thus dispense with the vast majority of Defendant’s requests for lack of relevance alone. Defendant’s discovery requests have *nothing to do* with Plaintiffs’ claims or allegations, much less Defendant’s purported justifications for issuing his Order. And the law is clear that these types of broad fishing expeditions are impermissible in First Amendment challenges precisely because they seek information patently irrelevant to Plaintiffs’ claims and Governor DeSantis’s defenses. This is doubly true considering the heightened protection the First Amendment affords to associational information, like donor records. But even if that were not the case, each

request fails Rule 26’s proportionality test when the broad discovery they seek is weighed against Plaintiffs’ First Amendment interests and remaining objections. The Court should therefore deny Defendant’s motion in its entirety.

## STATEMENT OF FACTS

### **I. This Case Challenges Defendant’s Executive Order Branding a Major American Civil-Rights Non-Profit as a “Terrorist Organization” and Imposing Immediate Statewide Consequences.**

On December 8, 2025, Governor DeSantis issued an Executive Order designating CAIR a “terrorist organization[.]” Fla. Exec. Order No. 25-244 (“EO” or “the Order”) § 1 (Dec. 8, 2025), ECF 21-1. It directed state agencies to “undertake all lawful action to prevent” CAIR or “any person known to have provided material support or resources” to CAIR “from receiving any contract, employment, funds, or other benefit or privilege” from state and local government. *Id.* § 2.

CAIR and CAIR-Florida responded with this lawsuit, alleging that the Order violated their First Amendment rights by discriminating based on the content and viewpoint of Plaintiffs’ speech, retaliating against Plaintiffs’ protected speech, coercing third parties into disassociating from Plaintiffs, and depriving Plaintiffs of freedom to petition and associate. First Amended Complaint (“Am. Compl.”) ¶¶ 79-126, ECF 21. Plaintiffs also alleged that the order violated their Fourteenth Amendment rights by depriving them of liberty and property interests without procedural due process. Am. Compl. ¶¶ 127-36. Plaintiffs are not seeking damages, and do not

allege injuries for expenses, lost revenue, or donations. *See* Ex. 2, Plfs.’ Am. Resp. to Rog 1; Am. Compl. ¶¶ 66-78, 106, 116, 126, 136 (describing Plaintiffs’ associational and other harms from Defendant’s violation of their First Amendment rights).

CAIR moved for a preliminary injunction based on its First Amendment claims. CAIR’s Motion for Preliminary Injunction (“PI Motion”), ECF 24. Finding the coercion claim likely to succeed, the Court enjoined enforcement of the EO against CAIR. Order Granting Motion for Preliminary Injunction (“PI Order”) 3, ECF 43. It described the Governor as “unilaterally declar[ing] via executive order that Plaintiff is a terrorist organization, with no substantive explanation of his authority to do so, no legislative involvement, and no mechanism for judicial review.” *Id.* at 19. Governor DeSantis was, the Court concluded, “choosing to be a bully” and “choos[ing] political posturing over the First Amendment” by using his power to “target” a religious minority. *Id.* at 2, 9 n.7, 28.

## **II. Defendant Promulgated the Order Based on a Meager Record of Stale, Unsubstantiated Allegations.**

The Governor’s Order outlined his rationale for targeting CAIR: persons involved in CAIR’s founding were allegedly “connected to the Muslim Brotherhood” and purportedly created CAIR as “an official U.S. cover representing the Islamic community”; “individuals associated with CAIR” were convicted of terrorism offenses at some point; and CAIR was listed as one of hundreds of unindicted co-

conspirators in the 2004 Holy Land Foundation prosecution.<sup>1</sup> EO 2-3. In granting a preliminary injunction, the Court described this rationale as a “strained guilt-by-association theory” for which “Defendant fail[ed] to point to any evidence.” PI Order 18, 22 n.14.<sup>2</sup>

### **III. Discovery Has Confirmed the Governor Lacked Any Legitimate Basis for Concluding That CAIR Engaged in Any Terrorist Activities.**

In response to requests seeking, among other things, “All Documents” “[1] reviewed or relied on when drafting the Executive Order,” “[2] support[ing] the ‘Whereas’ clauses in the Executive Order,” or “[3] support[ing] the designation that Plaintiffs are terrorist organizations,” the Governor produced a sum total of 198 pages of documents. Ex. 4, Def.’s Am. Resp. to RFPs 1-2, 4; *see also* Ex. 1 ¶¶ 9-10, 12. Several dozen pages have nothing to do with the basis for the Order. *See* Ex. 1 ¶ 11; Ex. 5 (copy of EO and documents related to press outreach, public messaging, and CAIR’s Capitol reservation).

The primary source material for the Order appears to consist of ten pages of notes containing hyperlinks to a handful of public articles about CAIR, the Muslim

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<sup>1</sup> Governor DeSantis does not distinguish between CAIR and CAIR-Florida and also considers the latter a “terrorist organization.” *See* Ex. 3, Def.’s Resp. to RFA 2.

<sup>2</sup> In considering the statement in *United States v. Holy Land Foundation for Relief & Development*, 2009 WL 10680203, at \*7 (N.D. Tex. July 1, 2009), quoted in Defendant’s Order, the Fifth Circuit noted, “a broadly worded conclusion regarding a party’s ‘association’ with various other entities is not grounded in any legal rule that would give the conclusion substance and boundaries.” *United States v. Holy Land Found. for Relief & Dev.*, 624 F.3d 685, 694 (5th Cir. 2010).

Brotherhood, the Holy Land prosecution, and the October 7 attacks. *See* Ex. 6; Ex. 1 ¶¶ 9-11. Governor DeSantis also produced two “Liberty Counsel Special Report[s]” from 2016 and 2017, which refer to Islam as “the religion of Mohammad’s bloody past and present,” Ex. 7 at 2, and accuse CAIR of being an “Apologist for Islam” that seeks to “Islamiz[e] America—making it more like Saudi Arabia, where other religions are banned and heads roll for rejecting Islam,” Ex. 8 at 2, 4; *see also* Ex. 1 ¶ 11. Finally, Defendant produced internal bullet points summarizing these materials, *see* Ex. 9, and drafts related to the Order and associated transmittal emails, *see* Ex. 10. Defendant’s Counsel have represented that Defendant’s document production—including all the documents providing the factual basis for the Executive Order—is complete. Ex. 1 ¶ 13. These documents and the hyperlinks they contain rely on alleged and attenuated historical connections between CAIR and the Muslim Brotherhood. *See* Exs. 6, 8. None demonstrate CAIR’s or CAIR-Florida’s involvement in terrorism or the provision of material support to terrorism.<sup>3</sup>

#### **IV. Defendant Seeks Far-Reaching Discovery to Retroactively Manufacture a Basis for His Order.**

After Plaintiffs announced they would challenge the Order, *see* Ex. 11, Gov-

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<sup>3</sup> The drafts further demonstrate Defendant was grasping at straws. One draft included a “Whereas” clause that would have based the designation, in part, on: “CAIR works actively to influence the United States government and American institutions on issues related to Islam and Muslims.” Ex. 10 at 000167. In another, one reviewer admitted that, other than trying to rely on the Holy Land case, there was “just not so much” other purported evidence “of CAIR giving money directly to a convicted individual.” *Id.* at 000177.



ernor DeSantis said he welcomed litigation because discovery could provide opportunities to obtain CAIR’s internal financial records. “I look forward to discovery—especially the CAIR finances. Should be illuminating!” he posted on social media, *id.*, adding “Can’t wait for CAIR to open the books!” Ex. 12. As Defendant admitted at a press conference, he planned to use discovery to search for new materials that “give us even more reason” to target CAIR. USA Today, *Florida Gov. Ron DeSantis Declares CAIR, Muslim Brotherhood Terrorist Organizations* at 0:34-0:52, YouTube (Dec. 9, 2025), <https://www.youtube.com/watch?v=ddSdX5YkXak>.

Defendant followed through on that plan, propounding 22 interrogatories, 51 requests for production, and 175 requests for admissions. Ex. 1 ¶ 2. The current dispute focuses on his RFPs seeking, among other things, extensive records regarding Plaintiffs’ interactions with other US-based Muslim civil-society organizations, travel by Plaintiffs’ staff, and Plaintiffs’ donors. *See* Defendant’s First Set of Requests for Production, ECF 91-1. Plaintiffs served responses and objections to the RFPs on June 4. Ex. 1 ¶ 3. The parties then met and conferred and exchanged further correspondence. *Id.* ¶ 4. On July 17, Plaintiffs served a letter regarding Defendant’s RFPs, ECF 91-4, and amended RFP responses, ECF 91-2. *See also* Ex. 1 ¶ 5. And as Plaintiffs have conveyed to Defendant during their meet and confers, they are prepared to make significant document productions once the parties agree to a protective order; those negotiations are ongoing.

Defendant complains that Plaintiffs have “refused to meaningfully supplement” their responses. Defendant’s Motion to Compel Discovery (“Mot.”) ii, ECF 91. But as a result of the meet-and-confer process, Plaintiffs amended many of their responses to attempt to narrow any disputes. *See* ECF 91-4 at 3-5 (agreeing to produce, among other materials, documents related to the Holy Land Foundation prosecution, in addition to communications with dozens of individuals and entities to the extent they relate to acts of violence, terrorism, or material support for terrorism).

**V. Plaintiffs’ Claims are Narrowly Focused on the Constitutionality of the Order When It Was Issued.**

Plaintiffs’ First Amendment claims focus on the legitimacy of Defendant’s purported rationale for burdening Plaintiffs’ freedoms to speak, petition, and associate, and the fit between that rationale and the Order. Plaintiffs’ content- and viewpoint-discrimination claim alleges Defendant targeted them “because he disapproved of Plaintiffs’ viewpoints.” Am. Compl. ¶ 86; *see also Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995) (“The government must abstain from regulating speech when the specific motivating ideology or the opinion or the perspective of the speaker is the rationale for the restriction.”). Plaintiffs’ retaliation claim similarly turns on “the causal link” between Plaintiffs’ protected speech and Defendant’s Order. *Huggins v. Sch. Dist. of Manatee Cnty.*, 151 F.4th 1268, 1282 (11th Cir. 2025).

The key issue for Plaintiffs’ coercion claim is whether Defendant’s objective

in threatening legal sanctions against third parties was “‘to achieve the suppression’ of disfavored speech.” *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 180 (2024) (quoting *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963)). The other First Amendment claims likewise concern Defendant’s asserted justification for burdening Plaintiffs’ freedoms of petition and association. *See Borough of Duryea v. Guarnieri*, 564 U.S. 379, 382 (2011); *Roberts v. U.S. Jaycees*, 468 U.S. 609, 623 (1984); *Elrod v. Burns*, 427 U.S. 347, 362 (1976) (“[S]ignificant impairment of First Amendment rights must survive exacting scrutiny.”); *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 608 (2021) (exacting scrutiny requires “narrow[] tailor[ing] to the government’s asserted interest”).

Plaintiffs’ Fourteenth Amendment claim alleges the Order deprived Plaintiffs of protected interests without adequate process, including by failing to provide notice and a meaningful opportunity to contest Defendant’s designation. *See Resnick v. KrunchCash, LLC*, 34 F.4th 1028, 1035 (11th Cir. 2022).

## ARGUMENT

### **I. Materials Defendant Did Not Consider Cannot Supply Post Hoc Justification for the Order.**

Defendant argues that Plaintiffs’ challenge to his Order affords him carte blanche to obtain, in some instances, 30+ years of records regarding Plaintiffs’ associations and finances, so that he can try to concoct some retroactive justification for his Order. *See* Mot. 5-6 (seeking discovery regarding “whether there is any le-

gitimate or compelling governmental interest or justification for the Executive Order” (quotation marks omitted)). But “the relevance of information sought in discovery depends on the claims asserted in the underlying action and the legal standards that govern those claims.” *Jordan v. Comm’r, Miss. Dep’t of Corr.*, 947 F.3d 1322, 1329 (11th Cir. 2020).

Plaintiffs challenge the validity of Defendant’s purported rationale in promulgating the Order when it was issued. *See supra* at 7-8. Defendant has produced the limited materials he and his office purportedly relied on to justify his Order. *See supra* at 4-5. Now, through requests that have nothing to do with Plaintiffs’ allegations or Defendant’s original justification for the Order, including RFPs 5-9, 11, 15, 21-25, 27-39, and 42-48, Defendant seeks materials he indisputably did not have when promulgating the Order but that he asserts will “corroborate[]” his justification for targeting Plaintiffs. Mot. 9.

These documents are irrelevant on their face; “Government ‘justification[s]’ for interfering with First Amendment rights ‘must be genuine, not hypothesized or invented *post hoc* in response to litigation.’” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 543 n.8 (2022) (quoting *United States v. Virginia*, 518 U.S. 515, 533 (1996)); accord *Bourgeois v. Peters*, 387 F.3d 1303, 1322-23 (11th Cir. 2004); *Doe v. Univ. of Mass.*, 145 F.4th 158, 164 n.6 (1st Cir. 2025) (“In reviewing First Amendment claims, we consider only the government actor’s contemporaneous rationale

for its action, and not any post hoc rationalizations. ... [W]e focus on the conduct and speech the [government actor] identified as the basis for its sanction.”).<sup>4</sup>

Defendant attempts to get around *Kennedy* by arguing that its rule doesn’t apply to new justifications corroborating a pre-existing rationale. Mot. 9. But he offers no authority for this position, and binding precedent forecloses it. In *Bourgeois*, the Eleventh Circuit considered protesters’ First Amendment claim challenging a city’s planned installation of metal detectors at their protest, assertedly in furtherance of the city’s interest in “maintain[ing] public safety, security, and order.” *Bourgeois*, 387 F.3d at 1321 (citation omitted). On appeal, the city argued its interest was “further substantiate[d]” because the Department of Homeland Security “requested [that] local governments implement precautionary measures to assist in the prevention and detection of terrorist attack.” *Id.* (citation omitted). But because there was no showing that “the City actually took this directive into consideration when drafting its policy,” the city’s reliance on it was impermissible post hoc rationalization. *Id.* at 1323. The same is true of the materials Defendant seeks to compel here: discovery has already adduced the few materials that Governor DeSantis “actually took” “into consideration,” *id.*, and he has publicly announced he would use discovery to look for “even more reason” for his Order. *See Oppenheimer Fund, Inc. v.*

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<sup>4</sup> The discovery Defendant seeks to compel is also irrelevant to Plaintiffs’ Fourteenth Amendment Claim because procedural due process “does not depend upon the merits of a claimant’s substantive assertions.” *Carey v. Piphus*, 435 U.S. 247, 266 (1978).

*Sanders*, 437 U.S. 340, 353 n.17 (1978) (“In deciding whether a request comes within the discovery rules, a court is not required to blind itself to the purpose for which a party seeks information.”), *superseded in other part by rule*, Fed. R. Civ. P. 26(b)(1) (2015).

Defendant tries distinguishing *Bourgeois* on the ground that his Order purportedly *was* motivated by “concerns about terrorism” which he now seeks to substantiate. Mot. 9. But that reflects a misunderstanding of *why* post hoc rationalizations are impermissible in the First Amendment context. The government engages in prohibited viewpoint discrimination when “the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger*, 515 U.S. at 829. Because “[t]he government rarely flatly admits it is engaging in viewpoint discrimination,” courts are skeptical that post hoc justifications developed in litigation relate to the “real basis” for government conduct. *Pittsburgh League of Young Voters Educ. Fund v. Port Auth. of Allegheny Cnty.*, 653 F.3d 290, 296-97 (3d Cir. 2011) (citation omitted); *see also McMahon v. City of Panama City Beach*, 180 F. Supp. 3d 1076, 1109 (N.D. Fla. 2016).

In other words, post hoc rationalizations are generally irrelevant to the real reasons for government decisions. *See Norris ex rel. A.M. v. Cape Elizabeth Sch. Dist.*, 969 F.3d 12, 26 (1st Cir. 2020) (government reliance on rationales “not articulated at the time [its] decision was made” creates “risk that those post hoc rational-

izations would not have been true bases for [its] decision”). That logic is even more forceful here when the record demonstrates that Defendant’s rationale for the Order did not include the information he now seeks. *See Seattle Mideast Awareness Campaign v. King County*, 2011 WL 13356163, at \*1 (W.D. Wash. June 9, 2011) (Plaintiff’s “internal communications, membership lists, financial information, or fundraising documents ... could not be relevant” to First Amendment claims or defenses because defendant “did not have” them “at the time the decision was made” not to run plaintiff’s ad.).

Defendant’s assertion that Plaintiffs’ request for documents “that support the designation” entitles him to reciprocal discovery, Mot. 6, fails for a similar reason. In an analogous discovery context, *Awareness Campaign* rejected that argument, holding that while the defendant-county had no basis to obtain certain of plaintiff’s internal records to test plaintiff’s First Amendment claims, the county’s “internal communications *are* directly relevant to the justification” for its policy. 2011 WL 13356163, at \*1 (emphasis in original). Defendant’s reliance on *Proflex Products, Inc. v. Protecto Wrap Co.*, 2013 WL 12064531, at \*6 (S.D. Fla. July 18, 2023), Mot. 6, is therefore misplaced. Plaintiffs requested information Defendant actually relied on; information Defendant did not rely on is not the “same discovery,” *Proflex Products*, 2013 WL 12064531, at \*6.

Because information Defendant did not possess when promulgating the Order cannot be relevant to his rationale for doing so, the Court should reject Defendant's insistence that disclosure of decades of donor records, associations, and employee movements is just the price of admission for challenging his decision to brand Plaintiffs as "terrorists." *See Familias Unidas v. Briscoe*, 544 F.2d 182, 192 (5th Cir. 1976) (freedom-of-association claim does not "require [Plaintiffs] to forfeit that which they seek to protect in order that they might receive federal assurance that they were indeed entitled to it initially").

Finally, Defendant's generalized complaint that he is entitled to discovery relevant to Plaintiffs' allegations and claims (and his defenses) has no bearing on the requests he seeks to compel.<sup>5</sup> Plaintiffs' general descriptions of their non-profit, faith-based mission and their assertion that they have never been designated as a Foreign Terrorist Organization cannot possibly put every employee, trip, communication, coalition partner, and financial transaction at issue. *Cf. Longmire v. Ala. State Univ.*, 151 F.R.D. 414, 418 (M.D. Ala. 1992) (A "generalized allegation that there might be some 404(b) evidence somewhere ... is insufficient to overcome the 'potential of the requested discovery to harass, intimidate and discourage the plaintiff

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<sup>5</sup> When Defendant's requests arguably relate to Plaintiffs' allegations, Plaintiffs have made reasonable compromises. For example, Plaintiffs agreed to produce materials concerning their allegations that they have publicly condemned unjust violence and that Defendant "invok[ed] discredited allegations" connected to the Holy Land Foundation prosecution. Am. Compl. ¶¶ 30-31, 62; *see also* ECF 91-2, Plfs.' Am. Response to RFPs 5-6, 10.



in her efforts to prosecute her cause.’” (citation omitted)). Nor has Defendant shown that the discovery he seeks is relevant to any defenses—the “defenses” he identifies are merely assertions that Plaintiffs do not meet elements of their claims. *See* Mot. 6-7 (asserting the Order is viewpoint and content neutral, non-retaliatory, narrowly tailored, and serves a compelling government interest). Defendant offers no explanation of why his recharacterization of the elements of Plaintiffs’ claims as defenses expands the scope of relevance, and there is none.<sup>6</sup>

## **II. Even If Defendant’s Requests Are Relevant, the First Amendment Protects Against Compelled Disclosure of Information About Plaintiffs’ Donors and Associations.**

Plaintiffs objected to RFPs 3-4, 12-13, 21, 24-25, 28-31, 34-39 and 48 to the extent those Requests seek records related to Plaintiffs’ donors, staff travel, and associations with various non-profits and related individuals. This information is in the heartland of First Amendment protection. *See First Choice Women’s Res. Ctrs., Inc. v. Davenport*, 146 S. Ct. 1114, 1123 (2026). The Court should reject Defendant’s continued effort to chill Plaintiffs’ associational freedoms through discovery. *See Familias Unidas*, 544 F.2d at 192; PI Order 8 (“[T]he EO predictably ‘deter[s] third

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<sup>6</sup> Defendant also asserts as “defenses” that his “evaluation of the facts is entitled to deference” and that the Order regulates “conduct falling outside the First Amendment.” Mot. 6-7. The Court already dispensed with these arguments, describing the latter as “disingenuous at best.” *See* PI Order 16 n.12, 18-22, 19 n.13. During the meet-and-confer process, Defendant’s counsel was unable to explain or cite legal authority to support his final “defense”: that “Defendant had probable cause” for the Order, Mot. 7. *See* Ex. 1 ¶ 6.

parties from associating with CAIR.” (citation omitted)).

Because the First Amendment protects against compelled disclosures that risk chilling associational rights, demands for such protected information, including about donors, “must overcome heightened First Amendment scrutiny.” *First Choice*, 146 S. Ct. at 1124; *see also NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462 (1958). And “associational rights carry special significance for political, social, religious, and other minorities.” *First Choice*, 146 S. Ct. at 1122. “[T]ake that freedom away and ‘dissident expression’ stands particularly vulnerable to marginalization or outright ‘suppression by the majority,’ leaving all of society poorer for it.” *Id.* As a result, “courts have long recognized the sensitivity of information related to [associational] activities and consequently have ruled that” the First Amendment protects “membership and volunteer lists, contributor lists, and past political activities of plaintiffs and of those persons with whom they have been affiliated.” *Int’l Action Ctr. v. United States*, 207 F.R.D. 1, 3 (D.D.C. 2002) (collecting cases).

District courts in this Circuit apply a burden-shifting framework to First Amendment discovery objections. *See, e.g., All. of Auto. Mfrs., Inc. v. Jones*, 2013 WL 4838764, at \*4 (N.D. Fla. Sept. 11, 2013); *In re Ga. Sen. Bill 202*, 2023 WL 3330204 at \*4 (N.D. Ga. May 9, 2023). “When an associational claim of privilege is invoked in the discovery context, the party asserting the privilege ‘must demonstrate an objectively reasonable probability that compelled disclosure will chill as-

sociational rights[.]” *Auto. Mfrs.*, 2013 WL 4838764, at \*4 (citation omitted). That prima facie burden is “light, in view of the crucial place speech and associational rights occupy under our constitution.” *Christ Covenant Church v. Town of Southwest Ranches*, 2008 WL 2686860, at \*6 (S.D. Fla. June 29, 2008) (cleaned up). “Indeed, ‘[i]n all cases, the presumption is that speech and association are privileged.’” *Id.* (quoting *Adolph Coors Co. v. Movement Against Racism and the Klan*, 777 F.2d 1538, 1541 (11th Cir. 1985)). Courts regularly find the burden met based on declarations averring that compelled disclosure threatens exposure of an organization or its members to harassment, reduced associational opportunities, harm to organizational advocacy efforts, inhibition of internal communications, or reduced member participation. *See, e.g., Auto. Mfrs.*, 2013 WL 4838764, at \*4; *Ga. Sen. Bill 202*, 2023 WL 3330204 at \*5; *see also Perry v. Schwarzenegger*, 591 F.3d 1147, 1163-64 (9th Cir. 2010).

Upon a prima facie showing, the burden shifts to the requesting party to demonstrate a compelling need for the information. *Auto. Mfrs.*, 2013 WL 4838764, at \*4; *see also Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 607-08 (2021) (requiring “means substantially related to a sufficiently important interest” to overcome associational-freedom challenge). This is a “more demanding heightened relevance standard,” *Perry*, 591 F.3d at 1164, that requires evidence go “to the heart of the matter in dispute.” *Auto. Mfrs.*, 2013 WL 4838764, at \*4. And even then, a dis-

covery “request must also be carefully tailored to avoid unnecessary interference with protected activities.” *Perry*, 591 F.3d at 1161; *accord Covenant Church*, 2008 WL 2686860, at \*12.

Here, there is undoubtedly an “objectively reasonable probability” that compelled disclosure of Plaintiffs’ donor records, travel information, and associations will chill their associational rights. *Auto. Mfrs.*, 2013 WL 4838764, at \*4. This case arises from an EO purporting to “punish[]” “[a]ny relationship with Plaintiff.” PI Order 12. And Defendant has admitted his plan to use discovery to gin up new reasons to target Plaintiffs. *Supra* at 4-5. As explained in their declarations and based on their experiences with CAIR and the EO, CAIR and CAIR-Florida officials anticipate that disclosure of this information will harm Plaintiffs’ advocacy ability by discouraging others from associating with, volunteering with, or donating to Plaintiffs. Ex. 14 ¶¶ 10-14; Ex. 15 ¶¶ 7-11. Plaintiffs easily carry their “light” burden to show a reasonable probability that disclosure would chill their associational freedoms. *See, e.g., Ga. Sen. Bill 202*, 2023 WL 3330204 at \*5 (finding chill reasonably probable because witness averred disclosure of prior lobbying conversations would “affect the willingness” of “others to speak and associate with him” and because “he has already been harassed due to his association”). Indeed, civil-society organizations are already “curtail[ing] programs” and “restructur[ing] coalitions” for fear that they “will face crippling injuries” if they are “known to have provided material sup-

port” to CAIR or CAIR-Florida. Proposed Brief of *Amici Curiae* Seven Florida Non-Profit Organizations in Support of Plaintiffs-Appellees and Affirmance 5-6, 8, *CAIR Foundation v. Governor*, No. 26-10735 (11th Cir. July 9, 2026), Doc. 54-2.

To overcome Plaintiffs’ First Amendment interests, Defendant offers the bare assertion that “information about Plaintiffs’ donors and coalition partners is highly relevant to Plaintiffs’ connections to terrorism-related entities” and that the Requests are “narrowly tailored to that interest.” Mot. 12-13. That falls well short of carrying Defendant’s burden to show compelling need. As explained above, “the heart of the matter” is the validity of Defendant’s justification when promulgating the Order, the degree of fit between the Order and that justification, and the promulgation procedure, *Auto Mfrs.*, 2013 WL 4838764, at \*4. The claims “hinge,” *id.*, on Defendant’s historical rationale, including the materials he purportedly relied on, not the post hoc justification he hopes to manufacture, *see supra* at 2-8.

Even assuming (counterfactually) that Plaintiffs’ internal records were “highly relevant,” Defendant makes no argument that his requests are “carefully tailored.” *Perry*, 591 F.3d at 1161. Nor could he. For example, Defendant moves to compel documents regarding Plaintiffs’ relationship with an American Muslim civil-society organization and “all communications” between CAIR’s Executive Director and that organization’s leader, without subject-matter limitation. Mot. 24-25; *see also infra* § III.F (discussing RFPs 30-31). Defendant’s boilerplate assertion that this

discovery is “narrowly tailored” to investigating whether the Order “serves a compelling government interest in thwarting terrorism,” Mot. 24-25, says nothing about why this discovery is tailored to what is “[n]ecessary” to adjudicate a claim or defense, *Perry*, 591 F.3d at 1161. Defendant’s universal failure to carry this burden is fatal to his effort to overcome all of Plaintiffs’ First Amendment objections. *See* Mot. § II. So, too, does the sheer expansiveness of his requests, which include: all donor records and communications involving foreign funding sources, RFPs 34-38; years of tax records (which could disclose donor identities), RFPs 24, 39; and extensive records concerning the travel and expenses of Plaintiffs’ executives, RFPs 28-29. Far from “avoid[ing] unnecessary interference with protected activities,” Defendant seeks to Hoover up as much about those activities as possible. *Perry*, 591 F.3d at 1161.

The cases Defendant cites are not to the contrary. *Covenant Church* involved a RLUIPA claim, requiring plaintiff-church to prove its religious exercise had been “substantially burdened” by defendant-town’s denial of a development permit. 2008 WL 2686860, at \*8. Rather than ordering disclosure of all church members as requested, the court ordered disclosure only of members who allegedly faced substantial burdens when they were denied seating, events, or admission due to limited space. *Id.* at \*12. In other words, it was necessary for plaintiff to identify witnesses to meet a claim element. *See id.* at \*8. Here, the claims turn on Defendant’s rationale

when he promulgated the Order and the (lack of) procedural protections he followed. The discovery Defendant seeks isn't "absolutely necessary" to investigate Plaintiffs' claims; it's not necessary at all. *Covenant Church*, 2008 WL 2686860, at \*12.

Defendant's suggestion that there is "no constitutional interest to assert," Mot. 13, misapprehends the rights at issue. *Agency for International Development v. Alliance for Open Society International, Inc.*, 591 U.S. 430 (2020), addressed whether foreign entities located abroad had First Amendment rights. Plaintiffs are domestic entities invoking *their* First Amendment rights. Am. Compl. ¶¶ 1-2. "[D]emands for private donor information 'inevitabl[y]' carry with them a 'deterrent effect on the exercise of First Amendment rights.'" *First Choice*, 146 S. Ct. at 1123 (citation omitted); *see also Ams. for Prosperity*, 594 U.S. at 618 (noting First Amendment protection for right to solicit donations). "So *any* demand for donor information ... must overcome heightened First Amendment scrutiny ... ." *First Choice*, 146 S. Ct. at 1124 (emphasis added); *see also Perry*, 591 F.3d at 1162 ("prima facie case turns not on the type of information sought, but on whether disclosure of the information will have a deterrent effect on ... protected activities.").

*Meese v. Keene*, 481 U.S. 465, 469 (1987), is even further afield. It concerned Foreign Agents Registration Act ("FARA") requirements, *id.*, a statute promulgated under the federal government's power to "conduct its foreign relations and to provide for the national defense," *Att'y Gen. v. Irish N. Aid Comm.*, 346 F. Supp. 1384,

1390 (S.D.N.Y. 1972). None of Plaintiffs’ claims implicates FARA and, as the Court noted, cases concerning federal authority in this “context uniquely within the federal government’s control” offer little help to Defendant. PI Order 19 n.13.

Because Defendant does not carry his burden to show compelling need for the material he moves to compel on RFPs 3-4, 12-13, 21, 24-25, 28-31, 34-39 and 48, the Court should deny Defendant’s motion as to those requests on First Amendment grounds.

### **III. Regardless, Defendant’s Requests Are Overbroad and Disproportionate.**

For material to be discoverable, it must be both “relevant” and “proportional to the needs of the case,” with “the burden or expense of the proposed discovery” not “outweigh[ing] its likely benefit.” Fed. R. Civ. P. 26(b)(1); *accord Skanska USA Civ. Se. Inc. v. Bagelheads, Inc.*, 75 F.4th 1290, 1309 (11th Cir. 2023). Discovery is not proportional if it is only “tangentially relevant” to the claims at issue. *See West v. City of Albany*, 830 F. App’x 588, 593 (11th Cir. 2020); *see also In re Skanska USA Civ. Se. Inc.*, 2021 WL 2515645, at \*3 (N.D. Fla. June 19, 2021) (requested discovery not proportional where it had only “minimal potential relevance” (citation omitted)). Each of Defendant’s requests seeks a wide range of documents (often spanning a 33-year period) that are grossly overbroad, seeking “a broad spectrum of documents that ... would include a great number of materials unrelated” to the central issues in this case. *Josendis v. Wall to Wall Residence Repairs, Inc.*, 662 F.3d



1292, 1310 (11th Cir. 2011).

Locating and reviewing documents potentially responsive to such sweeping requests would be incredibly burdensome: Over the 30+ years covered by Defendant's requests, Plaintiffs have used several dozen different file storage and communications platforms. *See* Ex. 14 ¶ 3; Ex. 15 ¶ 3. During that period, CAIR-Florida has employed approximately 50 people whose documents would need to be searched. For CAIR, even quantifying the number of people it has employed over the past three decades would be burdensome. Ex. 14 ¶ 4. Defendant's requests are so expansive that Plaintiffs are unable to quantify the number of documents they would have to review without first (i) incurring the expense of identifying all of the potential custodians and collecting their inboxes (not to mention other electronic and hard copy documents stored in separate repositories) over decades; and (ii) running dozens and dozens of search terms that are bound to generate expansive hit counts. *See* Ex 14 ¶ 7; Ex. 15 ¶ 5. For example, RFP 43 requests various types of documents related to "Israel," and a search for the word "Israel" across seven custodians over just a seven-year period generated nearly 280,000 hits. *See* Ex. 1 ¶ 8. Additionally, some of the potentially responsive documents would need to either be translated or reviewed by someone with appropriate language expertise. *See* Ex. 14 ¶ 8. The expense associated with this expansive discovery is significant. *See* Ex. 1 ¶ 7; Ex. 14 ¶ 9; Ex. 15 ¶ 6.

Many of Defendant’s requests are per se disproportionate because they are not more than tangentially relevant, *see supra* § I, and/or infringe on Plaintiffs’ First Amendment rights, *see supra* § II. However, in addition to Plaintiffs’ overarching relevance, First Amendment, and proportionality objections, certain requests are particularly overbroad or unreasonable, as detailed below:<sup>7</sup>

**A. Requests spanning 30+ years to attempt to justify the Executive Order, including impermissible “catch-all” requests (RFPs 7-9, 15-18, 22-23, 25, 27).**

These requests seek “[a]ll” documents dating back to 1993 related to various unsubstantiated theories that Defendant believes could justify his Order, even though they were not the basis for its issuance. This includes all documents related to (i) any “actual, potential, past, present, or future designation” of Plaintiffs as a “terrorist organization,” and Plaintiffs’ general assertion that they are not engaged in such activity, *see* RFP 7, 16-17; (ii) any investigation of Plaintiff or any of their employees for any violence, *see* RFPs 8-9, 27;<sup>8</sup> (iii) the 1993 Palestine Committee, Hamas, Muslim Brotherhood, and others, *see* RFP 23, 25;<sup>9</sup> (iv) CAIR’s founding, *see* RFP

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<sup>7</sup> Although Defendant’s motion (at 11) included RFP 19 in its generalized list of vagueness-objection deficiencies and RFPs 49-50 in its list of burden-objection deficiencies, Defendant never explains what additional documents are needed or how they are relevant to this case.

<sup>8</sup> The breadth of these requests is astonishing. For example, these requests would hypothetically include the full personnel file of a low-level employee convicted of a nonviolent misdemeanor in the nineties, or documents regarding an investigation into a misdemeanor assault by a low-level employee of one of Plaintiffs’ state affiliates.

<sup>9</sup> Defendant complains (at 11-12) about Plaintiffs’ proposed definition of “Palestine Committee Associated-Entity” and exclusion of certain entities, ECF 91-2 at 2, but never explains why any of those entities (*e.g.*, American Muslims for Palestine (“AMP”), a civic organization like

22; (v) Defendant’s factual basis for the Order’s “Whereas” clauses, *see* RFP 15; and (vi) any allegation that the State denies, *see* RFP 18.<sup>10</sup>

Defendant has not explained how decades-old documents could be relevant to the Governor’s designation of CAIR as a purported “terrorist organization” in 2025. As written, these requests impose an obligation on Plaintiffs to collect 33 years’ worth of documents across dozens of sources and run a wide range of search terms, often to prove a negative (e.g., that they are not a “terrorist organization”), and all for documents that have nothing to do with the Governor’s purported basis for promulgating the Order. Given the lack of relevance of such dated documents, the time period for the discovery requests is overbroad and disproportionate. *See Fed. Deposit Ins. Corp. v. Brudnicki*, 2013 WL 12087175, at \*1-2 (N.D. Fla. Oct. 9, 2013); *United States v. Sand Lake Cancer Ctr., P.A.*, 2017 WL 10276863, at \*2 (M.D. Fla.

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Plaintiffs) should be included. In any event, the Court need only resolve the parties’ dispute over the term’s meaning if it compels production of RFPs 23, 25, and/or 43, which Plaintiffs have objected to on other grounds.

<sup>10</sup> These and other requests (including RFPs 5-6, 30, 33, 35-37, 41-44, and 46-47) use of the terms “relate to,” “related,” or “concerning” also show they are improperly “overbroad, vague, and ambiguous.” *Great Lakes Transp. Holding LLC v. Yellow Cab Serv. Corp. of Fla., Inc.*, 2010 WL 5093746, at \*6 (S.D. Fla. Dec. 8, 2010); *accord SCIGRIP, Inc. v. Engineered Bonding Sols., LLC*, 2016 WL 11566647, at \*2 (M.D. Fla. Aug. 19, 2016), *aff’d*, 2016 WL 11567079 (M.D. Fla. Sept. 23, 2016). “Because these terms are broad, they might well encompass irrelevant information,” and Plaintiffs cannot “be certain exactly what information the discovery requests cover and therefore what information is responsive.” *Great Lakes*, 2010 WL 5093746, at \*6. For example, RFP 33 seeks “all documents related to” various terrorist organizations, which would include a range of irrelevant documents—e.g., Google Alerts turning up articles about these groups, internal communications about security concerns regarding these groups, etc.—which is why Plaintiffs have instead agreed to produce any communications with these entities.

May 18, 2017). And although RFP 15 relates to the Order itself—seeking all documents relating to the factual basis for its “Whereas” clauses—that request is more appropriately directed to Defendant, not Plaintiffs.

In addition to the overbreadth of their time period, RFPs 16 and 18 are impermissible “catch-all” requests seeking “all documents” supporting Plaintiffs’ claims and should be denied for this additional reason. *See Ford v. Gov’t Emps. Ins. Co.*, 2015 WL 11109373, at \*6 (N.D. Fla. Apr. 3, 2015), *reconsidered in other part*, 2015 WL 11109374 (N.D. Fla. June 11, 2015); *Foley v. Orange Cnty.*, 2012 WL 12905323, at \*5 (M.D. Fla. Oct. 18, 2012) (requests essentially seeking “all documents supporting” claims are overbroad).

**B. Requests purportedly related to Plaintiffs’ allegation that they condemn acts of violence (RFPs 5-6, 23, 43-44).**

Based solely on Plaintiffs’ narrow allegation that they have “publicly and consistently condemned all forms of unjust violence,” including by both Hamas and the Israeli government, Am. Compl. ¶¶ 30-31, Defendant seeks to compel (i) all documents and communications related to any such violence, *see* RFPs 5-6; and (ii) all documents that relate in any way to Hamas and a host of other entities, *see* RFP 23, including internal communications and fundraising material, *see* RFPs 43-44.

But Plaintiffs have already agreed to produce all public documents relating to the specific allegations made in the Complaint (even if they do not support those allegations), *i.e.*, that Plaintiffs condemn Hamas violence against Israeli citizens and

other unjust violence, *see* Am. Compl. ¶¶ 30-31; ECF 91-4 at 4.<sup>11</sup> These public statements reflect Plaintiffs’ condemnations of violence as alleged in the Complaint. Collecting other non-public documents associated with these statements such as draft press releases—in addition to communication-planning documents and fundraising materials—would be extremely time-consuming and could include sensitive information regarding Plaintiffs’ communications strategies. Defendant has not explained how such documents would tend to prove or disprove Plaintiffs’ allegations, *i.e.* whether CAIR condemns violence. Although Defendant now claims for the first time that these documents are relevant because Plaintiffs may have “attempted to cover up” connections to terrorism, Mot. 30, that theory—which did not appear in the Order or its source material—is nothing more than after-the-fact speculation.

**C. Requests related to accusations by third parties who did not contribute to the Executive Order, and/or that relate to non-CAIR entities (RFPs 7, 45-47).**

These requests seek documents relating to various allegations and accusations that third parties have made against Plaintiffs or others, none of whom assisted the Governor in drafting and promulgating the Order. This includes documents related to: Texas’s designation of Plaintiff, which is the subject of two separate litigations,

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<sup>11</sup> Plaintiffs have objected to producing their social media statements because those are equally available to Defendant and would be unduly burdensome to collect. ECF 91-4 at 4. Defendant has not objected to that limitation. *See generally* Mot.

*see* RFP 7;<sup>12</sup> the George Washington (“GW”) University Program on Extremism, *see* RFP 46; promulgations and hearings by President Trump and the U.S. Congress related to the Muslim Brotherhood (not Plaintiffs), and the Florida Legislature’s 2024 non-binding resolution against CAIR, *see* RFP 47; and any instance Plaintiffs have “addressed, denied, [or] disputed” alleged “ties” to various entities, *see* RFP 45.

To attempt to justify these requests, Defendant vaguely argues they are “directly relevant” and “narrowly tailored to the claims and defenses” in this case. *See* Mot. 16, 32-33. But in response to Plaintiffs’ request that Defendant identify “all communications between [Defendant] and any third party about Plaintiffs or the subject matter of Executive Order 25-244,” Defendant produced a series of emails related to press coverage of the Order, but did not produce any communications with the State of Texas, the GW Program, members of the federal government, or anyone else. Ex. 13, Def’s Am. Resp. to Rog 3; *see also* Ex. 1 ¶¶ 12, 14-15; Exs. 5-10 (Defendant’s entire document production). In other words, Defendant did not communicate with *any* of the third parties that made these (baseless) accusations about CAIR and various non-CAIR entities when drafting and promulgating the Order. Of the

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<sup>12</sup> Although RFP 7 seeks documents related to any “designation of either Plaintiff as a terrorist organization” by the U.S. government, any U.S. state government or agency, and any non-U.S. government, Plaintiffs have never been designated as a “terrorist organization” by any U.S. government agency besides the States of Texas and Florida.

third-party sources in these requests, it appears that at most, Defendant relied on a few publicly available GW publications—and President Trump’s executive order targeting the Muslim Brotherhood (but not any underlying source material)—when he issued the Order. *See* Exs. 6-8. Defendant’s requests for all documents related to these and untold numbers of baseless accusations against CAIR is therefore a textbook example of an impermissibly broad fishing expedition. *See C.H. v. Sch. Bd. of Okaloosa Cnty.*, 2020 WL 6572430, at \*2 (N.D. Fla. Nov. 4, 2020) (“[C]ourts should not grant discovery requests based on pure speculation that amount to nothing more than a ‘fishing expedition’ into actions or past wrongdoing not related to the alleged claims or defenses.” (citation omitted)).

**D. Request related to the Governor’s own statement (RFP 11).**

Defendant’s request for documents related to his own statement that “CAIR’s finances warranted heightened scrutiny,” RFP 11, is similarly overbroad. Plaintiffs have not made any “specific assertion[]” that their finances warrant scrutiny, Mot. 17. That is *the Governor’s statement*—which the Complaint quotes to demonstrate his ulterior motive for the broad discovery he now seeks. *See* Am. Compl. ¶ 62. Only the Governor is in possession of documents that could substantiate his reasons for his statement.

**E. Materials related to Plaintiffs’ governance, compliance, and document retention (RFPs 20-21, 40-42).**

Defendants next seek various documents related to Plaintiffs’ organizational

structure and policies, including: (i) organization charts and board and executive rosters, RFP 20; (ii) documents showing financial transactions between Plaintiffs, RFP 21; (iii) policies, manuals, and other materials relating to “sanctions compliance, donor screening, foreign-travel approval, partner-vetting, event co-sponsorship review, and related-party transaction review,” RFP 40; (iv) documents relating to internal investigations and compliance review concerning “sanctions, partner groups, donor source concerns, or related-party transactions,” RFP 41; and (v) documents relating to audits of “any policy or practice relating to OFAC, FINCEN, material support for terrorism, 501(c)(3) compliance, money laundering, the False Claims Act, sanctions, partner groups, donor source, or related-party transactions,” RFP 42. None of these requests are proportionate to the needs of the case.

To start, there is nothing to compel with respect to RFP 20: Defendant requested these materials from January 2019 to the present, which Plaintiffs agreed to provide. *See* ECF 91-1, Def.’s RFP Instruction ¶ 7; ECF 91-2, Plfs.’ Am. Resp. to RFP 20 (agreeing to provide all documents from January 1, 2019, to present, the “default” period applicable to these requests). Regarding RFP 21, Plaintiffs already agreed to produce their affiliate agreement, *see* ECF 91-2, Plfs.’ Am. Resp. to RFP 19, which is sufficient to show the “relationship” between the Plaintiffs that Defendant claims is relevant, *see* Mot. 20. Defendant never explains why additional information related to the Plaintiffs’ financial relationship is “narrowly drawn,” as op-



posed to yet another request among its broader fishing expedition for “potential ties to terrorism” to justify the Order. *Id.*

Plaintiffs are similarly confused by what is left to compel with respect to RFPs 40-42 that is anywhere near relevant to this case. Plaintiffs have already agreed to produce policies and manuals related to “sanctions compliance, donor screening [and] foreign-travel approval,” in addition to nonprivileged documents relating to any “internal investigation, compliance review, remediation effort, or governance response concerning sanctions.” *See* ECF 91-2, Plfs.’ Am. Resp. to RFPs 40-41. The only documents that Plaintiffs have objected to providing are documents related to irrelevant categories of policies such as “event co-sponsorship review,” “partner groups,” “donor source concerns,” and every “related-party transaction[],” all of which go to Plaintiffs’ fundraising and associational activity—not sanctions compliance.<sup>13</sup> *See id.* And Defendant still has not explained how the additional audit material sought by RFP 42—which spans issues wholly unrelated to this case, including 501(c)(3) and False Claims Act compliance, among others—is proportionate given the material Plaintiffs have already agreed to search for and produce, much less “narrowly tailored” to the case, Mot. 29-30.

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<sup>13</sup> Plaintiffs originally objected to these terms as vague. The definitions Defendant’s Motion (at 29-30) provided for these terms only underscored the irrelevance of these parts of the request.

**F. Communications and interactions with people and entities unrelated to terrorism (RFPs 28-33).**

Defendant issued a range of requests broadly seeking (i) all calendars and travel records for any of Plaintiffs’ executives, officers, and staff from January 2023 to the present, *see* RFPs 28-29; (ii) all documents concerning any event attended by Plaintiffs’ executives “involving” AMP, the Palestinian Community of the Americas, Samidoun, the International Union of Muslim Scholars, Al-Zaytouna, or any sanctioned- or later-sanctioned person or entity, *see* RFP 30; (iii) all communications between Nihad Awad and Osama Abu Irshaid, the director of AMP, *see* RFP 31; and (iv) all communications between Plaintiff and over two dozen specified entities—along with any federally sanctioned or later-sanctioned person or entity—and any documents related to various terrorist organizations, *see* RFPs 32-33. In an effort to narrow the parties’ dispute, Plaintiffs have already agreed to produce (i) any communication between Plaintiffs’ executives and any federally sanctioned person or entity—and all but five of the entities in RFP 32—related to any act of violence, terrorism, or material support for terrorism, *see* RFP 30, 32; and (ii) any communication between Plaintiffs’ executives and any of the entities listed in RFP 33. *See* ECF 91-2, Plfs.’ Am. Response to RFPs 30, 32-33.

The remaining documents that Defendant now seeks to compel are both protected by the First Amendment, *see supra* § II, and go far beyond anything that could possibly be relevant to this case. For example, RFP 31 seeks all communications

between Nihad Awad and Osama Abu Irshaid, regardless of the subject matter and whether the communications were made in a professional capacity. Defendant claims that Mr. Abu Irshaid has “ties to terrorism,” Mot. 24-25, but he is an American citizen who has not been convicted of any terrorism-related offense and is not included on any federal sanctions list. Defendant has not explained why every communication between Mr. Abu Irshaid and Mr. Awad would be relevant to this case. And because these individuals communicate frequently, searching for all of their communications would be burdensome.

Similarly, the five organizations in RFP 32 that Plaintiffs have excluded from their search are charitable or humanitarian organizations or non-profits with missions that align with CAIR’s lawful expressive activity.<sup>14</sup> Defendant has never explained how communications with these entities are relevant to this case, and searching for, collecting, reviewing, and producing them would be unduly burdensome for Plaintiffs. And although Defendant suggests that his broad requests for staff travel documents, RFP 28-29, are tailored to Plaintiffs’ alleged “contacts” with certain entities, *see* Mot. 23-24, the RFPs are not so limited. Plaintiffs have already agreed to

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<sup>14</sup> This includes Intuitive Solutions Foundation, a U.S 501(c)(3) organization and fiscal sponsor, *see* <https://intuitive.solutions/>; Hasana Inc., a U.S.-based organization dedicated to empowering the Muslim Community, *see* <https://hasana.charity/>; Zakat Foundation of America, a charitable 501(c)(3) organization, *see* <https://www.zakat.org/about-us/our-mission>; Baitulmaal, a 501(c)(3) charity, *see* <https://baitulmaal.org/about/>; and the Sidra Foundation, a charitable organization based in India, *see* <https://sidrafoundation.org/>.

provide communications with numerous entities specified by Defendant. Defendant does not explain why additional discovery into the movements and expenses of Plaintiffs' staff would be relevant or proportional, particularly when that may reveal First Amendment associational activity.

### CONCLUSION

For all the reasons discussed herein, Defendant has not carried his burden to show that any of the requests are relevant and proportionate to the needs of the case. This Court should therefore deny Defendant's Motion to Compel in its entirety.

Dated: August 5, 2026.

Respectfully submitted,

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### **CERTIFICATE OF WORD COUNT**

I certify that this document contains 7,998 words, inclusive of headings, footnotes, and quotations, according to the word-processing system used to prepare it.

August 5, 2026

/s/ Elizabeth C. Lockwood

Elizabeth C. Lockwood