

Exhibit A



Re: CAIR v. DeSantis Discovery

From Tyler Gustafson <Tyler.Gustafson@myfloridalegal.com>

Date Fri 6/26/2026 5:43 PM

To Brant Levine <brant.levine@splcenter.org>

Cc Scott McCoy <Scott.McCoy@splcenter.org>; Coleman Batson <Coleman.Batson@myfloridalegal.com>; Jason Muehlhoff <Jason.Muehlhoff@myfloridalegal.com>; Casey Witte <Casey.Witte@myfloridalegal.com>; David Dewhirst <David.Dewhirst@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Jenna Hodges <Jenna.Hodges@myfloridalegal.com>; CAIRvDeSantis <cairvdesantis@splcenter.org>

Good afternoon, Counsel,

I am following up, re Plaintiffs' relevance objections, with further clarification and authority.

To begin, we provide some helpful framing. As stated by counsel for Plaintiffs during yesterday's meet and confer, the relevance objection is related to information not available to Defendant at or before the time of issuing the EO and how said information is relevant to discovery in this case under the claims brought by Plaintiffs. This formulation implies that Defendant seeks a post hoc justification for his EO. Not so. Defendant seeks information related to his defenses and allegations/issues that Plaintiffs have raised. Two framing points are necessary.

First, as both parties' counselors understand, the scope of discovery under Federal Rule of Civil Procedure 26(b)(1) broadly encompasses nonprivileged material relevant to any party's claim or defense. **Second**, when one party alleges information (e.g., whether an organization is solely a First Amendment entity), then discovery as to those allegations is allowable by the opposing party. *See Solomon v. United Specialty Ins. Co.*, No. 0:22-CV-62405, 2024 WL 552187, at *4 (S.D. Fla. Feb 12, 2024). As outlined by our letter to Counsel for Plaintiffs, *see* Letter at 2-3, Plaintiffs' allegations put into issue whether they have "ever been investigated, prosecuted, indicted, or convicted for any act of violence, terrorism, or material support of terrorism." FAC para. 32; *see also* Letter at 3 (noting the allegations that Plaintiffs brought forth for which discovery is entitled). We note that Plaintiffs have requested, for example, "all documents . . . that support the designation that Plaintiffs are terrorist organizations." Letter at 3. Defendant seeks information of the same category as related to his defenses and to support the validity of his EO. "[I]t is inconsistent to request that one party provide information and discovery and then object to that same discovery when it is requested by one's opponent." *Proflex Products, Inc. v. Protecto Wrap Co.*, No. 12-21280-CIV-ZLOCH/HUNT, 2013 WL 12064531, at *6 (S.D. Fla. Jul. 18, 2023) (Hunt, Mag. J).

In other words, Plaintiffs have no basis for refusing to provide information on relevance grounds when the information sought relates to allegations that Plaintiffs have made regarding the EO, which are within the scope of discovery.

We also draw counsel's attention to the vagueness and burden objections toward terms like "authorization," "seed funding," and "agent," all of which are commonly and reasonably understood. See Letter at 3-4 (listing more commonly and reasonably understood terms that Plaintiffs objected to). We expect that these objections be withdrawn and replaced with good faith answers for each discovery request with these objections present. See *Proflex Products*, 2013 WL 12064531, at *6 ("It is . . . disingenuous to object to definitions in an opponent's discovery that one has argued are clear when they appear in one's own discovery requests.").

In sum, Defendant is entitled to discovery in support of his defenses (e.g., that the EO was validly issued for police powers for the benefit of Floridians) *and* discovery of information that Plaintiffs place squarely at issue. In addition to the authorities cited in this email and the Letter, the following support Defendant's right to discovery for his defenses and for information placed at issue by Plaintiffs:

Crystal Motor Express, Inc. v. Town of Lynnfield, No. 04-11450-RGS, 2005 WL 8175782, at *2 (D. Mass. Sept. 29, 2005) (holding that because one party placed communications at issue, those communications were discoverable)

Kehle v. USAA Casualty Ins. Co., No. 17-80447-CV-MARRA/MATHEWMAN, 2018 WL 2435176, at *6 - 7 (S.D. Fla. May 30, 2018) (Matthewman, Mag. J.)

Cox v. Administrator U.S. Steel & Carnegie, 17 F.3d 1386, 1419 (11th Cir. 1994) (explaining that even a party's privileged communications may be discoverable if that party puts forth allegations that implicate privileged communications)

We expect that after this clarification you will amend your answers accordingly. Failure to do so will result in a motion to compel. As mentioned, we welcome a meeting on Monday.

Best,



Tyler E. Gustafson

Assistant Solicitor General
Office of Attorney General James Uthmeier
PL-01, The Capitol | Tallahassee, FL 32399
(850) 414-3681

From: Tyler Gustafson <Tyler.Gustafson@myfloridalegal.com>

Sent: Thursday, June 25, 2026 6:38 PM

To: Brant Levine <brant.levine@splcenter.org>

Cc: Scott McCoy <Scott.McCoy@splcenter.org>; Coleman Batson <Coleman.Batson@myfloridalegal.com>; Jason Muehlhoff <Jason.Muehlhoff@myfloridalegal.com>; Casey Witte <Casey.Witte@myfloridalegal.com>; David Dewhirst <David.Dewhirst@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Jenna Hodges <Jenna.Hodges@myfloridalegal.com>; CAIRvDeSantis <cairvdesantis@splcenter.org>

Subject: Re: CAIR v. DeSantis Discovery

Good afternoon, Counsel,

We appreciate your taking the time to meet and confer with us today. As a recap, we are sending authorities to you by tomorrow, re Plaintiffs' relevance objection to Defendant's discovery requests. To that end, we will meet again on Monday to determine whether there is an impasse with regard to this objection which relates to a majority of Plaintiffs' responses.

Plaintiffs' production will occur on a rolling basis, but the privilege log is not near completion.

Best,
Tyler

From: Brant Levine <brant.levine@splcenter.org>

Sent: Wednesday, June 24, 2026 5:59 PM

To: Tyler Gustafson <Tyler.Gustafson@myfloridalegal.com>

Cc: Scott McCoy <Scott.McCoy@splcenter.org>; Coleman Batson <Coleman.Batson@myfloridalegal.com>; Jason Muehlhoff <Jason.Muehlhoff@myfloridalegal.com>; Casey Witte <Casey.Witte@myfloridalegal.com>; David Dewhirst <David.Dewhirst@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Jenna Hodges <Jenna.Hodges@myfloridalegal.com>; CAIRvDeSantis <cairvdesantis@splcenter.org>

Subject: Re: CAIR v. DeSantis Discovery

This Message Is From an External Sender

This message came from outside your organization.

Good afternoon Tyler,

Tomorrow at 3:30 works well for us. We appreciate you accepting service for Mr. Bower.

Best,
Brant

On Jun 24, 2026, at 1:37 PM, Tyler Gustafson <Tyler.Gustafson@myfloridalegal.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Scott,

Would you have availability at 11:00 am or 3:30 pm tomorrow? I have another 11th Circuit matter that could run up until (or slightly after) 3:00 pm.

Confirmed that the depositions will take place on the 15th and 16th of July. I accept service for Thomas Bower.