IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA,

PRESIDENT DONALD J. TRUMP, CASE NO. 2022-CA-000246

Plaintiff,

vs.

MEMBERS OF THE PULITZER PRIZE BOARD, an unincorporated association, et. al.,

Defendants.

DEFENDANTS' OPPOSED MOTION TO TEMPORARILY STAY CIVIL ACTION GIVEN PLAINTIFF'S STATUS AS PRESIDENT OF THE UNITED STATES

Defendants Elizabeth Alexander, Anne Applebaum, Nancy Barnes, Lee C. Bollinger, Katherine Boo, Nicole Carroll, Steve Coll, Gail Collins, John Daniszewski, Gabriel Escobar, Kelly Lytle Hernandez, Edward Kliment, Carlos Lozada, Kevin Merida, Marjorie Miller, Viet Thanh Nguyen, Emily Ramshaw, David Remnick, Tommie Shelby, and Neil Brown ("Defendants") respectfully move the Court to stay this action until Plaintiff Donald J. Trump has concluded his term as President of the United States.[1]

On January 20, 2025, Plaintiff took office as the 47th President. "Because the Supremacy Clause makes federal law the supreme Law of the Land," and because Plaintiff again "has principal responsibility to ensure that those laws are faithfully executed," it would now raise constitutional concerns for this court – or any other state court – to exercise "direct control" over Plaintiff during his presidency. *See Clinton v. Jones*, 520 U.S. 681, 691 n.13 (1997) (cleaned up). That is why, in his first term, and again just last week, Plaintiff asked other state courts for the same relief that

[1] In filing this motion, Defendants Alexander, Applebaum, Barnes, Bollinger, Boo, Carroll, Coll, Collins, Daniszewski, Escobar, Lytle Hernandez, Kliment, Lozada, Merida, Miller, Nguyen, Ramshaw, Remnick, and Shelby (the "Non-Resident Defendants") do not waive and expressly preserve their argument that they are not properly subject to personal jurisdiction in this Court.

Defendants seek here, and on exactly the same basis. Specifically, in his first term Plaintiff argued that if a case pending against him in New York state court was not "temporarily stayed, it will disrupt and impair [his] ability to discharge his Article II responsibilities," and he declared that "the effective administration of our nation provides a compelling justification to stay [the] action." *See* Mem. of Law in Supp. of President Trump's Mot. to Dismiss and Strike or in the Alternative for a Stay at 17-20, *Zervos v. Trump*, No. 150522/2017 (N.Y. Sup. Ct., July 7, 2017) (Doc. No. 44) (attached hereto as Ex. A). Likewise, just days ago, Plaintiff reiterated these points in a case against him in Delaware state court, arguing that, because litigation would unconstitutionally interfere with his presidential duties, "[c]ommonsense favors a stay of this case until the end of the President's term," so that "President Trump can devote his time and energies to America's problems." *See* Opening Br. in Supp. of Defs.' Mot. to Dismiss, or, Alternatively, to Stay on the Basis of Temporary Presidential Immunity at 5, 52, 56, *United Atlantic Ventures v. TMTG Sub Inc.*, No. 2024-0184-MTZ (Del. Ch. Jan. 24, 2025) (attached hereto as Ex. B).

Plaintiff has asserted that these constitutional conflicts would arise from *any* state court "order requiring him to take some action, as mundane as directing him to produce discovery or as consequential as mandating his appearance in court on a date certain." *See* Br. for Defendant-Appellant at 26, *Zervos v. Trump*, No. APL-2020-9 (N.Y. Mar. 9, 2020) (cleaned up) (attached hereto as Ex. C). Indeed, Plaintiff has insisted that a state court's mere *power* to issue such an order would "act as a sword of Damocles hanging over the President's head." *Id.* (cleaned up).

According to Plaintiff, "[t]he appropriate answer" to these constitutional concerns "is to postpone" such a state court case "until [the President] is no longer in office." *Id.* at 27. Defendants agree. To avoid such constitutional conflicts, the Court should stay this case until Plaintiff's term in office has concluded.

RELEVANT BACKGROUND

1. The Court is familiar with the background of this case, which is set out here only as relevant to the present motion.

2. The Pulitzer Prizes are awarded annually, on the recommendation of the Pulitzer Prize Board (the "Board"), to honor distinguished work across nearly two dozen categories of journalism, books, drama, and music. In 2018, the Board awarded the Pulitzer Prize in National Reporting jointly to *The New York Times* and *The Washington Post* for their reporting on "Russian interference in the 2016 presidential election and its connections to the Trump campaign, the President-elect's transition team and his eventual administration." Am. Compl. ¶ 75.

3. The 20 prize-winning articles attached to the Amended Complaint (the "Articles") were the first to report facts that are now matters of historical record, including Plaintiff's request to FBI Director James Comey, during Plaintiff's first term in office, to "let go" of the investigation into national security advisor Michael Flynn, and Plaintiff's disclosure of secret intelligence to Russian officials during an Oval Office meeting. *See generally id.* Composite Ex. C.

4. In 2021, Plaintiff began demanding that the Board revoke its 2018 National Reporting Prize. *Id.* ¶¶ 120, 125, 133, 137. In Plaintiff's view, the winning submissions advanced a false narrative that he dubs the "Russia Collusion Hoax." *Id.* ¶¶ 53-59.

5. The Board commissioned two independent reviews of the submissions, which concluded that none of the reported facts in the submissions were discredited by later disclosures, and subsequently posted a statement (the "Pulitzer Statement") online stating that "[t]he 2018 Pulitzer Prizes in National Reporting stand." *Id.* ¶ 140.

6. Plaintiff filed this lawsuit in December 2022, asserting that the Pulitzer Statement defamed him because an assertion that "no passages or headlines, contentions or assertions" in the

prize submissions had been "discredited" was meant "to create a false implication in the mind of the reader that 'the Trump campaign, the President-elect's transition team and his eventual administration' had been connected with Russian attempts to interfere in the 2016 presidential election." *Id.* ¶¶ 142-49.

7. On December 28, 2023, Plaintiff filed the now-operative Amended Complaint, Doc. No. 99. The nineteen Non-Resident Defendants, who are citizens of other states and who affirmed that they had no contacts with Florida in connection with the Pulitzer Statement, moved to dismiss the Amended Complaint for lack of personal jurisdiction. Defendant Brown, a citizen of Florida, filed a motion to dismiss the Complaint for failure to state a claim as a matter of law.

8. On July 20, 2024, the Court issued orders denying the motions. On August 2, 2024, the Non-Resident Defendants exercised their right to appeal the order on their jurisdiction motion pursuant to Rule 9.130(3)(C)(i) of the Florida Rules of Appellate Procedure. That appeal was fully briefed on October 25, 2024, and remains pending before the Fourth District Court of Appeal.

9. Defendants moved this Court to stay discovery pending the conclusion of the jurisdictional appeal. The Court denied that motion on October 19, 2024.

10. On November 5, 2024, Plaintiff was re-elected as President of the United States. Since that time, Plaintiff has expressly declared his intent to continue litigating this matter while in office. *See, e.g.*, *President-Elect Trump Remarks to Reporters*, C-SPAN (Dec. 16, 2024), https://www.c-span.org/program/news-conference/president-elect-trump-remarks-to-reporters/653283, at 58:10-44 ("I want them to take back the Pulitzer Prizes and pay big damages. . . . I have to do it. It costs a lot of money to do it. But we have to straighten out the press. Our press is very corrupt.").

11. Plaintiff was sworn into office on January 20, 2025.

ARGUMENT

12. It is well-established that "a trial court has broad discretion to grant or deny a motion to stay a case pending before it." *Shake Consulting, LLC v. Suncruz Casinos, LLC*, 781 So. 2d 494, 495 (Fla. 4th DCA 2001) (affirming trial court's entry of stay). For three reasons, the Court should exercise that discretion and stay this action until Plaintiff's term in office has concluded. **First**, as Plaintiff himself has argued, and continues to argue, allowing a lawsuit to proceed in state court while a party to that action is the sitting President would invite irresolvable constitutional conflicts arising from the Supremacy Clause. **Second**, the grounds for staying this action are particularly strong because the prize-winning articles concern – and discovery will thus need to probe – Plaintiff's *official* actions during his first term. **Third**, entering a stay will not prejudice Plaintiff, whereas denying a stay would pose constitutional issues both by estopping him from seeking to stay future civil litigation that may arise in state court during his presidency and by raising due process concerns for the Defendants.

I. STAYING THIS STATE COURT ACTION UNTIL PLAINTIFF IS NO LONGER IN OFFICE WILL AVOID THORNY CONSTITUTIONAL CONFLICTS.

13. As Plaintiff himself has argued, allowing a lawsuit to proceed in state court while the sitting President is a party would invite constitutional conflict arising from the Supremacy Clause, which makes federal law "the supreme Law of the Land." U.S. Const., art. VI cl. 2.

14. On January 17, 2017, Plaintiff was sued in New York state court by Summer Zervos, a former contestant on *The Apprentice* who claimed that Plaintiff had defamed her when he disputed her accusations of sexual assault. *See generally Zervos v. Trump*, 74 N.Y.S.3d 442 (N.Y. Sup. Ct. 2018). Three days later, Plaintiff took the oath of office for the first time and was sworn in as the 45th President of the United States.

15. Plaintiff subsequently moved to dismiss Ms. Zervos's lawsuit on the basis of presidential immunity or, in the alternative, to stay the action during his time in office. To be sure, Plaintiff did not prevail on either argument before the state trial or intermediate appellate courts, and New York's high court deemed the question to be moot after Plaintiff left office. *See Zervos v. Trump*, 36 N.Y.3d 1083 (2021). But the arguments in favor of a stay that Plaintiff made in that case are fully applicable here as well – indeed, as discussed below, this action presents even stronger grounds for granting a stay than Plaintiff presented to those courts.

16. As Plaintiff noted in *Zervos*, the U.S. Supreme Court left unresolved in *Clinton v. Jones*, 520 U.S. 681 (1997), whether litigation may proceed in *state* court when a party is the sitting President. *See* Ex. C at 1. There, Paula Jones brought various claims in federal court against then-President Bill Clinton, arising from events that took place before and were unrelated to his presidency, and President Clinton moved to dismiss the claims on the basis of presidential immunity. *Jones*, 520 U.S. at 686. The Court rejected the immunity claim on separation-of-powers grounds and allowed the litigation to proceed against the President, arising out of unofficial conduct, in federal court. *Id.* at 690-92. It expressly noted, however, that "[b]ecause the Supremacy Clause makes federal law 'the supreme Law of the Land,' any direct control by a *state* court over the President, who has principal responsibility to ensure that those laws are 'faithfully executed,' may implicate concerns that are quite different from the interbranch separation-of-powers questions addressed here." *Id.* at 691 n.13 (emphasis added and citations omitted).

17. Plaintiff thus observed in *Zervos* that the question remained "unresolved" whether litigation could proceed in *state* court against a sitting President, *see* Ex. C at 1, and Plaintiff argued that permitting such a state court lawsuit to proceed would invite irresolvable constitutional conflict. Indeed, according to Plaintiff, "the text and structure of the Constitution, including the

Supremacy Clause," along with "decisions of the U.S. Supreme Court," together "compel the conclusion that state court cases" involving the President, "who, under Article II of the Constitution, uniquely embodies an entire branch of the federal government," cannot move forward "while the President is in office." *Id.*

18. According to Plaintiff, there is simply no way for a sitting President to participate in state court litigation and simultaneously protect his constitutional prerogatives. Particularly once the case enters discovery, a President-litigant would be subject to the state court's "immediate and ever-present power to issue an order requiring him to take some action, as mundane as directing him to produce [records] or as consequential as mandating his appearance in court on a date certain, as well as by the very power to hold the President in contempt – which acts as a sword of Damocles hanging over the President's head." *See id.* at 26 (cleaned up) (quoting *Zervos v. Trump*, 94 N.Y.S.3d 75, 94 (N.Y. App. Div. 1st Dep't 2019) (Mazzarelli, J., dissenting in part)).

19. Indeed, Plaintiff argues that state courts cannot mitigate this concern by making "'reasonable accommodations . . . with respect to the President's schedule'" or by managing discovery "so as to 'minimize the impact on his ability to carry out his official duties,'" because – unlike federal courts – "a state court may not, under the Supremacy Clause, determine what constitutes 'reasonable accommodations' for the President or what is a constitutionally permissible 'impact' on the President's 'ability to carry out his official duties.'" *See id.* at 25 (quoting *Zervos*, 94 N.Y.S.3d at 87). State courts simply "'have no power . . . to retard, impede, burden, or in any manner control' the federal government." *Id.* (quoting *McCulloch v. Maryland*, 17 U.S. 316, 322 (1819)); *see also* Ex. B at 13 (quoting same).

20. Just last week, Plaintiff took this position again in *United Atlantic Ventures v. TMTG Sub Inc.*, a lawsuit in Delaware against Plaintiff and others related to Plaintiff's social media

platform Truth Social. There, Plaintiff argues that "any compulsory process by the States directly against the sitting President *risks interference* with the Executive Branch in violation of federal supremacy." *See* Ex. B at 12 (emphasis in original). Plaintiff therefore asserts that the "Court should take the *only* workable approach and recognize, consistent with centuries of historical practice, that the sitting President must not be subjected to the burdens of state civil litigation." *See id.* at 42 (emphasis added).

21. Now that Plaintiff has begun his second term as President, this case creates the same constitutional conflicts that Plaintiff identified in both *Zervos* and *United Atlantic Ventures*. If this case proceeds into discovery, Defendants will be obligated to exercise their rights under the Florida Rules of Civil Procedure to demand that Plaintiff produce documents, respond to requests for admission, provide sworn answers to written interrogatories, and testify under oath by deposition on oral examination. Each form of discovery will subject Plaintiff to this Court's "immediate and ever-present power to issue an order requiring him to take some action" – a power that, according to Plaintiff, the Constitution now forbids this Court from even wielding over him, let alone actually exercising. *See* Ex. C at 25.

22. Short of dismissing the lawsuit outright, Plaintiff has identified only one way for the Court to square this constitutional circle: this action "must" be "stayed while the President is in office." *See id.* at 1. Then, once Plaintiff's second term has concluded, the litigation can resume.

II. THE GROUNDS FOR STAYING THIS ACTION ARE FAR STRONGER THAN THOSE PRESENTED IN *JONES* AND *ZERVOS*.

23. The decisions denying requests for dismissals or stays in *Jones* and *Zervos* illustrate why the vastly different circumstances of this case warrant granting Defendants' request for a stay.

24. In *Jones*, the Court repeatedly emphasized that the federal court claims against President Clinton arose from "the unofficial conduct of the individual who happens to be the

President," not from official conduct. 520 U.S. at 701. The Court considered that point to be important because, "Whatever the outcome of [the] case, there [was] no possibility that the decision will curtail the scope of the official powers of the Executive Branch." *Id.* The lawsuit could thus proceed because it "pose[d] no perceptible risk of misallocation of either judicial power or executive power." *Id.*

25. Similarly, in *Zervos*, the trial court rejected Plaintiff's request for dismissal or a stay because "[n]othing in the Supremacy Clause of the United States Constitution even suggests that the President cannot be called to account before a state court for wrongful conduct that bears no relationship to any federal executive responsibility." *Zervos*, 74 N.Y.S.3d at 446. Thus, "when *unofficial conduct* is at issue, there is no risk that a state will improperly encroach on powers given to the federal government by interfering with the manner in which the President performs federal functions." *Id.* (emphasis added). Indeed, the trial court recognized that "each and every one of the concerns that the United States Supreme Court raised [in *Jones*] implicates unlawful state intrusion into federal government operations," but it declared that "[t]hose concerns are nonexistent when *only unofficial conduct* is in question." *Id.* at 447 (emphasis added). The intermediate appellate court then followed the same path. *See, e.g.*, *Zervos*, 94 N.Y.S.3d at 88 ("where, as here, *purely unofficial pre-presidential conduct* is at issue, we find, consistent with *Clinton v. Jones*, that a court does not impede the President's execution of his official duties by the mere exercise of jurisdiction over him") (emphasis added).

26. This case, however, does *not* concern purely unofficial pre-presidential conduct. To the contrary, Plaintiff claims that by publishing the Pulitzer Statement, Defendants conveyed "a false implication" that "the Trump campaign, the President-elect's transition team, *and his eventual administration* had been connected with Russian attempts to interfere in the 2016

presidential election." Am. Compl. ¶ 149 (emphasis added and internal marks omitted). Plaintiff alleges that Defendants created a "false impression that the *Times* and the *Post* had correctly reported on the Russia Collusion Hoax in 2017," *see id.* ¶ 142, and the prize-winning articles reported extensively on Plaintiff's actions and communications vis-à-vis Russia while he was serving his first term in office. Just by way of example:

- *Trump reveals secret intelligence to Russians* (May 16, 2017): the *Post* reported that Plaintiff, while President, "revealed highly classified information to the Russian foreign minister and ambassador in a White House meeting," raising concern that Plaintiff had "jeopardized a critical source of intelligence on the Islamic State."[2]

- *President asked intelligence chiefs to deny collusion* (May 23, 2017): the *Post* reported that Plaintiff, while President, "asked two of the nation's top intelligence officials" to "help him push back against an FBI investigation into possible coordination between his campaign and the Russian government."[3]

- *Comey Memo Says Trump Asked Him to End Flynn Investigation* (May 16, 2017): the *Times* reported that Plaintiff, while President, "asked the F.B.I. director, James B. Comey, to shut down the federal investigation into [Plaintiff's] former national security adviser, Michael T. Flynn, in an Oval Office meeting."[4]

- *Trump Admitted Dismissal At F.B.I. Eased Pressure* (May 20, 2017): the *Times* reported that Plaintiff, while President, "told Russian officials in the Oval Office" that "firing the F.B.I. director, James B. Comey, had relieved "great pressure" on him, which "reinforce[d] the notion that the president dismissed him primarily because of the bureau's investigation into possible collusion between Mr. Trump's campaign and Russian operatives."[5]

---

[2] *See* https://www.washingtonpost.com/world/national-security/trump-revealed-highly-classified-information-to-russian-foreign-minister-and-ambassador/2017/05/15/530c172a-3960-11e7-9e48-c4f199710b69_story.html.

[3] *See* https://www.washingtonpost.com/world/national-security/trump-asked-intelligence-chiefs-to-[redacted]11e7-9869-bac8b446820a_story.html.

[4] *See* https://www.nytimes.com/2017/05/16/us/politics/james-comey-trump-flynn-russia-investigation.html.

[5] *See* https://www.nytimes.com/2017/05/19/us/politics/trump-russia-comey.html.

27. Plaintiff bears the constitutionally required burden to *prove* (not merely allege) falsity as an element of his defamation claim. *See Philadelphia Newspapers v. Hepps*, 475 U.S. 767, 775 (1986). Discovery in this case will thus necessarily require a searching inquiry into various official acts undertaken by Plaintiff during his first term that the *Times* and the *Post* reported on in their prize-winning articles, including Plaintiff's communications about classified information with Russian foreign officials and Plaintiff's decision to dismiss FBI Director Comey. A state court order directing the President, against his wishes, to produce documents or testify about such topics would necessarily raise concerns under the Supremacy Clause. *Cf. Zervos*, 74 N.Y.S.3d at 446-47 (assuring that a stay is not needed when "[t]here is no possibility that a state court will compel the President to take any official action"). This case is therefore quite different than *Jones* and *Zervos* – and the grounds for a stay are far stronger here – because this case directly concerns Plaintiff's official presidential activity, not merely his unofficial, pre-presidential conduct.

III. ENTERING A STAY WOULD NOT PREJUDICE PLAINTIFF, BUT DENYING A STAY WOULD RAISE SUBSTANTIAL CONSTITUTIONAL CONCERNS.

28. Just as he once argued with respect to Ms. Zervos, Plaintiff "will suffer no prejudice if this action is temporarily stayed, as [he] will eventually have [his] day in court." *See* Ex. A at 20. "None of the relief that [he] has sought . . . is urgent or time-sensitive," and "this Court can grant relief at a later date." *Id.* "There is also no risk of spoliation of evidence as the parties can take efforts to preserve any relevant material." *Id.*

29. Denying a stay, on the other hand, would ultimately be to Plaintiff's detriment – and to the detriment of the office he now holds – because it would estop Plaintiff from seeking to stay *other* litigation that may arise against him in state courts during his presidency. The doctrine of judicial estoppel provides that when a litigant takes a position in one proceeding, and

"succeed[s] in persuading a court to accept" that position, the same party cannot take a position in a subsequent proceeding that is "'clearly inconsistent' with its earlier position," especially (but not exclusively) where "the party seeking to assert an inconsistent position would derive an unfair advantage or impose an unfair detriment on the opposing party if not estopped." *New Hampshire v. Maine*, 532 U.S. 742, 751 (2001); *Blumberg v. USAA Cas. Ins. Co.*, 790 So. 2d 1061, 1066 (Fla. 2001) (judicial estoppel "prevent[s] litigants from taking totally inconsistent positions in separate judicial, including quasi-judicial, proceedings" and "prevents parties from making a mockery of justice by inconsistent pleadings and playing fast and loose with the courts") (cleaned up).

30. Granting Plaintiff's wish to continue moving forward with this case would therefore open the floodgates to any number of other actions against him in state courts across the country as he serves out his term in office, and he would be estopped from making the precise arguments he made in *Zervos*. *See* Ex. B at 28 (asserting that "many more" lawsuits "are sure to arise during his second term"). Such litigation, at a minimum, "could distract a President from his public duties, to the detriment of not only the President and his office but also the Nation that the Presidency was designed to serve." *Nixon v. Fitzgerald*, 457 U.S. 731, 753 (1982); *see also id.* at 751 ("Because of the singular importance of the President's duties, diversion of his energies by concern with private lawsuits would raise unique risks to the effective functioning of government.").

31. Permitting this case to proceed while Plaintiff holds office would also raise significant due process issues for the twenty individual Defendants. Plaintiff's apparent position that he cannot be *sued* in state court while President, *see generally* Ex. B, even as he insists that he can still *sue* individual U.S. citizens in state court while President, threatens to wrongly deprive Defendants of the right to assert potential counterclaims or even enforce orders of the Court. *See, e.g.*, *L. Sols. of Chicago LLC v. Corbett*, 971 F.3d 1299, 1319 (11th Cir. 2020) (observing that

"due process is ultimately about fairness") (citing *Lassiter v. Dep't of Soc. Servs.*, 452 U.S. 18, 24 (1981)). In addition, as noted above, documents or testimony related to communications between Plaintiff and Russian officials during Plaintiff's first term could be highly relevant to claims or defenses in this action. *See* Fla. R. Civ. P. 1.280(c)(1). Yet Plaintiff – now the nation's chief classification authority – could unilaterally decide to withhold such documents or testimony from Defendants. *See, e.g.*, *Dep't of Navy v. Egan*, 484 U.S. 518, 527 (1988); *see also* Ex. B at 21 ("It is unthinkable that a state court would seek to enjoin the President's national security policies"). Those circumstances would represent the exact situation that the U.S. Supreme Court has long deemed impermissible as a matter of due process. *See United States v. Reynolds*, 345 U.S. 1, 9-10 (1953) ("Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers.").

32. In sum, and just as Plaintiff himself has maintained, "[t]he appropriate answer" for the unusual circumstances that this case now presents is clear: the Court should "postpone" this lawsuit by entering a stay until Plaintiff "is no longer in office." *See* Ex. C at 27.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court stay this action until Plaintiff has concluded his term in office as President.

CERTIFICATE OF CONFERRAL

Pursuant to Fla. R. Civ. P. 1.202(b), I certify that prior to filing this motion, Defendants' counsel discussed the relief requested in this motion by telephone on January 22, 2025, with

Plaintiff's counsel, and followed up twice afterward by email. Plaintiff has not yet provided his position on this motion.

Dated: January 27, 2025

Respectfully submitted,

WHITEBIRD, PLLC

Paul R. Berg (FL Bar No. 901172)
1701 Highway A1A, Suite 102
Vero Beach, FL 32963
Tel: (772) 610-5580
pberg@whitebirdlaw.com
lsmith@whitebirdlaw.com

BALLARD SPAHR LLP

/s/ Charles D. Tobin
Charles D. Tobin (FL Bar No. 816345)
Chad R. Bowman (*pro hac vice*)
Maxwell S. Mishkin (*pro hac vice* pending)
1909 K Street NW, 12th Floor
Washington, DC 20006
Tel: (202) 661-2218 | Fax: (202) 661-2299
tobinc@ballardspahr.com
bowmanchad@ballardspahr.com
mishkinm@ballardspahr.com

David A. Schulz (*pro hac vice*)
1675 Broadway, 19th Floor
New York, NY 10019
Tel: (212) 223-0200 | Fax: (212) 223-1942
schulzd@ballardspahr.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy for the foregoing has been served via the Florida Courts E-Filing Portal on this 27th day of January, 2025 on:

R. Quincy Bird
Jeremy D. Bailie
Weber, Crabb & Wein, P.A.
5453 Central Avenue
St. Petersburg, FL 33710
quincy.bird@webercrabb.com
jeremy.bailie@webercrabb.com

Attorneys for Plaintiff

/s/ Charles D. Tobin
Charles D. Tobin