

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' OBJECTIONS TO PLAINTIFF'S NOTICE
OF PRODUCTION TO STEPHEN J. ADLER**

Pursuant to Rule 1.351(b) of the Florida Rules of Civil Procedure, Defendants¹ hereby give notice of their objections to Plaintiff's Notice of Production and proposed subpoena (the "Subpoena") to Stephen J. Adler.² In support of their objections, Defendants state as follows:

1. Defendants object to the Subpoena as a whole to the extent it seeks the production of documents by Adler without a Protective Order ("PO") in place. A PO would permit Adler, like the parties, to designate information as confidential on a good-faith basis, and would limit the disclosure of that confidential information to certain categories of persons and limit the use of that confidential information only for purposes of this litigation.³ The Subpoena seeks

¹ In filing this motion, 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, and Tommie Shelby do not waive and expressly preserve their argument that they are not properly subject to personal jurisdiction in this Court.

² Plaintiff improperly captioned his Notice as a "Notice of Production." For these purposes, Defendants will treat it as if it were a Notice of Intent to Serve Subpoena under Rule 1.351(b).

³ Defendants' proposed PO, currently pending before this Court, would permit documents to be designated as confidential where the designating party believes in good faith that they contain

confidential information regarding the Pulitzer Prize Board’s internal deliberations and review. Requiring Adler to disclose that information before a PO is entered in this case could therefore chill the candor of future Board deliberations and independent reviews. *See, e.g., Plough, Inc. v. Nat’l Acad. of Seis.*, 530 A.2d 1152, 1157-58 (D.C. 1987) (“Even limited disclosure of the preliminary conclusions, hypotheses, thoughts and ideas ventured by Committee members . . . would not only embarrass those members, it would discourage members of [Academy] committees in the future from expressing themselves freely during their deliberations”). This risk is heightened by Plaintiff’s stated intent to “expose[.]” the records and information he obtains in discovery to attack the “credibility and impartiality” of the press. *See* Defs.’ Mot. for Protective Order Governing Discovery at 3-5, Filing #214265426.

2. Defendants object to Request No. 1, which seeks documents and communications between Adler and any Defendant relating to Adler’s “review [of] the work submitted by The New York Times and The Washington Post that jointly won the 2018 Pulitzer Prize in National Reporting,” because that information should be sought in a document request directed to Defendants themselves, who may then object to its discoverability, as needed, in the normal course. Indeed, Defendants have *already agreed* to produce responsive, non-privileged documents responsive to this request once a PO is entered in this case. A non-party should not be burdened by such duplicative, burdensome requests. *See* Fla. R. Civ. P. 1.280(e)(2)(A) (“[T]he court must limit the frequency or extent of discovery” that “is unreasonably cumulative

i) information protected from disclosure by any state or federal law, rule, or regulation; ii) information of a proprietary, deliberative, trade secret, or commercially or competitively sensitive nature; iii) unpublished newsgathering information; or iv) information concerning an individual or individuals that is of a private or personal nature. *See* Def.’s Proposed Protective Order at Ex. 1 § 5, Filing #214265426. The proposed PO also contains a mechanism for challenging confidentiality designations. *Id.* § 9.

or duplicative, or can be obtained from another source or in another manner that is more convenient, less burdensome, or less expensive.”); *Syken v. Elkins*, 644 So. 2d 539, 547 (Fla. 3d DCA 1994) (document requests are improper where “the information sought and the manner in which it has been requested [are] cumulative and duplicative of information easily available” through less-burdensome means).

3. Defendants object to Request Nos. 2 and 3, which seek communications between Adler and individuals who are not Defendants, because such records are, by definition, irrelevant to Defendants’ state of mind when the Board published the challenged statement. Documents responsive to these requests would not be relevant to any claim or defense, nor are these requests reasonably calculated to lead to the discovery of admissible evidence in this case.

4. Defendants further object to the extent Plaintiff fails to domesticate the Subpoena in New York, where Adler is domiciled. *See* Subpoena at 4 (addressing subpoena to Adler in New York, NY). Because Plaintiff seeks to serve a non-party, out-of-state subpoena on a New York witness, Plaintiff must follow the procedures established under the Uniform Interstate Depositions and Discovery Act and N.Y. C.P.L.R. 3119. *See Kinsale Ins. Co. v. Murphy*, 285 So. 3d 411, 412 (Fla. 1st DCA 2019) (“A Florida subpoena has no force outside the state, absent compliance with another state’s requirements for service of process.” (citing Fla. Stat. Ann. § 48.011)). Specifically, Plaintiff “must submit [the] out-of-state subpoena to the county clerk in the county in which discovery is sought to be conducted in this state,” which is New York County, and the clerk must then “issue a subpoena for service upon the person to which the out-of-state subpoena is directed.” N.Y. C.P.L.R. 3119(b).

Pursuant to Rule 1.351(b) of the Florida Rules of Civil Procedure, “the documents or things” requested in the proposed Subpoena “shall not be produced pending the resolution of the objection.”

Dated: January 31, 2025

Respectfully submitted,

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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 31st day of January, 2025 on:

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