

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR OKEECHOBEE COUNTY  
FLORIDA

Case No. 2022CA000246

Senior Judge: Robert L. Pegg

PRESIDENT DONALD J. TRUMP,

Plaintiff

vs.

MEMBERS OF THE PULITZER PRIZE  
BOARD, an unincorporated association,  
ELIZABETH ALEXANDER, ANNE  
APPLEBAUM, NANCY BARNES, LEE  
C. BOLLINGER, KATHERIN BOO,  
NEIL BROWN, NICOLE CARROLL,  
STEVE COLL, GAIL COLLINS, JOHN  
DANISZEWSKI, GABRIEL ESCOBAR,  
CARLOS LOZADA, KELLY LYTLER  
HERNANDEZ, KEVIN MERIDA,  
MARJORIE MILLER, VIET THANH  
NGUYEN, EMILY RAMSHAW, DAVID  
REMNICK, and TOMMIE SHELBY,

Defendants.

**ORDER DENYING DEFENDANT'S OPPOSED MOTION FOR PROTECTIVE  
ORDER GOVERNING DISCOVERY**

This cause having come on to be heard this 29th day of January, 2025, upon the Defendants' Opposed Motion for Protective Order Governing Discovery, and the court having considered the authority presented and argument of counsel, and being otherwise duly advised in the premises, including the Declaration of Neil Brown in Support of Discovery Protective Order, filed contemporaneously with the Motion, the Court finds as follows:

1. Rule 1.280(c) Fla. R. Civ. P. generally provides that parties  
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may obtain discovery regarding any nonprivileged matter that is relevant to

any party's claim or defense and proportional to the needs of the case. Information within the scope of discovery need not be admissible as evidence to be discoverable. Absent the entry of a protective order, nothing limits the obtaining party's use or disclosure of information obtained in discovery.

2. Rule 1.280(d) Fla. R. Civ. P. provides that a protective order may be entered upon a motion from "a party or person from whom discovery is sought, and for good cause shown." The rule requires "an affirmative showing of annoyance, embarrassment, oppression, or undue burden or expense" from such party or person. *Cavey v. Wells*, 313 So. 3d 188, 195 (Fla. 2d DCA 2021); see also *Savannah Capital, LLC v. Pitisci, Dowell & Markowitz*, 313 So. 3d 953 (indicating natural persons and legal entities may seek the entry of a protective order).

3. Here, defendants seek the entry of a protective order that would permit the parties to designate certain discovery material as confidential and limit the disclosure of designated information to only certain persons and only for purposes of this litigation. Once so designated, any dispute on whether the designation is proper would come back before this Court.

4. The central issue is defendants' argument that "deliberative" information be included among the categories of information that can be designated as confidential under their proposed order. (Motion, ¶¶ 1, 3, 5-6). According to defendants, "deliberative" information includes "information about the internal deliberations of the Pulitzer Prize Board." (Motion, ¶ 3). The implication is that the information in this category would not fall into one of the other proposed categories of confidential information, such as trade

secret or business confidential information.

5. Defendants are reminded that this Court has already found that the “Pulitzer Prize Board” is not a legally cognizable entity that can be recognized by this Court. Defendants are before this Court in their individual capacities.

6. Consequently, what defendants characterize as the “internal deliberations of the Pulitzer Prize Board” is properly read as the “internal deliberations of the co-Defendants” which are otherwise discoverable under Rule 1.280(c) and not covered by a claim of privilege or statutory protection. Such information is not precluded from protection, but limitations on its disclosure and use may only be imposed by the Court after defendants make an affirmative showing of facts demonstrating that the defendants would be subject to “annoyance, embarrassment, oppression, or undue burden or expense.” *Cavey*, 313 So. 3d at 195.

7. Defendants have failed to meet this requirement, as there is no factual support in the record demonstrating that any defendant, much less each defendant, would be subject to annoyance, embarrassment, oppression, or undue burden or expense if a protective order is not entered.

8. The Declaration of Neil Brown in Support of Discovery Protective Order (“Brown Dec.”) that was offered in support of the Motion is not persuasive. A sworn declaration must comply with the evidentiary requirements of personal knowledge, admissibility of facts, and competency of the declarant. See *Gromann v. Avatar Property & Casualty Ins. Co.*, 345 So. 3d 298 (Fla. 4th DCA 2022). It is clear from Defendant Brown’s declaration that he lacks personal knowledge of many of the facts asserted, and that his statement is largely reliant on hearsay. Brown is not (and

cannot be) a designated corporate representative or custodian of business records for the “Pulitzer Prize Board” because no such entity exists. Neither does Brown’s declaration purport to speak on behalf of any person other than himself, including the remaining defendants. The individual defendants carry the burden of showing good cause before the entry of a protective order is permitted, and they have failed to do so. See Rule 1.280(d), Fla. R. Civ. P.

9. While defendant Brown makes vague assertions of the specter of “irreparable harm on the Pulitzer Prizes and on the Defendants,” (Brown Dec., ¶ 12) he did not make any actual showing that the discovery sought would cause him or any person annoyance, embarrassment, oppression, or undue burden or expense. The record lacks factual support for “good cause”.

It is therefore

**ORDERED AND ADJUDGED** that Defendants’ Opposed Motion for Protective Order Governing Discovery be, and the same is hereby **DENIED**.

**DONE AND ORDERED** this 3<sup>rd</sup> day of February, 2025, in Okeechobee County, Florida.



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ROBERT L. PEGG  
Senior Circuit Judge