

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

GAINEVILLE RESIDENTS UNITED,  
INC., *et al.*,

Plaintiffs,

v.

RON DESANTIS, in his official  
capacity as  
Governor of the State of Florida, *et al.*,

Defendants.

Case No.: 1:23-CV-00176-AW-HTC

**JOINT REPORT OF RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(f), the Parties submit the following report of their case management conference.

1. **Preliminary Statement:** The City of Gainesville filed a lawsuit in Circuit Court in Leon County, Florida challenging the constitutionality of HB 1645. That lawsuit brings both federal and state law claims. There is currently a summary judgment hearing scheduled for September 22, 2023, in that proceeding with an anticipated ruling to be made by October 1. Because the state court decision could resolve the issues pending before this court, the Parties suggest deferring entry of a Scheduling Order until after the state court issues its ruling.

The Parties anticipate that discovery will be limited in this case with no need for experts. The Governor, Attorney General, and Secretary of State (“State Defendants”) also believe that discovery is premature at this stage in the litigation as each State Defendant intends to file a motion to dismiss on the basis of sovereign immunity. Parties agree to deferring discovery until after the Court rules on the State Defendants’ motions to dismiss. A motion to stay will be filed to that effect.

Alternatively, if the Court decides to enter a Scheduling Order at this juncture, the Parties suggest the deadlines herein.

2. **Meeting of the Parties:** The following counsel for the Parties participated in the Rule 26(f) conference by email on September 1, 2023, and by Zoom conference on September 7, 2023:

- |    |                      |                               |
|----|----------------------|-------------------------------|
| a. | Gary S. Edinger      | Plaintiffs                    |
| b. | Nicholas J.P. Meros  | Defendant DeSantis            |
| c. | Erik Sayler          | Defendant Moody               |
| d. | Anita Patel          | Defendant Moody               |
| e. | Ashley E. Davis      | Defendant Byrd                |
| f. | Joseph Van de Bogart | Defendant Byrd                |
| g. | Cindy A. Laquidara   | Defendant City of Gainesville |

3. **Discovery Plan:** The Parties propose the following discovery plan.

- a. **Subject of discovery:** Plaintiffs assert that limited discovery may be needed on matters related to Plaintiffs' claims and the Defendants' defenses. No expert reports will be needed by the Parties.
- b. **Dates for commencing and completing discovery, including discovery commenced or completed before other discovery:**

Action or Event	Dates
Deadline for providing mandatory initial disclosures. <i>See</i> Fed. R. Civ. P. 26(a)(1).	9/29/2023
Deadline for moving to join a party, <i>see</i> Fed. R. Civ. P. 14, 19, and 20, or amend the pleadings, <i>see</i> Fed. R. Civ. P. 15(a).	10/20/2023
Deadline for completing discovery and filing any motion to compel discovery.	3/29/2024
Deadline for filing any dispositive and <i>Daubert</i> motion. <i>See</i> Fed. R. Civ. P. 56.	4/19/2024
Deadline for participation in mediation unless waived by Parties.	N/A

The Parties anticipate resolution on motions for summary judgment and offer the following proposals for trial dates if necessary. Defendants' Dates account for the 2024 Election Cycle.

Action or Event	Plaintiffs' Dates	Defendants' Dates
Date of the final pretrial meeting.	8/26/2024	12/18/2024

Deadline for filing the joint final pretrial statement and any motion in limine.	9/10/2024	1/06/2025
Date of the final pretrial conference. <i>See</i> Fed. R. Civ. P. 16(e).	9/16/2024	1/13/2025
Month and year of the trial term. Estimated length of trial: one (1) day.	9/30/2024	1/27/2025

- c. **Maximum number of interrogatories by each party to another party, and the date the answers are due:** The Plaintiffs request that the number of interrogatories and date for answers shall be governed by Fed. R. Civ. P. 33. The Defendants request that no more than 5 interrogatories, including subparts, shall be served and the date for answers shall be governed by Fed. R. Civ. P. 33.
- d. **Maximum number of requests for production by each party to another party, and the date the answers are due:** The Plaintiffs request that the number of requests for production and date for answers shall be governed by Fed. R. Civ. P. 34. The Defendants request that no more than 5 requests for production, including subparts, shall be served and the date for answers shall be governed by Fed. R. Civ. P. 34.

- e. **Maximum number of requests for admissions by each party, and the date the responses are due:** The Plaintiffs request that the number of admissions and date for answers shall be governed by Fed. R. Civ. P. 36. The Defendants request that no more than 5 requests for admissions shall be served and the date for responses shall be governed by Fed. R. Civ. P. 36.
  - f. **Maximum number of depositions by each party, and duration limits of depositions in hours:** The Parties agree that the number of depositions and duration shall be governed by Fed. R. Civ. P. 30. Each deponent will only sit once to the extent possible.
  - g. **Dates for supplementation under Rule 26(e):** The Parties agree to inform opposing Parties within 15 days of learning that a disclosure is incomplete or incorrect, if the additional or corrective information has not otherwise been made known to the other Parties during the discovery process or in writing.
4. **Settlement and Alternative Dispute Resolution:**
- The Parties do not believe that the claims lend themselves to resolution through settlement or alternate dispute resolution or settlement. As such, the Parties will move to waive mediation.

5. **Conference Regarding Magistrate Judge Jurisdiction:** The Parties do not consent.

6. **Nature and Basis of All Claims and Defenses, and Good Faith Attempt to Identify the Principal Factual and Legal Issues in Dispute:**

a. **Plaintiffs:** Plaintiffs have asserted Federal constitutional claims based on the First Amendment and Fourteenth Amendment (vagueness) against Section 7.12 of the Special Law appointing an Authority to operate Gainesville’s municipal utility. Plaintiffs also assert a variety of supplemental state law claims directed to the remainder of the law based on enactment defects and lack of legal authority under state statutory and constitutional law.

b. **Defendants:** The State Defendants have yet to respond to the Complaint. The City of Gainesville (“City Defendant”) filed its Answers and Defenses on September 1, 2023. For purposes of this report, the State Defendants agree that this action should be dismissed as to them.

7. **Electronic Discovery:**

Each Party is likely to request or produce information from electronic or computer-based media limited to data reasonably available to the Parties in the

ordinary course of business. The Parties agree to take reasonable measures to preserve potentially discoverable data from alteration or destruction.

8. **Privilege Log:** The Parties have agreed that whenever a claim of privilege or work product is asserted, it shall be supported by a privilege log as described in Rule 26(b)(5)(A)(i) and (ii), Federal Rules of Civil Procedure. In the case of written discovery responses, the privilege log shall be produced within ten (10) days after the answering party's written discovery responses are due.

9. **Inadvertent Disclosure:** Any inadvertent inclusion of privileged material in any disclosure or discovery response shall not result in a waiver of any associated privileged nor result in a subject matter waiver of any kind. A party who receives information which appears to be privileged shall immediately inform the producing party and shall, upon request (1) immediately return all inadvertently produced information; and (2) destroy all copies or versions of the information.

10. **Confidentiality Agreements:** The Parties do not anticipate a confidentiality agreement at this time.

11. **Jury/Nonjury Trial:** This will be a nonjury trial.

12. **Other Matters:** Pursuant to Fed. R. Civ. P. 5(b)(2)(E), the Parties consent to service via electronic means.

Respectfully submitted this 8th day of September, 2023,

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