

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

EQUALITY FLORIDA, et al.,

Plaintiffs,

v.

No. 4:22-cv-134-AW-MJF

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

Defendants.

**DEFENDANTS' MOTION TO STAY DISCOVERY PENDING
RESOLUTION OF THEIR MOTIONS TO DISMISS**

In an earlier filing, Defendants previewed that there likely would be “compelling reasons for the Court to stay discovery pending resolution of their motion[s] to dismiss” but noted that a motion to stay would “be premature until the amended complaint and motion[s] to dismiss are filed.” ECF 37 at 3. Per this Court’s order, Plaintiffs filed their amended complaint on May 25, 2022, which added more than 30 pages of allegations to their original pleading. On June 27, Defendants filed six motions to dismiss, five by individual school board defendants and one by the State Defendants. Plaintiffs have served interrogatories and requests for production of documents, responses to which are due July 18.

For the reasons discussed below, Defendants respectfully ask the Court to stay discovery until their motions to dismiss are resolved.

ARGUMENT

Although district courts enjoy significant discretion over docket management, the Eleventh Circuit has repeatedly held that “[f]acial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on failure to state a claim for relief, should . . . be resolved before discovery begins.” *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997); accord *Isaiah v. JPMorgan Chase Bank*, 960 F.3d 1296, 1308 (11th Cir. 2020); *Roman v. Tyco Simplex Grinnell*, 732 F. App’x 813, 815 (11th Cir. 2018); *Stepanovich v. City of Naples*, 728 F. App’x 891, 903 (11th Cir. 2018); *Roberts v. FNB S. of Alma*, 716 F. App’x 854, 857 (11th Cir. 2017); *Rivas v. The Bank of N.Y. Mellon*, 676 F. App’x 926, 932 (11th Cir. 2017); *Redford v. Gwinnett Cnty. Jud. Cir.*, 350 F. App’x 341, 346 (11th Cir. 2009); *Dragash v. Fed. Nat’l Mortg. Ass’n*, 700 F. App’x 939, 946 (11th Cir. 2017); *Moore v. Potter*, 141 F. App’x 803, 807 (11th Cir. 2005).

Resolving dispositive motions before discovery avoids “unnecessary costs to the litigants and to the court system.” *Chudasama*, 123 F.3d at 1368; see *Lawrence v. Governor of Ga.*, 721 F. App’x 862, 864 (11th Cir. 2018) (“[W]arn[ing] of the dangers of allowing a case to proceed through the pretrial processes with a potentially invalid claim.”). This case is no exception. Indeed, resolving the pending motions pre-discovery is especially important here for three reasons.

1. Defendants raise serious questions about Plaintiffs' standing and, with it, the Court's subject-matter jurisdiction. *See* ECF 62 at 4–6; ECF 63 at 8–11; ECF 65 at 13–23; ECF 66 at 12–16; ECF 67 at 9–22; ECF 68 at 24–31. Subject-matter jurisdiction is fundamental to the Court's "power to act." *Escareno v. Carl Nolte Sohne GmbH*, 77 F.3d 407, 412 (11th Cir. 1996). That is, "[w]ithout jurisdiction the court cannot proceed at all in any cause," and "the only function remaining to the court is that of announcing the fact and dismissing the cause." *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) (quoting *Ex parte McCardle*, 7 Wall. 506, 514 (1868)).

That is no less true of discovery, as "[t]he subpoena power of a court cannot be more extensive than its jurisdiction." *U.S. Cath. Conf. v. Abortion Rts. Mobilization, Inc.*, 487 U.S. 72, 76 (1988). Defendants therefore should not be required to submit to discovery while serious questions about the Court's power to act are resolved. *See Seaway Two Corp. v. Deutsche Lufthansa Aktiengesellschaft*, 06-20993-CIV, 2006 WL 8433652, at *1 (S.D. Fla. Nov. 17, 2006) ("[B]ecause the Motion to Dismiss asserts that the Court [lacks] subject matter jurisdiction . . . it is possible that the Court lacks the authority to mandate that the parties engage in discovery."). For that reason, when "serious doubts regarding subject matter jurisdiction" are raised, courts have stayed discovery. *Duo-Regen Techs., LLC v. 4463251 Can., Inc.*, 8:13-CV-2108-T-27TBM, 2014 WL 12618711, at *1 (M.D. Fla.

Feb. 14, 2014); accord *Latele Prods., Inc. v. Azteca Int'l Corp.*, 16-CV-25347, 2018 WL 11350654, at *1 (S.D. Fla. Dec. 18, 2018). This Court should do the same here.

2. Eleven of eighteen defendants (the State Defendants) have moved to dismiss on sovereign-immunity grounds. See ECF 68 at 21–24. “[S]overeign immunity presents a special concern that a party raising the defense should not be subjected to the burdens of litigation before the defense has been decided.” *Cook v. Taylor*, No. 2:18-CV-977-WKW, 2019 WL 1233853, at *1 (M.D. Ala. Mar. 15, 2019) (citing *Bouchard Transp. Co. v. Fla. Dep’t of Env’t Prot.*, 91 F.3d 1445, 1448 (11th Cir. 1996)). “Indeed, the Eleventh Circuit has explicitly held that the district court must resolve a claim of immunity before subjecting a party asserting it to discovery or Rule 26 obligations.” *Id.* (citing *Howe v. City of Enterprise*, 861 F.3d 1300, 1302–03 (11th Cir. 2017)). That makes sense because sovereign immunity is “an immunity from suit rather than a mere defense to liability” that must be resolved “at the earliest possible stage in litigation,” and the immunity is violated whenever a defendant entitled to it is required to participate in litigation, including discovery. *Howe*, 861 F.3d at 1302 (quotations omitted); cf. *P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 143 (1993) (holding that an order denying a

defendant Eleventh Amendment immunity is immediately appealable because the issue is “too important to be denied review”).¹

3. Beyond that, each of Plaintiffs’ claims is legally insufficient for several additional independent reasons. For example, Plaintiffs’ equal-protection claim fails not only because they fail to plausibly allege discriminatory purpose, but for the more basic reason that “the gravamen of an equal protection claim is differential governmental treatment, not differential governmental messaging,” *Moore v. Bryant*, 853 F.3d 245, 250 (5th Cir. 2017), and H.B. 1557 does not subject Plaintiffs (or anyone else) to differential treatment. Like other curricular standards, it subjects all teachers at a given grade level to the same restriction on “classroom instruction” and thus operates equally on the education of all students at that grade level. And Plaintiffs lack standing under the Equal Protection Clause to challenge mere “exposure to a discriminatory message, without a corresponding denial of equal treatment.” *Id.* at 249–50.

¹ This Court has previously concluded that discovery may proceed where a sovereign immunity defense is “factual,” such as when defendants “submit[] a declaration in support” of their argument “that they have not waived immunity under § 504 by accepting federal funds.” *Yelapi v. Desantis*, No. 4:20-CV-351-AW-MAF, 2021 WL 1921018, at *1 (N.D. Fla. Feb. 25, 2021). Even granting that, however, here the sovereign-immunity defense turns on Defendants’ role (or lack thereof) in the challenged statutory scheme. In that scenario, discovery should await resolution of the immunity issue.

Plaintiffs’ Title IX claim is likewise implausible because H.B. 1557 regulates only “classroom instruction”—*i.e.*, curricular materials—and, under longstanding regulatory authority, Title IX does not “require[] or prohibit[] or abridge[] in any way the use of particular textbooks or curricular materials.” 34 C.F.R. § 106.42; *see, e.g., Grimes ex rel. Grimes v. Sobol*, 832 F. Supp. 704, 706 (S.D.N.Y. 1993) (relying on Title IX regulations to reject a claim under its sister statute, Title VI, that the curriculum of the New York City public schools injured African Americans because it was systematically biased against them).

While Plaintiffs’ other claims fare no better, the implausibility of Plaintiffs’ equal-protection and Title IX claims is especially significant because those motive- and effects-based claims are Plaintiffs’ only arguable path to discovery. Vagueness is, of course, always a question of law. So are Plaintiffs’ First Amendment claims, which are subject, at most, to rational-basis review. The content of public-school curricula is plainly government speech. *See Chiras v. Miller*, 432 F.3d 606, 618 (5th Cir. 2005); *see Kennedy v. Bremerton Sch. Dist.*, 21-418, 2022 WL 2295034, at *2 (U.S. June 27, 2022) (explaining that a high school coach “instructing players” is government speech because it is the “speech the [school d]istrict paid him to produce”). But even student speech that is part of school-sponsored activity may be restricted in a manner that is “reasonably related to legitimate pedagogical concerns.” *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 273 (1988). That test

asks not what the State actually concluded, but what it “could reasonably have concluded,” *id.* at 275, a question of law. Plaintiffs thus have no need, for example, for all documents “concerning H.B. 1557 and the advancement of any pedagogical or governmental interest, including H.B. 1557’s role in advancing any pedagogical or government interest” or all documents “concerning respects in which H.B. 1557 may hinder, undermine, frustrate, or defeat any pedagogical or governmental interest.” *See* Ex. A, First Request for Production to DeSantis at 7.

A stay of discovery is therefore warranted because the complaint faces a serious, case-dispositive challenge. *See, e.g., Chevaldina v. Katz*, 17-22225-CIV, 2017 WL 6372620, at *3 (S.D. Fla. Aug. 28, 2017) (good cause for a stay when, in light of motion to dismiss, “Plaintiff’s entire cause of action before this Court may be dismissed”); *Prohias v. Asurion Corp.*, 05-22259-CIV, 2006 WL 8433152, at *1 (S.D. Fla. Jan. 10, 2006) (good cause when, after taking “preliminary peek” to determine that the defendant’s motion was “truly case dispositive,” the court determined that the motion could result in full dismissal). But even assuming some part of the complaint will survive, it is exceedingly unlikely that Plaintiffs will ultimately need discovery for any or all of their claims, which independently justifies a stay. *See, e.g., Khan v. BankUnited, Inc.*, 8:15-CV-2632-T-23TGW, 2016 WL 4718156, at *1 (M.D. Fla. May 11, 2016) (granting stay because motion to dismiss “will potentially narrow the scope of discovery in a case of this complexity and

size”). For these reasons, the dozens of interrogatories and requests for production on Defendants (with more sure to come) are unduly burdensome and all the more reason to grant the stay.²

4. Plaintiffs will no doubt oppose a stay because “the Court has set a trial date of February 13, 2023” and, for that reason, they decided to forego “seeking a preliminary injunction.” ECF 47 at 112 n.80. Plaintiffs are, of course, free to file a preliminary-injunction motion at any time, and they have known since at least the beginning of May that Defendants intended to file motions to dismiss and then seek a discovery stay pending resolution of those motions.

In any event, courts have rejected similar arguments because the schedule “can be amended.” *Duo-Regen Techs., LLC*, 2014 WL 12618711, at *2. That is especially true here because Plaintiffs’ litigation conduct belies any claim that the trial date should be set in stone. Plaintiffs filed suit on March 31, 2022. ECF 1. At that time, they said that the “harmful effects of H.B. 1557,” which would not become effective for months, were “already manifest,” ECF 1 ¶ 16, and they planned to seek preliminary injunctive relief. ECF 1 ¶ 251. They apparently reconsidered and have, since then, litigated at a leisurely pace beginning with a two-month lull so that they could amend their complaint, ECF 32 at 1, culminating in a decision not to seek

² See Ex. A; see also, e.g., Ex. B, First Set of Interrogatories to All Defendants (propounding 14 interrogatories); Ex. C., First Request for Production to Diaz (asking for 38 categories of documents).

preliminary relief. ECF 47 at 112 n.80. Having reversed course on the need for speed once, Plaintiffs should not be heard to do so again.

Respectfully submitted,

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CERTIFICATE OF CONFERRAL

Consistent with Local Rule 7.1(B), undersigned counsel conferred in good faith with counsel for Plaintiffs, who oppose the relief requested in this motion.

CERTIFICATE OF WORD COUNT

Consistent with Local Rule 7.1(F), this motion contains 1,897 words.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2022, a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which will provide service to all parties.

/s/ Daniel William Bell
Chief Deputy Solicitor General

Exhibit A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

EQUALITY FLORIDA, et al.,

Plaintiffs,

v.

RONALD D. DESANTIS, in his official
capacity as Governor of Florida, et al.,

Defendants.

No. 4:22-cv-00134 (AW) (MJF)

**PLAINTIFFS' FIRST SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS TO DEFENDANT RONALD D. DESANTIS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 26.1 of the Local Rules of the United States District Court for the Northern District of Florida, Plaintiffs Equality Florida, Family Equality, M.A., S.S., Zander Moricz, Lindsay McClelland, Rabbi Amy Morrison, Cecile Houry, Dan and Brent VanTice, Lourdes Casares, Kimberly Feinberg, Lindsey Bingham Shook, Anh Volmer, Scott Berg, and Myndee Washington (“Plaintiffs”), through undersigned counsel, hereby request that Defendant Ronald D. DeSantis produce the following Documents at the offices of Kaplan Hecker & Fink LLP, 350 Fifth Avenue, 63rd Floor, New York, New York 10118, within thirty (30) days of service of this First Set of Requests for the Production of Documents (the “Requests”), unless otherwise agreed by the parties or required by any order entered by the Court in this Action.

The Definitions and Instructions below form an integral part of the Requests that follow and must be read in conjunction with them and followed when responding to the Requests.

DEFINITIONS

Any capitalized terms not defined below shall have the meaning ascribed to them in the Federal Rules of Civil Procedure or as otherwise defined in the Amended Complaint (as defined below).

1. “Action” shall mean this lawsuit, *Equality Florida et al v. DeSantis et al*, No. 22 Civ. 134 (N.D. Fla.).

2. “Amended Complaint” shall mean the First Amended Complaint filed on May 25, 2022, by Plaintiffs in this Action, ECF No. 47.

3. “Communication” is used in the broadest sense permissible under Federal Rule of Civil Procedure 34(a)(1)(A) and includes any correspondence, discussion, or the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

4. “Document” is synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Federal Rule of Civil Procedure 34(a)(1)(A). For the avoidance of doubt, Documents include, without limitation, drafts (revisions or finals), original or preliminary notes, and summaries of other Documents, memorialized Communications of any type, and computer files, including with all attachments and/or other matters affixed thereto, including, without limitation, email, word processing or presentation software files, PDF software files, materials edited on collaborative Document-sharing platforms like Google Drive, materials generated through messaging or social media platforms, including text messages, SMS messages, instant messages, Bloomberg messages, iMessages, Blackberry messages, Skype messages, Slack messages, Microsoft Teams messages, tweets, LinkedIn messages, Snapchats, Instagram messages, Facebook status updates, posts, or messages, TikTok messages, Tumblrs, Vines, Vlogs, WhatsApp messages, or any other message board, chat, or social media message or post. A draft

of a non-identical copy is a separate Document within the meaning of this term. Documents may constitute, include, or concern Communications.

5. “Includes” and “including” mean “includes but not limited to” and “including but not limited to” respectively.

6. “Interrogatories” shall mean Plaintiffs’ First Set of Interrogatories to all Defendants served on Defendants concurrently with these Requests.

7. “Plaintiffs” shall mean Equality Florida, Family Equality, M.A., S.S., Zander Moricz, Lindsay McClelland, Rabbi Amy Morrison, Cecile Houry, Dan and Brent VanTice; Lourdes Casares, Kimberly Feinberg; Lindsey Bingham Shook, Anh Volmer, Scott Berg, and Myndee Washington.

8. “Policies” shall mean policies, procedures, protocols, practices, programming, guidance, guidelines, directives, and/or curricula, written or unwritten, formal or informal.

9. “Relating” or “related” means affecting, concerning, constituting, dealing with, describing, embodying, evidencing, identifying, involving, providing a basis for, reflecting, regarding, respecting, stating, or in any manner whatsoever pertaining, in whole or in part, to that subject.

10. “You,” “Your,” or “Yours” refers to Ronald D. DeSantis.

INSTRUCTIONS

1. The Documents called for by these Requests are Documents in Your possession, custody, or control, or the possession, custody, or control of anyone acting on Your behalf.

2. Your responses to these Requests shall be based on all knowledge and information in Your possession, custody, or control.

3. The singular includes the plural and vice versa, except as the context may otherwise require.

4. Reference to any gender includes any and all genders and gender identities.

5. Whenever a term is used herein in the present, past, future, subjunctive, or other tense, voice, or mood, it shall also be construed to include all other tenses, voices, or moods.

6. The words “and,” “any,” and “or” shall be construed as either conjunctive or disjunctive in such manner as will broaden as widely as possible the scope of any Request; the word “all” means “any and all”; the word “any” means “any and all”; the word “each” means “any and all.”

7. Any reference to a person, including You, in these Requests should be construed as also referring to any persons acting, engaged to act, or purporting to act for them or on their behalf, including all subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, representatives, servants, agents, employees, officers, or attorneys.

8. These Requests seek production of all Documents, in their entirety, along with any attachments, drafts, and non-identical copies. A Document with handwritten, typewritten, or other recorded notes, editing marks, etc., is not and shall not be deemed identical to one without such modifications, additions, or deletions. If any portion of any Document or Communication is responsive to any Request, the entire Document or Communication, including any attachments or disclosures, must be produced. No attached Documents should be separated from one another.

9. Responsive Documents should be produced in the manner prescribed by the Federal Rules of Civil Procedure, including producing the requested Documents as they are kept in the ordinary course of business, in the sequence in which they are ordinarily maintained or organized and labeled to correspond with the categories in the Requests, and identifying the name of the

person from whose files the Documents were produced. Responsive Documents should also be produced in accordance with any order entered by the Court concerning the production of discovery materials.

10. To the extent that responsive Documents are located on a social media platform, such Documents should be produced directly from the platform.

11. Questions regarding the interpretation of these Requests should be resolved in favor of the broadest possible construction. Any ambiguity in a Request shall be construed to bring within the scope of the Request all Documents that otherwise could be construed to be outside of its scope. If, in responding to any of these Requests, You encounter any ambiguity or confusion in construing either a Request or a Definition or Instruction relevant to a Request, set forth the matter deemed ambiguous, select a reasonable interpretation that You believe resolves the ambiguity, respond to the Request using that interpretation, and explain with particularity the construction or interpretation selected by You in responding to the Request.

12. If You object to the production of a Document in relation to a specific Request, state with particularity the legal and factual basis for Your objection(s) with respect to such Request. You should respond to all portions of that Request that do not fall within the scope of Your objection. If You object to a Request on the ground that it is overly broad, provide such Documents that are within the scope of production that You believe is appropriate. If You object to a Request on the ground that to provide responsive Documents would constitute an undue burden, provide such responsive Documents as You believe can be supplied without undertaking an undue burden.

13. To the extent You believe any Request calls for production of a Document or Communication, or requires disclosure of information, claimed by You to be protected by attorney-

client privilege, work product doctrine, or any other right of non-disclosure, furnish a list identifying the Documents, Communications, or information for which the protection is claimed together with the following (if applicable): (i) the type of Document or Communication (*e.g.*, letter or memorandum); (ii) the general subject matter of the Document; (iii) the date of the Document; (iv) the author of the Document, the addressees of the Document, and any other recipients, and, where not apparent, the relationship of the author, addressees, and recipients to each other; (v) the nature of the privilege that is being claimed; and any other information to enable an assessment of the applicability of the privilege or protection claims, as required by Federal Rule of Civil Procedure 26(b)(5). If a Document or Communication is withheld on the basis of work product doctrine, also specify whether the Document or Communication was prepared in anticipation of litigation and, if so, identify the anticipated litigation(s) upon which the assertion is based. To the extent a requested Document contains non-privileged information, the privileged information shall be redacted from the same and the redacted version of the Document produced.

14. These Requests are continuing in nature. If, after producing the requested Documents, You obtain or become aware of any further Documents responsive to these Requests or if additional information You or any persons acting on Your behalf obtain would augment, clarify, or otherwise modify Your responses, You are required to supplement Your responses and produce such additional Documents pursuant to Federal Rule of Civil Procedure 26(e).

15. These Requests are without prejudice to, or waiver of, Plaintiffs' right to conduct further discovery.

16. Unless otherwise indicated, the Requests seek Documents generated, created, received, or distributed on or after June 1, 2019 through the present.

DOCUMENT REQUESTS

1. All Documents identified in your response to any interrogatory in the Action.
2. All Documents concerning the drafting, proposal, consideration, passage, enactment, enforcement, operationalization, application, interpretation, or implementation of H.B. 1557, or any prior versions of this bill.
3. All Documents concerning any amendments to H.B. 1557, including offered, considered, or proposed amendments, whether or not adopted or approved.
4. All Documents concerning the purported connection between discussion of “gender identity” and “social engineering” or “grooming,” and/or the purported connection between discussion of “sexual orientation” and “social engineering” or “grooming.”
5. All Documents concerning H.B. 1557, or any earlier version or draft of that bill, including Communications transmitted between You and any other person.
6. All Communications relating to the Action transmitted between You and any other person.
7. All Documents concerning H.B. 1557 and the advancement of any pedagogical or governmental interest, including H.B. 1557’s role in advancing any pedagogical or government interest.
8. All Documents concerning respects in which H.B. 1557 may hinder, undermine, frustrate, or defeat any pedagogical or governmental interest.
9. All Documents concerning educational practices and/or classroom instruction that H.B. 1557 prohibits.
10. All Documents concerning conduct or speech by school personnel that H.B. 1557 prohibits.

11. All Documents concerning the application of H.B. 1557 to “third parties” or “school personnel” as provided by the statute.

12. All Documents concerning the application of H.B. 1557 to “classroom instruction” on (i) heterosexuality; (ii) persons who identify with the sex they were assigned at birth; (iii) homosexuality; (iv) bisexuality; and/or (v) transgender identity or status.

13. All Documents concerning H.B. 1557’s application to students who (i) identify as homosexual, bisexual, queer, or transgender and/or (ii) who face bullying, harassment, criticism, or violence from other students or teachers relating to their sexual orientation or gender identity.

14. All Documents concerning H.B. 1557’s application to school psychologists, school counselors, school nurses, school administrators, or other personnel who learn that a student has faced bullying, harassment, criticism, or violence from other students or teachers relating to their sexual orientation or gender identity.

15. All Documents concerning whether H.B. 1557 applies to Florida public charter schools.

16. All Documents concerning evidence or analysis of the forecasted, anticipated, or potential impact of H.B. 1557 on Florida public school (i) students, including LGBTQ students and students from LGBTQ families; (ii) teachers, administrators, and/or other school personnel, including those who identify as LGBTQ and those from LGBTQ families; and/or (iii) families, including LGBTQ families.

17. All Documents concerning the actual impact of H.B. 1557 on Florida public school (i) students, including LGBTQ students and students from LGBTQ families; (ii) teachers, administrators, and/or other school personnel, including those who identify as LGBTQ and those from LGBTQ families; and/or (iii) families.

18. Documents sufficient to show books, periodicals, or literary, audio, or visual materials of any kind that have been removed from any school facility as a result of or in light of H.B. 1557.

19. Documents sufficient to show any conferences, events, and/or meetings that have been modified, postponed, or cancelled in connection with H.B. 1557.

20. All Documents You have received concerning or evincing complaints, concerns, confusion, uncertainty, or questions regarding H.B. 1557.

21. All Documents concerning the impact of H.B. 1557 on Your political standing and/or political ambitions, including without limitation any polling numbers, approval ratings, likeability metrics, and assessments of fundraising ability or potential.

22. All social media posts and drafts of such posts, made by You or anyone in Your office regarding (i) LGBTQ persons or issues; (ii) H.B. 1557; and/or (iii) the Action.

23. Documents sufficient to show any Policies relating to sex education in Florida public schools, including any instruction on human sexuality or sex acts.

24. Documents sufficient to show any Policies relating to LGBTQ issues of diversity, equity, inclusion, and/or non-discrimination.

25. Documents sufficient to show any Policies relating to (i) LGBTQ students in Florida public schools; (ii) LGBTQ teachers, administrators, and/or school personnel in Florida public schools, and/or (iii) LGBTQ families with students in Florida public schools.

26. Documents sufficient to show any Policies governing the removal of books, periodicals, or literary, audio, or visual materials of any kind related to LGBTQ topics.

27. All Documents concerning any content regulation, editing, or removal of LGBTQ related topics in school-associated publications, including newspapers, newsletters, and yearbooks.

28. Documents sufficient to show any reports or complaints of harassment, abuse, or physical violence directed at LGBTQ students, teachers, administrators, and/or other school personnel.

29. Documents sufficient to show any surveys, studies, or polls regarding or addressing the experience of LGBTQ students in Florida public schools.

Dated: June 17, 2022

Respectfully submitted,

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

EQUALITY FLORIDA, et al.,

Plaintiffs,

v.

RONALD D. DESANTIS, in his official
capacity as Governor of Florida, et al.,

Defendants.

No. 4:22-cv-00134 (AW) (MJF)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2022, true and correct copies of Plaintiffs' First Set of Requests to Defendant Ronald D. DeSantis were duly served upon counsel for Defendant Ronald D. DeSantis via email.

Dated: New York, NY
June 17, 2022



Roberta A. Kaplan, Esq.

Exhibit B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

EQUALITY FLORIDA, et al.,

Plaintiffs,

v.

RONALD D. DESANTIS, in his official
capacity as Governor of Florida, et al.,

Defendants.

No. 4:22-cv-00134 (AW) (MJF)

PLAINTIFFS' FIRST SET OF INTERROGATORIES TO ALL DEFENDANTS

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rule 26.1 of the Local Rules of the United States District Court for the Northern District of Florida, Plaintiffs Equality Florida, Family Equality, M.A., S.S., Zander Moricz, Lindsay McClelland, Rabbi Amy Morrison, Cecile Houry, Dan and Brent VanTice, Lourdes Casares, Kimberly Feinberg, Lindsey Bingham Shook, Anh Volmer, Scott Berg, and Myndee Washington (“Plaintiffs”), through undersigned counsel, hereby request that Defendants Ronald D. DeSantis, Florida State Board of Education, Thomas R. Grady, Ben Gibson, Monesia Brown, Esther Byrd, Grazie P. Christie, Ryan Petty, Joe York, Manny Diaz Jr., Florida Department of Education, Broward School Board, School Board of Manatee County, School Board of Sarasota County, School Board of Miami-Dade County, Orange County School Board, St. Johns County School Board, and Pasco County School Board answer under oath this First Set of Interrogatories (“Interrogatories”) and serve such answers to undersigned counsel at the offices of Kaplan Hecker & Fink LLP, 350 Fifth Avenue, 63rd Floor, New York, New York 10118, within thirty (30) days of service of these Interrogatories,

as specified in Rule 33 of the Federal Rules of Civil Procedure, unless otherwise agreed by the parties or required by any order entered by the Court in this action.

The Definitions and Instructions below form an integral part of the Interrogatories that follow and must be read in conjunction with them and followed when responding to the Interrogatories.

DEFINITIONS

Any capitalized terms not defined below shall have the meaning ascribed to them in the Federal Rules of Civil Procedure or as otherwise defined in the Amended Complaint (as defined below).

1. “Action” shall mean this lawsuit, *Equality Florida et al v. DeSantis et al*, No. 22 Civ. 134 (N.D. Fla.).

2. “Amended Complaint” refers to the First Amended Complaint filed on May 25, 2022, ECF No. 47.

3. “Communication” is used in the broadest sense permissible under Federal Rule of Civil Procedure 34(a)(1)(A) and includes any correspondence, discussion, or the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

4. “Defendant” or “Defendants” shall mean Ronald D. DeSantis, Florida State Board of Education, Thomas R. Grady, Ben Gibson, Monesia Brown, Esther Byrd, Grazie P. Christie, Ryan Petty, Joe York, Manny Diaz Jr., Florida Department of Education, Broward School Board, School Board of Manatee County, School Board of Sarasota County, School Board of Miami-Dade County, Orange County School Board, St. Johns County School Board, and Pasco County School Board, including any other names, nicknames, images, or icons by which the individual Defendants are known.

5. “Document” is synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Federal Rule of Civil Procedure 34(a)(1)(A). For the avoidance of doubt, Documents include, without limitation, drafts (revisions or finals), original or preliminary notes, and summaries of other Documents, memorialized Communications of any type, and computer files, including with all attachments and/or other matters affixed thereto, including, without limitation email, word processing or presentation software files, PDF software files, materials edited on collaborative Document-sharing platforms like Google Drive, materials generated through messaging or social media platforms, including text messages, SMS messages, instant messages, Bloomberg messages, iMessages, Blackberry messages, Skype messages, Slack messages, Microsoft Teams messages, tweets, LinkedIn messages, Snapchats, Instagram messages, Facebook status updates, posts, or messages, TikTok messages, Tumblrs, Vines, Vlogs, WhatsApp messages, or any other message board, chat, or social media message or post. A draft of a non-identical copy is a separate Document within the meaning of this term. Documents may constitute, include, or concern Communications.

6. “Includes” and “including” mean “includes but not limited to” and “including but not limited to” respectively.

7. “Plaintiffs” shall mean Equality Florida, Family Equality, M.A., S.S., Zander Moricz, Lindsay McClelland, Rabbi Amy Morrison, Cecile Houry, Dan and Brent VanTice; Lourdes Casares, Kimberly Feinberg; Lindsey Bingham Shook, Anh Volmer, Scott Berg, and Myndee Washington.

8. “Policies” shall mean policies, procedures, protocols, practices, programming, guidance, guidelines, directives, and/or curricula, written or unwritten, formal or informal.

9. “Relating” or “related” shall mean affecting, concerning, constituting, dealing with, describing, embodying, evidencing, identifying, involving, providing a basis for, reflecting, regarding, respecting, stating, or in any manner whatsoever pertaining, in whole or in part, to that subject.

10. “You,” “Your,” or “Yours” refers to each Defendant, as defined above.

INSTRUCTIONS

1. Each Defendant shall provide their own individual responses to the Interrogatories.

2. Your responses to these Interrogatories shall be based on all knowledge and information in Your possession, custody, or control and should be provided irrespective of the Federal Rules of Evidence.

3. The singular includes the plural and vice versa, except as the context may otherwise require.

4. Reference to any gender includes any and all genders and gender identities.

5. Whenever a term is used herein in the present, past, future, subjunctive, or other tense, voice, or mood, it shall also be construed to include all other tenses, voices, or moods.

6. The words “and,” “any,” and “or” shall be construed as either conjunctive or disjunctive in such manner as will broaden as widely as possible the scope of any Interrogatory; the word “all” means “any and all”; the word “any” means “any and all”; the word “each” means “any and all.”

7. Any reference to a person, including You, in these Interrogatories should be construed as also referring to any persons acting, engaged to act, or purporting to act for them or on their behalf, including all subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, representatives, servants, agents, employees, officers, or attorneys.

8. When the term “identify” is used in the Interrogatories in reference to a person, You must give, to the extent known, the person’s full name, present or last known address, and, when referring to a natural person, the present or last known place of employment.

9. When the term “identify” is used in the Interrogatories in reference to Documents, You must give, to the extent known:

- a. The type of Document;
- b. The Document’s general subject matter;
- c. The date of the Document; and
- d. The Author(s), addressee(s) and recipient(s).

In the alternative, the responding party may produce the Document, together with identifying information sufficient to satisfy Federal Rule of Civil Procedure 33(d).

10. Questions regarding the interpretation of these Interrogatories should be resolved in favor of the broadest possible construction. Any ambiguity in an Interrogatory shall be construed to bring within the scope of the Interrogatory all information that otherwise could be construed to be outside of its scope. If, in responding to any of these Interrogatories, You encounter any ambiguity or confusion in construing either an Interrogatory or a Definition or Instruction relevant to an Interrogatory, set forth the matter deemed ambiguous, select a reasonable interpretation that You believe resolves the ambiguity, respond to the Interrogatory using that interpretation, and explain with particularity the construction or interpretation selected by You in responding to the Interrogatory.

11. To the extent you believe that any Interrogatory requires disclosure of information claimed by You to be protected by attorney-client privilege, work product doctrine, or any other right of non-disclosure, furnish a list identifying the Documents, Communications, or information

for which the protection is claimed together with the following (if applicable): (i) the type of Document or Communication (*e.g.*, letter or memorandum); (ii) the general subject matter of the Document; (iii) the date of the Document; (iv) the author of the Document, the addressees of the Document, and any other recipients, and, where not apparent, the relationship of the author, addressees, and recipients to each other; (v) the nature of the privilege that is being claimed; and any other information to enable an assessment of the applicability of the privilege or protection claims, as required by Rule 26(b)(5) of the Federal Rules of Civil Procedure. If a Document or Communication is withheld on the basis of work product doctrine, also specify whether the Document or Communication was prepared in anticipation of litigation and, if so, identify the anticipated litigation(s) upon which the assertion is based. To the extent a requested Document or Communication contains non-privileged information, the privileged information shall be redacted from the same and the redacted version of the Document produced.

12. The obligation to respond to these Interrogatories is continuing in nature. If, after responding to the Interrogatories, You obtain or become aware of any further information responsive to these Interrogatories, You are required to supplement Your responses pursuant to Federal Rule of Civil Procedure 26(e).

13. These Interrogatories are without prejudice to, or waiver of, Plaintiffs' right to conduct further discovery.

14. Unless otherwise indicated, these Interrogatories refer to the time period of on or after June 1, 2019 through the present.

INTERROGATORIES

1. Identify all persons with knowledge or information concerning the subject matter of the above-captioned action and the nature of each such person's knowledge.

2. Identify and describe all categories of Documents concerning the subject matter of the Action.

3. Identify each and every interest, including any pedagogical interests, that H.B. 1557 furthers or is intended to further.

4. For each interest identified in response to Interrogatory No. 3, state whether the interest is compelling, substantial, important, or significant, and explain why.

5. For each interest identified in response to Interrogatory No. 3, identify all persons with knowledge or information concerning such interest, including how H.B. 1557 will or will not further such interest.

6. For each interest identified in response to Interrogatory No. 3, identify and describe all categories of Documents concerning such interest, including how H.B. 1557 will or will not further such interest.

7. Identify any partisan and/or political interests that H.B. 1557 is intended or expected to further, or alternatively, state that no such interests exist.

8. Identify all offices, subdivisions, officials, agents, employees, partners, affiliates, and/or representatives of Your office who have information or knowledge regarding the passage of H.B. 1557, including its drafting, proposal, consideration, debate, enactment, and implementation.

9. Identify all persons with whom You have communicated concerning the drafting, proposal, consideration, passage, enactment, enforcement, operationalization, application, interpretation, or implementation of H.B. 1557.

10. Identify and generally describe any actions You have taken, anticipate taking, or have considered taking as a result or in light of the passage of H.B. 1557, including any changes to Policies.

11. Identify all instances of classroom instruction “on sexual orientation or gender identity” in grades K-3 and all instances of classroom instruction that were not “age-appropriate or developmentally appropriate for students” in grades 4-12 that were referenced, considered or intended to be prohibited in connection with the proposal, consideration, passage, and/or enactment of H.B. 1557, or that You have considered in interpreting, operationalizing, applying, and/or implementing H.B. 1557.

12. With respect to Your role in interpreting, operationalizing, applying, implementing, and/or enforcing H.B. 1557, state Your definition of the phrases “classroom instruction,” “school personnel,” “third parties,” and “on sexual orientation and gender identity” as those phrases are used in H.B. 1557.

13. Identify any documents that define “classroom instruction,” “school personnel,” “third parties,” “sexual orientation,” “gender identity,” “age appropriate,” and/or “developmentally appropriate,” as those terms are used in H.B. 1557.

14. State whether and to what extent H.B. 1557 applies to Florida public charter schools. *See Fla. Stat. § 1002.33(16)(a)(5) (2021).*

Dated: June 17, 2022

Respectfully submitted,

By: 

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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

EQUALITY FLORIDA, et al.,

Plaintiffs,

v.

RONALD D. DESANTIS, in his official
capacity as Governor of Florida, et al.,

Defendants.

No. 4:22-cv-00134 (AW) (MJF)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2022, true and correct copies of Plaintiffs' First Set of Interrogatories to All Defendants were duly served upon Defendants Ronald D. DeSantis, Florida State Board of Education, Thomas R. Grady, Ben Gibson, Monesia Brown, Esther Byrd, Grazie P. Christie, Ryan Petty, Joe York, Manny Diaz Jr., Florida Department of Education, School Board of Manatee County, School Board of Sarasota County, School Board of Miami-Dade County, and St. Johns County School Board via email and Defendants Broward School Board, Orange County School Board, and Pasco County School Board via mail.

Dated: New York, NY
June 17, 2022



Roberta A. Kaplan, Esq.

Exhibit C

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

EQUALITY FLORIDA, et al.,

Plaintiffs,

v.

RONALD D. DESANTIS, in his official
capacity as Governor of Florida, et al.,

Defendants.

Civil Action No. 4:22-cv-00134 (AW)
(MJF)

**PLAINTIFFS' FIRST SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS TO DEFENDANT MANNY DIAZ JR.**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 26.1 of the Local Rules of the United States District Court for the Northern District of Florida, Plaintiffs Equality Florida, Family Equality, M.A., S.S., Zander Moricz, Lindsay McClelland, Rabbi Amy Morrison, Cecile Houry, Dan and Brent VanTice, Lourdes Casares, Kimberly Feinberg, Lindsey Bingham Shook, Anh Volmer, Scott Berg, and Myndee Washington (“Plaintiffs”), through undersigned counsel, hereby request that Defendant Manny Diaz Jr. produce the following Documents at the offices of Kaplan Hecker & Fink LLP, 350 Fifth Avenue, 63rd Floor, New York, New York 10118, within thirty (30) days of service of this First Set of Requests for the Production of Documents (the “Requests”), unless otherwise agreed by the parties or required by any order entered by the Court in this Action.

The Definitions and Instructions below form an integral part of the Requests that follow and must be read in conjunction with them and followed when responding to the Requests.

DEFINITIONS

Any capitalized terms not defined below shall have the meaning ascribed to them in the Federal Rules of Civil Procedure or as otherwise defined in the Amended Complaint (as defined below).

1. “Action” shall mean this lawsuit, *Equality Florida et al v. DeSantis et al*, No. 22 Civ. 134 (N.D. Fla.).

2. “Amended Complaint” shall mean the First Amended Complaint filed on May 25, 2022, by Plaintiffs in this Action, ECF No. 47.

3. “Communication” is used in the broadest sense permissible under Federal Rule of Civil Procedure 34(a)(1)(A) and includes any correspondence, discussion, or the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

4. “Document” is synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Federal Rule of Civil Procedure 34(a)(1)(A). For the avoidance of doubt, Documents include, without limitation, drafts (revisions or finals), original or preliminary notes, and summaries of other Documents, memorialized Communications of any type, and computer files, including with all attachments and/or other matters affixed thereto, including, without limitation, email, word processing or presentation software files, PDF software files, materials edited on collaborative Document-sharing platforms like Google Drive, materials generated through messaging or social media platforms, including text messages, SMS messages, instant messages, Bloomberg messages, iMessages, Blackberry messages, Skype messages, Slack messages, Microsoft Teams messages, tweets, LinkedIn messages, Snapchats, Instagram messages, Facebook status updates, posts, or messages, TikTok messages, Tumblrs, Vines, Vlogs, WhatsApp messages, or any other message board, chat, or social media message or post. A draft

of a non-identical copy is a separate Document within the meaning of this term. Documents may constitute, include, or concern Communications.

5. “Includes” and “including” mean “includes but not limited to” and “including but not limited to” respectively.

6. “Interrogatories” shall mean Plaintiffs’ First Set of Interrogatories to all Defendants served on Defendants concurrently with these Requests.

7. “Plaintiffs” shall mean Equality Florida, Family Equality, M.A., S.S., Zander Moricz, Lindsay McClelland, Rabbi Amy Morrison, Cecile Houry, Dan and Brent VanTice; Lourdes Casares, Kimberly Feinberg; Lindsey Bingham Shook, Anh Volmer, Scott Berg, and Myndee Washington.

8. “Policies” shall mean policies, procedures, protocols, practices, programming, guidance, guidelines, directives, and/or curricula, written or unwritten, formal or informal.

9. “Relating” or “related” means affecting, concerning, constituting, dealing with, describing, embodying, evidencing, identifying, involving, providing a basis for, reflecting, regarding, respecting, stating, or in any manner whatsoever pertaining, in whole or in part, to that subject.

10. “You,” “Your,” or “Yours” refers to Manny Diaz Jr.

INSTRUCTIONS

1. The Documents called for by these Requests are Documents in Your possession, custody, or control, or the possession, custody, or control of anyone acting on Your behalf.

2. Your responses to these Requests shall be based on all knowledge and information in Your possession, custody, or control.

3. The singular includes the plural and vice versa, except as the context may otherwise require.

4. Reference to any gender includes any and all genders and gender identities.

5. Whenever a term is used herein in the present, past, future, subjunctive, or other tense, voice, or mood, it shall also be construed to include all other tenses, voices, or moods.

6. The words “and,” “any,” and “or” shall be construed as either conjunctive or disjunctive in such manner as will broaden as widely as possible the scope of any Request; the word “all” means “any and all”; the word “any” means “any and all”; the word “each” means “any and all.”

7. Any reference to a person, including You, in these Requests should be construed as also referring to any persons acting, engaged to act, or purporting to act for them or on their behalf, including all subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, representatives, servants, agents, employees, officers, or attorneys.

8. These Requests seek production of all Documents, in their entirety, along with any attachments, drafts, and non-identical copies. A Document with handwritten, typewritten, or other recorded notes, editing marks, etc., is not and shall not be deemed identical to one without such modifications, additions, or deletions. If any portion of any Document or Communication is responsive to any Request, the entire Document or Communication, including any attachments or disclosures, must be produced. No attached Documents should be separated from one another.

9. Responsive Documents should be produced in the manner prescribed by the Federal Rules of Civil Procedure, including producing the requested Documents as they are kept in the ordinary course of business, in the sequence in which they are ordinarily maintained or organized and labeled to correspond with the categories in the Requests, and identifying the name of the

person from whose files the Documents were produced. Responsive Documents should also be produced in accordance with any order entered by the Court concerning the production of discovery materials.

10. To the extent that responsive Documents are located on a social media platform, such Documents should be produced directly from the platform.

11. Questions regarding the interpretation of these Requests should be resolved in favor of the broadest possible construction. Any ambiguity in a Request shall be construed to bring within the scope of the Request all Documents that otherwise could be construed to be outside of its scope. If, in responding to any of these Requests, You encounter any ambiguity or confusion in construing either a Request or a Definition or Instruction relevant to a Request, set forth the matter deemed ambiguous, select a reasonable interpretation that You believe resolves the ambiguity, respond to the Request using that interpretation, and explain with particularity the construction or interpretation selected by You in responding to the Request.

12. If You object to the production of a Document in relation to a specific Request, state with particularity the legal and factual basis for Your objection(s) with respect to such Request. You should respond to all portions of that Request that do not fall within the scope of Your objection. If You object to a Request on the ground that it is overly broad, provide such Documents that are within the scope of production that You believe is appropriate. If You object to a Request on the ground that to provide responsive Documents would constitute an undue burden, provide such responsive Documents as You believe can be supplied without undertaking an undue burden.

13. To the extent You believe any Request calls for production of a Document or Communication, or requires disclosure of information, claimed by You to be protected by attorney-

client privilege, work product doctrine, or any other right of non-disclosure, furnish a list identifying the Documents, Communications, or information for which the protection is claimed together with the following (if applicable): (i) the type of Document or Communication (*e.g.*, letter or memorandum); (ii) the general subject matter of the Document; (iii) the date of the Document; (iv) the author of the Document, the addressees of the Document, and any other recipients, and, where not apparent, the relationship of the author, addressees, and recipients to each other; (v) the nature of the privilege that is being claimed; and any other information to enable an assessment of the applicability of the privilege or protection claims, as required by Federal Rules of Civil Procedure Rule 26(b)(5). If a Document or Communication is withheld on the basis of work product doctrine, also specify whether the Document or Communication was prepared in anticipation of litigation and, if so, identify the anticipated litigation(s) upon which the assertion is based. To the extent a requested Document contains non-privileged information, the privileged information shall be redacted from the same and the redacted version of the Document produced.

14. These Requests are continuing in nature. If, after producing the requested Documents, You obtain or become aware of any further Documents responsive to these Requests or if additional information You or any persons acting on Your behalf obtain would augment, clarify, or otherwise modify Your responses, You are required to supplement Your responses and produce such additional Documents pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.

15. These Requests are without prejudice to, or waiver of, Plaintiffs' right to conduct further discovery.

16. Unless otherwise indicated, the Requests seek Documents generated, created, received, or distributed on or after June 1, 2019 through the present.

DOCUMENT REQUESTS

1. All Documents identified in Your response to any interrogatory in the Action.
2. All Documents concerning the drafting, proposal, consideration, passage, enactment, enforcement, operationalization, application, interpretation, or implementation of H.B. 1557, or any prior versions of that bill.
3. All Documents concerning any amendments to H.B. 1557, including offered, considered, or proposed amendments, whether or not adopted or approved.
4. All Documents concerning the purported connection between discussion of “gender identity” and “social engineering” or “grooming,” and/or the purported connection between discussion of “sexual orientation” and “social engineering” or “grooming.”
5. All Documents concerning H.B. 1557, or any earlier version or draft of that bill, including Communications transmitted between You and any other person.
6. All Communications relating to the Action transmitted between You and any other person.
7. All Documents concerning H.B. 1557 and the advancement of any pedagogical or governmental interest, including H.B. 1557’s role in advancing any pedagogical or government interest.
8. All Documents concerning respects in which H.B. 1557 may hinder, undermine, frustrate, or defeat any pedagogical or governmental interest.
9. All Documents concerning educational practices and/or classroom instruction that H.B. 1557 prohibits.
10. All Documents concerning conduct or speech by school personnel that H.B. 1557 prohibits.

11. All Documents concerning the application of H.B. 1557 to “third parties” or “school personnel” as provided by the statute.

12. All Documents concerning the application of H.B. 1557 to “classroom instruction” on (i) heterosexuality; (ii) persons who identify with the sex they were assigned at birth; (iii) homosexuality; (iv) bisexuality; and/or (v) transgender identity or status.

13. All Documents concerning H.B. 1557’s application to students who (i) identify as homosexual, bisexual, queer, or transgender and/or (ii) who face bullying, harassment, criticism, or violence from other students or teachers relating to their sexual orientation or gender identity.

14. All Documents concerning H.B. 1557’s application to school psychologists, school counselors, school nurses, school administrators, or other personnel who learn that a student has faced bullying, harassment, criticism, or violence from other students or teachers relating to their sexual orientation or gender identity.

15. All Documents concerning whether H.B. 1557 applies to Florida public charter schools.

16. All Documents concerning evidence or analysis of the forecasted, anticipated, or potential impact of H.B. 1557 on Florida public school (i) students, including LGBTQ students and students from LGBTQ families; (ii) teachers, administrators, and/or other school personnel, including those who identify as LGBTQ and those from LGBTQ families; and/or (iii) families, including LGBTQ families.

17. All Documents concerning the actual impact of H.B. 1557 on Florida public school (i) students, including LGBTQ students and students from LGBTQ families; (ii) teachers, administrators, and/or other school personnel, including those who identify as LGBTQ and those from LGBTQ families; and/or (iii) families.

18. All Documents concerning any steps you have taken to “review and update” “school counseling frameworks and standards; educator practices and professional conduct principles; and any other student services personnel guidelines, standards, or frameworks,” as set forth in H.B. 1557, or any plans, written or unwritten, formal or informal, for this review and update process.

19. All Documents concerning any Policies that You have implemented as a result of or in light of H.B. 1557.

20. All Documents concerning any changes in Policies that You have considered, anticipate taking, plan to take, or have taken in connection with or response to H.B. 1557.

21. All Documents concerning any Policies that You have provided or plan to provide to Florida Public School (i) students; (ii) teachers, administrators, and/or other school personnel; and/or (iii) families regarding discussion of issues of “sexual orientation” or “gender identity.”

22. All Documents concerning the continuation, existence, funding, support for, and/or school personnel involvement in GSAs (i.e., Genders and Sexualities Alliances or Gay-Straight Alliances) following enactment of H.B. 1557.

23. Documents sufficient to show books, periodicals, or literary, audio, or visual materials of any kind that have been removed from any school facility as a result of or in light of H.B. 1557.

24. Documents sufficient to show any conferences, events, and/or meetings that have been modified, postponed, or cancelled in connection with H.B. 1557.

25. All Documents You have received concerning or evincing complaints, concerns, confusion, uncertainty, or questions regarding H.B. 1557.

26. All Documents concerning the impact of H.B. 1557 on Your political standing and/or political ambitions, including without limitation any polling numbers, approval ratings, likeability metrics, and assessments of fundraising ability or potential.

27. All social media posts and drafts of such posts, made by You or anyone in Your office regarding (i) LGBTQ persons or issues; (ii) H.B. 1557; and/or (iii) the Action.

28. Documents sufficient to show the process for developing curricula for Florida public schools.

29. Documents sufficient to show any Policies that are designed or used to assure that standards, guidelines, frameworks, and curriculum are “age appropriate.”

30. Documents sufficient to show any Policies relating to sex education in Florida public schools, including any instruction on human sexuality or sex acts.

31. Documents sufficient to show any Policies relating to LGBTQ issues of diversity, equity, inclusion, and/or non-discrimination.

32. Documents sufficient to show any Policies relating to (i) LGBTQ students in Florida public schools; (ii) LGBTQ teachers, administrators, and/or school personnel in Florida public schools, and/or (iii) LGBTQ families with students in Florida public schools.

33. All Documents concerning the formation, presence, and/or activities of GSAs or similar clubs or groups in Florida public schools.

34. Documents sufficient to show any Policies governing the removal of books, periodicals, or literary, audio or visual materials of any kind related to LGBTQ topics.

35. All Documents concerning any content regulation, editing, or removal of LGBTQ related topics in school-associated publications, including newspapers, newsletters, and yearbooks.

36. Documents sufficient to show any reports or complaints of bullying and/or discrimination related to sexual orientation or gender identity that You have received from or on behalf of any student, teacher, administrator, and/or other school personnel.

37. Documents sufficient to show any reports or complaints of harassment, abuse, or physical violence directed at LGBTQ students, teachers, administrators, and/or other school personnel.

38. Documents sufficient to show any surveys, studies, or polls regarding or addressing the experience of LGBTQ students in Florida public schools.

Dated: June 17, 2022

Respectfully submitted,

By: 

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

EQUALITY FLORIDA, et al.,

Plaintiffs,

v.

RONALD D. DESANTIS, in his official
capacity as Governor of Florida, et al.,

Defendants.

No. 4:22-cv-00134 (AW) (MJF)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2022, true and correct copies of Plaintiffs' First Set of Requests to Defendant Manny Diaz Jr. were duly served upon counsel for Defendant Manny Diaz Jr. via email.

Dated: New York, NY
June 17, 2022



Roberta A. Kaplan, Esq.