

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-23182-RAR

C.M., MICHAEL BORREGO FERNANDEZ,
J.M.C., E.R., *on behalf of themselves and*
all others similarly situated, et al.,

Plaintiffs,

v.

KRISTI NOEM, *Secretary, U.S. Department*
of Homeland Security, et al.,

Defendants.

**STATE AND FEDERAL DEFENDANTS' COMBINED
RESPONSE TO PLAINTIFFS' MOTION FOR EXPEDITED DISCOVERY**

Pursuant to the Court's July 28, 2025 Order, the State and Federal Defendants file this combined response to Plaintiffs' motion for expedited discovery. Defendants oppose and object to Plaintiffs' motion because the discovery requests are premature. They also exceed the scope of the Court's Order which allows Plaintiffs to seek production of "intergovernmental agreements regarding Defendants' legal authority to detain the Detained Plaintiffs" and invites Defendants to propose protective measures required to "facilitate the production of said documents and/or agreements." (ECF No. 27).

Request to Produce

Notwithstanding the objections, Defendants agree to produce the following responsive documents: (1) Memorandum of Agreement between the United States Immigration and Customs Enforcement (ICE) and the Florida Department of Law

Enforcement; (2) Memorandum of Agreement between ICE and the Florida Highway Patrol; and (3) Memorandum of Agreement between ICE and the Florida National Guard.

Interrogatories

The Court, however, should deny Plaintiffs' motion as to the requested interrogatories because its July 28 Order, as well as its oral statements and rulings during the July 28 status conference, limited any request for expedited discovery to "intergovernmental agreements regarding Defendants' legal authority to detain the Detained Plaintiffs." (*Id.*). Neither the Court's oral statements nor its written order permit requests for expedited interrogatories.

In addition, the Court should deny Plaintiffs' motion as to the interrogatories because expedited discovery is an exceptional request under the Federal Rules of Civil Procedure. *See Mullane v. Almon*, 339 F.R.D. 659, 663 (N.D. Fla. 2021); *Hospitalists Mgmt. Grp., LLC v. Fla. Med. Affiliates, Inc.*, 2014 WL 2565675, at *1 (M.D. Fla. June 6, 2014) ("[T]o obtain expedited discovery, the burden is on the moving party to show good cause for departing from the usual discovery procedures"). The filing of a preliminary injunction motion alone does not justify expedited interrogatories. *See Betty's Best, Inc. v. Individuals, P'ships & Unincorporated Assocs. Identified on Schedule 'A'*, 2023 WL 7279324, at *2 (S.D. Fla. Nov. 3, 2023). And Plaintiffs do not meet their burden to offer a compelling reason for expedited interrogatory discovery, especially since Defendants have agreed to produce the "intergovernmental agreements regarding Defendants' legal authority to detain the Detained Plaintiffs."

For these reasons, the Court should deny Plaintiffs' motion as to the interrogatories.

Dated: August 1, 2025

Respectfully submitted,

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

RON DESANTIS
Governor

/s/ Marlene Rodriguez
MARLENE RODRIGUEZ (FBN 120057)
Assistant U.S. Attorney
DEPARTMENT OF JUSTICE
99 N.E. 4th Street, 3rd Floor
Miami, Florida 33132
(305) 961-9206
marlene.rodriguez@usdoj.gov

Counsel for the Federal Defendants

/s/ Nicholas J.P. Meros
NICHOLAS J.P. MEROS (FBN 120270)
TARA K. PRICE (FBN 98073)
KASSANDRA S. REARDON (FBN 1033220)
SHUTTS & BOWEN LLP
215 South Monroe Street, Suite 804
Tallahassee, Florida 32301
(850) 241-1717
NMeros@shutts.com
TPrice@shutts.com
KReardon@shutts.com

*Counsel for Defendants Ron DeSantis
and Kevin Guthrie*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1, 2025, a true and correct copy of the foregoing was served via the Court's CM/ECF system, which serves notice of the filing to all counsel of record.

/s/ Nicholas J.P. Meros
Counsel for Defendants Ron DeSantis and Kevin Guthrie