

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
CIVIL DIVISION**

**MICHAEL T. FLYNN,**

Plaintiff,

**v.**

**JIM STEWARTSON, et al.,**

Defendants.

Case No.: 2023 CA 004264 NC

Division C Circuit

**PLAINTIFF'S MOTION FOR  
ENTRY OF A PROTECTIVE ORDER ON CONFIDENTIALITY**

Plaintiff, Michael T. Flynn, hereby moves this Court for entry of a protective order on confidentiality pursuant to Fla. R. Civ. P. 1.280(d), and states as follows:

1. Fla. R. Civ. P. 1.280(d) provides that, "for good cause shown," a party or a person "from whom discovery is sought" may obtain a protective order directing, *inter alia*, "that the discovery may be had only on specified terms and conditions," or "that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way."

2. "A trial court possesses broad discretion in overseeing discovery, and protecting the parties that come before it." *Bush v. Schiavo*, 866 So.2d 136, 138 (Fla. 2d DCA 2004) (quoting *Rojas v. Ryder Truck Rental, Inc.*, 625 So.2d 106, 107 (Fla. 3d DCA 1993)).

3. Here, Plaintiff simply asks for a routine discovery order governing the use and disclosure of confidential information and materials exchanged in discovery in this action. Protective orders rarely involve motion practice.

4. To be clear, Plaintiff is *not* asking the Court to determine, on this Motion, that any of his materials or information are, in fact, confidential or appropriate for an attorney’s eyes-only designation. Rather, Plaintiff is simply asking the Court to enter an order that sets the parameters for the exchange of discovery, and a mechanism by which the parties can designate discovery materials as confidential or attorney’s eyes only, and, if necessary, to also challenge those designations. Defendant requests documents and information pertaining to Plaintiff’s financial records, health records, and sensitive communications. *See* DIN Nos. 123–125. Having a structure in place protecting how to handle such information is routine.

5. Plaintiff’s Motion is also imperative. Defendant frequently makes derogatory posts about Plaintiff and has expressed his excitement about discovery in this matter, declaring to the public on three occasions that “discovery is going to be wild.”<sup>1</sup> Furthermore, Defendant has noted on a donation

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<sup>1</sup> Jim Stewartson (@jimstewartson), X (Oct. 3, 2024, 12:31pm), <https://x.com/jimstewartson/status/1841878640512077927>; Jim Stewartson (@jimstewartson), X (Oct. 1, 2024, 11:09pm), <https://x.com/jimstewartson/status/1841314589583278216>; Jim Stewartson (@jimstewartson), X (Sept. 5, 2024, 12:47pm), <https://x.com/jimstewartson/status/1831735810573709470>.

site that his “only income is [his] Substack and donations.”<sup>2</sup> Therefore, Defendant is hyper-motivated to publish Plaintiff’s sensitive information to obtain subscriptions and donations, and also to intentionally harm Plaintiff. It is troubling, and may foreshadow future problematic conduct, that Defendant would not agree to a protective order. His publicly expressed excitement to engage in “wild” discovery certainly raises suspicions.

6. Additionally, Plaintiff’s request for an attorney’s eyes-only provision is not unique in discovery practice. For example, the Southern District of Florida recently found that financial information is of a “highly private nature,” and ordered that it only be disclosed on an attorney’s eyes-only basis. *Woods v. Reeve*, No. 21-cv-14001, 2022 WL 1166318, at \*3 (S.D. Fla. Apr. 20, 2022). For the reasons stated above regarding Defendant’s pattern of animus and motivation, an attorney’s eyes-only provision covering Plaintiff’s financial information, or other information that is considered of a “highly private nature” is warranted. Plaintiff assures the Court that he would not abuse this provision and that it would be used sparingly, as needed.

7. The entry of a protective order in this action should be entirely uncontroversial, with the overall goal of protecting confidential material from public dissemination while creating an efficient process for the exchange of relevant information. Plaintiff’s proposed Protective Order is designed to protect

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<sup>2</sup> Help Me Create a Civilian Defense for Psyops, DONORBOX, <https://donorbox.org/help-me-create-a-civilian-defense-force-for-psyops> (last visited Aug. 7, 2025).

the confidential materials and information of *both* parties in this action. For these reasons, Plaintiff respectfully requests that this Court enter his proposed Protective Order, attached as Exhibit 1.

8. Plaintiff met and conferred with Defendant; however, Defendant does not consent to this Motion.

WHEREFORE, Plaintiff, Michael T. Flynn, respectfully requests this Court enter the attached Protective Order.

Dated: August 13, 2025

Respectfully submitted,

/s/ Stephen B. French  
Stephen B. French, FBN 0078761  
Jared J. Roberts, FBN 1036550  
BINNALL LAW GROUP, PLLC  
717 King Street, Suite 200  
Alexandria, Virginia 22314  
Phone: (703) 888-1943  
Fax: (703) 888-1930  
Email: stephen@binnall.com  
jared@binnall.com

*Counsel for Michael T. Flynn*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 13, 2025, I have caused a true and accurate copy of the foregoing to be delivered to counsel of record via e-filing.

/s/ Stephen B. French  
Stephen B. French  
(Fl. Bar No. 0078761)

*Counsel for Michael T. Flynn*

# **EXHIBIT 1**

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
CIVIL DIVISION**

**MICHAEL T. FLYNN,**

Plaintiff,

**v.**

**JIM STEWARTSON, et al.,**

Defendants.

Case No.: 2023 CA 004264 NC

Division C Circuit

**[PROPOSED] PROTECTIVE ORDER**

**Proceedings and Information Governed.**

1. This Protective Order governs any document, information, or other thing furnished by any Party to any other Party, and it includes any non-party who receives a subpoena in connection with this action. The information protected includes, but is not limited to: answers to interrogatories; answers to requests for admission; responses to requests for production of documents; deposition transcripts and videotapes; deposition exhibits; and other writings or things produced, given or filed in this action that are designated by a party as “Confidential Information” or “Confidential – Attorney Eyes Only Information” in accordance with the terms of this Agreement, as well as to any copies, excerpts, abstracts, analyses, summaries, descriptions, or other forms of recorded information containing, reflecting, or disclosing such information.

**Designation and Maintenance of Information.**

2. For purposes of this Protective Order, (a) the “Confidential Information” designation means sensitive personal, business, or financial

information which in the ordinary course is neither made available to the general public or an industry at large, and/or which the producing Party would not normally reveal to third parties or would cause third parties to maintain in confidence. By way of illustration, such information may include, but is not limited to, sensitive information regarding business practices, financial records, reporting practices, personnel records, or personal information; and (b) the “Confidential – Attorney Eyes Only” designation means Confidential information that the producing Party reasonably believes is so sensitive that it could jeopardize the safety, security, or well-being, financial or otherwise, of a party or an individual or cause substantial harm to that party or a non-party, if disclosed to persons other than counsel. Confidential Information and Confidential – Attorney Eyes Only Information does not include, and this Protective Order does not apply to, information that is already in the knowledge or possession of the Party to whom disclosure is made unless that Party is already bound by Protective Order not to disclose such information, or information that has been disclosed to the public or third persons in a manner making such information no longer confidential. This Protective Order shall be understood to encompass not only those items or things which are expressly designated as “Confidential” or “Confidential – Attorneys’ Eyes Only,” but also all copies, excerpts, and summaries thereof, as well as testimony, oral communications, and other work product containing “Confidential” or “Confidential – Attorneys’ Eyes Only” information or information derived therefrom.

3. Documents and things produced during the course of this litigation within the scope of paragraph 2(a) above, may be designated by the producing Party as containing Confidential Information or Confidential – Attorneys’ Only Information by placing “Confidential Information” or “Confidential – Attorneys’ Only Information” on each page of the document prior to production of the document. Other records and items shall be prominently marked in a reasonably equivalent way. Designated Material not reduced to documentary, tangible or physical form or which cannot be conveniently designated in the manner set forth herein shall be designated by informing the Receiving Party in writing.

4. A Party may designate information disclosed at a deposition as Confidential Information or Confidential – Attorney Eyes Only Information by requesting the reporter to so designate the transcript or any portion of the transcript at the time of the deposition. If no such designation is made at the time of the deposition, any Party will have fourteen (14) calendar days after the date of the deposition to designate, in writing to the other parties and to the court reporter, whether the transcript is to be designated as Confidential Information or Confidential – Attorney Eyes Only Information. If no such designation is made at the deposition or within this fourteen (14) calendar day period (during which period, the transcript must be treated as Confidential – Attorney Eyes Only Information, unless the disclosing party consents to less confidential treatment of the information), the entire deposition will be considered devoid of Confidential Information or Confidential – Attorney Eyes Only Information. Each Party and the court reporter must attach a copy of any final and timely written designation

notice to the transcript and each copy of the transcript in its possession, custody or control, and the portions designated in such notice must thereafter be treated in accordance with this Protective Order. It is the responsibility of counsel for each Party to maintain materials containing Confidential Information or Confidential – Attorney Eyes Only Information in a secure manner and appropriately identified so as to allow access to such information only to such persons and under such terms as is permitted under this Protective Order.

**Inadvertent Failure to Designate.**

5. The inadvertent failure to designate or withhold any information as confidential or privileged will not be deemed to waive a later claim as to its confidential or privileged nature, or to stop the producing party from designating such information as confidential at a later date in writing and with particularity. The information must be treated by the receiving Party as confidential from the time the receiving Party is notified in writing of the change in the designation.

**Challenge to Designations.**

6. A receiving Party may challenge a producing Party's designation at any time. Any receiving Party disagreeing with a designation may request in writing that the producing Party change the designation. The producing Party will then have ten (10) business days after receipt of a challenge notice to advise the receiving party whether or not it will change the designation. If the Parties are unable to reach agreement after the expiration of this ten (10) business day time-frame, the receiving Party may at any time thereafter seek an order to alter the confidential status of the designated information. Until any dispute under this

paragraph is ruled upon by the presiding judge, the designation will remain in full force and effect, and the information will continue to be accorded the confidential treatment required by this Agreement.

**Disclosure and Use of Confidential Information.**

7. Information designated as Confidential Information or Confidential – Attorney Eyes Only Information may only be used for purposes of preparation, trial, and appeal of this action. Confidential Information or Confidential – Attorney Eyes Only Information may not be used for any other purpose.

8. Confidential Information may be disclosed only to: (a) to the Parties to this Action, including their counsel; (b) to the officers, directors, members and/or employees of the Parties to this Action, solely for purposes of the Action, so long as such non-Party individual to whom disclosure is made is furnished with a copy of this Protective Order and executes an acknowledgment in the form annexed hereto as Exhibit A; (c) any person who authored, possessed, or received the particular material or information sought to be disclosed to that person, but only as to the specific material or information which the person authored, possessed or received at the time the material or information was originally created or disseminated; and (d) to those individuals to whom material designated “CONFIDENTIAL – ATTORNEY’S EYES ONLY” may be disclosed under the terms of paragraph 9.

9. Confidential – Attorney Eyes Only Information may be disclosed to: (a) counsel of record representing the Parties (including their paralegals and regularly employed office staff for the purpose of this action); (b) consultants and

testifying experts hired with respect to this action (who are not Parties or officers, directors, members, employees or independent contractors of the Parties), provided that any such person must first agree in writing to be bound by this Order by signing a document substantially in the form of Exhibit A; (c) court personnel, including stenographers or shorthand reporters, as necessary and appropriate; (d) a third-party witness, prospective witness or deponent, but only for purposes of testimony or preparation of testimony in this case, whether at trial, hearing or deposition, provided that any such person must first agree in writing to be bound by this Order by signing a document substantially in the form of Exhibit A; (e) any person who authored, possessed or received the particular material or information sought to be disclosed to that person, but only as to the specific material or information which the person authored, possessed or received at the time the material or information was originally created or disseminated; (f) any mediators (and assistants or any other employees of such mediators who are actively engaged in assisting the mediators in connection with this case); and (g) copying services, translators, and litigation support firms providing discovery services, consultation, graphics or jury research (including focus group participants) engaged for the purposes of this action

10. Counsel is responsible for the adherence by third-party vendors to the terms and conditions of this Protective Order. Counsel may fulfill this obligation by obtaining a signed Confidentiality Agreement in the form attached as Exhibit A.

11. Nothing herein shall preclude any Party or non-party from (a) showing a document designated as “Confidential Information” or “Confidential – Attorneys’ Only Information” to an individual who either prepared or reviewed the document prior to the filing of this case; (b) using a document or information it created or possessed prior to the filing of this case or that was obtained outside of this action (*i.e.*, not produced through discovery) for the purpose for which it was used prior to the filing of this action, or for any other authorized purpose, despite the document or a copy thereof having been designated as “Confidential Information” or “Confidential – Attorneys’ Only Information” following the filing of this action; or (c) disclosing or using in any manner or for any purpose any information or documents from the Party or a Third Party’s own files that the Party or Third Party itself has not designated as “Confidential Information” or “Confidential – Attorneys’ Only Information”.

**Non-Party Information.**

12. The existence of this Protective Order must be disclosed to any person producing documents, tangible things, or testimony in this action who may reasonably be expected to desire confidential treatment for such documents, tangible things or testimony. Any such person may designate documents, tangible things, or testimony confidential pursuant to this Protective Order.

**Filing Documents with the Court.**

13. If any party wishes to file Confidential Information on the court docket, party must provide the opposing party with notice of the Bates number of any document containing such Confidential Information, no less than five days

before the party intends to file the Confidential Information on the docket. Within three days of that notice, the opposing party must respond to identify any portion of the Confidential Information it maintains should not be filed on the public record. If a dispute regarding filing Confidential Information on the court docket still remains, the affected party may file a motion with the Court.

14. Producing or receiving confidential information, or otherwise complying with the terms of this Protective Order, will not (a) operate as an admission by any Party that any particular Confidential Information contains or reflects trade secrets or any other type of confidential or proprietary information; (b) prejudice the rights of a Party to object to the production of information or material that the Party does not consider to be within the scope of discovery; (c) prejudice the rights of a Party to seek a determination by the presiding judge that particular materials be produced; (d) prejudice the rights of a Party to apply to the presiding judge for further protective orders; or (e) prevent the Parties from agreeing in writing to alter or waive the provisions or protections provided for in this Protective Order with respect to any particular information or material.

**Conclusion of Litigation.**

15. Within sixty (60) calendar days after final judgment in this action, including the exhaustion of all appeals, or within sixty (60) calendar days after dismissal pursuant to a settlement agreement, each Party or other person subject to the terms of this Agreement is under an obligation to destroy or return to the producing party all materials and documents containing Confidential Information or Confidential – Attorney Eyes Only Information, and to certify to

the producing Party that this destruction or return has been done. However, outside counsel for any Party is entitled to retain all court papers, trial transcripts, exhibits, and attorney work provided that any such materials are maintained and protected in accordance with the terms of this Protective Order.

**Remedies.**

16. Any party may petition the presiding judge for good cause shown if the party desires relief from a term or condition of this Protective Order. Any Party found in breach of this Protective Order will be subject to sanctions at the presiding judge's discretion and each Party will have available all other remedies available under the law.

DONE AND ORDERED in Sarasota, Sarasota County, Florida, on \_\_\_\_\_, 2025.

\_\_\_\_\_  
The Honorable Hunter Carroll  
Circuit Judge

**EXHIBIT A**

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
CIVIL DIVISION**

**MICHAEL T. FLYNN,**

Plaintiff,

**v.**

**JIM STEWARTSON, et al.,**

Defendants.

Case No.: 2023 CA 004264 NC

Division C Circuit

**ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND**

Name: \_\_\_\_\_

Company/Firm Affiliation: \_\_\_\_\_

Address: \_\_\_\_\_

I hereby certify that I have read the attached Protective Order entered in the above-referenced action (the "Litigation") and agree to be bound by its terms, and I understand and acknowledge that failure to so comply could expose me to sanctions and punishment in the nature of contempt. I acknowledge that I cannot use any of the information that is the subject of this Protective Order for any other purpose except as set forth in this Protective Order, and not for any other purpose whatsoever. I will employ reasonable measures to control duplication of, access to, and distribution of Confidential Discovery Materials, as defined in the Protective Order, and I will not reveal Confidential Information to

or discuss them with any person who is not entitled to receive Confidential Information.

Further, I understand and agree that damages for any violation of the Protective Order are not an adequate remedy and that the appropriate remedy includes injunctive relief. I agree that the Circuit Court Of The Twelfth Judicial Circuit In And For Sarasota County, Florida has jurisdiction to enforce the terms of the Protective Order, and I consent to the personal jurisdiction of that Court in an action to enforce the terms of the Protective Order.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA  
 IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA

**COURT APPEARANCE RECORD**

DIVISION: DIVISION C CIRCUIT

CASE NUMBER: 2023 CA 004264 NC

PLAINTIFF(S):  
MICHAEL T FLYNN

VS. DEFENDANT(S):  
JIM STEWARTSON  
RICK WILSON  
MEIDASTOUCH LLC

COURT EVENT: PRE-TRIAL CONFERENCE - CIRCUIT COURT  
JUDGE: HUNTER W CARROLL

DATE: Friday, August 15, 2025  
TIME: 09:45 AM

**APPEARANCE:**

**PLAINTIFF**

MICHAEL T FLYNN

DID NOT APPEAR     APPEARED PRO SE     APPEARED WITH ATTORNEY     ATTORNEY ONLY  
ATTORNEY NAME: Steven French

Stephen

**DEFENDANT**

JIM STEWARTSON

DID NOT APPEAR     APPEARED PRO SE     APPEARED WITH ATTORNEY     ATTORNEY ONLY  
ATTORNEY NAME: George Thurlow

George Thurlow

RICK WILSON

DID NOT APPEAR     APPEARED PRO SE     APPEARED WITH ATTORNEY     ATTORNEY ONLY  
ATTORNEY NAME: \_\_\_\_\_

MEIDASTOUCH LLC

DID NOT APPEAR     APPEARED PRO SE     APPEARED WITH ATTORNEY     ATTORNEY ONLY  
ATTORNEY NAME: \_\_\_\_\_

COURT REPORTER: N/A

**PETITIONS / MOTIONS:**

PLAINTIFF'S     DEFENDANT'S  
 PETITION     MOTION  
DIN# PTCS

PLAINTIFF'S     DEFENDANT'S  
 PETITION     MOTION  
DIN# \_\_\_\_\_

**RULINGS:**

GRANTED     DENIED     CONTINUED  
 GRANTED / DENIED IN PART     CANCELLED  
 TAKEN UNDER ADVISEMENT  
 OTHER See Below

GRANTED     DENIED     CONTINUED  
 GRANTED / DENIED IN PART     CANCELLED  
 TAKEN UNDER ADVISEMENT  
 OTHER \_\_\_\_\_

SUPPLEMENTAL PAGE ATTACHED

COURT COMMENTS: Pre-Trial Order not yet submitted to the Court. Must be submitted by Monday, 8/18/25.  
Motions to be scheduled through Judge Carroll's office.

(at DINs 192/193)

eee

KAREN E. RUSHING CLERK OF THE CIRCUIT COURT  
BY: [Signature], Deputy Clerk  
DATE August 15, 2025

**IN THE CIRCUIT COURT OF THE TWELTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
CIVIL DIVISION**

Michael T. Flynn,  
Plaintiff,

v.

Case No.: 2023 CA 004264 NC

Jim Stewartson, *et al*,  
Defendants.

\_\_\_\_\_ /

**DEFENDANT'S NOTICE OF OBJECTION TO MAGISTRATE JURISDICTION**

Defendant, JIM STEWARTSON, by and through his undersigned counsel, hereby gives this Court notice that he objects to the following Motion being heard by the Magistrate Judge, and requests a hearing before the assigned Judge:

- Defendant Jim Stewartson's Motion For Order To Show Cause And Compel The Deposition Of The Plaintiff And For Sanctions (DIN 192, filed August 4, 2025)
- Plaintiff's Motion for Protective Order (DIN 193, filed August 13, 2025)

Dated: August 14, 2025

**/s/ George A.D. Thurlow**  
George A.D. Thurlow, Esquire  
FBN 1019960

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and proper copy of the foregoing document was served upon Jared Roberts, Esquire and Stephen French, Esquire via Florida E-Filing Portal on this 14<sup>th</sup> day of August, 2025.

**/s/ George K. Rahdert**

George K. Rahdert, Esquire  
FBN 213365

George A.D. Thurlow, Esquire  
FBN 1019960

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Attorneys for Defendant, STEWARTSON

**IN THE CIRCUIT COURT OF THE TWELTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
CIVIL DIVISION**

MICHAEL T. FLYNN,  
Plaintiff,

v.

Case No. 2023 CA 004264 NC

JIM STEWARTSON, *et al*,  
Defendants.

\_\_\_\_\_ /

**DEFENDANT STEWARTSON'S RESPONSE TO PLAINTIFF'S MOTION TO  
COMPEL JIM STEWARTSON TO ANSWER INTERROGATORIES AND  
PRODUCE DOCUMENTS AND MOTION FOR PROTECTIVE ORDER**

Defendant, JIM STEWARTSON, by and through his undersigned counsel, hereby respond to Plaintiff's, MICHAEL T. FLYNN, Motion to Compel Jim Stewartson to Answer Interrogatories and Produce Documents, and in support thereof states as follows:

**I. INTRODUCTION**

Plaintiff seeks to have this Court void Mr. Stewartson's meritorious objections to Plaintiff's vague and overly broad interrogatories and Requests for Production, and subsequently compel an unduly burdensome production of documents which are (1) outside of Mr. Stewartson's possession, (2) are publicly available, and (3) do nothing to further Plaintiff's case-in-chief. Accordingly, this Court should deny Plaintiff's Motion to Compel and grant Mr. Stewartson's Motion for Protective Order.

## II. INDIVIDUAL RESPONSES

### Interrogatory No. 1:

1. Identify all persons who you believe have knowledge of facts and circumstances related to this matter. Include in your response the subjects of that information upon which you believe they have knowledge.

1. The interrogatory is vague because whether Mr. Stewartson “believes” someone has knowledge of facts and circumstances regarding this matter is irrelevant.
2. The interrogatory is also unduly burdensome--Mr. Stewartson has spent thousands of hours over the past few years reading news articles and reports concerning Plaintiff, who is a prominent national political figure.
3. The amount of available content involving Plaintiff is voluminous, and thus propounding a request that seeks for Mr. Stewartson to identify every author who may have written something he read is entirely unrealistic.
4. Mr. Stewartson’s response identifies that he relied upon “open source information” which is a term of art that includes but is not solely limited to traditional media, public data such as government reports and hearing transcript, academic publications, and social media.
5. Mr. Stewartson’s use of the term “human sources” was to identify that the content he relied upon was written by humans, and not artificial intelligence.

### Interrogatory No. 2:

2. Identify all persons or entities who have a financial or legal interest in this cause of action and describe the basis and extent of said interest.

6. Mr. Stewartson objected to this Interrogatory on the grounds that the interrogatory is “vague, ambiguous, irrelevant, unduly burdensome, and

not reasonably calculated to lead to the discovery of admissible evidence.”

7. As issues concerning freedom of speech and the First Amendment to the United States Constitution are being litigated in this instant case, in theory, all Americans have a “legal interest” in this cause of action. Yet, expecting Mr. Stewartson to name all Americans, or even every American who has at some point been critical of Plaintiff, is entirely unrealistic.
8. Plaintiff contends that since Mr. Stewartson is seeking a court award of attorney’s fees, he is entitled to know the source of who, if anyone, is currently paying Mr. Stewartson’s attorney’s fees and costs.
9. That is not the information that is sought by the interrogatory. Among other things, hypothetically speaking, someone who is gifting money to Mr. Stewartson to pay legal fees would not necessarily have a “financial or legal interest in this cause of action” as there would not necessarily be an entitlement or expectation of partial or full reimbursement.
10. The fact that Plaintiff seems to think this Interrogatory is asking something very different from what it is asking only goes to demonstrate the vagueness and ambiguity of what is being asked.
11. Plaintiff’s position that he is entitled to know who, if anyone, is paying Mr. Stewartson’s attorney’s fees is also legally baseless. In Florida civil litigation, the identity of third parties paying a party's legal fees is generally considered confidential and protected by attorney-client privilege. *Tumelaire v. Naples Estates Homeowners Ass'n*, 137 So. 3d 596, 599 (Fla. 2d DCA 2014).

Interrogatory No. 3:

3. Identify and describe the nature of your employment you have or had from January 2020 to present, including, but not limited to, when you began and/or concluded the employment, your title or position name, and what services you provide[d] or perform[ed].

12. This interrogatory asked about Mr. Stewartson's "employment," and Mr. Stewartson responded that he has been predominantly an Independent Contractor as a software developer during that period.

13. As a matter of law, an independent contractor is considered self-employed. In the eyes of the IRS and most legal definitions, independent contractors are classified as self-employed individuals, as they operate their own businesses or services independently rather than as employees of a company.

14. Therefore, the identify of who Mr. Stewartson's clients are as an independent contractor was not a subject of this request.

15. There is a legal presumption that Mr. Stewartson's personal financial information is protected under Mr. Stewartson's right to privacy, and accordingly is not discoverable. *Hett v. Barron-Lunde*, 290 So. 3d 565, 570-71 (Fla. 2d DCA 2020). Plaintiff must prove the relevance of this financial discovery at an evidentiary hearing. *Id.*

16. Mr. Stewartson's employment information is also irrelevant to a case for defamation, and thus should not be discoverable. See *Fibela v. Steube*, 2012 Fla. Cir. LEXIS 5036 (Fla. 12th Jud. Cir. 2012).

Interrogatory No. 4 and Request for Production No. 3:

4. Identify and describe whether you have ever received payment for any podcast episodes, media appearances, YouTube shows, or other social media posts in which you have discussed General Flynn. Include in your response the amount you were paid and by whom.

3. All documents and communications regarding any payments you have received for any podcast episodes, media appearances, YouTube shows, or other social media posts in which you have discussed General Flynn.

17. Mr. Stewartson objected to this interrogatory and request on the grounds of relevance.

18. Mr. Stewartson's position is supported by the previously cited case law concerning his right to privacy and the relevance of employment information. See *Hett v. Barron-Lunde*, 290 So. 3d 565, 570-71 (Fla. 2d DCA 2020); *Fibela v. Steube*, 2012 Fla. Cir. LEXIS 5036 (Fla. 12th Jud. Cir. 2012). Accordingly, Plaintiff must prove the relevance of this discovery at an evidentiary hearing.

19. Plaintiff claims it is relevant as circumstantial evidence that Mr. Stewartson had "actual malice" when engaging in speech about Plaintiff.

20. However, Plaintiff's position is unsupported by law. Payment or compensation has nothing to do with the actual malice standard. A public figure cannot prevail in a defamation lawsuit unless he demonstrates, by clear and convincing evidence, that the defendants published the allegedly defamatory statements with "actual malice," meaning "with knowledge that it was false or with reckless disregard of whether it was false or not." *New York Times v. Sullivan*, 376 U.S. 254, 279-80 (1964). "That is, he must be able to show—well beyond a preponderance of the evidence—that the defendants published a defamatory statement either with actual knowledge of its falsity or with a

'high degree of awareness' of its 'probable falsity.'" *Berisha v. Lawson*, 973 F.3d 1304, 1312 (11th Cir. 2020) (quoting *Garrison v. Louisiana*, 379 U.S. 64, 74 (1964)). Plaintiff must produce evidence that the defendants "actually entertained serious doubts as to the veracity of the published account, or [were] highly aware that the account was probably false." *Michel v. NYP Holdings, Inc.*, 816 F.3d 686, 703 (11th Cir. 2016).

21. While payment may be circumstantial evidence that Mr. Stewartson has ill will towards Plaintiff, ill will alone is insufficient and in fact irrelevant to proving actual malice. Therefore, this discovery is irrelevant and protected under Mr. Stewartson's right to privacy.

Request for Production No. 4 and Interrogatory No. 12:

4. All documents and communications between you and any other individual regarding General Flynn from January 1, 2020, to present.

12. Identify and describe any and all communications from January 1, 2020, to present between you and any other individuals regarding General Flynn.

22. Mr. Stewartson, without waiving his objections for relevance, being overly broad, and being unduly burdensome, attempted to answer the Interrogatory by stating that he had (privileged) communications with his legal counsel as well as conversations with a handful of close personal friends, as well as his publicly available social media posts.

23. The conversations that Mr. Stewartson has had with his legal counsel regarding this instant action, in which General Flynn is the Plaintiff, are obviously privileged and not subject to disclosure.

24. Beyond those clearly privileged conversations, General Flynn is a public figure, and expecting a detailed account of all conversations among friends that Mr. Stewartson may have had over a nearly five (5) year time span is overly broad and unduly burdensome.

25. Conversations that Mr. Stewartson had with his friends would typically only be subject to disclosure if they have a direct bearing on the issues being litigated. This request goes well beyond that scope.

26. Many of these conversations that Mr. Stewartson had took place on his cell phone (either by telephone, SMS text, or messaging apps). To be permissible, discovery involving an individual's private cell phone records must be narrowly tailored to certain search terms that are likely to render relevant information. *Talley v. Consol. Respondents*, 350 So. 3d 415, 420 (Fla. 1st DCA 2022). This instant request is not narrowly tailored nor provides any specific search terms.

Requests for Production Nos. 2, 5, 6, 7, 8:

2. All documents and communications between you and anyone else relating to your statements in ¶¶ 58, 65, 83, and 84 of the Complaint.

5. All documents and communications relating to your statement General Flynn is a "Nazi." Include in your response any documents you may have referenced in paragraph 5 of your answer to Plaintiff's first set of interrogatories.

6. All documents and communications relating to your statement that General Flynn "wants a second Holocaust." Include in your response any documents you may have referenced in paragraph 6 of your answer to Plaintiff's first set of interrogatories.

7. All documents and communications relating to your statement that General Flynn "employed Jack Posobiec to torture prisoners." Include in your response any documents you may have referenced in paragraph 7 of your answer to Plaintiff's first set of interrogatories.

8. All documents and communications relating to your statement that General Flynn "literally tried to murder Mike Pence." Include in your response

any documents you may have referenced in paragraph 8 of your answer to Plaintiff's first set of interrogatories.

27. In response to Interrogatories No. 5 and 7, Mr. Stewartson provided links to news articles that can be considered responsive to Requests for Production No. 5 and 7.
28. The scope of these requests far exceed social media, hence why Mr. Stewartson objected to them.
29. To illustrate how these requests are overly broad, Request No. 5 asks for “All documents and communications relating to your statement General Flynn is a ‘Nazi.’” Mr. Stewartson opined that Plaintiff is a Nazi based upon his review of news articles (such as those cited in response to Interrogatory No. 5) and his education—both formal and informal—regarding the Nazi movement. Some of this education would have taken place decades ago. Would Mr. Stewartson be expected to produce his high school history textbook that might have taught him about Nazism?
30. Additionally, Mr. Stewartson does not maintain files of every single article that he has reviewed about Plaintiff.
31. All of these requests concern matters of public importance, some of which have prompted extensive journalistic content from both traditional and non-traditional media outlets. Mr. Stewartson utilized this content to form his opinions and reporting. He cannot be expected to produce every article in existence on these topics.

Request for Production No. 9:

9. All documents and communications relating to your “fact-check” of the statements referenced in ¶¶ 58, 65, 83, and 84 of the Complaint.
32. The term “fact-check” as used in the Request for Production is not defined, and Mr. Stewartson did not know what the Request was actually seeking.

33. However, as explained, Defendant's statements are all commentary based upon other content that he has reviewed, and that he often links to in forums such as his Twitter/X account.

**III. DEFENDANT STEWARTSON MOVES THIS COURT FOR A PROTECTIVE ORDER.**

34. Given the scope of discovery being sought by Plaintiff, and Plaintiff's refusal to limit the scope of that discovery in the face of meritorious objections, Defendant Stewartson moves this court for entry of a protective order.

35. Under Florida Rule of Civil Procedure 1.280(c), a court may issue a protective order to protect a party from "annoyance, embarrassment, oppression, or undue burden or expense," including orders to limit the scope of discovery or to allocate the costs of discovery.

36. Mr. Stewartson is an individual with limited financial resources with no connection to the venue of this litigation. Meanwhile, Plaintiff is a nationally-known political figure.

37. Florida courts recognize that discovery must be proportional to the needs of the case, taking into account factors such as the importance of the issues at stake, the parties' resources, and the burden or expense of the proposed discovery relative to its likely benefit.

**a. The Requested Discovery Is Overly Broad and Not Proportional to the Needs of the Case**

38. Plaintiff's discovery requests are overbroad because Plaintiff is seeking information that greatly exceeds the four (4) statements made by Mr. Stewartson that are the subject matter of this case.

39. The Plaintiff generally has the burden of proof of demonstrating that Mr. Stewartson's statements were defamatory—that is, that Mr. Stewartson's comments are actionable. It is not Mr. Stewartson's burden to prove himself true.

40. The requests are not proportional to the needs of the case, considering the widespread availability of published articles concerning Plaintiff and Mr. Stewartson's voluminous, publicly available social media posts.
41. Proportionality under Florida and federal law limits the frequency and extent of allowable discovery and addresses the financial cost of compliance as a limiting factor. *See* Fla. R. Civ. P. 1.280(d) and Fed. R. Civ. P. 26(b)(2). The Florida and Federal Rules of Civil Procedure impose a "proportionality test," limiting the frequency of discovery methods otherwise permitted in cases where "the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues." Fla. R. Civ. P. 1.280(d) and Fed. R. Civ. P. 26(b)(2)(C). *See also*, *Spieker v. Quest Cherokee, LLC*, 2008 U.S. Dist. LEXIS 88103 (D. Kan. Oct. 30, 2008).
42. Forcing Defendant to produce the requested materials would impose a significant financial and logistical burden such as hiring third-party vendors to retrieve and analyze ESI (any responsive documents that Mr. Stewartson has are digitally stored), which is only furthered by Mr. Stewartson's lack of connection to this jurisdiction. Mr. Stewartson is also a person with limited financial means.
43. The proposed discovery ultimately serves limited importance in this case.
44. While Plaintiff pleads an astronomically high dollar amount of damages in its Second Amended Complaint, limited evidence of such damages has been proffered to date and Plaintiff originally claimed less than \$75,000 of damages in his original Complaint.

**b. The Costs of ESI Discovery Should Be Allocated to Plaintiff**

45. Discovery of ESI is inherently costly and burdensome, particularly when it involves analyzing the contents of Mr. Stewartson's

46. Courts have discretion to shift the costs of ESI discovery to the requesting party when the burden and expense of production outweigh the requesting party's need for the information. *See Cifuentes v. Costco Wholesale Corp.*, [Insert citation if applicable].
47. Here, Plaintiff should bear the costs of the requested ESI discovery because:
48. Plaintiff has failed to demonstrate that the requested discovery is essential or uniquely available from Defendant.
49. The costs of compliance are disproportionately high compared to the potential evidentiary value of the information sought.
50. Plaintiff, as the requesting party, is in a better position to evaluate the necessity of the ESI and should bear the financial responsibility for pursuing it.
51. WHEREFORE, Defendant respectfully requests that this Court:
- a. Enter a Protective Order limiting the scope of Plaintiff's discovery requests;
  - b. Require Plaintiff to bear all costs associated with the discovery of electronically stored information.
  - c. Grant any other relief the Court deems just and proper.

Dated: August 15, 2025

**/s/ George A.D. Thurlow**

George A.D. Thurlow, Esquire

FBN 1019960

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and proper copy of the foregoing document was served upon Jared Roberts, Esquire and Stephen French, Esquire via Florida E-Filing Portal on this 15<sup>th</sup> day of August, 2025.

**/s/ George K. Rahdert**

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