IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT IN AND FOR PASCO COUNTY, FLORIDA

TRULIEVE, INC., Plaintiff,

v.

NATHAN JUREWICZ, Defendant.

Case No.: 2025-CA001071-CAAXES

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DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY OF SOURCES AND PRIVILEGED COMMUNICATIONS

I. INTRODUCTION

Defendant Nathan Jurewicz, pro se, respectfully submits this Opposition to Plaintiff Trulieve, Inc.'s Motion to Compel Discovery. Plaintiff seeks to compel Defendant to disclose the identity of confidential sources and communications related to his investigation into potential health and safety violations at Plaintiff's cannabis cultivation facilities. This demand violates the First Amendment right to gather and disseminate news on matters of public concern, as well as Florida's statutory journalist's privilege under Florida Statute section 90.5015. Plaintiff cannot satisfy the three-part test required to overcome qualified journalist's privilege, and the Court should deny this Motion in its entirety.

II. LEGAL STANDARD FOR OVERCOMING JOURNALIST'S PRIVILEGE

To overcome a qualified journalist's privilege in Florida, a party seeking disclosure must make a clear and specific showing of three essential elements:

1. The information is relevant and material to unresolved issues in the proceeding;
2. The information cannot be obtained from alternative sources; and
3. A compelling interest exists for requiring disclosure of the information.

See Fla. Stat. § 90.5015(2); *Capers v. Weis*, 708 F.3d 1297, 1303 (11th Cir. 2013); *Miami Herald Publishing Co. v. Morejon*, 561 So. 2d 577 (Fla. 1990).

The burden to overcome the privilege rests squarely on the party seeking disclosure. The privilege protects not only confidential information but also the identity of sources and unpublished information collected during newsgathering. *See* Fla. Stat. § 90.5015(1), (4).

III. DEFENDANT IS ENGAGED IN PROTECTED NEWSGATHERING OF PUBLIC CONCERN

A. First Amendment Protection Extends Beyond Traditional News Organizations

Plaintiff argues Defendant cannot claim journalist's privilege because he is not employed by a traditional news organization. This argument fails as a matter of law. The First Amendment protects the right to gather and disseminate information on matters of public concern regardless of whether the speaker is employed by a major news outlet or is a citizen journalist publishing through social media.

The Eleventh Circuit Court of Appeals has consistently recognized that journalist's privilege extends beyond salaried employees of major media corporations to individuals who:

- Regularly engage in collecting and disseminating information of public concern;
- Conduct investigations into matters affecting public health and safety;
- Publish findings to the public through available channels.

See Capers v. Weis, 708 F.3d 1297, 1303 (11th Cir. 2013) (recognizing qualified privilege for non-traditional journalists); *Ashcroft v. al-Kidd*, 563 U.S. 731 (2011) (First Amendment protects right to gather information).

In the digital age, the notion that only employees of legacy media outlets can claim journalist's privilege has been rejected by modern First Amendment jurisprudence. Citizens who engage in investigative work and publish findings to the public through available channels are engaged in journalism protected by the Constitution.

Defendant conducted a systematic investigation into potential health and safety violations at a state-licensed cannabis facility, documented his findings through photographs and video, interviewed witnesses with direct knowledge, and published his findings through social media. This is journalism.

B. Reporting on Public Health and Safety Is Quintessentially Protected Speech

Defendant's investigation targeted potential mold contamination, product testing fraud, and health hazards at a state-licensed cannabis facility serving vulnerable medical patients. This is core First Amendment speech addressing matters of undeniable public concern:

- **Public Health**: Potential contamination of medical cannabis products consumed by seriously ill patients;
- **Regulatory Compliance**: Whether a state-licensed medical marijuana treatment center is violating health and safety regulations;
- **Consumer Safety**: Whether a company is knowingly selling defective or contaminated products to the public;
- **Worker Safety**: Dangerous working conditions at cultivation facilities, including the documented closure of all Trulieve facilities in Massachusetts and the death of an employee from inhalation of cannabis dust.

Plaintiff cannot coherently argue that its own compliance with state health and safety standards is anything other than a matter of public concern.

IV. PLAINTIFF CANNOT SATISFY THE THREE-PART TEST

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A. Prong One: Relevance

The relevant information in this case is the substance of Defendant's investigation—whether mold contamination existed at Trulieve facilities, whether testing was manipulated, and whether Trulieve knowingly sold contaminated products. The identity of a confidential source is not relevant to proving or disproving any of these facts.

B. Prong Two: Information Is Available from Alternative Sources (Dispositive)

This is where Plaintiff's motion fails. Defendant has already disclosed abundant alternative sources:

1. **Two former Trulieve employees with direct knowledge** — willing to testify publicly about mold contamination, testing manipulation, and management knowledge of health hazards
2. **Holly Bell, former Director of Cannabis for the State of Florida** — will testify to personally reviewing hundreds of health complaints from Trulieve customers reporting illness from moldy cannabis products
3. **Photographic and video evidence** — Already disclosed, showing mold contamination verified against Trulieve's own marketing materials
4. **Public records and news articles** — Documented closure of all Trulieve facilities in Massachusetts due to unsafe working conditions and employee death

C. Prong Three: No Compelling Interest

A "compelling interest" requires more than mere relevance. It requires a showing that the plaintiff's need outweighs the First Amendment interest in protecting sources. Here, Plaintiff's motive appears to be retaliation—identifying the source to pressure him into silence, intimidating future whistleblowers, and silencing reporting on matters of public concern.

None of these constitutes a "compelling interest" recognized by Florida law. Permitting Plaintiff to compel disclosure would chill speech, deter whistleblowers, and allow corporations to use litigation as a tool to suppress reporting on matters affecting public health and safety.

V. DEFENDANT ASSERTS JOURNALIST'S PRIVILEGE OVER PRIVILEGED COMMUNICATIONS

Defendant asserts journalist's privilege over the following categories of materials:

- All communications with confidential source(s) regarding the investigation into Trulieve's health and safety practices;
- All notes, work product, and preliminary findings related to investigating potential health and safety violations;
- All unpublished photographs, videos, recordings, or other materials obtained during newsgathering;

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- All communications with potential sources who declined to participate or whose identities remain confidential.

Defendant files a detailed Privilege Log separately, consistent with Florida Statute section 90.5015(4).

VI. COMPELLED DISCLOSURE WOULD VIOLATE THE FIRST AMENDMENT

Forcing Defendant to identify a whistleblower would:

1. Chill future reporting on corporate wrongdoing in the cannabis industry;
2. Expose the source to retaliation by Plaintiff;
3. Effectively silence the original investigation;
4. Invert the burden of proof in a defamation case;
5. Violate the First Amendment's prohibition on retaliation against speech.

See New York Times Co. v. Sullivan, 376 U.S. 254 (1964).

VII. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that the Court **DENY Plaintiff's Motion to Compel** in its entirety.

Should the Court find disclosure necessary despite these arguments, Defendant respectfully requests that any disclosure be:

1. Limited to a single sealed affidavit identifying only the source (not communications);
2. Accompanied by a sealing order protecting the source from public identification and retaliation;
3. Issued only after a full hearing addressing each prong of the three-part test.

Respectfully submitted,

NATHAN JUREWICZ Defendant, Pro Se 1938 Heron Cove Dr, Lutz, FL 33549, 727-433-3120, realestatetaskforce@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished to Shannon B. Timmann, Florida Bar No. 98810, Meier Watkins Phillips Pusch, LLP, 1120 20th Street, NW, Suite 550, Washington, DC 20036, via email and certified mail on this 20th day of April, 2026.

Nathan Jurewicz

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