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

TRULIEVE, INC.,

Plaintiff,

v. Case No. 2025-CA001071-CAAXES

NATHAN JUREWICZ,

Defendant.

_____/

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DEFENDANT'S SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL AND IN SUPPORT OF DEFENDANT'S MOTION FOR PROTECTIVE ORDER

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Defendant Nathan Jurewicz, pro se, respectfully submits this Supplemental Memorandum in further opposition to Plaintiff Trulieve, Inc.'s Motion to Compel and in further support of Defendant's Motion for Protective Order. This Memorandum supplements—and does not replace—Defendant's Opposition filed April 21, 2026, and is intended to assist the Court in resolving the privilege issues set for hearing on June 19, 2026.

Plaintiff seeks to force Defendant—a citizen journalist who has spent years investigating and reporting on the cannabis industry in Florida—to disclose the identities of confidential sources, including a former Trulieve employee who provided firsthand evidence of conditions at Plaintiff's facilities, and to produce his unpublished newsgathering work product. Plaintiff's demands strike at the heart of constitutionally protected newsgathering activity and must be denied.

This is precisely the kind of case the journalist's privilege exists to prevent. A multi-billion dollar publicly traded corporation—a corporation whose operations have now drawn the formal regulatory attention of three Florida state agencies and the Attorney General of the State of Ohio —has launched a defamation lawsuit primarily designed to compel its critic to disclose his sources. The Court should reject this transparent attempt to use civil discovery as a tool for source-burning and silencing public-interest journalism. *See* Defendant's Notice of Supplemental Authority and Recent Public Developments, filed contemporaneously herewith.

I. THE QUALIFIED JOURNALIST'S PRIVILEGE PROTECTS DEFENDANT'S NEWSGATHERING ACTIVITIES

Florida law provides a qualified privilege protecting journalists from compelled disclosure of confidential sources, unpublished information, and newsgathering materials. Fla. Stat. § 90.5015. This privilege is rooted in the First Amendment and recognized in Florida courts under both statutory and common-law authority. The privilege protects against compelled disclosure of (i) the identity of confidential sources; (ii) information obtained while gathering news; and (iii) unpublished work product. *Id.*

To overcome the privilege, Plaintiff must make a clear and specific showing of all three of the following: (i) the information is relevant and material to unresolved issues; (ii) the information cannot be obtained from alternative sources; and (iii) a compelling interest exists for requiring disclosure. Fla. Stat. § 90.5015(2). Plaintiff bears the burden on each element. Plaintiff cannot satisfy any of these elements, much less all three.

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A. Defendant's First Amendment Protection Does Not Depend Solely on Florida Statute § 90.5015.

Plaintiff's central argument is that Defendant does not qualify as a "professional journalist" under the statutory definition in Fla. Stat. § 90.5015(1)(b). This argument fails for two independent reasons.

First, the statute itself expressly preserves other privileges and rights. Section 90.5015(5) provides: "This section must not be construed to limit any privilege or right provided to a journalist under law." The Florida Legislature thus made clear that the statutory definition does not foreclose other privileges, including the qualified First Amendment privilege recognized by federal and state courts long before the statute's enactment.

Second, the qualified First Amendment privilege protects independent journalists, citizen journalists, bloggers, and other non-traditional news gatherers engaged in investigative reporting on matters of public concern. The Supreme Court has recognized that "liberty of the press is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the large metropolitan publisher who utilizes the latest photocomposition methods." *Branzburg v. Hayes*, 408 U.S. 665, 704 (1972). Modern courts have extended this principle to digital-era newsgatherers. *See, e.g., Obsidian Finance Group, LLC v. Cox*, 740 F.3d 1284, 1291 (9th Cir. 2014) (holding that "a First Amendment distinction between the institutional press and other speakers is unworkable" and applying constitutional defamation protections to bloggers); *Too Much Media, LLC v. Hale*, 20 A.3d 364 (N.J. 2011) (analyzing privilege application to online journalists).

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B. Defendant Engaged in Sustained, Systematic Newsgathering on Matters of Profound Public Concern.

Defendant has spent years investigating and reporting on the cannabis industry in Florida through his "GanjaLeaks" platform. His reporting has covered, among other matters: (i) potential mold contamination in commercial cannabis cultivation facilities, including Plaintiff's; (ii) workplace safety conditions in cannabis grow operations; (iii) regulatory enforcement and political contributions involving Florida agriculture officials; (iv) the legislative and political landscape surrounding cannabis regulation, including Amendment 3; and (v) industrial and environmental conditions at Plaintiff's Jefferson County cultivation facility.

These are unquestionably matters of public concern. The intervening regulatory developments described in Defendant's Notice of Supplemental Authority remove any doubt. In April 2026, three Florida state agencies—the Suwannee River Water Management District, the Florida Department of Environmental Protection, and the Florida Department of Health—took formal regulatory action concerning Plaintiff's Jefferson County facility, the very facility expressly referenced in Plaintiff's Complaint at Paragraph 11(e). SRWMD and FDEP have documented apparent violations including unpermitted wastewater discharges, excessive pollutants, and erosion. FDOH has begun distributing free water testing kits to area residents. State legislators from both political parties have called for investigations. The Jefferson County Board of County Commissioners has formally requested regulatory inquiry. In February 2026, the Attorney General of Ohio filed an antitrust enforcement action against Plaintiff and eight other multistate cannabis operators.

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Defendant's investigation was not casual or sensational. He cultivated sources within the cannabis industry, including former Trulieve employees with firsthand knowledge of internal conditions. He reviewed publicly available regulatory documents, OSHA records, and news reports. He cross-referenced source-provided photographs and videos against Plaintiff's own marketing materials to verify their authenticity. This is journalism—the same kind of accountability journalism that, when it succeeds, leads government agencies to launch the kinds of investigations Plaintiff is now facing.

II. PLAINTIFF CANNOT SATISFY THE THREE-PART TEST TO OVERCOME THE PRIVILEGE

A. The Information Sought Is Available From Alternative Sources.

Plaintiff has not even attempted to show that the information sought cannot be obtained from alternative sources. This alone is fatal to its motion. Fla. Stat. § 90.5015(2)(b). Plaintiff has multiple avenues to develop its case without forcing Defendant to disclose confidential sources or unpublished work product:

- Plaintiff can—and should—conduct its own investigation of conditions at its own facilities, including reviewing internal records, employee statements, and contemporaneous testing data.
- Plaintiff has access to its own employment records, security footage, facility logs, and laboratory testing data that would conclusively establish or refute the truth of Defendant's reporting.

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- Plaintiff can depose Defendant about his published statements, his publicly disclosed witnesses (including James Deese, Chastity Murdy, and Holly Bell), and his publicly stated bases for his reporting.
- Plaintiff can examine the publicly available OSHA records, regulatory filings, and news reports on which Defendant's reporting drew.
- Plaintiff can examine the now-public records of the April 2026 regulatory enforcement actions by SRWMD, FDEP, and FDOH concerning the Jefferson County facility expressly referenced in its own Complaint.

Plaintiff's failure to even attempt these alternatives—and its insistence on going directly to Defendant's confidential sources and unpublished work product—reveals the true purpose of its motion: not to gather evidence, but to expose and intimidate sources who might otherwise come forward.

B. There Is No Compelling Interest That Overrides the First Amendment.

Plaintiff's interest in pursuing its civil defamation claim, while legitimate, does not constitute the "compelling interest" required to override the qualified privilege. The Florida Supreme Court has emphasized that the qualified journalist's privilege exists precisely because of the public interest in protecting the flow of information from confidential sources to the public. *See Miami Herald Publishing Co. v. Morejon*, 561 So. 2d 577 (Fla. 1990).

This is not a criminal case where a defendant's liberty is at stake. It is not a national security matter. It is a civil dispute brought by a publicly traded corporation against an individual citizen journalist. In such circumstances, the privilege carries its greatest weight, because the chilling

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effect of forced disclosure falls hardest on the kind of public-interest reporting the First Amendment was designed to protect.

If Plaintiff's view prevailed, every corporation could weaponize defamation litigation to compel critics to disclose confidential sources. That is not the law, and it is not consistent with constitutional values. The current proceedings underscore the danger: the Ohio Attorney General's antitrust action against Plaintiff was initiated based on a tip from a cannabis industry insider. Florida's recent regulatory actions arose from concerns voiced by residents and others. Without the protection of confidential communications, accountability journalism—and the government oversight that follows from it—cannot function.

C. The Information Is Not Material to Unresolved Issues in the Manner Plaintiff Suggests.

Plaintiff suggests that Defendant's source identities and confidential communications are necessary to prove actual malice. They are not. Actual malice can be—and routinely is—proven through circumstantial evidence drawn from a defendant's published statements, conduct, and publicly available information. *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 668 (1989) ("[A] plaintiff is entitled to prove the defendant's state of mind through circumstantial evidence.").

Plaintiff has full access to Defendant's published statements, his public videos, his social media posts, and the three retraction demand letters Plaintiff itself sent. Plaintiff can question Defendant about his investigation, his publicly disclosed sources, and his journalistic process without compelling disclosure of confidential source identities.

Moreover, Plaintiff's own theory of actual malice, as pleaded in Paragraph 19 of the Complaint, rests on Defendant's alleged disregard of "publicly available sources" and refusal to retract after

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Plaintiff sent its own letters. That theory is internally inconsistent with Plaintiff's demand for Defendant's confidential sources: if the publicly available record was sufficient to put Defendant on notice (as Plaintiff alleges), then Plaintiff does not need Defendant's confidential sources to prove its case.

The truth or falsity of Defendant's published statements—the threshold issue in any defamation case—depends on what was actually happening at Plaintiff's facilities, not on the identity of Defendant's sources. If Plaintiff's products were free from mold contamination, Plaintiff's own laboratory records will show that. If Plaintiff complied with all environmental and employment laws, Plaintiff's own records will show that. The truth lives in Plaintiff's files, not in Defendant's source list.

III. THE PRIVILEGE PROTECTS NOT ONLY SOURCE IDENTITIES BUT ALSO UNPUBLISHED WORK PRODUCT

Plaintiff's discovery requests sweep beyond source identities. Plaintiff seeks "all communications about Trulieve," including unpublished notes, drafts, internal investigation files, and communications with potential sources who declined to participate publicly. The journalist's privilege protects all of this. Fla. Stat. § 90.5015(1)(c) (defining "information" broadly to include "any data, documents, photographs, recordings, or other materials, whether or not published"). Compelling production of unpublished work product is particularly destructive of newsgathering because it chills future investigation. Sources who provide information on background—or who decide not to go on the record—must be able to trust that their communications with journalists will not later be disclosed in civil discovery. Without that assurance, the flow of information to

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the public dries up—and so does the information that drives the kind of regulatory action Plaintiff is now facing in Florida and Ohio.

IV. THE PROTECTIVE ORDER SHOULD BE GRANTED PENDING RESOLUTION OF THE PRIVILEGE ISSUES

For the reasons set forth in Defendant's Motion for Protective Order, the deposition of Defendant —and any further discovery into privileged matters—should be stayed pending the Court's ruling on the privilege issues. Florida Rule of Civil Procedure 1.280(c) authorizes the Court to enter such an order to protect parties from "unwarranted annoyance, embarrassment, oppression, or undue burden or expense."

Forcing Defendant to sit for a deposition before the Court resolves the privilege issues would be improper for several reasons. First, it would force Defendant to either disclose privileged information or to invoke privilege repeatedly during the deposition, neither of which serves the orderly administration of justice. Second, it would expose Defendant—a pro se litigant of limited financial means—to inappropriate questioning that could result in inadvertent disclosure. Third, it would prejudge the privilege issues by allowing Plaintiff to extract information that may ultimately be ruled privileged. Fourth, conducting a deposition before the privilege issues are resolved would waste judicial resources, as the deposition transcript would likely be subject to extensive motions to strike, motions to quash, and supplemental privilege litigation after the fact. Resolving the privilege issues first allows for a focused, efficient deposition limited to non-privileged matters.

The proper sequence is clear: the Court should first resolve the privilege issues, then permit a deposition limited in scope to non-privileged matters.

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CONCLUSION

For the foregoing reasons, and for the reasons stated in Defendant's previously filed Opposition and Motion for Protective Order, Defendant respectfully requests that the Court (i) deny Plaintiff's Motion to Compel; (ii) grant Defendant's Motion for Protective Order; (iii) confirm that Defendant's confidential sources, unpublished newsgathering materials, and work product are protected from disclosure; and (iv) grant such further relief as the Court deems just and proper.

Respectfully submitted,

Dated: _____, 2026

/s/ Nathan Jurewicz

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via the Florida Courts E-Filing Portal to all counsel of record, including: Shannon B. Timmann, Esq. (shannon.timmann@mwpp.com); Megan L. Meier, Esq. (megan.meier@mwpp.com); Devin K. Bolger, Esq. (devin.bolger@mwpp.com); Hannah Menchel, Esq. (hannah.menchel@mwpp.com), Meier Watkins Phillips Pusch LLP, 1120 20th Street, NW, Suite 550, Washington, DC 20036; and Melanie Leitman, Esq. (mleitman@stearnsweaver.com); Andreka Ruddock (aruddock@stearnsweaver.com), Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., 106 East College Avenue, Suite 700, Tallahassee, Florida 32301, on this 14th day of May, 2026.

/s/ Nathan Jurewicz

Nathan Jurewicz, Pro Se

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