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

TRULIEVE, INC.

Plaintiff,

Case No. 2025-CA001071-CAAXES

v.

NATHAN JUREWICZ,

Defendant.

TRULIEVE INC.'S SECOND AMENDED[1] MOTION TO COMPEL

Plaintiff respectfully moves this Court to compel Defendant to fully and properly answer or produce documents responsive to Plaintiff's discovery requests. On November 25, 2025, Plaintiff served a single request for production and two interrogatories on Defendant. Each discovery request seeks information or documents that are not only relevant but essential to the elements of Plaintiff's defamation claim. After months of delay, Defendant finally served responses on February 2, 2026, but Defendant's responses were replete with impermissible and baseless objections. Despite Trulieve's efforts to resolve these issues without Court intervention, Defendant still largely refuses to turn over relevant and discoverable material. Moreover, the deadline for completion of fact discovery is less than a month away—May 1. The Court should overrule Defendant's objections and order him to immediately respond in full and produce responsive documents.

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[1] Trulieve files this second amended motion to compel to move the certificate of conferral above the signature block. The previously filed first amended motion was amended to include the mistakenly-omitted certificate of conferral, to more fully quote the discovery requests and responses at issue in the body of the motion, and to attach a corrected version of Exhibit A.

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BACKGROUND

Defendant Nate Jurewicz creates and operates social media accounts under the pseudonym "GanjaLeaks." (Compl. ¶ 5.) Hiding anonymously behind that moniker, Defendant posted a series of defamatory accusations about Plaintiff Trulieve throughout 2024 and 2025, falsely accusing Plaintiff of, among other things, "poisoning" its customers with illegal pesticides, deleting consumer complaints on Florida's Department of Agriculture and Consumer Services website, and "hiring illegal workers." (*Id.* ¶ 11.) After thousands of social media users saw these false claims, Trulieve set out to unmask GanjaLeaks so that it could put them on notice of the falsity of their claims and demand a retraction; after doing so, Trulieve ultimately sent Defendant a series of letters providing facts and evidence debunking his falsehoods. (*Id.* ¶ 19, 21.) After receiving Trulieve's first retraction demand, Defendant published a video in which he acknowledged receiving the letter and endorsed "GanjaLeaks's" work but denied he was GanjaLeaks and never retracted any statements. (*Id.* ¶ 19; Pl.'s Mot. Default, Exhibit A, ¶ 5).

Trulieve filed this action on April 10, 2025, alleging Defendant hid behind the anonymity of the GanjaLeaks social media accounts to repeatedly defame Trulieve by falsely accusing the company of poisoning patients with illegal pesticides and mold, deleting consumer complaints on a government website, and of hiring "illegal workers." The Complaint further alleges that, on information and belief, Defendant works for and has previously worked for a number of Trulieve's competitors and that he published the statements at issue with actual malice by "either knowingly or recklessly disregarding" the truth, "including by setting out with a financially motivated bias and a negative preconceived narrative to disparage his clients' biggest competitor," and "intentionally disregarding the publicly available sources" debunking his false claims. (Compl. ¶¶ 1, 19).

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After the Complaint was filed, Defendant concealed his whereabouts and actively evaded service for two months, forcing Trulieve to initiate substituted process through Florida's Secretary of State, which was completed on July 2, 2025, and required Defendant to respond to the Complaint by July 22, 2025. (*See* Pl.'s Mot. Default.) From there, another two months passed without any response from Defendant, and Trulieve was left with no choice but to move for judicial default on August 10, 2025. *Id.*

Trulieve then served a few narrowly tailored discovery requests on Defendant, which Defendant largely objected to, and which form the basis for this motion. (Ex. A.) In particular, Trulieve's first (and only) request for production asked Defendant to "Please produce all communications about Trulieve. This includes, but is not limited to, emails, text messages, and direct messages on social media application." (*Id.*) Defendant responded by stating "Defendant objects to this Request to the extent it is overly broad, unduly burdensome, seeks information that is irrelevant or not reasonably calculated to lead to the discovery of admissible evidence, and invades privileges protected by law." (*Id.*) He went on to object in large part by asserting the "journalist's privilege under Florida Statutes § 90.5015" as well as the "qualified common-law reporter's privilege recognized by Florida courts" and "protections under the First Amendment to the U.S. Constitution and Article I, Section 4 of the Florida Constitution." (*Id.*) In follow-up communications with counsel, Defendant confirmed that he was not producing all communications about Trulieve, writing simply "[y]ou guys don't just get to invade my privacy and get every msg mentioning the word Trulieve." (Ex. B.) Defendant also objected to the two interrogatories Trulieve served. Trulieve's second interrogatory asked Defendant to "Please identify everyone with whom you have communicated about Trulieve. For each person, state: a. The date of each communication; b. The means or manner of each communication (i.e., in-person, telephone, etc.,);

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and c. The substance of each communication (i.e. who said what). This interrogatory does not require you to provide information about communications apparent from the communications you produce in response to Request for Production No. 1. It also does not require you to identify all persons who viewed your social media posts." (Ex. A.) In response, Defendant stated "Defendant objects to this Interrogatory as overly broad, unduly burdensome, seeking information that is irrelevant or not reasonably calculated to lead to the discovery of admissible evidence, and seeking information protected by privilege." (*Id.*) Defendant went on to object more specifically on the basis of the journalist's privilege, the common-law reporter's privilege, and constitutional protections. (*Id.*) Trulieve's first interrogatory asked for Defendant to "Please identify all social media accounts that you have used or controlled. For each account, please identify: a. Your name, username, or handle; and b. The social media platform associated with the account (e.g., X, Instagram, etc.)." (*Id.*) In response, Defendant stated that "Defendant objects to this Interrogatory to the extent it is overly broad, unduly burdensome, seeks information not relevant to the claims or defenses in this action, and invades Defendant's right to privacy under the Florida Constitution and common law." (*Id.*)

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ARGUMENT

A. The material sought by Trulieve is plainly relevant and proportional to the needs of the case.

Under the Florida Rules of Civil Procedure, "[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case." Fla. R. Civ. P. 1.280. When a party fails to respond to such discovery, Florida Rule of Civil Procedure 1.380 provides that "[o]n reasonable notice to other parties and all persons affected, a party may apply for an order compelling discovery…[if] a party fails to answer an interrogatory submitted under rule 1.340… [or] if a party fails to produce documents and things

under rule 1.350(b)." Importantly, "an evasive or incomplete answer is treated as a failure to answer." *Id*. The scope of discovery is broader than that which can be introduced at trial; "a party may be permitted to discover relevant evidence that would be inadmissible at trial, so long as it may lead to the discovery of admissible evidence." *Amente v. Newman*, 653 So. 2d 1030, 1032 (Fla. 1995).

Here, the categories of information sought are plainly relevant and proportional to the needs of the case. For starters, Trulieve's requests are narrowly tailored; in total, Trulieve only propounded three discovery requests on Defendant, and they merely ask Defendant to produce his communications about Trulieve, describe any communications about Trulieve that would not be apparent from his production, and identify his social media accounts. (Ex. A.) And these requests are also relevant; they each seek discovery into materials that would help Trulieve establish elements of its claim for defamation. For example, Defendant's documents and communications about Trulieve could speak to the credibility of Defendant's so-called "sources" and the "evidence" he claims substantiate the statements at issue or—as alleged in the Complaint—to the existence of a "financially motivated bias and a negative preconceived narrative to disparage" Trulieve, each of which is evidence of actual malice. (Compl. ¶ 19*); see Harte-Hanks Commc'ns v. Connaughton*, 491 U.S. 657, 688 (1989); *see also* 1 Rodney Smolla, Law of Defamation § 3:71 (2d ed.) ("Evidence that a defendant conceived a story line in advance of an investigation and then consciously set out to make the evidence conform to the preconceived story is evidence of actual malice, and may often prove to be quite powerful evidence."). In short then, Trulieve's discovery requests are both relevant and proportional to the needs of the case, and Defendant should thus be compelled to answer them in full.

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B. Neither the journalist's privilege, nor the common-law reporter's privilege, nor vague "constitutional protections" are applicable to Defendant to avoid answering discovery in this action.

Defendant objects in large part to Trulieve's discovery requests asking for his communications about Trulieve and the identity of those he communicated with about Trulieve on the basis that the Florida's journalist privilege, the common-law reporter's privilege, and protections under the U.S. and Florida constitutions apply to protect him from having to provide such information. They do not.

First, under Florida's journalist privilege statute, Florida Statute § 90.5015, the journalist's privilege only applies to a "professional journalist", which is defined as "a person regularly engaged in collecting, photographing, recording, writing, editing, reporting, or publishing news, for gain or livelihood, who obtained the information sought while working as a salaried employee of, or independent contractor for, a newspaper, news journal, news agency, press association, wire service, radio or television station, network, or news magazine." Fla. Stat. 90.5015 (1)(b). The Defendant does not fit within that definition; he is not regularly engaged in publishing news for his livelihood, nor is he an employee or contractor of a news organization. Florida courts have agreed. A Florida court found that the founder of a YouTube news and commentary channel was not a professional journalist, and therefore could not invoke the journalist's privilege, as he was self-employed, and YouTube did not constitute a "newspaper" or "news journal." *Popcorned Planet, Inc. v. Lively*, No. 8:25-MC-28-WFJ-LSG, 2025 WL 3458601, at *1 (M.D. Fla. Dec. 2, 2025). Indeed, "Florida Courts have historically held that the journalist privilege applies to journalists employed or hired by traditional media outlets." *Techtronic Indus. Co. Ltd. v. Victor Bonilla*, No. 823CV01734CEHAEP, 2024 WL 361247, at *1 (M.D. Fla. Jan. 31, 2024). Defendant, who merely runs his own social media accounts about cannabis under the pseudonym "GanjaLeaks," is manifestly not a journalist that has been employed or hired by a traditional media

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outlet. And even if Defendant could assert the journalist's privilege (which he cannot), Trulieve would be able to overcome the privilege as "where the media and newspaper reporter involved are defendants in the libel suit, upholding the [journalist's] privilege is also less compelling...[and] '[w]hen weighed against the possibility that [the plaintiff] stands to lose his day in court and be denied access to the courts to redress his alleged libel if the privilege is upheld, ... the privilege must give way.'" *News-J. Corp. v. Carson*, 741 So. 2d 572, 576 (Fla. 5th DCA 1999) (internal citation omitted); *see also Cable News Network, Inc. v. Black*, 308 So. 3d 997, 1000–01 (Fla. 4th DCA 2020).

The common-law reporter's privilege that Defendant cites to in his objections to Trulieve's discovery requests also does not apply here. Defendant cites to two cases for the basis that he is protected by a common-law privilege: *McCarty v. Bankers Ins. Co.*, 195 F.R.D. 39, 44 (N.D. Fla. 1998) and *Kidwell v. State*, 730 So. 2d 670, 671 (Fla. 1998). Neither is applicable. The first addresses the ***federal*** common-law reporter's privilege. *McCarty v. Bankers Ins. Co.*, 195 F.R.D. 39, 44 (N.D. Fla. 1998). But this is not a federal case, and federal privileges therefore do not apply. *See Popcorned Planet, Inc. v. Lively*, No. 8:25-MC-28-WFJ-LSG, 2025 WL 3458601, at *2 (M.D. Fla. Dec. 2, 2025) ("'state law governs privilege regarding a claim or defense for which state law supplies the rule of decision.'") (internal citation omitted). And the second case addresses a reporter's privilege under Florida law "against the disclosure of nonconfidential information ***relevant to a criminal proceeding***." *Kidwell v. State*, 730 So. 2d 670, 671 (Fla. 1998) (emphasis added). As this is not a criminal case, that case also does not apply.

As for Defendant's vague assertions about constitutional protections under both Florida and the United States' Constitutions protecting him from having to disclose his sources, he points

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to no caselaw, nor could he, that would back up the assertion that those Constitutions blanketly protect defendants in civil actions from handing over discovery about confidential sources.

C. Defendant also cannot hide behind "privacy" assertions to avoid turning over discoverable material.

In response to Trulieve's Interrogatory No. 1 (and in a follow-up email discussing his discovery responses), Defendant raised an objection based in the Florida Constitution's right to privacy and Florida's common law privacy rights. (Exs. A and B.) Interrogatory No. 1 asked Defendant to "identify all social media accounts that [he] used or controlled." (Ex. A.) While Defendant listed several of his accounts, he objected on the basis of privacy to listing all of them, noting that he had "not identified additional personal or unrelated accounts" as he considered them "irrelevant to the allegedly defamatory statements." (*Id.*) And in a follow up email about all the discovery requests, Defendant doubled down on his refusal to turn over all communications related to Trulieve, writing "You guys don't just get to invade my privacy and get every msg mentioning the word Trulieve." (Ex. B.)

Article I, Section 23 of the Florida Constitution guarantees "every natural person . . . the right to be let alone and free from governmental intrusion into the person's private life." Art. I, § 23, Fla. Const. This right is not absolute when asserted as a defense against discovery requests. *See Nucci v. Target Corp.*, 162 So.3d 146, 153 (Fla. 4th DCA 2015). In fact, the "'potential for invasion of privacy is inherent in the litigation process.'" *Hauser v. Volusia Cnty. Dep't of Corr.,* 872 So. 2d 987, 991 (Fla. 1st DCA 2004) (internal citations omitted).

Florida courts have routinely held that content posted to social media sites is not privileged or protected by any right to privacy. *See Nucci*, 162 So.3d at 153 (holding that "photographs posted on a social networking site are neither privileged nor protected by any right of privacy"); *see also Davenport v. State Farm Mut. Auto. Ins. Co.,* No. 3:11-CV-632-J-JBT, 2012 WL 555759,

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at *1 (M.D. Fla. Feb. 21, 2012) (explaining that, generally, content posted to social networking sites is "neither privileged nor protected by any right of privacy"); *see also Beswick v. North West Medical Center, Inc.,* No. 03, 2011 WL 7005038 (Fla. 17th Cir. Ct. Nov. 03, 2011) (holding that "information that an individual shares through social networking web-sites . . . may be copied and disseminated by another, rendering any expectation of privacy meaningless").

Even if a right to privacy did attach to Defendant's social media accounts, Trulieve would still be able to overcome any objection on privacy grounds by showing that such discovery is reasonably calculated to lead to admissible evidence. *Nucci*, 162 So.3d at 154. Here, Trulieve seeks information about all of Jurewicz's social media accounts because he has used his social media accounts to disseminate false claims about Trulieve. The disclosure of his social media accounts is likely to lead to admissible evidence that Trulieve can use at trial and could also reveal that Defendant disseminated his defamatory claims beyond just his known social media accounts. Defendant's social media accounts are therefore central to the claims in this case, so any right to privacy that may have attached to any of his accounts is overcome.

As for Defendant's throwaway objection that a right to privacy protects him from turning over his communications related to Trulieve, Defendant cannot support that assertion. In discussing Florida's constitutional right to privacy, Florida courts have noted that "'there can be no doubt that the Florida amendment was intended to protect the right to determine whether or not ***sensitive information about oneself will be disclosed to others***.'" *Hauser* 872 So. 2d at 991 (*quoting Rasmussen v. S. Fla. Blood Serv.*, 500 So.2d 533, 535 (Fla.1987) (emphasis added)). Trulieve's discovery requests into Defendant's communications about Trulieve do not seek sensitive information about Defendant; thus, no privacy right applies, and Defendant should be ordered to produce the requested information.

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CONCLUSION

For the foregoing reasons, Trulieve respectfully requests that the Court enter an order directing Defendant to respond in full to Trulieve's discovery requests.

CERTIFICATE OF CONFERRAL

I certify that conferral prior to filing is not required under rule 1.202.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed April 30, 2026 via the Florida Court's E-Filing Portal. The undersigned also provided service via email to Nathan Jurewicz at realestatetaskforce@gmail.com.

/s/ Shannon B. Timmann
Shannon B. Timmann

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