

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNIVERSITY OF SOUTH FLORIDA
COLLEGE REPUBLICANS, et al.,

Plaintiffs,

v.

HOWARD W. LUTNICK, et al.,

Defendants.

Case No. 8:25-cv-2486

**PLAINTIFFS' REPLY TO
INTERVENORS' RESPONSE
TO MOTION TO STAY
DISCOVERY PENDING
RESOLUTION OF
DISPOSITIVE MOTIONS**

**PLAINTIFFS' REPLY TO INTERVENORS' RESPONSE
TO PLAINTIFFS' MOTION TO STAY DISCOVERY**

Plaintiffs seek a stay of all remaining deadlines because Plaintiffs “wish to proceed at [the] pace,” which will swiftly bring this case to resolution. ECF No. 78 at 1. The Panel’s ruling on either dispositive motion is that route.

Plaintiffs filed their Motion for Summary Judgment at an early stage of litigation because—as Federal Government Defendants agreed—“discovery is unnecessary in this case.” ECF No. 57 at n. 2. This is why Plaintiffs relied on publicly available information as the basis for their motion. Intervenor’s Motion to Dismiss does not change this lack of a need for discovery “*at this juncture.*” ECF No. 76 at 7 (emphasis added). Plaintiffs appreciate that, depending on how the Panel rules, motions practice will continue and discovery

will reopen. Plaintiffs are simply asking the Court to consider the two motions on the record as it exists today.

The record now includes Plaintiffs' two expert reports, which were disclosed to all opposing parties on December 31, 2025. Plaintiffs—despite taking the position that discovery was not necessary in this case and agreeing with the named Defendants as to that fact—participated in Initial and Expert Disclosures per court order and in good faith. Though Plaintiffs do not cite the reports in their Motion for Summary Judgment—the reports did not yet exist—and had no intention of bringing them to the Panel's attention prior to pretrial disclosures or in response to Defendants' dispositive motions, Intervenors have now made the reports part of the record simply to support the proposition that Intervenors will eventually “seek to depose these experts.” ECF No. 78 at 3. Plaintiffs never foreclosed that possibility. Plaintiffs only seek a “targeted, temporary stay ... to secure a just, speedy, and inexpensive determination of the action,” which Intervenors did not oppose. ECF No. 76 at 8.

Plaintiffs have moved the Panel to grant judgment *as a matter of law* in their favor. All parties agree that the Panel should consider this and the Motion to Dismiss as the record exists now. Notwithstanding Intervenors' Response today, it appears all parties—Plaintiffs, Federal Defendants, and Intervenors—support a stay at this time. Plaintiffs only request the

“extraordinarily expedited” consideration it is entitled to under Section 209(b)
of Public Law 105-119.

DATED: January 8, 2026

/s/ Emily Percival

James K. Rogers (AZ Bar No. 027287)*

Emily Percival (FBN 119313)

Ryan Giannetti (DC Bar No. 1613384)*

Crystal Clanton (AL Bar No. 1746D290)*

Robert A. Crossin (IN Bar No. 39340-49)*

William Scolinos (DC Bar No. 90023488)**

America First Legal Foundation

611 Pennsylvania Ave., SE #231

Washington, D.C. 20003

Phone: (202) 964-3721

james.rogers@aflegal.org

emily.percival@aflegal.org

ryan.giannetti@aflegal.org

crystal.clanton@aflegal.org

bobby.crossin@aflegal.org

william.scolinos@aflegal.org

Respectfully submitted,

R. Quincy Bird (FBN 105746)

Timothy W. Weber (FBN 86789)

Jeremy D. Bailie (FBN 118558)

Weber, Crabb & Wein, P.A.

5453 Central Avenue

St. Petersburg, FL 33710

Telephone: (727) 828-9919

Facsimile: (727) 828-9924

timothy.weber@webercrabb.com

jeremy.bailie@webercrabb.com

quincy.bird@webercrabb.com

*Admitted *pro hac vice*

***Pro hac vice* application
forthcoming

Counsel to Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2026, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

/s/ Emily Percival
Emily Percival

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