

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

PEN AMERICAN CENTER, INC.,
SARAH BRANNEN, BENJAMIN
GLASS, on behalf of himself and his
minor child, GEORGE M.
JOHNSON, DAVID LEVITHAN,
KYLE LUKOFF, ANN
NOVAKOWSKI, on behalf of herself
and her minor child, PENGUIN
RANDOM HOUSE LLC, SEAN
PARKER, on behalf of himself and
his minor child, ASHLEY HOPE
PÉREZ, and CHRISTOPHER
SCOTT SATTERWHITE, on behalf
of himself and his minor child,

CASE NO.: 3:23-CV-10385-TKW-ZCB

Plaintiffs,

vs.

ESCAMBIA COUNTY SCHOOL
BOARD,

Defendant.

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**DEFENDANT'S NOTICE OF SUPPLEMENTAL INFORMATION
REGARDING PLAINTIFFS' MOTION FOR SANCTIONS**

Defendant, Escambia County School Board ("Board"), gives notice of supplemental information concerning Plaintiffs' Motion for Sanctions [D.E. 159 ("Motion")].

On August 12, 2025, counsel for the Board informed Plaintiffs' counsel that they had learned from Board member Kevin Adams that the data from the cell phone at issue in the Motion (the "submerged phone") may have been recovered. Specifically, Mr. Adams communicated to the Board's counsel that, in the process of repairing a different personal cell phone, he was referred to a local cell phone repair shop, and, while there, he inquired whether they would be able to examine the submerged phone. Mr. Adams believed the vendor had been successful in recovering some of the data from the submerged phone.

Counsel for the Board also notified Plaintiffs' counsel that, on August 19, 2025, the Board would attempt through its ESI vendor to conduct a forensic collection of the data on the submerged phone. Accordingly, a paralegal member of the Board's legal team, Carlie Duquette, traveled from Tallahassee to Pensacola and, in coordination with the Board's ESI vendor, tried to collect any available data from the submerged phone.

On August 21, 2025, counsel for the Board communicated to Plaintiffs' counsel that the forensic collection of Mr. Adams' submerged phone thus far had not been successful, and that the Board was exploring other options with its ESI vendor for retrieval of the data.

On August 29, 2025, counsel for the Board communicated to Plaintiffs' counsel that, although the forensic collection was not successful, relevant data was

able to be recovered from the submerged phone and uploaded to a Google drive. Specifically, Ms. Duquette took screen shots of Mr. Adams' text messages that hit upon the parties' agreed-upon search terms, and at least one message before and one message after each responsive message in accordance with this Court's order [D.E. 154]. She then uploaded the responsive messages to the Google drive to facilitate compilation and production. Counsel for the Board anticipates producing the non-privileged, responsive documents as part of the Board's production no later than September 5, 2025.

The Board anticipates that the parties will provide an additional update to the Court once Plaintiffs have had an opportunity to review the production.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 2, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following: Kristy L. Parker at kristy.parker@protectdemocracy.org; Shalini Goel Agarwal at shalini.agarwal@protectdemocracy.org; Kirsten Elizabeth Fehlan at fehlan@ballardspahr.com; Lynn Beth Oberlander at oberlanderl@ballardspahr.com; Paul Joseph Safier at safierp@ballardspahr.com; Ori Lev at ori.lev@protectdemocracy.org; Goldie Fields at

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/s Nicole Sieb Smith

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