CASE NO. 25-13298-E

UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

Pen American Center, Inc., et al. v. Kevin Adams, et al

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
CASE NO. 3:23-cv-10385-TKW-ZCB

APPELLANTS' RESPONSE IN OPPOSITION TO APPELLEES' MOTION TO EXPEDITE APPEAL

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CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Pursuant to Eleventh Circuit Rule 26.1-1, counsel for Appellants, Kevin Adams, Paul Fetsko, Patricia Hightower, William Slayton, and David Williams, certify that, to the best of their knowledge, the following is a complete list of all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party:

1. Adams, Kevin – Appellant
2. Agarwal, Shalini Goel – Counsel for Plaintiffs
3. Ballard Spahr LLP – Law Firm for Plaintiffs
4. Baer, Nicholas Eli – Counsel for Amici Florida State Conference NAACP and Equality Florida Action, Inc., in district court
5. Bell, Daniel William – Former Counsel for Amicus State of Florida in district court
6. Bertelsmann Management SE – General partner and manager of Bertelsmann SE & Co., KGaA

7. Bertelsmann SE & Co., KGaA – Parent corporation of Penguin Random House

8. Bertelsmann Stiftung – Shareholder of Bertelsmann Se & Co. KGaA

9. Bertelsmann Verwaltungsgesellschaft (BVG) – Voting shareholder of Bertelsmann SE & Co. KGaA

10. Bolitho, The Honorable Zachary C. – United States Magistrate Judge

11. Bouzat, Facundo – Counsel for Plaintiffs

12. Bowles, Amy Kathryn – Counsel for Plaintiffs

13. Boyd, Kamera Ella – Former Counsel for Plaintiffs

14. Brannen, Sarah – Former Plaintiff

15. Buschel, Robert C. – Counsel for Amici Florida State Conference NAACP and Equality Florida Action, Inc., in district court

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17. BVG-Stiftung – Shareholder of Bertelsmann Se & Co. KGaA

18. Carlton Fields, P.A. – Law Firm for Amicus Florida Center for Government Accountability in previous appeal

19. Calvert, Clay – Amicus in district court

20. Compton, Kyle – Amicus in district court

21. Corbin, Caroline Mala – Amicus in district court

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24. Duke, Samantha Crawford – Counsel for Appellants

25. Durtschi, Lindsay – Former Plaintiff, on behalf of herself and her minor children

26. Easton, Eric B. – Amicus in district court

27. Ekstrand, Victoria Smith – Amicus in district court

28. Epstein, Michael M. – Amicus in district court

29. Equality Florida Action – Amicus in district court

30. Escambia County School Board – Defendant

31. Escambia County School District – Former Defendant

32. Fehlan, Kirsten Elizabeth – Counsel for Plaintiffs

33. Fetsko, Paul – Appellant

34. Fields, Goldie Felice – Counsel for Plaintiffs

35. Florida Center for Government Accountability – Amicus in previous appeal

36. Florida State Conference NAACP – Amicus in district court

37. Fugate, Rachel Elise – Counsel for Amicus Calvert and Individual Amici in district court

38. Glass, Benjamin – Former Plaintiff, on behalf of himself and his minor child

39. Grosholz, Jeffrey J. – Counsel for Appellants

40. Hans, G.S. – Amicus in district court

41. Hein, Jayni Foley – Counsel for Amici Florida State Conference NAACP and Equality Florida Action, Inc., in district court

42. Hightower, Patricia – Appellant

43. Johnson, George M. – Plaintiff

44. Karp, David A. – Counsel for Amicus Florida Center for Government Accountability in previous appeal

45. Kilgarriff, Michael Robert – Former Counsel for Plaintiffs

46. Kitrosser, Heidi – Amicus in district court

47. Kussmaul, Matthew Gerard – Counsel for Plaintiffs

48. Langford, John Thomas –Counsel for Plaintiffs

49. Lev, Ori – Counsel for Plaintiffs

50. Levithan, David – Former Plaintiff

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52. Ludington, Sarah – Amicus in district court

53. Lukoff, Kyle – Plaintiff

54. Magarian, Gregory P. – Amicus in district court

55. Marceau, Justin – Amicus in district court

56. Marsey, John David – Counsel for Appellants

57. Martin, C. Amanda – Amicus in district court

58. McDonald, Michael – Counsel for Plaintiffs

59. Niehoff, Len – Amicus in district court

60. Novakowski, Ann – Plaintiff, on behalf of herself and her minor child

61. Oberlander, Lynn Beth – Counsel for Plaintiffs

62. O'Hickey, Bridget K. – Former Counsel for Amicus State of Florida in district court

63. Parker, Kristy L. – Counsel for Plaintiffs

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65. Patrow, Kristin A. – Amicus in district court

66. Peltz-Steele, Richard J. – Amicus in district court

67. PEN American Center, Inc. – Plaintiff

68. Penguin Random House LLC – Plaintiff

69. Pérez, Ashley Hope – Plaintiff

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71. Piety, Tamara – Amicus in district court

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84. Smith, Carin – Former Plaintiff, on behalf of herself and her minor children

85. Smith, Nicole Sieb – Counsel for Appellants

86. State of Florida – Amicus in district court

87. Summers, Shawn F. – Former Counsel for Plaintiffs

88. The Mohn Family – Shareholder of Bertelsmann SE & Co. GKaA

89. Ugland, Erik – Amicus in district court

90. Warren, Catherine Jane – Former Counsel for Plaintiffs

91. Weinberg, Jonathan – Amicus in district court

92. Wetherell, The Honorable Kent T., II – United States District Court Judge

93. Whitaker, Henry Charles – Former Counsel for Amicus State of Florida in district court

94. Williams, David – Appellant

CIP CERTIFICATION

Appellants, pursuant to 11th Circuit Rule 26.1-3(b), hereby certify that no publicly traded company or corporation has an interest in the outcome of the case or appeal.

APPELLANTS' RESPONSE IN OPPOSITION
TO APPELLEES' MOTION TO EXPEDITE APPEAL

Appellants, Kevin Adams, Paul Fetsko, Patricia Hightower, William Slayton, and David Williams (hereinafter "Board members"), respond to Appellees' Motion to Expedite Appeal, (Doc. 13 ("Motion")),[1] as follows:

I. INTRODUCTION AND BACKGROUND

This case involves challenges by Appellees—Plaintiffs below (hereinafter "Plaintiffs")—to votes by the non-party Board members to remove or restrict certain books in the libraries of the Escambia County School District ("District"). The Defendant in this matter is the Escambia County School Board ("Board"), which was at relevant times made up of the Board members. Plaintiffs allege these actions by the Board violate the First Amendment. During discovery, Plaintiffs sought to depose the Board members.[2] The Board members filed motions to quash and/or for protective orders, arguing they were protected from giving compelled testimony by the legislative privilege. (D.E. 210, 211–15). The district court denied these motions. (D.E. 226). The Board members now appeal the district court's order under 28

[1] Citations to documents ("Doc.") designate the original docket entry in this Court, unless otherwise indicated. Citations to documents in the district court are in turn designated as (D.E. XX).

[2] While Board members Hightower and Slayton have stepped down from the Board, Plaintiffs still seek to take their deposition.

U.S.C. § 1291 and *In re Hubbard*, 803 F.3d 1298, 1305 (11th Cir. 2015), in which this Court held that denial of legislative privilege claims are immediately appealable. *See* (D.E. 227).

This is the second appeal of this issue: the previous appeal by the Board members and the Board (who is not a party to the instant appeal) was dismissed for lack of standing. *See Pen Am. Ctr., Inc. v. Escambia Cnty. Sch. Dist.*, No. 24-13896, 2025 WL 1937264 (11th Cir. July 15, 2025). The prior procedural history of this matter is recounted therein. *See id.* at *1–2.

After this Court dismissed the first appeal, the district court entered a supplemental scheduling order, allowing the Board members to file motions to quash and/or for protective order based on legislative privilege, and setting a discovery schedule. (D.E. 200). The district court also set a briefing deadline for "'threshold' issues of standing and government speech / applicability of the First Amendment to school library book removals." *Id.* This briefing was to be done separate from the merits of Plaintiffs' First Amendment claims. *Id.*

After the district court entered its order, the Board members filed the aforementioned motions to quash and/or for protective order, which were denied; that order is the subject of this appeal. *See* (D.E. 226). The district court has stayed the issue of the Board member depositions pending the resolution of this appeal. *Id.*

Following the district court's order, Plaintiffs also served notices of taking deposition and subpoenas for two additional Board members who recently joined the Board ("new Board members"). *See* (D.E. 234–35). Like the Board members, the new Board members also sought a protective order and/or to quash the subpoenas on the basis of legislative privilege. *See id.* These motions were likewise denied by the district court, and those depositions have been stayed to allow the new Board members to appeal to this Court. (D.E. 246). The new Board members anticipate filing an appeal, similar to the Board members, and seeking to consolidate that appeal with the instant one, pursuant to Federal Rule of Appellate Procedure 3(b).

While this matter proceeded, another case in which the Board is the defendant—also involving the applicability of the First Amendment to school library book removals—was resolved in the Board's favor. *See Parnell v. Sch. Bd. of Escambia Cnty.*, No. 4:23-cv-414-AW-MAF, ECF No. 261 (N.D. Fla. Sept. 30, 2025). In that case—heard in the same district court but before a different judge—it was determined those plaintiffs had no First Amendment rights concerning the Board's selection of library books, and judgment was entered in the Board's favor. *See id.* That judgment is the subject of an appeal now pending before this Court. *See Parnell v. Sch. Bd. of Escambia Cnty.*, No. 25-13485 (11th Cir.) ("*Parnell*"). There is a third appeal also pending before this Court concerning school boards' selection of library books arising out of a different district court; that case, however, involves

as a separate issue the constitutionality of the underlying statute and includes the Florida State Board of Education members as defendants in addition to school boards. *See Penguin Random House, LLC v. Gibson*, No. 25-13181 (11th Cir.) ("*Gibson*").

Plaintiffs in this matter have now sought to stay the district court's summary judgment proceedings below on these "threshold" matters, pending this Court's resolution of the appeal in *Gibson*.[3] (D.E. 240). Namely, Plaintiffs concede that this Court's resolution of the appeal in *Gibson*—and, as the district court noted, the appeal in *Parnell*—will affect threshold matters in this case, including whether a school board's curation of library books is government speech. *Id.* at pp. 7–8. Plaintiffs also agree certain standing requirements may be resolved in the other appeals now pending before this Court that would inform the district court's standing analysis in this case. *See id.* at pp. 8–9. And, staying the underlying case pending resolution of these appeals will, Plaintiffs acknowledge, promote judicial economy and consistency. *Id.* at pp. 9–11.

The district court entered an order indicating it was inclined to agree, noting that, "it seems likely that the Eleventh Circuit's decision in the appeal of [*Parnell*]

[3] As the district court here accurately noted, Plaintiffs ought to have based their stay request off of the pending appeal in *Parnell*, rather than *Gibson*, "because the constitutional issue decided [in *Gibson*] is not in this case whereas the issue decided [in *Parnell*] is." (D.E. 243 at pp. 1–2 n.1).

will either resolve this case or inform its decision." (D.E. 243 at p. 2 n.1). And the Board has since filed a notice of non-objection, noting its acquiescence to a stay of proceedings. (D.E. 248). Yet, despite asking the district court to stay consideration of dispositive issues like standing and the applicability of the First Amendment to their claims—a request the district court has noted it is prone to grant, *see id.*—Plaintiffs have incongruously asked this Court to expedite an appeal concerning a discovery matter that is not dispositive, will not ultimately affect or change the threshold issues like standing or government speech, and—in the event this Court affirms the district court's order in *Parnell*—need not ever be decided.

Within this broader framing of not only this case but also the other appeals currently pending, it is clear good cause does not exist to expedite this appeal. Plaintiffs claim they cannot "effectively resolve their claims while missing critical evidence" that can apparently only be gained by deposing the Board members. Mot. at p. 5. Plaintiffs also argue expediting the appeal will "serve the interests of justice by allowing the district court to more timely consider and resolve whether the books at issue should be returned to the shelves." *Id.* Specifically, Plaintiffs ask that the Court "not allow any extensions to briefing deadlines and hear argument on this appeal at its earliest convenience, whether that be on the first available calendar date after the end of the briefing schedule or through a special sitting." *Id.* at pp. 11–12.

But all of Plaintiffs' points are undercut by their own conduct. First—and most fatal to Plaintiffs' claimed need for expedited relief—despite arguing they need immediate resolution of this appeal to "hasten . . . the ultimate resolution of this suit," Plaintiffs have sought a stay of the summary judgment briefing deadline concerning dispositive issues in the district court below. Plaintiffs cannot on one hand argue all briefing below should be halted while this Court adjudicates the appeals in other cases that may decide dispositive threshold matters, yet on the other urge this Court to resolve this appeal—which concerns a discrete, non-dispositive discovery issue—at an expedited pace that allows for no extensions whatsoever.

Second, and relatedly, Plaintiffs' argument that they cannot litigate this matter without the Board member depositions is similarly flawed given they are the ones who have asked the district court to effectively halt all proceedings below. The threshold issues for which they have asked the district court to stay briefing—standing, whether the actions under scrutiny constitute government speech, whether the First Amendment is applicable to school library book removals, *see* (D.E. 200, 240)—are not dependent on and are in no way affected by any testimony of the Board members. Rather—and as Plaintiffs acknowledge in their motion to stay—a stay will promote judicial economy and efficiency by allowing this Court to decide these dispositive threshold issues that will either bind or, at the least, inform the

district court's analysis. (D.E. 240). On the other hand, this Court's resolution of this appeal will not be dispositive of any matters before the district court.

Third, as explained below, Plaintiffs have again been dilatory before the district court, weakening any claims of necessary expedited relied on appeal. Fourth, Plaintiffs' argument that the Board members will not be prejudiced should the Motion be granted lacks merit. Fifth, this is not the kind of case that generally merits expediting. Plaintiffs' Motion should be denied.

The Board members sought, and were granted, an over-the-phone extension for filing their initial brief, which is now due December 3, 2025.[4] This extension was sought, in part, to allow the new Board members to file their notices of appeal and seek to consolidate their appeal with the instant one, as well as to allow the filing of a motion to stay this appeal, which the Board members intend to file shortly. The Board members do not anticipate needing another extension of time for filing their initial brief. However, as noted, the Board members anticipate filing a motion to stay this appeal pending this Court's resolution of the appeals in *Parnell* and *Gibson*. That is, for all the reasons there is no good cause to expedite this appeal, there exists

[4] Assuming no further extensions are sought and granted, briefing in this case should be completed on or around January 23, 2026. *See* (Doc. 8); *see also* 11th Cir. R. 31-1(a). This also assumes the current briefing schedule remains unchanged if and when the new Board members appeal to this Court and are able to consolidate their appeal with the Board members' appeal. *See* 11th Cir. R. 28-1, I.O.P. 7; 11th Cir. R. 31-1(b).

grounds to stay this appeal because, in the event this Court affirms the district court's order in *Parnell*, it never need reach the question before it in this appeal.

II. ARGUMENT

A. Good Cause Standard

This Court's internal operating procedures only allow an appeal to be expedited "for good cause shown." 11th Cir. R. 27 I.O.P. 3. Good cause "is shown if a right under the Constitution of the United States or a Federal Statute . . . would be maintained in a factual context that indicates that a request for expedited consideration has merit." 28 U.S.C. § 1657(a).

B. Plaintiffs' Request for a Stay Below Undercuts Any Claim for Expedited Relief in this Court

Plaintiffs argue that expediting this appeal is needed because it will "hasten the conclusion of discovery and ultimate resolution of this suit." Mot. at p. 10. This is needed, Plaintiffs claim, as "[e]very day that this case remains pending without resolution is another day that Plaintiffs' First Amendment rights are infringed." *Id.* And yet, despite arguing that each passing day inflicts continuing irreparable harm, *id.*, Plaintiffs have now asked for a stay of dispositive briefing below so that this Court may adjudicate separate pending appeals—one of which, if decided in the Board's favor, will moot the necessity of this appeal entirely.

These discordant actions—i.e., Plaintiffs' efforts to halt dispositive proceedings before the district court while simultaneously requesting a non-dispositive discovery appeal be expedited—vitiate any claim by Plaintiffs that absent expediting this appeal, their clients will be harmed. It cannot be that Plaintiffs will suffer irreparable harm unless this Court expedites this appeal—with no extensions granted and it being set for resolution and/or argument as soon as possible—but on the same token the district court should halt summary judgment briefing on dispositive issues while the Parties wait months for another appeal to be resolved.

C. The Board Member Depositions Are Not a Dispositive Issue Nor Are They Required Given the State of Proceedings Below

As noted, the district court has stayed the issue of the Board member depositions pending the resolution of this appeal. (D.E. 226). Moreover, the Parties have effectively concluded discovery,[5] (D.E. 200), and, given the district court's inclination to stay the underlying proceedings to allow this Court to resolve the *Parnell* and *Gibson* appeals, (D.E. 243 at pp. 1–2 n.1), there is no good cause to expedite this appeal because Plaintiffs' merits arguments—and any ensuing

[5] The Parties have filed a joint two-week motion for an extension of the discovery window to address discrete discovery disputes—which was granted—and the Board filed a motion to compel better responses to discovery. (D.E. 239, 241, 243). In light of the Court's order indicating its inclination to grant a stay, the Board has filed a notice of non-objection, asking the district court to implement the stay immediately. (D.E. 248).

summary judgment briefing on the issue—will be unaffected by this appeal remaining on its normal track. Similarly, should this Court grant the Board members' forthcoming motion to stay this appeal, Plaintiffs will remain unprejudiced because there are no deadlines or other obligations in the court below that will be impacted. And if the Court affirms the district court in *Parnell*, "it seems likely [it] . . . will either resolve this case or inform its resolution." *Id.* Indeed, this wider state of affairs is what effectively drives Plaintiffs' motion to stay proceedings below. *See* (D.E. 240). In this vein, good cause is once again lacking.

Namely, the dispositive questions of standing, government speech, and/or the applicability of the First Amendment to the Board's libraries—briefing for which Plaintiffs seek a stay below—will be unaffected by any testimony provided by the Board members. The Board members will not be testifying as a corporate representative for the Board pursuant to Federal Rule of Civil Procedure 30(b)(6), but rather will be providing purely factual testimony. To that end, Plaintiffs cannot show how resolving this appeal—which concerns a discrete discovery issue that is not dispositive and instead can only aid the merits briefing for either party—in the normal fashion will negatively affect any deadlines or party. There is no good cause to expedite an appeal for an issue that has been stayed by the district court, and for which the district court has assured the Parties will be separately briefed.

D. Plaintiffs Have Not Diligently Litigated This Case

Plaintiffs' contention that good cause exists because it will hasten resolution of this matter additionally lacks merit because—as the district court previously noted—despite the fact "some of the books [at the heart of Plaintiffs' case] have been unavailable in the [District's] school libraries for more than two years," Plaintiffs "did not seek a preliminary injunction or any other sort of expedited relief." (D.E. 170 at p. 1). And this is not the first time the district court has commented on Plaintiffs' dilatory actions: the district court similarly denied Plaintiffs' request to amend their complaint because they failed to show diligence. *See* (D.E. 155 at p. 2). Indeed, as Plaintiffs' Motion argues, some of the books at issue have allegedly "been removed from student access for close to three years at this point." Mot. at p. 10. Yet despite the district court's repeated observations, Plaintiffs have taken no substantive steps below to do what they argue this Court should do: "hasten the . . . ultimate resolution of this suit." *Id.*

To the extent Plaintiffs have not actively pursued their claims before the district court—including by failing to seek expedited relief—they cannot now claim good cause exists to expedite this appeal because it will hasten overall resolution in this matter.

E. The Board Members Would Be Prejudiced By Granting Plaintiffs' Requested Relief

Plaintiffs request that in expediting this appeal, the Court should "not allow any extensions to briefing deadlines." *Id.* at p. 11. Their basis for this is solely due to this not being the first time the undersigned have argued the issue of legislative privilege as relates to the Board members. *See id.* at pp. 10–11. As in the first appeal, when Plaintiffs also sought to expedite matters, they claim the Board members "should be fully prepared to present [their] positions to the Court and will not be prejudiced" by the Court declining to offer any extensions to the briefing schedule. *Compare id.* at p. 11, *with Pen Am. Ctr., Inc.*, No. 24-13896, Doc. 21 at p. 13 (11th Cir. Jan. 22, 2025). In the first appeal, this Court partially granted Plaintiffs' request, but denied it "to the extent Appellees seek to prohibit the parties from seeking extensions of time to file future briefs." *Pen Am. Ctr., Inc.*, No. 24-13896, Doc. 26 at p. 3 (11th Cir. Feb. 11, 2025).

The Board members do not believe Plaintiffs have shown good cause to expedite the appeal in any manner as argued above. But even if Plaintiffs have, they are incorrect that the Board members would suffer no prejudice by this Court preemptively prohibiting any extensions before the first brief has even been filed. While the Board members do not anticipate needing additional extensions for their initial or reply briefs, there is a possibility an unforeseen need would arise, creating good cause for extensions.

Yet, taken to its logical conclusion, the relief Plaintiffs seek would result in no extensions whatsoever being granted, regardless if good cause exists or not. *See id.* at p. 11 (prayer for relief requesting "the Court not allow *any* extensions to briefing deadlines" (emphasis added)). Should Plaintiffs decide to forego any extensions of time to file their response brief, that is of course their prerogative. But it would unfairly prejudice the Board members to preemptively prohibit any extensions needed for their reply brief before the first brief has even been filed; similarly, Plaintiffs have offered no compelling justification for why the Board members should not be permitted any extensions of time for their initial or reply briefs if needed and good cause exists for such extensions.

F. This Matter Is Not the Kind of Appeal That Warrants Expediting

Finally, this is not the kind of matter that generally merits expediting. Given that the Board member depositions have been stayed, the only issues to be resolved are purely legal threshold ones—issues for which Plaintiffs have requested a stay and the Board has filed a notice of non-objection. Assuming the district court grants the stay—as it has indicated it is likely to do—this would effectively mean the entire case is stayed given the only substantive outstanding discovery, i.e., the Board member depositions, is also stayed. Thus, there is no danger that either party will be forced to litigate the underlying matter, only to have to relitigate it depending on this Court's decision.

Further, there is no temporary or injunctive relief pending, on the verge of expiring, or recently dissolved that could operate to moot or thwart any of the underlying claims absent an expedited appeal. *Cf. In re White-Lett*, No. 23-10732, 2024 WL 578122, at *2 n.5 (11th Cir. Feb. 13, 2024) (finding good cause to expedite appeal in case about bank's ability to foreclose on plaintiff's property because state court "had recently dissolved its injunction," which would allow bank "to foreclose within a short time," that would in turn moot the appeal, thus "establish[ing] good cause to expedite it"). This is also not a case where the appeal is time-sensitive because of the operation of law. *See, e.g.*, *Melendez v. Sec'y, Fla. Dep't of Corr.*, No. 21-13455, 2022 WL 1124753, at *7–8 (11th Cir. Apr. 15, 2022) (noting although Court had expedited first appeal it was nonetheless moot because injunction had expired by operation of law in the interim). Nor is this is a case where expediting is needed because of extraneous circumstances that warrant rapid resolution. *See, e.g.*, *Banks v. Sec'y of Health and Hum. Servs.*, No. 2021 WL 3138562, at *4 & n.5 (11th Cir. July 26, 2021) (ordering expedited consideration of case on remand because of plaintiff's "health condition").

In sum, Plaintiffs have not established good cause for expedited consideration of this appeal. The Court should deny Plaintiffs' Motion, allow extensions of the briefing schedule as needed, and adhere to the Court's initial briefing schedule.

WHEREFORE, Appellants, Kevin Adams, Paul Fetsko, Patricia Hightower, William Slayton, and David Williams, respectfully request this Court deny Appellees' Motion to Expedite, and for any and all further relief this Court deems just and proper.

CERTIFICATE OF COMPLIANCE

The undersigned certify that this Response complies with the limitations in Federal Rule of Appellate Procedure 27(d)(2)(A) as it is less than 5,200 words. The undersigned further certify this Response complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)–(6) because it was prepared using Microsoft Word, 14-point Times New Roman.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 20, 2025, I electronically filed the foregoing Response in Opposition to Appellees' Motion to Expedite Appeal by using the Eleventh Circuit Court ECF system which will send by e-mail a Notice of Docket Activity to the following: Kristy L. Parker at

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