

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

**PEN AMERICAN CENTER, INC.,
et al.,**

Plaintiffs,

v.

Case No. 3:23cv10385-TKW-ZCB

**ESCAMBIA COUNTY SCHOOL
BOARD,**

Defendant.

_____ /

**ORDER EXTENDING DISCOVERY DEADLINE AND TOLLING
BRIEFING SCHEDULE**

The parties filed a joint motion for a two-week extension of the discovery deadline. *See* Doc. 239. Separately, Plaintiffs filed a motion to stay (Doc. 240), and Defendant filed a motion to compel (Doc. 241). The latter two motions are not yet ripe because they are opposed, but the Court sees no reason for briefing on the “threshold” issues to commence until the motion to stay is resolved. It should not take Defendant the full 14-day period in Local Rule 7.1(E) to explain its opposition to the motion to stay,¹ so the response period for that motion will be shortened to 7 days.

¹ The Court will keep an open mind on the motion to stay until Defendant responds, but it is hard to understand why Defendant opposes a stay now that the main “threshold” issue in this case is before the Eleventh Circuit. That said, it is also hard to understand why the stay request was based on the pending appeal of Judge Mendoza’s order in *Gibson*, not the pending appeal of

Accordingly, it is **ORDERED** that:

1. The joint motion to extend the discovery deadline is **GRANTED**, and the discovery deadline is extended to October 29, 2025.

2. The briefing schedule in the supplemental scheduling order (Doc. 200) that is tied to the discovery deadline is tolled pending disposition of Plaintiffs' motion to stay.

3. The deadline for Plaintiffs' response(s) to the new school board members motions to quash or for protective orders (Docs. 234, 235) is not tolled. *See* Doc. 236.

4. Defendant has 7 days from the date of this Order to respond to Plaintiffs' motion to stay.

5. Defendant's motion to compel (Doc. 241) is referred to the magistrate judge for disposition under Local Rule 72.3.

Judge Winsor's order in *Parnell* because the constitutional issue decided by Judge Mendoza is not in this case whereas the issue decided by Judge Winsor is. Indeed, even though Judge Winsor disclaimed any ruling on the issue of "government speech," his order was based on the same "threshold" issue that the parties are going to be briefing in this case—i.e., "government speech / applicability of the First Amendment to school library book removals." Doc. 200 at ¶4.a (emphasis added). Thus, irrespective of what happens in the appeal of Judge Mendoza's order, it seems likely that the Eleventh Circuit's decision in the appeal of Judge Winsor's order will either resolve this case or inform its resolution.

DONE AND ORDERED this 16th day of October, 2025.

A handwritten signature in blue ink, appearing to read "T. Kent Wetherell, II", with a stylized flourish at the end.

T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE