

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA**

Case No. 4:25-cv-00419-MW-MJF

BRITTNEY BROWN,

*Plaintiff,*

v.

ROGER A. YOUNG, *et al.*,

*Defendants.*

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**JOINT PRETRIAL STIPULATION**

The parties jointly submit this pretrial stipulation pursuant to the Court's Order for Pretrial Conference, ECF 38, and Federal Rule of Civil Procedure 16.

**(1) The basis of federal jurisdiction:**

The Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3) because this action arises under the Constitution and laws of the United States.

**(2) A concise statement of the nature of the action:**

Plaintiff Brittney Brown is a former employee of the Florida Fish and Wildlife Conservation Commission ("FWC") who alleges her termination was retaliatory and viewpoint-discriminatory in violation of the First and Fourteenth Amendments of the U.S. Constitution. Plaintiff seeks declaratory relief, reinstatement and other equitable remedies against Defendant Roger A. Young, in his official capacity as Executive Director of FWC; Plaintiff seeks back pay and monetary damages against

Defendant Melissa Tucker in her personal capacity. Plaintiff also seeks an award of her attorney's fees and costs.

**(3) A brief general statement of each party's case:**

**Plaintiff:** Ms. Brown asserts claims under 42 U.S.C. § 1983 alleging that Defendants terminated Plaintiff and discriminated against her viewpoint in retaliation for protected political speech critical of Charlie Kirk. Plaintiff shared a satirical political post to her personal Instagram followers on Wednesday, September 10, 2025, while she was out of state on vacation. Three days later, over the weekend after the post had disappeared from Plaintiff's Instagram stories, Defendant Roger Young became aware of the post. Defendant Young immediately instigated termination of Plaintiff, and Defendant Tucker coordinated the termination on Monday morning, September 15, 2025, as soon as Plaintiff returned to work. Defendants acted quickly because Plaintiff was an at-will ("OPS") employee and could be terminated immediately without explanation or process.

Plaintiff's political speech had no relation to FWC or her job. FWC operations were not disrupted by Plaintiff's personal political speech. Defendants failed to document any change in agency operations resulting from Plaintiff's political speech other than a few weekend conversations between executives and the coordination to terminate Plaintiff immediately on Monday morning. FWC's Office of Inspector General logged fifty complaints regarding Plaintiff's political speech, in a report

circulated to Defendants the same day Plaintiff was terminated, but Defendants never consulted the report. Plaintiff's colleagues continued to support her, including by nominating her for her FWC Division's "Purveyor of Awesomeness Award" after her termination.

Defendants have spread false information about Plaintiff and interfered with Plaintiff's efforts to find other employment. Plaintiff seeks reinstatement, back pay, and damages, as well as injunctive and declaratory relief to prevent further unconstitutional retaliation against her by FWC. Plaintiff also seeks an award of her attorney's fees and costs.

**Defendant Young:** Defendant Roger A. Young remains in this case only in his official capacity for prospective equitable relief. Defendant Young denies that Plaintiff is entitled to declaratory, injunctive, reinstatement, or other forward-looking relief. Defendant Young contends that the challenged employment decision was based on FWC's public employer interests, including the public association between Plaintiff's repost and FWC, the agency's public-facing mission, public trust, reputational harm, and the reasonable forecast of disruption or impairment to agency interests, not disagreement with Plaintiff's viewpoint. Defendant Young further contends that Plaintiff cannot establish the elements necessary for prospective equitable relief, including reinstatement, particularly in light of the current record,

Plaintiff's subsequent employment, and the practical and equitable considerations bearing on any forward-looking remedy.

**Defendant Tucker:** Defendant Tucker denies that she retaliated against Ms. Brown for engaging in protected speech, or that she is otherwise liable under section 1983. Defendant Tucker did not make the decision to terminate Brown and did not possess any retaliatory motive with respect to her challenged actions. Moreover, Tucker's conduct was not the but-for cause of Plaintiff's termination. Defendant Tucker did not violate clearly established law and is entitled to Qualified Immunity, as well as to the Same Decision defense.

**(4) A list of all exhibits to be offered at the trial, noting any objections thereto and the grounds for each objection:**

See attached Exhibit 1.

**(5) A list of all witnesses, including rebuttal and expert, intended to be called at the trial by each party:**

**Plaintiff:**<sup>1</sup>

1. Brittney Brown
2. Danielle Bumgardner

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<sup>1</sup> Defendants object to witnesses Bumgardner and Seay as having no relevant, non-speculative testimony. Defendants believe they would only be a conduit for hearsay or irrelevant information.

3. David Seay
4. Roger Young
5. Melissa Tucker
6. George Warthen
7. Anna Yawn

**Defendant Young:**

Defendant Young expects to present the following witnesses:

1. Roger Young
2. George Warthen
3. Anna Yawn

Defendant Young may call the following witnesses if the need arises:

1. Brittney Brown
2. Melissa Tucker, subject to coordination with Defendant Tucker's counsel
3. Claire Sundquist Blunden
4. Shannon Knowles
5. FWC records custodian, FWC Office of Inspector General records custodian, or other appropriate foundation witness
6. Any witness identified by Plaintiff, subject to Defendant Young's objections and limitations, for cross-examination, rebuttal, impeachment, completeness, or any other proper purpose under the Federal Rules and this

Court's orders

7. Any witness identified by Defendant Tucker, subject to coordination with Tucker's counsel and Defendant Young's objections and limitations, for cross-examination, rebuttal, impeachment, completeness, or any other proper purpose under the Federal Rules and this Court's orders

**Defendant Tucker:**

1. Melissa Tucker, c/o Defendants' counsel
2. Roger Young, c/o Defendants' counsel
3. George Warthen, c/o Defendants' counsel
4. Anna Yawn, c/o Defendants' counsel
5. Brittney Brown c/o Plaintiff's counsel
6. Any other witness identified in Tucker's pretrial disclosures, as needed

**(6) A concise statement of those facts which are admitted and will require no proof at trial, together with any reservations directed to such admissions:**

1. Plaintiff Brittney Brown is a biologist.
2. Defendant Roger Young is Executive Director of FWC. He was not familiar with Plaintiff before the events that gave rise to this lawsuit.
3. Defendant Melissa Tucker is Director of FWC's Division of Habitat and Species Conservation.
4. Defendant Tucker reports directly to FWC Chief Conservation Officer George Warthen, who in turn reports directly to Defendant Young.

5. In March 2018, FWC hired Plaintiff as a part-time Fisheries & Wildlife Biological Scientist I, through August 2018. In November 2018, FWC hired Plaintiff as a full-time Fisheries & Wildlife Biological Scientist III, Critical Wildlife Area Biologist (“Biological Scientist III”).

6. Plaintiff held the position of Biological Scientist III until September 15, 2025.

7. FWC classified Plaintiff’s position as Other Personal Services (“OPS”)

8. Plaintiff made \$23.90 per hour at the time of her termination and worked 40 hours a week.

9. Charlie Kirk was shot and killed on Wednesday, September 10, 2025.

10. On September 10, Plaintiff shared an Instagram post from user @awhalefact which stated: “the whales are deeply saddened to learn of the shooting of charlie kirk, haha just kidding, they care exactly as much as charlie kirk cared about children being shot in their classrooms, which is to say, not at all.”

11. Young made the decision to terminate Plaintiff.

**(7) A concise statement of those issues of law upon which there is agreement:**

1. The Court has jurisdiction over the parties and action.
2. Venue is proper.
3. Charlie Kirk was a public figure.

4. Plaintiff's repost of the Whale Statement was unrelated to her job duties as a Biological Scientist III at FWC.

5. Plaintiff's repost of the Whale Statement involved a matter of public concern.

**(8) A concise statement of those issues of fact which remain to be litigated:**

1. The facts bearing on Plaintiff's asserted First Amendment interests and FWC's asserted public-employer interests.

2. Whether the challenged decision was motivated by Plaintiff's viewpoint.

3. Whether Defendant Tucker caused the termination of Plaintiff.

4. Facts bearing on whether reinstatement or any other prospective equitable relief against Defendant Young is feasible, appropriate, or equitable.

5. Facts concerning Plaintiff's subsequent employment, mitigation, and the effect of that employment on reinstatement, front pay, or other prospective equitable relief.

6. Facts bearing on damages, punitive damages, qualified immunity, and individual capacity liability as to Defendant Tucker.

**(9) A concise statement of those issues of law which remain for determination by the Court:**

1. Whether Plaintiff's free speech interests outweighed FWC's interest in effective and efficient fulfillment of its responsibilities under the applicable public employee speech framework and based on the trial record.
2. Whether Plaintiff is legally or equitably entitled to reinstatement or any other prospective equitable relief against Defendant Young in his official capacity.
3. Whether extenuating circumstances warrant awarding Plaintiff "front pay" in lieu of reinstatement.
4. The scope of injunctive and declaratory relief available against Defendant Young in his official capacity, if any.
5. The legal standard for Defendant Tucker's liability. Whether she can be individually liable for intentional retaliation because she participated in the termination decision or if Plaintiff must establish that her conduct influenced or was causally connected to the termination decision.
6. Whether Defendant Tucker is entitled to qualified immunity.
7. The amount of sanctions-related attorneys' fees, to be assessed at the conclusion of the case pursuant to the Court's May 12, 2026, sanctions order.

8. Plaintiff's entitlement to attorney's fees and costs under 28 U.S.C. § 1821, 28 U.S.C. § 1920, 42 U.S.C. § 1988, and Federal Rule of Civil Procedure 54(d); and the calculation of those fees and costs, if Plaintiff obtains a legally sufficient basis for such an award.
9. Whether any *Mt. Healthy* or same-decision defense applies to Plaintiff's claim for relief.

**(10) A concise statement of any disagreement as to the application of rules of evidence or of the Federal Rules of Civil Procedure:**

The parties do not dispute that the rules of evidence and the Federal Rules of Civil Procedure apply to this case.

The parties anticipate potential evidentiary objections concerning the permissible use of deposition transcripts absent proper designations; broad or insufficiently specific exhibit categories; undisclosed or disputed demonstratives; gifts, donations, or outside-support evidence subject to the Court's advance-notice/proffer protocol; and evidence or argument that could improperly conflate Defendant Young's official-capacity equitable posture with Defendant Tucker's individual-capacity damages posture.

**(11) A list of all motions or other matters which require action by the Court:**

1. Any unresolved pretrial evidentiary or procedural matters identified in this stipulation or raised at the pretrial conference

**(12) A statement whether this is now a jury or a non-jury case:**

This case presents a hybrid posture. Plaintiff's damages claim against Defendant Tucker is jury-triable. Plaintiff's remaining claim against Defendant Young is limited to official capacity prospective equitable relief, and any reinstatement, declaratory, injunctive, or other equitable remedy issues are for the Court.

**(13) Counsel's respective estimates of the length of the trial:**

**Plaintiffs:** Plaintiff estimates that it will take three days to try this case.

**Defendant Young:** Defendant Young estimates that his separate presentation can be completed within approximately one trial day, depending on the scope of Plaintiff's presentation, overlap with Defendant Tucker's presentation, and the Court's rulings on pending motions and evidentiary issues.

**Defendant Tucker:** Defendant Tucker agrees that trial on the merits should take three days.

Respectfully submitted May 12, 2026,

/s/ Gary S. Edinger

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# **EXHIBIT 1**

**I. Plaintiff's Exhibits**

<b>No.</b>	<b>Description</b>	<b>Date</b>	<b>Notes</b>	<b>Will/May Offer</b>	<b>Def.' Obj.</b>
1	Complaint	9/30/25	ECF 1	Will offer	FRE 802
2	Def.' Answer to Complaint	1/23/26	ECF 35	Will offer	Limited to admissions
3	Whale Statement	9/10/25	ECF 8-1	Will offer	
4	Declaration of Brittney Brown	10/3/25	ECF 8-2	May offer	FRE 802
5	Libs of TikTok Sunday x.com Post	9/14/25	ECF 8-3	Will offer	
6	MyFWC Sunday x.com Post	9/14/25	ECF 8-4	Will offer	
7	MyFWC Monday x.com Post	9/15/25	ECF 8-5	Will offer	
8	Libs of TikTok Monday x.com Post	9/15/25	ECF 8-6	Will offer	
9	Declaration of Melissa Tucker	10/28/25	ECF 21-1	May offer	FRE 403
10	Def. Young's Responses to Plf.'s ROGs	1/13/26	ECF 42-1	Will offer	FRE 106; limited to specific responses
11	Def. Tucker's Responses to Plf.'s ROGs	1/13/26	ECF 42-2	Will offer	FRE 106; limited to

					specific responses
12	Defendant Young's Answers to Plf.'s RFAs	1/13/26	ECF 42-3	Will offer	
13	Defendant Tucker's Answers to Plf.'s RFAs	1/13/26	ECF 42-4	Will offer	
14	Transcript of Def. Young's Deposition	1/27/26	ECF 42-5	May offer	FRE 402, 403, 802; no designations submitted
15	Transcript of Def. Tucker's Deposition	1/14/26	ECF 42-6 & 42-7	May offer	FRE 402, 403, 802; no designations submitted
16	Transcript of George Warthen's Deposition	1/30/26	ECF 42-8	May offer	FRE 402, 403, 802; no designations submitted
17	Transcript of Anna Yawn's Deposition	1/21/26	ECF 42-9	May offer	FRE 402, 403, 802; no designations submitted
18	Purveyor of Awesomeness, Tucker Ex. 7	10/23/25	ECF 42-10	Will offer	FRE 402, 403, 802
19	Biologist III Job Description, Tucker Ex. 3	1/14/26	ECF 42-11	Will offer	
20	OPS Pay Increase, Tucker Ex. 5	1/14/26	ECF 42-12	Will offer	

21	Second Declaration of Brittney Brown	2/20/26	ECF 42-13	May offer	FRE 802
22	Libs of TikTok Email, Yawn Ex. 6	9/13/25	ECF 42-14	Will offer	
23	FWC OIG Report, Tucker Ex. 15	9/15/25	ECF 42-15	Will offer	
24	Roger Young Texts, Warthen Ex. 3	9/14/25	ECF 42-16	May offer	
25	George Warthen Texts, Warthen Ex. 4	9/14/25	ECF 42-17	May offer	
26	FWC Organizational Chart, Warthen Ex. 1	1/30/26	ECF 42-18	Will offer	
27	Wildlife Diversity Org. Chart, Tucker Ex. 2	1/14/26	ECF 42-19	Will offer	
28	Kenne Helm Email, Yawn Ex. 13	9/15/25	ECF 42-20	May offer	
29	Brandy Elliott Email, Young Ex. 10	9/15/25	ECF 42-21	May offer	
30	Debbie Stephens Email, Yawn Ex. 12	9/15/25	ECF 42-22	May offer	
31	Bruce Ritchie Email, Yawn Ex. 16	9/15/25	ECF 42-23	May offer	
32	ZC Corbett Email, Yawn Ex. 11	9/14/25	ECF 42-24	May offer	
33	Ecological Associates, Inc. Offer Letter	3/30/26	BROWN001	Will Offer	

34	<i>All demonstrative exhibits and illustrative aids</i>			May offer	Not sufficiently identified
35	<i>All documents necessary for rebuttal or impeachment</i>			May offer	Not sufficiently identified
36	<i>All documents identified as exhibits by Defendants</i>			May offer	

## II. Defendant Young's Exhibits

(Plaintiff's objection codes: A: Authenticity H: Hearsay R: Relevance U: 403)

No.	Description	Date	Notes	Will/May Offer	Pl.'s Obj.
1	Complaint	9/30/25	ECF 1	May offer	
2	Defs.' Answer to Complaint	1/23/26	ECF 35	May offer	
3	Whale Statement	9/10/25	ECF 8-1	Will offer	
4	Declaration of Brittney Brown	10/3/25	ECF 8-2	May offer	
5	Libs of TikTok Sunday x.com Post	9/14/25	ECF 8-3	Will offer	
6	MyFWC Sunday x.com Post	9/14/25	ECF 8-4	Will offer	
7	MyFWC Monday x.com Post	9/15/25	ECF 8-5	Will offer	
8	Libs of TikTok Monday x.com Post	9/15/25	ECF 8-6	May offer	
9	Libs of TikTok Email, Yawn Ex. 6	9/13/25	ECF 42-14	Will offer	
10	Plaintiff's Termination Letter	9/15/25		Will offer	No objection if Plaintiff's address is redacted
11	Def. Young's Responses to Plf.'s ROGs	1/13/26	ECF 42-1	May offer	H

12	Def. Young's Answers to Plf.'s RFAs	1/13/26	ECF 42-3	May offer	H
13	Transcript of Def. Young's Deposition	1/27/26	ECF 42-5	May offer	H
14	Transcript of Def. Tucker's Deposition	1/14/26	ECF 42-6 & 42-7	May offer	H
15	Transcript of George Warthen's Deposition	1/30/26	ECF 42-8	May offer	H
16	Transcript of Anna Yawn's Deposition	1/21/26	ECF 42-9	May offer	H
17	Biologist III Job Description	1/14/26	ECF 42-11	Will offer	
18	OPS Pay Increase, Tucker Ex. 5	1/14/26	ECF 42-12	May offer	
19	FWC Organizational Chart, Warthen Ex. 1	1/30/26	ECF 42-18	Will offer	
20	Wildlife Diversity Org. Chart, Tucker Ex. 2	1/14/26	ECF 42-19	Will offer	
21	Roger Young Texts, Warthen Ex. 3	9/14/25	ECF 42-16	Will offer	
22	George Warthen Texts, Warthen Ex. 4	9/14/25	ECF 42-17	May offer	
23	Kenne Helm Email, Yawn Ex. 13	9/15/25	ECF 42-20	May offer	
24	Brandy Elliott Email, Young Ex. 10	9/15/25	ECF 42-21	May offer	

25	Debbie Stephens Email, Yawn Ex. 12	9/15/25	ECF 42-22	May offer	
26	Bruce Ritchie Email, Yawn Ex. 16	9/15/25	ECF 42-23	May offer	
27	ZC Corbett Email, Yawn Ex. 11	9/14/25	ECF 42-24	May offer	
28	FWC OIG Brown Social Media Complaint 25-0204-COM, including OIG report and supporting complaint materials	9/15/25	ECF 42-15	May offer	No objection to ECF 42-15. May object to materials outside of it.
29	Purveyor of Awesomeness, Tucker Ex. 7	10/23/25	ECF 42-10	May offer	
30	Second Declaration of Brittney Brown	2/20/26	ECF 42-13	May offer	
31	Ecological Associates, Inc. Offer Letter	3/30/26	BROWN001	May offer	
32	FWC Conduct Unbecoming policy and specifically identified FWC OPS employment, employment-status, or termination-procedure materials concerning Plaintiff's position or separation, to the extent not otherwise listed	Various		May offer	H,U
33	Specifically identified, non-privileged FWC communications or records concerning	Various		May offer	A,H,R,U

	Plaintiff's repost, public association with FWC, public communications, agency response, employment status, termination, or implementation of the termination decision, to the extent not otherwise listed				
34	<i>Exhibits identified by Plaintiff, subject to Defendant Young's objections and limitations</i>	Various	Cross-examination, rebuttal, impeachment, completeness, foundation, or other proper purpose under the Federal Rules and this Court's orders	May offer	
35	<i>Exhibits identified by Defendant Tucker, subject to coordination with Tucker's counsel and Defendant Young's objections and limitations</i>	Various	Cross-examination, rebuttal, impeachment, completeness, foundation, or other proper purpose under the Federal Rules and this Court's orders	May offer	<u>Objections raised in Tucker's list carry over</u>
36	<i>Deposition exhibits from Young, Tucker, Warthen, Yawn, and Brown, to the extent not otherwise listed and to the extent properly</i>	Various	Cross-examination, rebuttal, impeachment, completeness,	May offer	<u>Reserve objections for trial</u>

	<i>usable under the Federal Rules and this Court's orders</i>		foundation, or other proper purpose		
37	<i>Demonstrative exhibits and illustrative aids based on admitted evidence or matters properly before the Court</i>	Various	Subject to advance disclosure, agreement, or Court approval as required	May offer	<u>Reserve objections for trial</u>
38	<i>Documents necessary for rebuttal, impeachment, completeness, foundation, or refreshing recollection, to the extent permitted by the Federal Rules and this Court's orders and not reasonably identifiable before trial despite diligent review</i>	Various	Subject to Federal Rules and Court orders	May offer	<u>Reserve objections for trial</u>

### III. Defendant Tucker's Exhibits

(Plaintiff's objection codes: A: Authenticity H: Hearsay R: Relevance U: 403)

No.	Description	Date	Notes	Will/May Offer	PLT's Obj.
1	Email from Kenne to Tucker	9.14.25		May offer	
2	OIG Brown Social Media Complaint 25-0204-COM		42-15	Will offer	
3	Outlook attachments to Complaint		42-15?	Will offer	No objection to ECF 42-15. May object to materials outside of it.
4	Young Ex. 10			May offer	Also listed below as #16
5	Counseling Memo	04.07.25		Will offer	A,H,R,U
6	Yawn - Exhibit "1" Text between Colonel Smith and Director Young	09.14.25		May offer	
7	Yawn - Exhibit "2" Port St. Joe Strong Post			May offer	H
8	Yawn - Exhibit "3" Chuck Echenique text exchange	09.13.25		May offer	
9	Yawn - Exhibit "6" Email: Libs of TikTok	09.13.25		May offer	
10	Yawn - Exhibit "7", Young Ex. 14 - Libs TikTok post	09.14.25		May offer	
11	Yawn - Exhibit "11" Email: from ZC Corbett	09.14.25		May offer	

	to R Young				
12	Yawn - Exhibit "12" Email: from D. Stephens to S. Knowles	09.15.25		May offer	
13	Yawn - Exhibit "13" Email: from Kenne to M. Tucker	09.15.25		May offer	
14	Young - Exhibit "7" Text thread: w/C. Echenique	09.13.25		May offer	
15	Young - Exhibit "9" Email: with Ms. Parnell, Ms. Chang, and Mr. Mancuso	09.15.25		May offer	H
16	Young - Exhibit "10" Emails (2):from R. Parnell to Inspector General	09.15.25		May offer	
17	Young Ex. 13 – Patrick d email	09.13.25		May offer	
18	FWC OPS Handbook Conduct Unbecoming policy and any FWC OPS employment, employment-status, or termination-procedure materials concerning Plaintiff's position			Will offer	H,U
19	Tucker Ex. 12 - FWC proposed Social Media policy			May offer	R,U
20	Tucker Ex. 10 – 2022-IN- 0016 Final Report			May offer	R,U

21	OIG INV-0016 report			May offer	R,U
22	Britt Brown text exchange at issue in INV-0016			May offer	R,U
23	Brown audio interview from INV-0016			May offer	R,U
24	GoFundMe fundraiser webpage			May offer	A,R,U
25	Ecological Associates, Inc. Offer Letter			May offer	
26	<i>All documents produced by Plaintiff unless objected to by this Defendant</i>			May offer	Only one document listed above as exhibit
27	<i>All documents necessary for rebuttal or impeachment</i>			May offer	Reserve objections for trial
28	<i>All documents identified as exhibits by Plaintiff or Defendant Young unless objected to by this Defendant</i>			May offer	Objections raised in Young's list carry over
29	<i>All demonstrative exhibits and illustrative aids</i>			May offer	Reserve objections for trial
30	<i>All documents produced by FWC in discovery unless objected to by this Defendant</i>			May offer	Reserve objections for trial
31	<i>All documents attached to any deposition taken in this case unless objected to by this Defendant</i>			May offer	Reserve objections for trial

