

**IIN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
CIVIL DIVISION**

**MICHAEL T. FLYNN,**

Plaintiff,

v.

**JIM STEWARTSON,  
RICK WILSON,**

Defendant.

**Case No.:** 2023 CA 004264 NC  
**Division:** Civil

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR  
ORDER TO SHOW CAUSE AND COMPEL DEPOSITION AND FOR  
SANCTIONS**

Before the Court is Defendant, Jim Stewartson's, motion for order to show cause and compel deposition and for sanctions. For the reasons illustrated below, Plaintiff, Michael T. Flynn, respectfully requests that this Court deny Defendant's motion in its entirety.

**BACKGROUND**

Plaintiff's deposition was initially scheduled for March 4, 2025. At Plaintiff's request, Defendant rescheduled Plaintiff's deposition to March 25, 2025. The parties, however, reengaged in settlement discussions, and on March 21, 2025, defense counsel asked, "would you agree to postpone your client's deposition a few weeks to see if we can get this resolved," which Plaintiff agreed to. Exhibit A. Plaintiff then informed Defendant that he could be available on April 28, 2025. *Id.* Defendant did not respond. Still having not heard anything, Plaintiff inquired on April 7, 2025 as to whether there was any movement on a

resolution. *Id.* Again, Defendant did not respond. Still having not responded, on April 11, 2025 Defendant filed an amended notice of Plaintiff's deposition for April 28, 2025. DIN 169. On April 15, 2025, Plaintiff again followed up on whether Defendant was agreeable to a resolution, and also asked for dates that Defendant was available for deposition. Exhibit A. Once more, Defendant did not respond.

On April 25, 2025, Plaintiff, via phone call, informed Defendant that he was required for a meeting in Washington, D.C., and would be unavailable on April 28, 2025. Plaintiff also informed Defendant that, regardless, he would be unable to sit for a deposition without a protective order governing confidentiality. During this phone call, for the first time, Defendant informed Plaintiff that he would not consent to a protective order. Defendant had previously lodged no objections to a protective order, which is standard practice in litigation. That Plaintiff believed there was a common understanding between Plaintiff and Defendant for the need for a protective order is illustrated in Defendant's Exhibit 1, in which Plaintiff inquired as to which party would draft the protective order. As Defendant's Exhibit 1 illustrates, he did not respond to the issue of a protective order. Again, Defendant did not indicate that he would not agree to a protective order until April 25, 2025.

After the parties' phone call on April 25, 2025, Plaintiff memorialized that call in an email. Plaintiff again informed Defendant he was unable to appear for the April 28, 2025 deposition, that he would not be responsible for the incursion of any costs for the deposition, and noted his hope that the parties could resolve

the matter without court intervention. Exhibit A. In response, Defendant rejected Plaintiff's efforts to resolve the matter without court intervention, noting that he would be filing the instant motion. *Id.* That same day, Plaintiff moved for an emergency protective order relating to the deposition. DIN 172. Defendant "proceeded" with the April 28, 2025 deposition, despite clear notice that Plaintiff was unavailable.

Defendant did not immediately file the instant motion. Instead, Defendant did not reach out to Plaintiff until June 28, 2025 with a confidential settlement offer, and then again on July 11, 2025 to set up a meet and confer call. Exhibit B. On July 15, 2025, Plaintiff asked to schedule the meet and confer for the following Monday. *Id.* Defendant did not respond. On July 21, 2025, Plaintiff again asked Defendant for availability to meet and confer. *Id.* Plaintiff informed Defendant that they could meet the following day. *Id.* Defendant did not respond. Plaintiff then reached back out to Defendant on July 28, 2025. *Id.* Ultimately, the parties were able to meet and confer on August 1, 2025. Plaintiff's understanding from this conversation was that a resolution was still possible, if not highly likely. Defendant, however, filed the instant motion on August 4, 2025. Plaintiff then contacted Defendant to inquire whether this meant settlement negotiations had concluded. Defendant did not respond. *Id.*

The Court held the pre-trial conference on August 15, 2025. On September 1, 2025, Plaintiff provided Defendant with dates to be deposed in September. Exhibit C. Plaintiff also asked for Defendant's availability for his deposition. *Id.* Defendant has not responded.

## **ARGUMENT**

Defendant essentially asks for three things with his motion: (1) an order that Plaintiff appear for his deposition; (2) sanction Plaintiff;<sup>1</sup> and (3) for fees. DIN 192 at 7. While Defendant does not clarify in his motion, it appears he seeks relief under Fla. R. Civ. P. 1.380(e), which governs the failure of a party to attend a deposition.<sup>2</sup>

First, an order compelling Plaintiff to appear for deposition is unnecessary. Plaintiff recognizes the importance of depositions and his duty to appear for deposition as the plaintiff in this case. He has never argued against appearing for a deposition. Plaintiff provided Defendant with multiple dates this month for which he was available to be deposed. Defendant never responded. But for Defendant's failure to respond, Plaintiff's deposition would already be scheduled for this month. Therefore, an order compelling Plaintiff to appear is not needed.

Second, Defendant is not entitled to sanctions. Defendant initially requests the Court to "dismiss and strike [Plaintiff's] Second Amended Complaint." DIN 192 at 2. Defendant himself, however, later notes that "dismissal should only be invoked in flagrant cases and then only after the court has given the defaulting party a reasonable opportunity to conform." *Id.* at 6.

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<sup>1</sup> Defendant does not contend that sanctions are warranted under Fla. Stat. § 57.105. Accordingly, Plaintiff does not address sanctions under this provision.

<sup>2</sup> Defendant also cursorily cites to Fla. R. Civ. P. 1.280(c) in his opening paragraph; however, he does not reference this Rule again in his motion. Rule 1.280(c) deals with the scope of discovery, not sanctions; therefore, it is unclear what relief Defendant is seeking under this Rule.

Therefore, Defendant asks the Court instead to give a warning that further attempts not to appear could result in dismissal. *Id.*

To the extent the Court considers Defendant's initial request to dismiss this case, Defendant is correct that this is an incredibly high bar. Sanctions such as default should only be imposed in extreme circumstances." *Belflower v. Cushman & Wakefield of Florida, Inc.*, 510 So.2d 1130, 1131 (Fla. 2d DCA 1987). The type of conduct that warrants sanctions are "violations which are flagrant, persistent or willful or otherwise aggravated," violations that are "a deliberate and contumacious disregard of the court's authority," or "conduct which evinces deliberate callousness." *Ferrante v. Waters*, 383 So.2d 749, 751 (Fla. 4th DCA 1980) (internal citations omitted).

Here, Plaintiff has not acted in any flagrant manner or with deliberate callousness. Plaintiff informed Defendant three days prior to his deposition that he would be unable to attend. Plaintiff then immediately attempted to resolve the dispute. Defendant rejected those attempts. Plaintiff has provided deposition dates to Defendant; however, Defendant has not responded. Furthermore, Plaintiff has not violated any court order in this case. *See Stoner v. Verkaden*, 493 So.2d 1126, 1127 (Fla. 4th DCA 1986) ("If one has not been ordered by the court to submit to discovery, one cannot have failed to comply with the order. One cannot willfully disregard an order one has not been given.").

Defendant argues, "*Tumer* is good law which supports the Defendant's position." DIN 192 at 5. In *Tumer*, however, the court held that dismissal was an improper sanction. *Tumer v. Anderson*, 376 So.2d 899, 900 (Fla. 2d DCA 1979).

Third, Defendant is not entitled to any of his fees. Pursuant to Rule 1.380(e)(2), “require the party failing to act to pay the reasonable expenses caused by the failure, which may include attorneys’ fees, *unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.*” Fla. R. Civ. P. 1.380(e)(2) (emphasis added). Here, Plaintiff was substantially justified, and an award of fees would be unjust.

As explained, Plaintiff was called to Washington, D.C. on short notice. Plaintiff was not simply a no-show at his deposition. Plaintiff immediately informed Defendant of these circumstances. Plaintiff memorialized this conversation and then immediately moved for a protective order. Defendant knew that Plaintiff would be unable to be in attendance on April 28, 2025. Still, Defendant did not cancel the deposition and attended the deposition. Plaintiff should not be responsible for Defendant’s actions when Defendant was aware Plaintiff could not be there.

Furthermore, Defendant did not even inform Plaintiff that he would not agree to *any* protective order governing confidentiality until April 25, 2025. As explained in Plaintiff’s motion for a protective order, protective orders of the sort are commonplace, and Plaintiff does not plan to abuse any protective order. DIN 198. Plaintiff reasonably anticipates, however, that some of his deposition will deal with confidential subject matters, and Defendant has already indicated his intent to publicize discovery in this case. *Id.* Therefore, a protective order is imperative, and Defendant’s failure to agree to one is telling.

And, as noted, Plaintiff immediately made multiple attempts to resolve this issue without court intervention. Plaintiff has also since provided deposition dates; however, did not receive a response.

**CONCLUSION**

For the foregoing reasons, Plaintiff, Michael T. Flynn, respectfully requests that this Court deny Defendant's motion in its entirety.

Dated: September 12, 2025

Respectfully submitted,

/s/ Jared J. Roberts  
Jared J. Roberts, FBN 1036550  
Stephen B. French, FBN 0078761  
BINNALL LAW GROUP, PLLC  
717 King Street, Suite 200  
Alexandria, Virginia 22314  
Phone: (703) 888-1943  
Fax: (703) 888-1930  
Email: jared@binnall.com  
stephen@binnall.com

*Counsel for Michael T. Flynn*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2025, I have caused a true and accurate copy of the foregoing to be delivered to counsel of record via e-filing.

/s/ Jared J. Roberts  
Jared J. Roberts, FBN 1036550

*Counsel for Michael T. Flynn*

# Exhibit A



Jared Roberts <jared@binnall.com>



11 messages

Jared Roberts <jared@binnall.com>

Fri, Mar 21, 2025 at 12:13 PM

To: George Thurlow <GThurlow@rahdertlaw.com>, Craig Whisenhunt <craig@rwrlawfirm.com>

Cc: Stephen French <stephen@binnall.com>

George,



--

**Jared J. Roberts**

Senior Associate | Binnall Law Group

717 King Street | Suite 200 | Alexandria, VA 22314

(585) 297-0202 (direct)

(703) 888-1943 (office)

[jared@binnall.com](mailto:jared@binnall.com)



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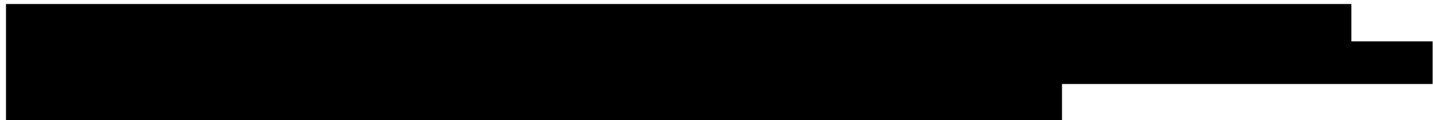
George Thurlow <GThurlow@rahdertlaw.com>

Fri, Mar 21, 2025 at 12:35 PM

To: Jared Roberts <jared@binnall.com>, Craig Whisenhunt <craig@rwrlawfirm.com>

Cc: Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Hi Jared,



With that in mind, would you agree to postpone your client's deposition a few weeks to see if we can get this resolved—I don't know Craig's availability but I am available April 2<sup>nd</sup>, 9<sup>th</sup>, 25<sup>th</sup>, 28<sup>th</sup>, and 30<sup>th</sup>.

## George Thurlow, Esq.

Associate Attorney

Rahdert & Mortimer, PLLC

535 Central Avenue

Suite 200

St. Petersburg, FL 33701

Office: (727)823-4191 ext. 409

Fax: (727)513-5600

GThurlow@RahdertLaw.com

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**\*\*\*CONFIDENTIAL\*\*\***

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**Jared Roberts** <jared@binnall.com>

Fri, Mar 21, 2025 at 12:39 PM

To: George Thurlow <GThurlow@rahdertlaw.com>

Cc: Craig Whisenhunt <craig@rwrlawfirm.com>, Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Sounds good, and my apologies for disrupting your vacation, I hope it was a great time.

We can agree to postpone and I will talk with my client about those dates.

[Quoted text hidden]

---

**Craig Whisenhunt** <craig@rightingwrongsflorida.com>

Fri, Mar 21, 2025 at 1:08 PM

To: Jared Roberts <jared@binnall.com>

Cc: George Thurlow <GThurlow@rahdertlaw.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

April 2 is my wife's 40th birthday. If I schedule anything for that day I will need a lawyer better than all of us to explain that to her. Other dates are fine.

Craig A. Whisenhunt, Esq.  
Managing Partner  
Ripley Whisenhunt, PLLC  
8130 66th Street North, Suite 3  
Pinellas Park, FL 33781  
Office: (727) 256-1660  
Mobile: (727) 537-9449  
Fax: (855) 215-3746  
craig@rwrlawfirm.com

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On Mar 21, 2025, at 12:39 PM, Jared Roberts <jared@binnall.com> wrote:

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**Jared Roberts** <jared@binnall.com>

Mon, Mar 24, 2025 at 3:54 PM

To: Craig Whisenhunt <craig@rightingwrongsflorida.com>

Cc: George Thurlow <GThurlow@rahdertlaw.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Craig,

That is as good a reason as any. We will get you an answer as to which of the other dates, toward the end of April, works best for us ASAP, while we continue to work toward a resolution.

[Quoted text hidden]

---

**Jared Roberts** <jared@binnall.com>

Mon, Mar 24, 2025 at 5:24 PM

To: Craig Whisenhunt <craig@rightingwrongsflorida.com>

Cc: George Thurlow <GThurlow@rahdertlaw.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

As a follow up, April 28 works best on our end.

[Quoted text hidden]

---

**Jared Roberts** <jared@binnall.com>

Mon, Apr 7, 2025 at 4:38 PM

To: Craig Whisenhunt <craig@rightingwrongsflorida.com>

Cc: George Thurlow <GThurlow@rahdertlaw.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

George and Craig,

I just wanted to follow up on this to see if there's been any movement on your end.

All the best,

[Quoted text hidden]

---

**Jared Roberts** <jared@binnall.com>

Tue, Apr 15, 2025 at 2:36 PM

To: Craig Whisenhunt <craig@rightingwrongsflorida.com>

Cc: George Thurlow <GThurlow@rahdertlaw.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Hi guys,

Just wanted to follow up on this once more. Additionally, if we are unable to agree [REDACTED] then please let me know what dates you have available in early May so that we can bring our motion to compel. And can we agree to postpone the initial disclosure until that time?

[Quoted text hidden]

---

**Jared Roberts** <jared@binnall.com>

Fri, Apr 25, 2025 at 4:18 PM

To: Craig Whisenhunt <craig@rightingwrongsflorida.com>

Cc: George Thurlow <GThurlow@rahdertlaw.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

George,

This email memorializes our conversation in which I informed you that our client is unavailable to appear for deposition on Monday. As I told you, our client will be in Washington, D.C. as directed by others. We will provide substitute dates as soon as possible. Based upon our inability to resolve this matter amicably, we will be moving the court to enter a protective order. With this email, you are on notice that our client will not be in attendance on Monday April 28, and is not responsible for the incursion of any costs for the court reporter. We look forward to resolving this matter soon. Thank you for your consideration of this matter.

[Quoted text hidden]

---

**George Thurlow** <GThurlow@rahdertlaw.com>

Fri, Apr 25, 2025 at 4:25 PM

To: Jared Roberts <jared@binnall.com>, Craig Whisenhunt <craig@rightingwrongsflorida.com>

Cc: Craig Whisenhunt <craig@rwrlawfirm.com>, Stephen French <stephen@binnall.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Given that this is repeated conduct on behalf of your client, we will be seeking sanctions. We warned you that we would do that the last time it happened but resolved the issue in good faith, and yet it has happened again. That is a pattern of conduct.

The filing of a Motion for Protective Order does not excuse your client from attending his deposition. Unless there is a signed order from the Judge excusing your client's attendance, we expect that your client will be in attendance. Your phone call and email is legally insufficient to excuse your client's non-attendance.

**George A.D. Thurlow, Esq.**

Associate Attorney

Rahdert & Mortimer, PLLC

## Exhibit B



Jared Roberts <jared@binnall.com>

## Flynn v. Stewartson

13 messages

George Thurlow <GThurlow@rahdertlaw.com> Sat, Jun 28, 2025 at 4:23 PM  
 To: Jared Roberts <jared@binnall.com>, Stephen French <stephen@binnall.com>  
 Cc: Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

[Redacted]

[Redacted]

[Redacted]

### George A.D. Thurlow, Esq.

Associate Attorney  
 Rahdert & Mortimer, PLLC  
 535 Central Avenue, Suite 200  
 St. Petersburg, FL 33701  
[gthurlow@rahdertlaw.com](mailto:gthurlow@rahdertlaw.com)  
 Phone: (727)823-4191  
 Fax: (727)823-6189

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George Thurlow <GThurlow@rahdertlaw.com> Fri, Jul 11, 2025 at 12:34 PM

To: Jared Roberts <jared@binnall.com>, Stephen French <stephen@binnall.com>  
Cc: Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Jared and Stephen:

We have not heard back from you on this, nor have you taken any steps to set your Motion for Protective Order/Confidentiality Order for hearing.

Accordingly, please advise as to when we will receive discovery responses and your client's availability this month for a deposition. Alternatively, please let us know for your availability to Meet and Confer on either Tuesday 7/15 or Wednesday 7/16 regarding Motions to Compel as well as a Motion for Sanctions for your client's non-attendance at the deposition that was scheduled in April.

## George A.D. Thurlow, Esq.

Associate Attorney

Rahdert & Mortimer, PLLC

535 Central Avenue, Suite 200

St. Petersburg, FL 33701

[gthurlow@rahdertlaw.com](mailto:gthurlow@rahdertlaw.com)

Phone: (727)823-4191

Fax: (727)823-6189

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[Quoted text hidden]

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**George Thurlow** <GThurlow@rahdertlaw.com>

Tue, Jul 15, 2025 at 5:20 PM

To: Jared Roberts <jared@binnall.com>, Stephen French <stephen@binnall.com>

Cc: Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Please let me know your availability for a Meet & Confer call tomorrow. If we do not hear from you by end of day tomorrow, we will proceed in filing certifying that you were unavailable for conferral.

[Quoted text hidden]

---

**Jared Roberts** <jared@binnall.com>

Tue, Jul 15, 2025 at 10:03 PM

To: George Thurlow <GThurlow@rahdertlaw.com>

Cc: Stephen French <stephen@binnall.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

George,

Stephen is out of the country this week, and I had a minor medical procedure done today. Are you available Monday?

[Quoted text hidden]

--

**Jared J. Roberts**

**Senior Associate** | Binnall Law Group

717 King Street | Suite 200 | Alexandria, VA 22314

(585) 297-0202 (direct)

(703) 888-1943 (office)

[jared@binnall.com](mailto:jared@binnall.com)



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---

**Jared Roberts** <jared@binnall.com>

Mon, Jul 21, 2025 at 1:26 PM

To: George Thurlow <GThurlow@rahdertlaw.com>

Cc: Stephen French <stephen@binnall.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

George,

Let me know when you're free to chat this week.

[Quoted text hidden]

---

**George Thurlow** <GThurlow@rahdertlaw.com>

Mon, Jul 21, 2025 at 1:47 PM

To: Jared Roberts <jared@binnall.com>

Cc: Stephen French <stephen@binnall.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Not sure what Craig's availability is like but I should be available the rest of today or tomorrow after 2:30pm.

## George A.D. Thurlow, Esq.

Associate Attorney

Rahdert & Mortimer, PLLC

535 Central Avenue, Suite 200

St. Petersburg, FL 33701

[gthurlow@rahdertlaw.com](mailto:gthurlow@rahdertlaw.com)

Phone: (727)823-4191

Fax: (727)823-6189

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---

**Jared Roberts** <jared@binnall.com>

Mon, Jul 21, 2025 at 1:58 PM

To: George Thurlow <GThurlow@rahdertlaw.com>

Cc: Stephen French <stephen@binnall.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Tomorrow after 2:30 works for us.

[Quoted text hidden]

---

**Jared Roberts** <jared@binnall.com>

Mon, Jul 28, 2025 at 6:12 PM

To: George Thurlow <GThurlow@rahdertlaw.com>

Cc: Stephen French <stephen@binnall.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Hi George,

Just wanted to reach back out to see if you're available this week.

[Quoted text hidden]

---

**George Thurlow** <GThurlow@rahdertlaw.com>

Mon, Jul 28, 2025 at 6:16 PM

To: Jared Roberts <jared@binnall.com>

Cc: Stephen French <stephen@binnall.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

Craig was in trial the early part of last week and I was tied up in multiple hearings, depositions, and mediations the latter portion of the week.

I am available 3-5pm Wednesday, after 12pm Thursday, and between 10:30-12:00 or after 2:00 on Friday.

George A.D Thurlow, Esq.  
Rahdert & Mortimer, PLLC  
Office: (727)823-4191  
[Gthurlow@rahdertlaw.com](mailto:Gthurlow@rahdertlaw.com)

Sent from my iPhone

On Jul 28, 2025, at 4:13 PM, Jared Roberts <[jared@binnall.com](mailto:jared@binnall.com)> wrote:

[Quoted text hidden]

---

**George Thurlow** <[GThurlow@rahdertlaw.com](mailto:GThurlow@rahdertlaw.com)>

Thu, Jul 31, 2025 at 2:59 PM

To: Jared Roberts <[jared@binnall.com](mailto:jared@binnall.com)>

Cc: Stephen French <[stephen@binnall.com](mailto:stephen@binnall.com)>, Craig Whisenhunt <[craig@rwrlawfirm.com](mailto:craig@rwrlawfirm.com)>, grahdert <[grahdert@rahdertlaw.com](mailto:grahdert@rahdertlaw.com)>, Teresa McCreary <[TMcCreary@rahdertlaw.com](mailto:TMcCreary@rahdertlaw.com)>

Let me know your availability the remainder of today or tomorrow after 3pm.

## George A.D. Thurlow, Esq.

Associate Attorney

Rahdert & Mortimer, PLLC

[535 Central Avenue, Suite 200](#)

[St. Petersburg, FL 33701](#)

[gthurlow@rahdertlaw.com](mailto:gthurlow@rahdertlaw.com)

Phone: (727)823-4191

Fax: (727)823-6189

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[Quoted text hidden]

---

**Stephen French** <[stephen@binnall.com](mailto:stephen@binnall.com)>

Thu, Jul 31, 2025 at 3:23 PM

To: George Thurlow <GThurlow@rahdertlaw.com>  
Cc: Jared Roberts <jared@binnall.com>, Craig Whisenhunt <craig@rwrlawfirm.com>, grahdert <grahdert@rahdertlaw.com>, Teresa McCreary <TMcCreary@rahdertlaw.com>

I am available tomorrow afternoon. Jared is not available, but I am hopeful to be able to address the various issues.  
Thank you.

[Quoted text hidden]

---

**Stephen French** <stephen@binnall.com>  
To: George Thurlow <GThurlow@rahdertlaw.com>, Jared Roberts <jared@binnall.com>

Mon, Aug 4, 2025 at 3:42 PM

George:

We just rec'd the filing on behalf of your client. Is this an indication that settlement negotiations are concluded?  
Thanks.

[Quoted text hidden]

---

[Redacted]

[Redacted]

[Quoted text hidden]

## Exhibit C



Jared Roberts &lt;jared@binnall.com&gt;

---

## Flynn v. Stewartson Deposition Dates

1 message

**Jared Roberts** <jared@binnall.com>

Mon, Sep 1, 2025 at 7:06 PM

To: George Thurlow &lt;GThurlow@rahdertlaw.com&gt;, Craig Whisenhunt &lt;craig@rwrlawfirm.com&gt;, Teresa McCreary &lt;TMcCreary@rahdertlaw.com&gt;, grahdert &lt;grahdert@rahdertlaw.com&gt;

Cc: Stephen French &lt;stephen@binnall.com&gt;, Sophia Snead &lt;sophia@binnall.com&gt;

Counsel, General Flynn is available for deposition on September 10, 11, 19, and 22. However, any dates before the hearing on our motion for a protective order must be contingent upon the signing of the protective order. For your convenience, I am attaching the protective order that we filed with the Court. Additionally, please provide Mr. Stewartson's availability.

--

**Jared J. Roberts****Senior Associate** | Binnall Law Group

717 King Street | Suite 200 | Alexandria, VA 22314

(585) 297-0202 (direct)

(703) 888-1943 (office)

[jared@binnall.com](mailto:jared@binnall.com)

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 **2025.08.18 Exhibit 1 - Proposed Protective Order.pdf**  
278K

**COURT APPEARANCE RECORD**

DIVISION: DIVISION C CIRCUIT

CASE NUMBER: 2023 CA 004264 NC

PLAINTIFF(S):

MICHAEL T FLYNN

VS. DEFENDANT(S):

JIM STEWARTSON  
RICK WILSON  
MEIDASTOUCH LLC

COURT EVENT: MOTIONS  
JUDGE: HUNTER W CARROLL

DATE: Monday, September 15, 2025  
TIME: 11:30 AM

**APPEARANCE:**

**PLAINTIFF**

MICHAEL T FLYNN

DID NOT APPEAR     APPEARED PRO SE     APPEARED WITH ATTORNEY     ATTORNEY ONLY  
ATTORNEY NAME: Stephen French, Jared Roberts

**DEFENDANT**

JIM STEWARTSON

DID NOT APPEAR     APPEARED PRO SE     APPEARED WITH ATTORNEY     ATTORNEY ONLY  
ATTORNEY NAME: Craig Whisenhunt, George Thurlow

RICK WILSON

DID NOT APPEAR     APPEARED PRO SE     APPEARED WITH ATTORNEY     ATTORNEY ONLY  
ATTORNEY NAME: \_\_\_\_\_

MEIDASTOUCH LLC

DID NOT APPEAR     APPEARED PRO SE     APPEARED WITH ATTORNEY     ATTORNEY ONLY  
ATTORNEY NAME: \_\_\_\_\_

COURT REPORTER: \_\_\_\_\_

**PETITIONS / MOTIONS:**

PLAINTIFF'S     DEFENDANT'S  
 PETITION     MOTION  
DIN# 119 - to compel defendant jim Stewartson to answer interrogatories and produce documents

PLAINTIFF'S     DEFENDANT'S  
 PETITION     MOTION  
DIN# 192 - for order to show cause and compel the deposition of plaintiff and for sanctions

COURT COMMENTS: if the defendant asserted a fact check documents will need to be produced for #9. court to issue order on DIN 119. #4 and #12 limited as to statements. DIN 192 denied as moot. w/o prejudice

**RULINGS:**

GRANTED     DENIED     CONTINUED  
 GRANTED / DENIED IN PART     CANCELLED  
 TAKEN UNDER ADVISEMENT  
 OTHER 2, 5, 6, 7, 8 overruled

~~GRANTED~~     DENIED     CONTINUED  
 GRANTED / DENIED IN PART     CANCELLED  
 TAKEN UNDER ADVISEMENT  
 OTHER counsel to confer as to dates.

KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
BY: [Signature], Deputy Clerk  
DATE: September 15, 2025

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA  
 IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA

**COURT APPEARANCE RECORD  
SUPPLEMENTAL PAGE**

DIVISION: DIVISION C CIRCUIT

CASE NUMBER: 2023 CA 004264 NC

PLAINTIFF(S):

MICHAEL T FLYNN

VS. DEFENDANT(S):

JIM STEWARTSON  
RICK WILSON  
MEIDASTOUCH LLC

PETITIONS / MOTIONS:

PLAINTIFF'S [ ] DEFENDANT'S  
[ ] PETITION  MOTION *amended*  
DIN# 198 - for entry of a protective order on confidentiality.

[ ] PLAINTIFF'S [ ] DEFENDANT'S  
[ ] PETITION [ ] MOTION  
DIN# \_\_\_\_\_

[ ] PLAINTIFF'S [ ] DEFENDANT'S  
[ ] PETITION [ ] MOTION  
DIN# \_\_\_\_\_

[ ] PLAINTIFF'S [ ] DEFENDANT'S  
[ ] PETITION [ ] MOTION  
DIN# \_\_\_\_\_

[ ] PLAINTIFF'S [ ] DEFENDANT'S  
[ ] PETITION [ ] MOTION  
DIN# \_\_\_\_\_

[ ] PLAINTIFF'S [ ] DEFENDANT'S  
[ ] PETITION [ ] MOTION  
DIN# \_\_\_\_\_

RULINGS:

GRANTED [ ] DENIED [ ] CONTINUED  
[ ] GRANTED / DENIED IN PART [ ] CANCELLED  
[ ] TAKEN UNDER ADVISEMENT  
[ ] OTHER as stated in open court.

[ ] GRANTED [ ] DENIED [ ] CONTINUED  
[ ] GRANTED / DENIED IN PART [ ] CANCELLED  
[ ] TAKEN UNDER ADVISEMENT  
[ ] OTHER \_\_\_\_\_

[ ] GRANTED [ ] DENIED [ ] CONTINUED  
[ ] GRANTED / DENIED IN PART [ ] CANCELLED  
[ ] TAKEN UNDER ADVISEMENT  
[ ] OTHER \_\_\_\_\_

[ ] GRANTED [ ] DENIED [ ] CONTINUED  
[ ] GRANTED / DENIED IN PART [ ] CANCELLED  
[ ] TAKEN UNDER ADVISEMENT  
[ ] OTHER \_\_\_\_\_

[ ] GRANTED [ ] DENIED [ ] CONTINUED  
[ ] GRANTED / DENIED IN PART [ ] CANCELLED  
[ ] TAKEN UNDER ADVISEMENT  
[ ] OTHER \_\_\_\_\_

[ ] GRANTED [ ] DENIED [ ] CONTINUED  
[ ] GRANTED / DENIED IN PART [ ] CANCELLED  
[ ] TAKEN UNDER ADVISEMENT  
[ ] OTHER \_\_\_\_\_

COURT COMMENTS: court to issue order as to DIN 198

KAREN E. RUSHING CLERK OF THE CIRCUIT COURT

BY:  Deputy Clerk

DATE: September 15, 2025

IN THE TWELFTH JUDICIAL CIRCUIT COURT  
IN AND FOR SARASOTA COUNTY, FLORIDA

MICHAEL T FLYNN,  
Plaintiff,

v.

CASE NO. 2023 CA 004264 NC  
DIVISION C CIRCUIT

JIM STEWARTSON,  
RICK WILSON,  
MEIDASTOUCH LLC,  
Defendant.

---

**ORDER GRANTING IN PART AND DENYING IN PART  
PLAINTIFF'S MOTION TO COMPEL**

BEFORE THE COURT is Plaintiff motion to compel Defendant Jim Stewartson to Answer Interrogatories and Produce Documents [DIN 119], together with Defendant's response in opposition [DIN 197].

As it relates to the Interrogatories directed to Defendant Stewartson:

1. The Court overrules the objections to requests 1, 2, and 3.
2. The Court limits request 4 such that Defendant is not obligate to reveal specific financial numbers associated with compensation. That Defendant received compensation is not prohibited from being disclosed, just the specific amount.
3. The Court limits request 12 to the remaining statements in this lawsuit alleged to be defamatory.


As it relates to the Request for Production directed to Defendant Stewartson:

4. The Court overrules the objections to requests 2, 5, 6, 7, and 8.
5. The Court limits request 3 such that Defendant is not obligate to reveal specific financial numbers associated with compensation and may redact the financial information from the document. That Defendant received compensation is not prohibited from being disclosed nor is the document, just the specific financial amount contained within the document.
6. The Court limits request 4 to the remaining statements in this lawsuit alleged to be defamatory.

7. The Court limits request 9 to those instances where Defendant “fact checked” Plaintiff as it relates to the remaining statements alleged to be defamatory.

Defendant Stewartson shall produce his sworn answers to interrogatories, his response to the request to produce, and produce all documents on or before **Thursday, September 25, 2025**.

DONE AND ORDERED in Sarasota, Sarasota County, Florida, on September 15, 2025.

  
9/15/2025 3:32 PM 2023 CA  
004264 NC  
e-Signed 9/15/2025 3:32 PM 2023 CA 004264 NC

**HUNTER W CARROLL**  
Circuit Judge

**SERVICE CERTIFICATE**

On September 15, 2025, the Court caused the foregoing document to be served via the Clerk of Court’s case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via First Class U.S. Mail on the individuals who do not have an email address on file with the Clerk of Court.

GEORGE KARL RAHDERT  
535 CENTRAL AVE  
SAINT PETERSBURG, FL 33701

STEPHEN B FRENCH  
717 KING STREET  
SUITE 200  
ALEXANDRIA, VA 22314

CRAIG A WHISENHUNT  
8130 66TH ST. N  
SUITE 3  
PINELLAS PARK, FL 33781

GEORGE A D THURLOW  
535 CENTRAL AVE STE 200  
ST. PETERSBURG, FL 33701



IN THE TWELFTH JUDICIAL CIRCUIT COURT  
IN AND FOR SARASOTA COUNTY, FLORIDA

MICHAEL T FLYNN,  
Plaintiff,

v.

CASE NO. 2023 CA 004264 NC  
DIVISION C CIRCUIT

JIM STEWARTSON,  
RICK WILSON,  
MEIDASTOUCH LLC,  
Defendant.

---

**ORDER GRANTING IN PART**  
**PLAINTIFF'S AMENDED MOTION FOR PROTECTIVE ORDER**

BEFORE THE COURT is Plaintiff's Amended Motion for Entry of a Protective Order [DIN 198]. The Court grants that motion to the extent explained in this Order.

Plaintiff in this case is retired Lieutenant General Michael T. Flynn. As the Second District Court of Appeal explained:

As a lieutenant general in the United States Army, he played a key leadership role in the Afghanistan and Iraq wars. He is a former head of the Defense Intelligence Agency and a former National Security Adviser to President Donald Trump.

Flynn v. Wilson, 398 So. 3d 1103, 1106 (Fla. 2d DCA 2024).

General Flynn's amended motion sets forth a concern that Defendant Stewartson has publicly explained that "discovery is going to be wild" and implies that this Defendant will seek to exceed the proper bounds of discovery to cause information about General Flynn to be publicly broadcast. Additionally, during arguments, counsel for Defendant indicated that there may be questions to which General Flynn's previous roles may not permit him to answer. Earlier in time the Court entered an interim order on an earlier version of the motion [DIN 171]. The Court invited the parties to work together to address a confidentiality order. The Court made clear that the Court would not enter any confidentiality order that would purport to alter the requirements of Florida Rule of General Practice and Judicial Administration 2.420. Unfortunately, the parties were not able to agree on a confidentiality order; however, the Court's concern remains.

The Court believes in this unique circumstance that some form of temporary protection relating to General Flynn's deposition is due as General Flynn has made an initial showing for the need of protection. The Court says that while at the same time as the is vigilant that judicial

proceedings are open, and the Court believes at the end of the day most of what will be in General Flynn's deposition likely will be publicly accessible. Due to the nature of the internet and the fact that parties are publicly discussing this case, if a deposition were publicly filed—even accidentally—there would be no effective means for the Court to later “seal” any portion of it that contains confidential or exempt information.

The Court has confidence in the attorneys that the deposition of General Flynn will be grounded in, and will not exceed, the proper or ethical boundaries for a deposition. After all, the remaining allegations are quite limited. Thus, the context of this case should not call for much confidential information.

The problem, as noted above, is this will truly be a “cat-out-of-the-bag” situation. Unfortunately, the Court does not have time to preside over the deposition to address matters in real time. For that reason, the Court needs to create a process by which the information is obtained so that the Court can review it on an expedited basis and determine if there is anything that qualifies to be exempt from public access. For that reason, the Court believes the conditions established below are necessary to ensure an orderly deposition and preserve the Court's ability to properly evaluate any claim of confidential or exempt information.

IT IS ORDERED:


1. The Court preliminarily grants Plaintiff's motion for protective order to the extent identified in this Order.
2. The Court reminds the attorneys and expects that they will constrain themselves to the proper bounds of discovery given the remaining allegations in this lawsuit. Nothing in this Order prevents Plaintiff from orally moving for a protective order during the deposition or instructing a witness not to answer, if there is a good faith basis to do so.
3. The deposition of General Flynn as well as the contents of that deposition shall not be released or commented on publicly until such time as the Court is able to address any claim that any portion needs to exempt from public information. This prohibition on releasing information or commenting on information applies to the attorneys, the parties, and the court reporter. To the extent a party needs to share the deposition with a retained or consulting expert, the party must ensure that the expert is also bound by this protective order and subject to the Court's personal jurisdiction and contempt authority by having that affidavit file a declaration to this effect in the Court file *before* disclosing any portion of the deposition with the expert.
4. Within 7 calendar days of receipt of General Flynn's deposition transcript, Plaintiff shall file in the Court a listing of the page and line numbers of any portions of the deposition that Plaintiff contends should be exempt from public disclosure. Plaintiff shall provide a generic description of any claimed privilege or reason for the information to be exempt from public disclosure. This filing will be public, so please do not provide any putative confidential information in the filing.

5. Within 5 calendar days of Defendant Stewartson's receipt of the page and line numbers, Defendant shall file in the Court file a response as to each assertion whether Defendant agrees that information is exempt from public disclosure. Again, this file will be public, so please do not provide any putative confidential information in the filing.

6. The Court will then review the deposition as well as the claimed privilege assertions. Note, the Court will not be bound by any agreement that something should be exempt from public disclosure; however, the Court will consider the agreement.

7. The Court directs that the deposition of General Flynn be transcribed if it taken, and the Court will engage in the review process *even if* the parties settle the case after General Flynn sits for deposition. The Court specifically reserves jurisdiction to do this even if a notice of voluntarily dismissal is filed after General Flynn's deposition is taken.

DONE AND ORDERED in Sarasota, Sarasota County, Florida, on September 15, 2025.

  
9/15/2025 3:32 PM 2023 CA  
004264 NC  
e-Signed 9/15/2025 3:32 PM 2023 CA 004264 NC

**HUNTER W CARROLL**  
Circuit Judge

**SERVICE CERTIFICATE**

On September 15, 2025, the Court caused the foregoing document to be served via the Clerk of Court's case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via First Class U.S. Mail on the individuals who do not have an email address on file with the Clerk of Court.

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IN THE TWELFTH JUDICIAL CIRCUIT COURT  
IN AND FOR SARASOTA COUNTY, FLORIDA

MICHAEL T FLYNN,  
Plaintiff,

v.

CASE NO. 2023 CA 004264 NC  
DIVISION C CIRCUIT

JIM STEWARTSON,  
RICK WILSON,  
MEIDASTOUCH LLC,  
Defendant.

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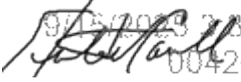
**ORDER DENYING WITHOUT PREJUDICE  
DEFENDANT STEWARTSON'S  
MOTION TO SHOW CAUSE AND FOR SANCTIONS**

BEFORE THE COURT is Defendant Stewartson's motion for order to show cause and compel the deposition of the Plaintiff and for sanctions [DIN 192].

By separate order today [DIN 208], the Court entered a protective order in favor of Plaintiff. Now that that protective order is in place, the Court understands that General Flynn's deposition will be scheduled and expeditiously.

Assuming this will occur, the Court denies Defendant's motion at this time without prejudice. If, however, General Flynn ultimately does not schedule or sit for his deposition, the Court will entertain further motion practice relating to this deposition.

DONE AND ORDERED in Sarasota, Sarasota County, Florida, on September 15, 2025.

  
9/15/2025 3:32 PM 2023 CA  
004264 NC  
e-Signed 9/15/2025 3:32 PM 2023 CA 004264 NC

**HUNTER W CARROLL**  
Circuit Judge

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