

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 24-cv-21983-JB

CUBANOS PALANTE, *et al.*,

Plaintiffs,

v.

THREE-JUDGE COURT

FLORIDA HOUSE OF REPRESENTATIVES, *et al.*,

Defendants.

ORDER FOLLOWING FINAL PRETRIAL CONFERENCE

THIS CAUSE comes before the Court following the Final Pretrial Conference held on January 5, 2026. ECF No. [178]. At the Final Pretrial Conference, the Court heard oral argument from the parties regarding two issues: (1) Defendants' Objections to Plaintiffs' Exhibits numbered 8, 9, 11, 14, and 15 (together, the "Exhibits"), and (2) Defendants' request that the Court strike the Supplemental Expert Reports of Dr. McCartan and Dr. Abott dated November 26, 2025 on the basis that these reports are untimely.

With respect to the first issue, the Exhibits in dispute concern discovery material, namely the responses of the Florida House of Representatives and Florida Senate to certain Requests for Production issued by Plaintiffs, as well as the privilege logs served by the House and Senate. ECF No. [166-1] at 2. Defendants object to these Exhibits on the grounds of foundation and relevance. *Id.* Upon careful consideration of the pertinent portions of the record and the relevant authorities, the

Court **DEFERS** ruling on Defendants' Objections to Plaintiffs' Exhibits numbered 8, 9, 11, 14, and 15 until trial.

With respect to the second issue, Defendants argue that the Supplemental Expert Report of Cory McCartan, Ph.D., ECF No. [175-2], and Supplemental Expert Report of Dr. Carolyn B. Abott, Ph.D., ECF No. [175-3], should be stricken because they provide new opinions which were not served until long after the expert disclosure deadline expired and, as such, Defendants would suffer prejudice if the reports are not excluded. ECF No. [175] at 74–78. Plaintiffs respond that the Supplemental Expert Reports were necessitated by the Court's Order Granting in Part and Denying in Part the Florida House of Representatives' Motion for Summary Judgment and, thus, could not have been prepared sooner.

Upon careful consideration of the arguments of counsel and the relevant authorities, Defendants' request to strike the Supplemental Expert Reports is **GRANTED IN PART AND DENIED IN PART**. Specifically, Defendants' request to strike Tables 12 through 15 and Figure 2 set forth in the Appendices to Dr. McCartan's Supplemental Expert Report, ECF No. [175-2] at 14–18, is **GRANTED**. Defendants' requests to strike the remainder of Dr. McCartan's Supplemental Expert Report and to strike Dr. Abott's Supplemental Expert Report are **DENIED**. At trial, Defendants may offer expert testimony to rebut the Supplemental Expert Reports.

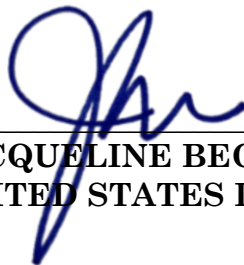
DONE AND ORDERED this 6th day of January, 2026.



BRITT C. GRANT
UNITED STATES CIRCUIT JUDGE



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE



JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE