

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Florida State Lodge Fraternal Order of Police, Inc., a Florida not for
profit corporation, Joel Cuarezma, individually, and Scott Kushi,
individually v. City of Pembroke Pines, Florida, a Florida
municipality, Jose J. Vargas, in his official capacity

Florida State Lodge Fraternal Order of Police · No. 0:25-cv-61620-EA · Decided March 30, 2026

SUMMARY

The court denied the plaintiffs’ motions for temporary restraining orders and preliminary injunctions arising from an internal investigation by the City of Pembroke Pines Police Department. The court held that the alleged public-records request was invalid and unenforceable under Florida law because it was made by a government agency rather than a qualifying person, and that the plaintiffs had not demonstrated irreparable harm. The court also concluded that the challenged requests to produce or preserve personal text messages did not constitute a search under the Fourth Amendment.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Ed Artau
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 30, 2026
DOCKET	0:25-cv-61620-EA
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiffs moved for temporary restraining orders and preliminary injunctions in an action challenging demands that two police officers preserve and produce personal text messages during an internal investigation.
STANDARD OF REVIEW	Preliminary-injunction applicants must establish a substantial likelihood of success on the merits, irreparable injury absent an injunction, a balance of harms favoring relief, and that the public interest will not be disserved.
PRECEDENTIAL VALUE	Unknown

PARTIES

Florida State Lodge Fraternal Order of Police, Inc., Joel Cuarezma,
Scott Kushi v. City of Pembroke Pines, Florida, Jose J. Vargas

TOPICS

equitable relief

remedies

statutory interpretation

public records

section 1983

PRACTICE AREAS

constitutional law

civil rights

municipal law

public records

injunctive relief

QUESTIONS PRESENTED

1. Whether plaintiffs established irreparable harm sufficient to support temporary restraining orders or preliminary injunctions based on alleged constitutional violations.
2. Whether the public-records demand issued by a police-department investigator acting on behalf of the department and city was a valid and enforceable request under Florida's public-records law.
3. Whether the department's noncoercive request for the text messages and orders to preserve them constituted a search under the Fourth Amendment.

HOLDINGS

1. An alleged constitutional violation does not automatically establish per se irreparable harm; plaintiffs seeking a preliminary injunction for a constitutional violation must still prove irreparable injury.
2. A public-records request made by a public employee acting on behalf of the governmental agency that possesses or controls the records is made by an agency, not a statutory person, and is invalid and unenforceable under sections 119.01(1) and 119.011(2), Florida Statutes.
3. The department's noncoercive request for the officers to provide text messages and its orders to preserve the messages did not constitute Fourth Amendment searches.

KEY QUOTATIONS

“But nothing in § 1983’s plain text changes the standard required to obtain equitable relief.”

“Accordingly, the request is invalid and unenforceable because section 119.01(1) allows only a “person,” not an “agency,” to make a public records request.”

FACTUAL BACKGROUND

Sergeant Joel Cuarezma and Detective Scott Kushi, both Pembroke Pines police officers and members of the police union, exchanged text messages on their personal, unreimbursed cell phones while off duty concerning whether a shift-volunteer email violated their collective bargaining agreement. During an internal-affairs investigation, department personnel ordered them to preserve the communications and demanded their production under Florida's public-records law, threatening official-order and criminal penalties for noncompliance. The officers did not comply by the stated deadlines, and plaintiffs sought emergency injunctive relief.

PROCEDURAL HISTORY

Plaintiffs filed motions for temporary restraining orders and preliminary injunctions. The court held an evidentiary hearing on September 25, 2025, but the parties relied on submitted affidavits rather than presenting live evidence. The court denied both motions.

DISPOSITION

denied

CASES CITED

- Northeast Florida Chapter of Association of General Contractors v. City of Jacksonville, 896 F.2d 1283, 1284-85 (11th Cir. 1990)
- Trump v. CASA, Inc., 606 U.S. 831, 841-42 (2025)
- Payne v. Hook, 74 U.S. 425, 430 (1869)
- Fenner v. Boykin, 271 U.S. 240, 243 (1926)
- Sampson v. Murray, 415 U.S. 61, 90 (1974)
- Cunningham v. Adams, 808 F.2d 815, 821-22 (11th Cir. 1987)
- Gayle v. Mead, 614 F. Supp. 3d 1175, 1205 (S.D. Fla. 2020)
- Elrond v. Burns, 427 U.S. 347, 373 (1976)
- Conage v. United States, 346 So. 3d 594, 598 (Fla. 2022)
- Vermont Agency of National Resources v. United States ex rel. Stevens, 529 U.S. 765, 781 (2000)
- Promenade d'Iberville, LLC v. Sundy, 145 So. 3d 980, 982 (Fla. 1st DCA 2014)
- Mattox v. United States, 156 U.S. 237, 243 (1895)
- Kylo v. United State, 533 U.S. 27, 34 (2001)
- Boyd v. United States, 116 U.S. 616, 627 (1886)
- Florida v. Jimeno, 500 U.S. 248, 250-51 (1991)

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