

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, ORLANDO DIVISION

Jordyn Thulin v. Embry-Riddle Aeronautical University, Inc.

Thulin · No. 6:24-cv-899-PGB-LHP · Decided December 15, 2025

SUMMARY

The United States District Court for the Middle District of Florida partially granted Embry-Riddle Aeronautical University, Inc.’s motion to compel and for an enlargement of time. The Court authorized a limited one-hour re-deposition of Plaintiff concerning previously undisclosed text messages and required information regarding any attorney-client relationship between Plaintiff’s counsel and Plaintiff’s mother, while denying other requested relief.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Orlando Division
WRITING FOR THE COURT	Leslie Noffman Price
JURISDICTION	United States District Court for the Middle District of Florida, Orlando Division
DECIDED	December 15, 2025
DOCKET	6:24-cv-899-PGB-LHP
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to compel limited additional discovery and to extend the discovery period after Plaintiff disclosed previously unproduced text messages during or after her deposition and after Plaintiff's counsel instructed a deponent not to answer certain questions based on attorney-client privilege. The court granted the motion in part and denied it in all other respects.
STANDARD OF REVIEW	The court evaluated the motion under the Federal Rules of Civil Procedure and the applicable discovery orders, determining whether the requested limited discovery and extension were appropriate under the circumstances.
PRECEDENTIAL VALUE	Unpublished federal district court discovery order; persuasive and case-specific rather than generally precedential.

TOPICS

discovery dispute

attorney client privilege

privilege

civil procedure

evidence

PRACTICE AREAS

Civil procedure

Discovery

Evidence

Attorney-client privilege

QUESTIONS PRESENTED

1. Whether Defendant was entitled to a limited re-deposition of Plaintiff concerning text messages that Plaintiff had not timely produced.
2. Whether Defendant was entitled to discovery concerning the existence and commencement date of an asserted attorney-client relationship between Plaintiff's counsel and Trisha Thulin.
3. Whether the discovery deadline should be extended for the limited purposes authorized by the court.

HOLDINGS

1. Because Plaintiff did not dispute that she failed to timely produce communications responsive to a proper discovery request, Defendant may re-depose her for no more than one hour and only concerning the text messages produced on November 24, 2025.
2. Defendant may obtain a sworn affidavit or declaration stating whether an attorney-client relationship existed between Plaintiff's counsel and Trisha Thulin and, if so, when it began; Defendant may then seek a second deposition of Trisha if appropriate.
3. If a fee or retainer agreement is produced in response to the court's order, information containing attorneys' mental impressions, conclusions, opinions, or legal theories may be redacted.

KEY QUOTATIONS

“Courts in this Circuit have concluded fee agreements or retainer agreements generally are not privileged.”
(Order ¶ 4)

“such that it contains mental impressions, conclusions, opinions, or legal theories of Plaintiff’s attorneys, such opinions may be redacted.” (Order ¶ 4 n.4)

FACTUAL BACKGROUND

Plaintiff did not produce all text messages between herself and Jacob Scanlon despite a discovery request for communications between them, and she produced the additional messages on November 24, 2025, after her October 30 deposition. At the November 18 deposition of Plaintiff's mother, Trisha Thulin, Plaintiff's counsel made attorney-client privilege objections and instructed her not to answer without identifying when counsel's alleged individual representation of Trisha began.

PROCEDURAL HISTORY

Discovery closed on December 1, 2025, subject to limited expert-deposition exceptions. Defendant filed its motion on the discovery deadline, seeking a limited re-deposition of Plaintiff concerning text messages produced

after her deposition, discovery concerning the asserted attorney-client relationship between Plaintiff's counsel and Plaintiff's mother, and a 60-day discovery extension. The court authorized a one-hour re-deposition of Plaintiff, required an affidavit or declaration concerning the alleged attorney-client relationship, allowed a renewed motion for a second deposition of Plaintiff's mother if appropriate, and otherwise denied the motion.

DISPOSITION

other

CASES CITED

- Daniel v. Navient Sols., LLC, No. 8:17-cv-2503-T-24JSS, 2019 WL 12528989, at *3 (M.D. Fla. Jan. 10, 2019)
- Regions Bank v. Kaplan, No. 8:12-cv-1837-T-17MAP, 2015 WL 5687882, at *1 (M.D. Fla. Sept. 25, 2015)
- Soricelli v. GEICO Indem. Co., No. 8:16-cv-1535-T-30TBM, 2017 WL 275967, at *4 (M.D. Fla. Jan. 20, 2017)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION JORDYN THULIN, Plaintiff, v. Case No: 6:24-cv-899-PGB-LHP EMBRY-RIDDLE AERONAUTICAL UNIVERSITY, INC., Defendant ORDER Before the Court is Embry-Riddle Aeronautical University, Inc.'s Motion to Compel and for Correlating Enlargement of Time. Doc. No. 83. Plaintiff has responded in opposition, Doc.

No. 89, and Defendant has filed an authorized reply, Doc. No. 97, see also Doc. No. 90. Upon consideration, Defendant's motion will be GRANTED in part, for the reasons that follow. Discovery closed in this matter on December 1, 2025, Doc. No. 49, and has been extended only for the limited purpose of certain expert depositions, Doc. No. 95. Dispositive motions are due March 2, 2026.

Doc. No. 95. Defendant filed the instant motion on the December 1, 2025 discovery deadline. Doc. No. 83. The motion concerns two depositions, Plaintiff's October 30, 2025 deposition, and the November 18, 2025 deposition of Plaintiff's mother, Trisha Thulin. *Id.*¹ As to Plaintiff's deposition, Defendant contends that at deposition Plaintiff disclosed that she had not produced all text messages between herself and the accused harasser in this case, Jacob Scanlon, despite a discovery request for "any communications between Plaintiff and Scanlon." *Id.* at 2.

Plaintiff did not produce the complete text messages until after deposition on November 24, 2025. *Id.* Defendant wishes to depose Plaintiff about those text messages. *Id.*; Doc. No. 97. Regarding Trisha Thulin's deposition, Defendant says that Plaintiff's counsel made several objections at her deposition based on the attorney-client privilege with instructions not to answer, without any indication on when Plaintiff's counsel began representing Trisha Thulin individually.

Doc. No. 83, at 3.2 Defendant seeks evidence regarding same, and if appropriate, to re-depose Trisha Thulin on the questions to which improper objections were lodged. *Id.* Defendant also 1 The motion arguably fails to comply with the Standing Order on Discovery Motions as Defendant did not attach any deposition transcripts or document requests. See Doc. No. 25, ¶ 3.

However, Plaintiff does not raise this issue in response, and given that discovery is now closed, the Court has chosen to address the motion on the merits, but reminds all parties and their counsel of their obligations to comply in full with all applicable Court orders and Local Rules. 2 According to the motion, “Plaintiff’s counsel was unable to provide a date that he first began to represent Trisha, individually.” Doc.

No. 83, at 2. Plaintiff does not dispute this in response, nor provide a date. Doc. No. 89. seeks a 60-day extension of the discovery period to accomplish these tasks, and says that the information is necessary for dispositive motions. *Id.* at 3–4; Doc. No. 97.

For her part, Plaintiff does not dispute that she did not timely produce all text messages between Mr. Scanlon and herself, nor does she dispute that Defendant properly requested same during discovery. Doc. No. 89, at 1–2. Instead, Plaintiff says that Defendant can conduct cross-examination at trial regarding the text messages, and Defendant has “exhausted (or very nearly exhausted)” the time for Plaintiff’s deposition.

Id. at 2.3 As to Trisha Thulin, Plaintiff contends that Defendant seeks irrelevant information that is subject to the attorney-client privilege, suggesting, without outright saying, that Plaintiff’s counsel represents Trisha Thulin individually. *Id.* So, Plaintiff opposes both requests, and also opposes an extension of the discovery period for these purposes.

Id. at 2–3. Upon consideration, the Court finds Plaintiff’s arguments unpersuasive. Given that Plaintiff does not dispute that she did not timely provide all communications between herself and Mr. Scanlon to Defendant prior to the deposition despite a proper discovery request for same, the Court finds that allowing a limited re-deposition of Plaintiff regarding the text messages appropriate, as set forth below.

Cf. *Daniel v. Navient Sols., LLC*, No. 8:17-cv-2503- 3 In reply, Defendant says that Plaintiff was deposed for 6 hours and 13 minutes. Doc. No. 97, at 4. Regardless, the Court notes that the 7-hour, one-day limitations may be altered by court order. Fed. R. Civ. P. 30(d)(1). T-24JSS, 2019 WL 12528989, at *3 (M.D. Fla. Jan. 10, 2019) (finding limited second deposition of corporate representative proper where the defendant delayed in timely producing the discovery at issue).

Further, given that there is no dispute that at Trisha Thulin’s deposition Plaintiff’s counsel raised objections based on attorney-client privilege with instructions not to answer, and that Plaintiff’s counsel did not identify the date the attorney-client relationship began, the Court likewise finds that discovery, as limited below, on this issue is appropriate.

See generally *Regions Bank v. Kaplan*, No. 8:12-cv-1837-T-17MAP, 2015 WL 5687882, at *1 (M.D. Fla. Sept. 25, 2015) (“The party invoking a privilege has the burden of proving its existence.” (citations omitted)). Based thereon, the Court will also permit a limited extension of the discovery deadline for these purposes only.

Accordingly, it is ORDERED as follows: 1. Defendant’s Motion to compel and for Correlating Enlargement of Time (Doc. No. 83) is GRANTED in part. 2. Defendant will be permitted to re-depose Plaintiff within thirty (30) days of the date of this Order. Fed. R. Civ. P. 30(a)(2)(A)(ii), (d) (1).

The deposition shall not exceed one (1) hour in length, and shall be limited to addressing the text messages Plaintiff produced to Defendant on November 24, 2025. 3. Within seven (7) days of the date of this Order, the parties shall meet and confer regarding the date for Plaintiff’s deposition.

On or before that date, the parties shall file a joint notice with the Court setting forth the date, time, and location of the deposition. If the parties are unable to reach an agreement by that date, Defendant shall file a notice stating same, and the Court will set the deposition on its own accord. 4.

On or before January 2, 2026, counsel for Plaintiff (Nicholas J. Castellano, II, Esq., or Kevin M. Griffith, Esq.), and/or Ms. Trisha Thulin, shall serve on Defendant an affidavit or declaration in accordance with 28 U.S.C. § 1746 stating whether an attorney-client relationship exists between Plaintiff’s counsel and Trisha Thulin, and if so, the date that the attorney- client relationship began.

Said affidavit shall be supported by, if applicable, the fee/retainer agreement. See generally *Soricelli v. GEICO Indem. Co.*, No. 8:16-cv-1535-T-30TBM, 2017 WL 275967, at *4 (M.D. Fla. Jan. 20, 2017) (“Courts in this Circuit have concluded fee agreements or retainer agreements generally are not privileged.” (citations and quotation marks omitted)).^{4 4} To the extent that Plaintiffs’ counsel or Trisha Thulin contend that privileged information exists within the fee agreement, “such that it contains mental impressions, conclusions, opinions, or legal theories of Plaintiff’s attorneys, such opinions may be redacted.” See *Soricelli*, 2017 WL 275967, at *4.

5. On or before January 9, 2026, if appropriate based on the affidavit/declaration provided, Defendant may file a renewed motion regarding a second deposition of Trisha Thulin. The Standing Order on Discovery Motions will apply to any such motion, as well as Plaintiff’s response. See Doc. No. 25. Defendant shall include any affidavit/ declaration received pursuant to this Order as an attachment to the motion, and Defendant shall also attach the transcript of Trisha Thulin’s deposition.

Failure to comply with these requirements will result in the summary denial of the motion. 6. Defendant’s motion (Doc. No. 83) is DENIED in all other respects. 7. This Order authorizes the

limited discovery set forth herein, and the December 1, 2025 discovery deadline is not otherwise extended (subject to the limited exceptions discussed above, see also Doc.

95). Nor may the parties rely upon this Order to support a request for an extension of any other deadline in this case. DONE and ORDERED in Orlando, Florida on December 15, 2025. LESLIE NOFFMAN PRICE UNITED STATES MAGISTRATE JUDGE ee Copies furnished to: Counsel of Record