

IN THE SUPREME COURT OF FLORIDA

Case No. SC2025-0922

ELIZABETH ALEXANDER, et al.,

Petitioners,

v.

PRESIDENT DONALD J. TRUMP,

Respondent.

Discretionary Proceeding to Review Decision of the
Fourth District Court of Appeal

Lower Tribunal Nos. 4D2025-1019; 472022CA000246

PETITIONERS' BRIEF ON JURISDICTION

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INTRODUCTION AND STATEMENT OF THE ISSUES

In *Clinton v. Jones*, the U.S. Supreme Court concluded that the U.S. Constitution does not require a civil lawsuit involving the President to be stayed “until his term ends” where that case is (1) proceeding in federal court and (2) “unrelated to any of his official duties.” 520 U.S. 681, 684, 686 (1997). The Court left unresolved, however, whether such a suit could properly proceed in state court, though it noted that “because the Supremacy Clause makes federal law the supreme law of the land, any direct control by a state court over the President, who has principal responsibility to ensure that those laws are faithfully executed, may implicate concerns” of “federalism and comity.” *Id.* at 691 & n.13 (cleaned up).

This case squarely presents the question that the U.S. Supreme Court left unanswered in *Jones*. As the Fourth District Court of Appeal acknowledged in its May 28, 2025 order (the “DCA Order”), “[b]ecause the President embodies the Executive Branch of the federal government, state courts must be restrained from interfering with his office’s operations under both the Supremacy Clause, contained in Article VI, Clause 2, of the United States Constitution, and Article II of the United States Constitution.” A-4.¹ Nevertheless, the Fourth DCA concluded that the U.S. Constitution does not

¹ Petitioners’ Appendix is cited herein as A-(page #).

require the trial court to stay this civil lawsuit until Plaintiff-Respondent, President Donald Trump, completes his term in office.

Because the DCA Order expressly construed these provisions of the U.S. Constitution, Petitioners now seek discretionary review of that ruling. The issue presented is: whether the Supremacy Clause and Article II of the U.S. Constitution require a state court to stay a civil lawsuit in which the sitting President is the plaintiff, and which involves claims that implicate the President's official conduct, until the President's term has concluded.² Resolving this issue is vitally important, because allowing a case to proceed would necessarily subject the President to direct control by a state court judge, and any non-compliance presents intractable problems regarding the protection of a defendant's due process rights

STATEMENT OF THE CASE AND FACTS

The Pulitzer Prizes are awarded annually at Columbia University in New York, on the recommendation of its volunteer Board, to honor distinguished work in journalism, books, drama, and music. The 2018

² If this Court grants review and permits the parties to address additional issues, Petitioners would plan to raise further grounds for staying this litigation, including that it offends the due process rights of state court defendants not to stay litigation where the President-plaintiff retains discretionary immunity over potential counterclaims, discovery orders, sanctions, and other judicial processes.

Pulitzer Prize in National Reporting was awarded jointly to *The New York Times* (“*The Times*”) and *The Washington Post* (“*The Post*”) for their reporting on “Russian interference in the 2016 presidential election and its connections to the Trump campaign, the President-elect’s transition team and his eventual administration.” Am. Compl. (“FAC”) ¶ 75. The twenty award-winning articles (the “Articles”) reported facts that Respondent has never contested, and none of the Articles has since been retracted or corrected.

Respondent nevertheless repeatedly demanded that the Board revoke the 2018 National Reporting prize. Defs.’ Opposed Mot. for Temp. Stay (“Stay Mot.”) ¶ 4. The Board commissioned two independent reviews, which concluded that none of the reported facts in the Articles had been discredited by later disclosures. *Id.* ¶ 5. In July 2022 the Board posted a statement (the “Board Statement”) on its website, summarizing the conclusion of those independent reviews and confirming that “[The 2018 Pulitzer Prizes in National Reporting](#) stand.” FAC ¶ 140.³

Respondent filed his original Complaint in this action in December 2022, naming 19 defendants associated with the Board and asserting a

³ That hyperlink directed readers to the 2018 National Reporting Prize announcement, which in turn provides hyperlinks to the Articles.

single claim of defamation. Stay Mot. ¶ 6. Following jurisdictional discovery, Respondent filed the now-operative Amended Complaint, which adds a twentieth Board defendant and asserts that the Articles were part of an “enormous false narrative” advancing the allegation that Respondent colluded with Russia during the 2016 presidential campaign. FAC ¶ 106. In July 2024, the trial court denied the one Floridian Petitioner’s motion to dismiss for failure to state a claim and denied the other Petitioners’ motion to dismiss for lack of personal jurisdiction. Stay Mot. ¶ 8. The Fourth DCA subsequently affirmed the latter order. *Alexander v. Trump*, 404 So. 3d 425 (Fla. 4th DCA 2025).

On November 5, 2024, Respondent was re-elected as President of the United States, and he was sworn into office on January 20, 2025. Petitioners promptly moved the trial court to stay the action until Respondent concludes his term as President. Stay Mot. at 1.

On March 10, 2025, the trial court denied Petitioners’ motion to stay. Order Denying Stay Mot. at 6-7. Petitioners filed a petition for a writ of certiorari and asked the Fourth DCA to vacate the trial court’s order and direct the trial court to stay the case until Respondent leaves office.

The Fourth DCA denied that petition on May 28, 2025. “At the outset,” the Fourth DCA recognized that, “[b]ecause the President embodies the

Executive Branch of the federal government, state courts must be restrained from interfering with his office’s operations” under both the Supremacy Clause and Article II. A-4. But the Fourth DCA construed these constitutional provisions not to require a state court to stay civil litigation in which the sitting President is the plaintiff because “[t]he President—by virtue of his exceptional position—is uniquely equipped to determine how to use his time, to assess the attention a lawsuit will require, and to decide whether the lawsuit will divert him from his official business.” A-7-8. The Fourth DCA therefore denied the petition. A-9.

On June 27, 2025, Petitioners timely filed a Notice to Invoke Discretionary Jurisdiction. Because the DCA Order expressly construes multiple provisions of the U.S. Constitution, Petitioners now ask this Court to exercise its discretionary jurisdiction to review that ruling pursuant to Article V, Section 3(b)(3) of the Florida Constitution and Rule 9.030(a)(2)(A)(ii) of the Florida Rules of Appellate Procedure.

ARGUMENT

This Court has jurisdiction to “review any decision of a district court of appeal . . . that expressly construes a provision of the state or federal constitution.” Fla. Const. art. V § 3(b)(3); see *a/so* Fla. R. App. P. 9.030(a)(2)(A)(ii) (“The discretionary jurisdiction of the supreme court may

be sought to review . . . decisions of district courts of appeal that . . . expressly construe a provision of the state or federal constitution . . .”). This Court therefore has jurisdiction to review the DCA Order because it expressly construed multiple provisions of the U.S. Constitution. Moreover, the Court should exercise its discretion to invoke that jurisdiction because this case cleanly presents an important and already-recurring question: whether the U.S. Constitution permits a sitting President to proceed with a civil lawsuit in state court over claims implicating his official conduct, or whether the Constitution requires the state court to stay such litigation until the President’s term in office concludes. The answer to this question will have significant impact on defendants’ rights in this and future cases. The Court thus can and should take up this case.

I. THE DCA ORDER EXPRESSLY CONSTRUED MULTIPLE PROVISIONS OF THE U.S. CONSTITUTION.

This Court has jurisdiction to review the DCA Order because that ruling expressly construes multiple provisions of the U.S. Constitution. In particular, the DCA Order declares that even though “state courts must be restrained from interfering with [the President’s] operations under both the Supremacy Clause . . . and Article II of the United States Constitution,” those two provisions do not require a state court to stay civil litigation in which the sitting President is the plaintiff. A-4. The DCA Order further construes Article

II, Section 1, clause 1 of the U.S. Constitution, the “Vesting Clause,” to provide that “the powers and immunities granted under Article II, in addition to other privileges”—including “a privilege to cease this action”—are waiveable at the President’s sole discretion. A-5, A-7. The DCA Order thus concludes that

[w]hile both Article II and the Supremacy Clause operate as a shield to protect both the President and the Presidency from the risks of harassment and distraction by being hailed into state courts as an unwilling defendant, those same protections may not be used by his adversaries as a sword to prevent [the President] from voluntarily initiating or continuing civil litigation in his individual capacity.

A-8-9. “Because in reaching this conclusion the district court expressly construed” these provisions of the U.S. Constitution, this Court “ha[s] jurisdiction” to review the DCA Order. *State v. Pacchiana*, 289 So. 3d 857, 858 (Fla. 2020).

II. THIS COURT SHOULD EXERCISE ITS DISCRETION TO REVIEW THE DCA ORDER GIVEN THE IMPORTANCE OF THESE ISSUES AND LIKELIHOOD OF THEIR RECURRENCE.

While “the existence of th[e] constitutional authority” to review decisions that expressly construe provisions of the Constitution “does not create a duty” to review them, see Philip J. Padovano, 2 Fla. App. Prac. § 3:8 (2025 ed.), this Court should exercise its discretion to do so with respect to the DCA Order. See, e.g., *Edwards v. Thomas*, 229 So. 3d 277, 279 (Fla.

2017) (noting exercise of discretion to review order construing constitutional provision); *Norman v. State*, 215 So. 3d 18, 21 (Fla. 2017) (same); *JBK Assocs., Inc. v. Sill Bros.*, 191 So. 3d 879, 880 (Fla. 2016) (same).

As the Fourth DCA correctly observed, “state court litigation involving a sitting President raises unique and profound questions under the Constitution.” A-4. One such question is the issue presented here: whether the Constitution requires a state court to stay a civil lawsuit in which the President is a party until the President’s term in office has concluded. The answer to that question will decide whether the President is, as Respondent claims, the only individual in the entire country who can sue—but not be sued—in state court.

Exercising jurisdiction is especially appropriate because this question is likely to recur—indeed, it already has. Respondent himself invoked the same federalism-based concerns as justification for a stay of civil litigation in New York state court during his first term in office. See *generally Zervos v. Trump*, 74 N.Y.S.3d 442 (Sup. Ct. 2018), *aff’d*, 94 N.Y.S.3d 75 (App. Div. 2019). Respondent has also taken this same position in *United Atlantic Ventures v. TMTG Sub Inc.*, a lawsuit in Delaware against Respondent and others related to his social media platform Truth Social. There, Respondent argues that “any compulsory process by the States directly against the sitting

President risks interference with the Executive Branch in violation of federal supremacy.” See Stay Mot. Ex. B at 12 (emphasis in original). Respondent asserts that the Delaware court “should take the only workable approach and recognize, consistent with centuries of historical practice, that the sitting President must not be subjected to the burdens of state civil litigation.” See *id.* at 42 (emphasis added).

This case creates the same constitutional conflicts that Respondent identified in both *Zervos* and *United Atlantic Ventures*. Petitioners are obligated to exercise their rights under the Florida Rules of Civil Procedure to demand that Respondent produce documents, respond to requests for admission, provide sworn answers to written interrogatories, and testify under oath by deposition or oral examination. Each form of discovery will subject Respondent to the trial court’s “immediate and ever-present power to issue an order requiring him to take some action,” a power that, according to Respondent, the Constitution forbids the trial court from even *wielding* over him, let alone actually exercising. See Stay Mot. Ex. C at 26. Likewise, if this case were to reach trial, Petitioners would have the right to call Respondent as a witness or thoroughly cross-examine him if he testifies on his own behalf, and a judgment ultimately entered against Respondent could include taxation of costs and potentially attorney’s fees. Any non-compliance

raises substantial questions about the court's authority to control the President's behavior, and also poses concerns for the protection of a defendant's due process rights and for fundamental fairness of the proceedings.

Moreover, because the claims in this case relate to Respondent's official conduct, this case is a particularly sound vehicle for evaluating the constitutional issues presented. In *Jones*, by contrast, the Supreme Court repeatedly emphasized that the federal court claims against President Clinton arose from "the unofficial conduct of the individual who happens to be the President," rather than from any official conduct as President. 520 U.S. at 701. Thus, "[w]hatever the outcome of [the] case, there [was] no possibility that the decision will curtail the scope of the official powers of the Executive Branch." *Id.*

Similarly, in *Zervos*, the trial court rejected Respondent's request for dismissal or a stay because "[n]othing in the Supremacy Clause of the United States Constitution even suggests that the President cannot be called to account before a state court for wrongful conduct that bears *no relationship* to any federal executive responsibility." *Zervos*, 74 N.Y.S.3d at 446 (emphasis added). When such unofficial conduct is at issue, "there is no risk that a state will improperly encroach on powers given to the federal

government by interfering with the manner in which the President performs federal functions.” *Id.* The *Zervos* trial court recognized that “each and every one of the concerns that the United States Supreme Court raised [in *Jones*] implicates unlawful state intrusion into federal government operations,” but found those concerns “nonexistent when only unofficial conduct is in question.” *Id.* at 447 (emphasis added); *accord Zervos*, 94 N.Y.S.3d at 88 (finding that the mere exercise of jurisdiction “does not impede the President’s execution of his official duties” when “purely unofficial pre-presidential conduct is at issue” (emphasis added)).

This case does not concern purely unofficial pre-presidential conduct. To the contrary, the Amended Complaint alleges that the Board Statement conveyed “a false implication” that “the Trump campaign, the President-elect’s transition team, and his eventual administration had been connected with Russian attempts to interfere in the 2016 presidential election.” See FAC ¶ 149 (emphasis added and internal marks omitted); *see also id.* ¶¶ 47, 57, 60, 61, 63, 87, 107. Indeed, it alleges that upholding the award of a Pulitzer Prize to Articles accurately reporting Respondent’s actions and communications vis-à-vis Russia while serving as President leaves a “false impression that the *Times* and the *Post* had correctly reported on the Russia Collusion Hoax in 2017.” *See id.* ¶ 142.

Because the claims here directly concern Respondent's official presidential activity, not his unofficial, pre-presidential conduct, this case presents a straightforward vehicle for addressing the unanswered question of whether the Constitution requires state courts to stay civil litigation involving the President until the President's term in office has concluded.

CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Court exercise its discretion to review the DCA Order.

Dated: July 3, 2025

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy for the foregoing has been served via the Florida Courts E-Filing Portal on this 3rd day of July, 2025, on:

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CERTIFICATE OF COMPLIANCE

Undersigned counsel hereby certifies that this brief complies with the font type and volume limitations established in Florida Rules of Appellate Procedure 9.045 and 9.210. I am relying upon the word-count function of the word-processing system (Microsoft Word) used to prepare the brief, which indicates that approximately 2,492 words appear in the brief, plus the portions excluded from the word count pursuant to Rule 9.045(e). The brief is typed in 14-point, double-spaced, Arial font.

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