

# **EXHIBIT 1**

**From:** Derek Shaffer  
**Sent:** Wednesday, July 14, 2021 9:30 AM  
**To:** 'St Laurent, Louise R'; Uthmeier, James  
**Cc:** James Percival; Jason Hilborn; John OSullivan; Olga Vieira; Jonathan Cooper; Treadwell, Ray  
**Subject:** RE: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

Dear Ms. St Laurent: I'm glad to be meeting you and looking forward to working with you on this. You should feel free to call me Derek. Please know that I don't mean to suggest how your office should be handling defense, assuming it's handling defense. What I do mean to do – and need to do – is figure out a fair, sensible, workable way to get the PI question briefed, heard and decided in time to protect my client against impending irreparable harm. That's what I'm driving at, and I'm doing so while offering to be reasonable and accommodating within the outer limit of that imperative. And I'll reiterate to you what I've conveyed to James repeatedly: To the extent you want to share your perspective on how the schedule should go and meet and confer with us in a good-faith effort to arrive at an agreed schedule, I'm eager to talk and available any time today. Please buzz me at your convenience or pick a time when we can jump on a call together. Sooner is of course better and I'll be glad to host any call. Best,

Derek

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**From:** St Laurent, Louise R [mailto:Louise.StLaurent@flhealth.gov]  
**Sent:** Wednesday, July 14, 2021 9:14 AM  
**To:** Derek Shaffer <derekshaffer@quinnemanuel.com>; Uthmeier, James <James.Uthmeier@eog.myflorida.com>  
**Cc:** James Percival <James.Percival@myfloridalegal.com>; Jason Hilborn <Jason.Hilborn@myfloridalegal.com>; John OSullivan <johnosullivan@quinnemanuel.com>; Olga Vieira <olgavieira@quinnemanuel.com>; Jonathan Cooper <jonathancooper@quinnemanuel.com>; Treadwell, Ray <Ray.Treadwell@eog.myflorida.com>  
**Subject:** RE: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

[EXTERNAL EMAIL from [louise.stlaurent@flhealth.gov](mailto:louise.stlaurent@flhealth.gov)]

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Mr. Shaffer,

Although I can understand your desire to provide suggestions on how my office should react to your client's lawsuit, including directing timeframes in which to react, I would remind you that as the Department of Health's General Counsel, this is within the authority of my office.

We will be in touch.

Thank you,

Louise St. Laurent  
General Counsel  
Office of the General Counsel  
Florida Department of Health  
4052 Bald Cypress Way, A-02

Tallahassee, FL 32399  
(850) 245-4956 (Office)  
[REDACTED]  
(850) 245-4790 (Fax)

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**From:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>  
**Sent:** Wednesday, July 14, 2021 9:04 AM  
**To:** Uthmeier, James <[James.Uthmeier@eog.myflorida.com](mailto:James.Uthmeier@eog.myflorida.com)>  
**Cc:** James Percival <[James.Percival@myfloridalegal.com](mailto:James.Percival@myfloridalegal.com)>; Jason Hilborn <[Jason.Hilborn@myfloridalegal.com](mailto:Jason.Hilborn@myfloridalegal.com)>; John OSullivan <[johnosullivan@quinnemanuel.com](mailto:johnosullivan@quinnemanuel.com)>; Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>; St Laurent, Louise R <[Louise.StLaurent@flhealth.gov](mailto:Louise.StLaurent@flhealth.gov)>; Treadwell, Ray <[Ray.Treadwell@eog.myflorida.com](mailto:Ray.Treadwell@eog.myflorida.com)>  
**Subject:** Re: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

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Thanks, James, but our summons went out yesterday, so we'll proceed that way. If you want any extensions as a matter of courtesy, we'll be glad to engage courteously about them. As for the PI schedule, I can't fathom why our conversation would wait until Monday other than as a result of stalling. I trust your side doesn't want to stall — and I hope you all know better than to think that we'd let you stall. Without doubting that y'all have other important matters on your docket (as do we all), this one is especially important and time-sensitive. So I suggest that some responsible attorney(s) be at work on a PI response well in advance of Monday. Although we'll consider agreeing to reasonable tweaks and continue to invite an actual prompt conversation (i.e., today), we stand by our position that next Tuesday is an appropriate deadline for your response and we reiterate that the schedule in all events needs to permit hearing, followed by ruling, in advance of August 6. If you want to discuss specifics of that schedule, I can accommodate any time that's convenient for you today or you can call me on my cell at [REDACTED] any time. Thanks, and best,

- Derek

Sent from my hand-held device

On Jul 14, 2021, at 8:52 AM, Uthmeier, James <[James.Uthmeier@eog.myflorida.com](mailto:James.Uthmeier@eog.myflorida.com)> wrote:

[EXTERNAL EMAIL from [james.uthmeier@eog.myflorida.com](mailto:james.uthmeier@eog.myflorida.com)]

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Derek-

While we certainly do not view the federal rules as mere formalities, we are willing to accept service by email if you will afford the agency the extended, 60 day period, to respond to the complaint.

Regarding a discussion, our team is jammed this week on several other pressing matters but we would be happy to do a call on Monday. Please let us know your availability.

Thanks,  
James

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**From:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>  
**Sent:** Tuesday, July 13, 2021 3:02 PM  
**To:** Uthmeier, James; 'James Percival'; Jason Hilborn  
**Cc:** John OSullivan; Olga Vieira; Jonathan Cooper; St Laurent, Louise; Treadwell, Ray  
**Subject:** RE: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

Thanks for the response and we're glad to be talking. The schedule that concerns us right now is the schedule for the PI. If you want to extend deadline for responding to the complaint, we're glad to push that back. And we're hoping you'll agree to accept service without standing upon formalities. If not, then we'll proceed via summons (although I'm not sure how that helps anyone). Please let us know if a call would be helpful to discuss specifics; we'd be glad to host one.

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**From:** Uthmeier, James [<mailto:James.Uthmeier@eog.myflorida.com>]  
**Sent:** Tuesday, July 13, 2021 2:55 PM  
**To:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>; 'James Percival' <[James.Percival@myfloridalegal.com](mailto:James.Percival@myfloridalegal.com)>; Jason Hilborn <[Jason.Hilborn@myfloridalegal.com](mailto:Jason.Hilborn@myfloridalegal.com)>  
**Cc:** John OSullivan <[johnosullivan@quinnemanuel.com](mailto:johnosullivan@quinnemanuel.com)>; Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>; St Laurent, Louise <[louise.stlaurent@flhealth.gov](mailto:louise.stlaurent@flhealth.gov)>; Treadwell, Ray <[Ray.Treadwell@eog.myflorida.com](mailto:Ray.Treadwell@eog.myflorida.com)>  
**Subject:** Re: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

[EXTERNAL EMAIL from [james.uthmeier@eog.myflorida.com](mailto:james.uthmeier@eog.myflorida.com)]

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Hi Derek-

I'm copying Louise St. Laurent who is GC for the Dep't of Health.

Are you proposing a waiver of service form with extended response deadlines in lieu of the standard federal rules?

Please advise, thanks.

James

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**From:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>  
**Sent:** Tuesday, July 13, 2021 11:51 AM

**To:** Uthmeier, James; 'James Percival'; Jason Hilborn  
**Cc:** John OSullivan; Olga Vieira; Jonathan Cooper  
**Subject:** RE: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

Dear Mr. Uthmeier: Please see below and attached. We'll be at your disposal and glad to discuss anything, with you or any colleagues who may be appropriate for that purpose. For starters, will you please let us know whether you'll accept email service on behalf of the Surgeon General, without need for a summons? Thanks, and best,

Derek Shaffer

**Derek Shaffer**

*Partner,*  
Quinn Emanuel Urquhart & Sullivan, LLP

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**From:** James Percival [<mailto:James.Percival@myfloridalegal.com>]  
**Sent:** Tuesday, July 13, 2021 11:46 AM  
**To:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>; Jason Hilborn <[Jason.Hilborn@myfloridalegal.com](mailto:Jason.Hilborn@myfloridalegal.com)>  
**Cc:** John OSullivan <[johnosullivan@quinnemanuel.com](mailto:johnosullivan@quinnemanuel.com)>; Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>  
**Subject:** Re: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

[EXTERNAL EMAIL from [james.percival@myfloridalegal.com](mailto:james.percival@myfloridalegal.com)]

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I suggest reaching out to the Governor's GC's office.

The GC is James Uthmeier.  
[james.uthmeier@eog.myflorida.com](mailto:james.uthmeier@eog.myflorida.com)

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**From:** James Percival <[James.Percival@myfloridalegal.com](mailto:James.Percival@myfloridalegal.com)>  
**Sent:** Tuesday, July 13, 2021 11:01 AM  
**To:** Derek Shaffer; Jason Hilborn  
**Cc:** John OSullivan; Olga Vieira; Jonathan Cooper  
**Subject:** Re: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

I have no idea one way or the other whether that is true and it feels like you are pushing me to engage on something I am not authorized to engage on. I'm sure it's unintentional—to your point, reflecting a lack of understanding of Florida's government structure.

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**From:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>  
**Sent:** Tuesday, July 13, 2021 10:56 AM  
**To:** James Percival; Jason Hilborn  
**Cc:** John OSullivan; Olga Vieira; Jonathan Cooper  
**Subject:** RE: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

We appreciate that and will look forward to receiving the right contact information. Also, my expectation (however naïve and ill-informed) is that your office will ultimately be defending against our lawsuit, including the PI request. If so, this thread will make clear that we were engaging with you at the outset of the litigation (indeed, even before we filed) in an effort to arrive at a workable schedule.

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**From:** James Percival [<mailto:James.Percival@myfloridalegal.com>]  
**Sent:** Tuesday, July 13, 2021 10:53 AM  
**To:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>; Jason Hilborn <[Jason.Hilborn@myfloridalegal.com](mailto:Jason.Hilborn@myfloridalegal.com)>  
**Cc:** John OSullivan <[johnosullivan@quinnemanuel.com](mailto:johnosullivan@quinnemanuel.com)>; Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>  
**Subject:** Re: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

[EXTERNAL EMAIL from [james.percival@myfloridalegal.com](mailto:james.percival@myfloridalegal.com)]

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I cannot accept service for an entity I don't represent. We are of course interested in the litigation and appreciate the courtesy. I will try to find a contact for the surgeon general's office but I don't have one at the moment.

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**From:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>  
**Sent:** Tuesday, July 13, 2021 10:40 AM  
**To:** James Percival; Jason Hilborn  
**Cc:** John OSullivan; Olga Vieira; Jonathan Cooper  
**Subject:** RE: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

Thanks for the response. We'll report your position on our amicus brief just as you say. But I'm not sure where the rest of your response leaves us.

Just to be clear, am I right in understanding that you won't accept service for the Surgeon General? Relatedly, is there someone to whom we should be sending courtesy copies of our submissions as filed? We're trying to be helpful here, and I'm wondering if you can help us be helpful, either by forwarding our submissions along or else pointing us in the right direction. One thing you're not telling me – and I'd be shocked if you did tell me – is that those whom you do represent for the State of Florida aren't interested in this litigation. I'm hoping you'll engage further in that light.

Best,

Derek

---

**From:** James Percival [<mailto:James.Percival@myfloridalegal.com>]  
**Sent:** Tuesday, July 13, 2021 10:24 AM  
**To:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>; Jason Hilborn <[Jason.Hilborn@myfloridalegal.com](mailto:Jason.Hilborn@myfloridalegal.com)>  
**Cc:** John OSullivan <[johnosullivan@quinnemanuel.com](mailto:johnosullivan@quinnemanuel.com)>; Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>  
**Subject:** Re: Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

[EXTERNAL EMAIL from [james.percival@myfloridalegal.com](mailto:james.percival@myfloridalegal.com)]

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Hi Derek,

Nice to meet you.

Under state law, we don't represent the Surgeon General unless retained.

On the amicus, please represent our position to the court as follows: "We have no objection to amicus participating in the underlying appeal. But because amicus's request to brief the stay comes the morning after Florida filed its response in accordance with the Court's deadline for filing a response to the time-sensitive motion, we oppose amicus's request to participate at this juncture, unless the Court gives Florida the opportunity to respond to the filing."

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**From:** Derek Shaffer <[derekshaffer@quinnemanuel.com](mailto:derekshaffer@quinnemanuel.com)>  
**Sent:** Tuesday, July 13, 2021 8:38 AM  
**To:** Jason Hilborn; James Percival  
**Cc:** John OSullivan; Olga Vieira; Jonathan Cooper  
**Subject:** Forthcoming Lawsuit in S.D. Fla. by Norwegian Cruise Lines vs. Florida's Surgeon General Seeking Preliminary Injunction

Dear Messrs. Hilborn and Percival:

My partners and I represent a series of entities Norwegian Cruise Lines entities – Norwegian Cruise Line Holdings, Seven Seas Cruises, and Oceania Cruises – that will later this morning be filing a complaint and seeking preliminary injunctive relief in the U.S. District Court for the Southern District of Florida against Florida's Surgeon General, Dr. Scott Rivkees, in his official capacity. The object of our forthcoming challenge will be to restrain enforcement of Florida Statute § 381.00316, which prevents cruise lines and other businesses in Florida from requiring vaccine documentation from customers. Our grounds and concerns will be set forth in our papers, which we'll be glad to email you (and/or any colleagues you may direct us to) as soon as they're on file. To summarize, we'll be contending that Florida's prohibition (1) is preempted by federal law; (2) violates the First Amendment (as incorporated via the Fourteenth); (3) violates the Dormant Commerce Clause; and (4) violates substantive due process under the Fourteenth Amendment. And we'll be asking the Court to grant a preliminary injunction by August 6, 2021, so that Norwegian can resume passenger cruises from Florida on August 15, as Norwegian currently plans to do by requiring vaccine documentation from all passengers.

We're writing as we are to provide a courtesy heads-up and to open up lines of communication. You should of course feel free to forward our email to any relevant colleagues, and we'll welcome your direction as to anyone else on your end whom we should be communicating with going forward. For the avoidance of any doubt, we'll always be glad to engage with you and your colleagues about any means by which Norwegian can require vaccine documentation from passengers without facing exposure under Florida law or necessitating further dispute. Although our clients have engaged extensively with Florida officials about this, to no avail, that settlement door remains open now and going forward. Even assuming agreed resolution of the dispute continues to elude us, however, we have every intention to extend courtesies and to engage constructively about how this litigation can proceed expeditiously (consistent with the imperatives noted in our papers) in a way that works for everyone.

Towards that end, we'll be eager to talk to you about an appropriate schedule and see if we can reach agreement about that. To enable a ruling by August 6, we'd tentatively propose that a PI hearing be held in the latter part of July (July 28-30) or the beginning of August (August 2-3). Working backwards from that, we'd propose that you have 7 days to file an opposition by a specified time (like 3 Eastern) next Tuesday, July 20, and that we then have 3 days to file a reply by the end of the day Friday, July 23. That said, we welcome your reactions and will try to accommodate reasonable proposals in this and all other respects.

Last, we would be grateful for prompt word of your position on two procedural points: First, will you accept service via email on behalf of Dr. Rivkees and the State? (We'd like to avoid any unnecessary resort to a formal summons and service.) Second, does the State consent to a motion that we'll be filing later today on behalf of Norwegian Cruise Line Holdings, Seven Seas Cruises, and Oceania Cruises for leave to file a very short (~5-page) *amicus* brief with the Eleventh Circuit in support of CDC's pending request for a stay of the preliminary injunction that Judge Merryday entered in the Middle District of Florida? We think it's only appropriate to alert the Eleventh Circuit to the views we'll be submitting to the Southern District of Florida, to the extent they may be relevant to the appellate court's instant deliberations. And we'll of course want to be able to report whether the State consents, opposes, or takes no position relative to our request to participate as *amici*.

Thank you very much for your consideration, and we'll look forward to working with you and your colleagues from here. Beyond the contact information reflected in my signature block, you should feel free to call me on my cell at [REDACTED] any time. Best regards,

Derek Shaffer

**Derek Shaffer**

*Partner,*

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