

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

AMJAD MASAD,

Plaintiff,

v.

RANDALL FINE,

Defendant.

Case No.

6:26-cv-00442-ACC-RMN

**DEFENDANT’S UNOPPOSED MOTION FOR LEAVE FOR
SURROGATE TO ATTEND MEDIATION**

Defendant the Honorable Randall Fine, U.S. Representative for the 6th Congressional District of Florida, respectfully moves, due to his obligations as a Member of Congress, for leave for his Chief of Staff to attend the parties’ forthcoming mediation conference in his stead as a surrogate with full settlement authority. His Chief of Staff would be able to reach Representative Fine by phone during the entirety of mediation. Plaintiff consents to the relief sought in this motion, and the parties’ selected mediator has indicated that Representative Fine’s proposed surrogate is satisfactory to him.

MEMORANDUM OF LAW

On June 9, 2026, the Court referred this case to mediation. ECF 49. On June 22, Plaintiff notified the Court that the parties selected Joseph H. Varner III as

mediator in this action and that the mediation conference is scheduled to occur on August 20, 2026, at 8:30 a.m. ECF 51. On June 23, the Court granted the parties' joint motion for leave to conduct mediation by Zoom, as consented to by Mr. Varner. ECF 52, 55.

This Court's June 8, 2026 Case Management Order set a mediation deadline of August 31, 2027, ECF 48 at 2, and states in relevant part that "each party ... with full authority to settle, *shall* attend and participate in the mediation conference." *Id.* at 12. Representative Fine requests leave of the Court for Jason Fischer, his Chief of Staff, to attend the forthcoming mediation conference in his stead as a surrogate with full settlement authority.

This requested relief is warranted based on the unique burdens that attendance would impose on Representative Fine as a Member of the United States House of Representatives. "[S]ervice in the United States Congress is not a job like any other." *United States v. Rostenkowski*, 59 F.3d 1291, 1312 (D.C. Cir. 1995). "[T]he life of a congressman—as incumbent legislator and perpetual candidate for office" is one in which the Member's "official day ends only after a round of nominally 'social' events at which he is obliged to appear, and whose weekends and holidays are only an opportunity to reconnect with his constituents." *Id.*

This aptly pertains to Representative Fine, a high-ranking government official who is beholden to official duties and commitments that make it logistically difficult to guarantee his uninterrupted availability on any given day, let alone for a full mediation session. Mandatory attendance for the entirety of the mediation would substantially interfere with his official duties as a Member of Congress. Although the House is currently in recess, Representative Fine's time and attention remain occupied by his ongoing obligations to his constituents in Florida's 6th Congressional District, many of which arise unpredictably on any given day. Among Representative Fine's many duties are meeting with local groups, leaders, and constituents, attending community functions, holding constituent events, and overseeing a staff charged with responding to the ongoing tasks and issues that arise from representing approximately 800,000 constituents.¹

Importantly, the parties' selected mediator, Joseph H. Varner III, has indicated that the attendance and participation of Representative Fine's Chief of Staff Jason Fischer would be satisfactory to him. *See* L.R. 4.03(d) (requiring the attendance of "the parties *or* a party's surrogate satisfactory to the mediator" (emphasis added)). Plaintiff also consents to the attendance of the surrogate in Representative Fine's stead. Representative Fine has agreed to entrust Mr. Fischer

¹ In addition, Representative Fine is also engaged in a full and active schedule of campaigning for re-election.

with full and final authority to participate in the mediation and settle this case on his behalf. Mr. Fischer has been actively involved in assisting Representative Fine with this litigation from the outset, and Representative Fine will ensure that Mr. Fischer is fully up-to-date and briefed on his positions regarding potential settlement options before the mediation conference. As Chief of Staff, Mr. Fischer is comfortable serving as a surrogate for Representative Fine, given that representing the Member in a variety of meetings is an important part of his role.

In any event, Representative Fine has also agreed to make himself available for phone calls during the entirety of mediation should any issues arise that would necessitate his involvement.

Finally, given the nature and press of his official congressional duties described above (including those that may unexpectedly occur on any particular day) and the attendant prospect that Representative Fine will be required to take periodic breaks during mediation to attend to time-sensitive matters, including consultations with other senior government officials or his staff, allowing for this arrangement would increase the Mediator's ability to conduct uninterrupted and efficient settlement discussions.

For these reasons, Representative Fine respectfully requests that the Court exercise its discretion to grant Representative Fine leave for his Chief of Staff to attend the forthcoming mediation conference as his surrogate.

Respectfully submitted,

MATTHEW B. BERRY (VA Bar No. 42600)

General Counsel

TODD B. TATELMAN (VA Bar No. 66008)

Deputy General Counsel

/s/ Kenneth C. Daines

KENNETH C. DAINES (DC Bar No. 1600753)

Assistant General Counsel

OFFICE OF GENERAL COUNSEL

U.S. HOUSE OF REPRESENTATIVES

5140 O'Neill House Office Building

Washington, D.C. 20515

(202) 225-9700 (telephone)

Ken.Daines@mail.house.gov

August 6, 2026

*Counsel for Defendant the Honorable
Randall Fine*

LOCAL RULE 3.01(g) CERTIFICATE

I hereby certify that counsel for Defendant has conferred with counsel for Plaintiff on the relief sought in this motion. The parties agree on the resolution of this motion.

/s/ Kenneth C. Daines
Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2026, I caused the foregoing document to be filed via this Court's CM/ECF system, which I understand caused service on all registered parties.

/s/ Kenneth C. Daines
Counsel of Record