

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

NETCHOICE, LLC d/b/a NETCHOICE, a
501(c)(6) District of Columbia organization;
and COMPUTER & COMMUNICATIONS
INDUSTRY ASSOCIATION d/b/a CCIA, a
501(c)(6) non-stock Virginia corporation,

**Civil Action No.
4:21-cv-00220-RH-MAF**

Plaintiffs,

v.

ASHLEY BROOKE MOODY, in her
official capacity as Attorney General of the
State of Florida; JONI ALEXIS POITIER, in
her official capacity as Commissioner of the
Florida Elections Commission; JASON
TODD ALLEN, in his official capacity as
Commissioner of the Florida Elections
Commission; JOHN MARTIN HAYES, in
his official capacity as Commissioner of the
Florida Elections Commission;
KYMBERLEE CURRY SMITH, in her
official capacity as Commissioner of the
Florida Elections Commission; and
PATRICK GILLESPIE, in his official
capacity as Deputy Secretary of Business
Operations of the Florida Department of
Management Services,

Defendants.

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND
REQUEST FOR EXPEDITED CONSIDERATION
(Oral Argument Requested)**

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs, NetChoice, LLC, and Computer & Communications Industry Association (collectively, “Plaintiffs”), for the reasons set forth in the memorandum of law and supporting declarations filed concurrently with this motion,¹ respectfully move for an Order preliminarily enjoining Defendants from implementing or enforcing the operative provisions of Florida Senate Bill 7072 (the “Act”), including but not limited to sections 106.072, 287.137, and 501.2041, Fla. Stat.

REQUEST FOR EXPEDITED CONSIDERATION

Plaintiffs respectfully request that the Court consider this Motion for Preliminary Injunction on an expedited basis before the Act identified above takes effect on July 1, 2021. As Plaintiffs’ Memorandum explains in detail, the Act, signed into law on May 24, 2021, launches a frontal attack on their members’ First Amendment rights and is expressly preempted by federal law. Expedited consideration is necessary because the Act would inflict immediate, irreparable harm upon Plaintiffs’ member companies. Unless enjoined before taking effect, the Act will throw into legal jeopardy countless moderation measures taken by these businesses on a continual basis, will flatly bar them from removing or regulating large swaths of online content that might be highly objectionable or in violation of

¹ Plaintiffs are filing the supporting declarations of Matthew Schruers (CCIA), Carl Szabo (NetChoice), Alexandra Veitch (YouTube), Neil Potts (Facebook), Stacy Rumenap (Stop Child Predators), Servando Esparza (TechNet), and Corinne Pavlovic (Etsy) concurrently herewith.

their rules, and require them to send millions of new, detailed notices to their users. The result would be to expose billions of users online, including families and children, to illegal, dangerous, and objectionable material and to require fundamental and far-reaching changes to how Plaintiffs' members operate their businesses. At a minimum, the Court should have an opportunity to address Plaintiffs' request for a preliminary injunction before these new statutory provisions are allowed to upend the status quo.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(K), Plaintiffs respectfully request oral argument on this Motion, and estimate two hours as the required time for the hearing.

LOCAL RULE 7.1(B) CERTIFICATION

Undersigned Counsel for Plaintiff Computer & Communications Industry Association certifies that he conferred with counsel for Defendants Ashley Brooke Moody, in her official capacity as Attorney General of the State of Florida, and for Joni Alexis Poitier, Jason Todd Allen, John Martin Hayes, and Kymberlee Curry Smith, in their official capacities as Commissioners of the Florida Elections Commission, in a good faith effort to resolve the issue set forth herein. Those Defendants do not consent to the relief requested herein. On June 2, 2021, Counsel for Plaintiff conferred with counsel for Defendant Patrick Gillespie, in his official capacity as Deputy Secretary of Business Operations of the Florida Department of

Management Services, but such counsel has not responded as to her client's position at the time of filing this Motion.

LOCAL RULE 7.1(F) CERTIFICATION

Undersigned counsel for Plaintiff Computer & Communications Industry Association certifies that this motion contains 347 words.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 3, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record. In addition, because counsel for Defendants have not yet appeared in this case, I caused a copy of this filing to be delivered today via e-mail to the following, by agreement with counsel:

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Respectfully submitted,

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