

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

NETCHOICE, LLC et al.,

Plaintiffs,

v.

CASE NO. 4:21cv220-RH-MAF

ASHLEY BROOKE MOODY et al.,

Defendants.

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ORDER STAYING PROCEEDINGS

The plaintiffs challenge newly enacted Florida statutes that impose sweeping requirements on some but not all social-media providers. The statutes apply only to large providers, not otherwise-identical but smaller providers, and explicitly exempt providers under common ownership with any large Florida theme park.

The statutes compel providers to host speech that violates their standards—speech they otherwise would not host—and forbids providers from speaking as they otherwise would.

The order of June 30, 2021 preliminarily enjoined enforcement of the statutes in substantial respects. The defendant state officials have appealed to the

United States Court of Appeals for the Eleventh Circuit. As a matter of discretion and sound judicial management, this order stays further proceedings in this court pending resolution of the appeal.

A prerequisite to the preliminary injunction was the conclusion that the plaintiffs are likely to succeed on the merits. That conclusion turned largely on issues of law. Not surprisingly, the plaintiffs have indicated they intend to file an early motion for summary judgment. *See* Fed. R. Civ. P. 56 (allowing a party to move for summary judgment “at any time until 30 days after the close of all discovery”). The analysis on a summary-judgment motion, if addressed prior to an Eleventh Circuit ruling, would track the analysis in the order granting a preliminary injunction, at least to a substantial extent.

Eleventh Circuit decisions are of course binding in this court. The Eleventh Circuit decision on the pending appeal will almost surely provide substantial guidance for, if it does not dictate the outcome of, further litigation in this court. Thus, for example, the Eleventh Circuit decision may control, and in any event will allow a much more reliable adjudication of, the plaintiffs’ anticipated summary-judgment motion. A summary-judgment motion in this court prior to the Eleventh Circuit’s ruling is likely to be wasteful not only for the court but for the parties on both sides.

For these reasons,

IT IS ORDERED:

All proceedings are stayed until the United States Court of Appeals for the Eleventh Circuit hands down its decision on the pending appeal.

SO ORDERED on August 25, 2021.

s/Robert L. Hinkle
United States District Judge