

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

NETCHOICE, LLC,

*Plaintiff,*

v.

LYNN FITCH, in her official capacity as  
Attorney General of Mississippi,

*Defendant.*

Civil Action No. 1:24-cv-00170-HSO-BWR

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**PLAINTIFF NETCHOICE’S MOTION FOR  
PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER**

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Mississippi House Bill 1126—which was signed into law on April 30, 2024, and is set to take effect on July 1, 2024—will unconstitutionally impede both adults and minors’ access to vast amounts of constitutionally protected speech on a broad range of websites. *See Ex. 1* As the accompanying memorandum of law explains, the First Amendment, as incorporated against the States by the Fourteenth Amendment, does not permit the Act’s requirements for covered websites to verify the ages of their users or to secure parental consent before allowing minors to access the websites. Similarly, the First Amendment and 47 U.S.C. § 230 do not allow the government to choose what content- and viewpoint-based categories of users’ speech websites cannot disseminate. The entire Act is also unconstitutionally vague, and sections 1-8 of the Act likewise violate both the First Amendment and the Due Process Clause of the Fourteenth Amendment.

Accordingly, Plaintiff NetChoice, LLC moves this Court for an order preliminarily enjoining Defendant Lynn Fitch, in her official capacity as Mississippi Attorney General—and her agents, employees, and all persons acting under her direction or control—from taking any action to enforce the Act or the challenged portions of the Act **before the Act’s July 1, 2024, effective date**. As the accompanying declarations explain, NetChoice members face immediate and

irreparable harm absent an injunction—as do their users and countless other websites across the Internet.<sup>1</sup> *See Ex. 2-5*

Should it prove impractical to resolve this Motion prior to July 1, 2024, NetChoice respectfully requests a temporary restraining order of 14 days, or of such length as the Court deems appropriate, to preserve the status quo while its motion for preliminary injunction is considered.

Counsel for Defendant received notice of this Motion on June 7, 2024, and copies of this Motion and all pleadings filed in this action to date have been furnished to counsel for Defendant.

Dated: June 7, 2024

Respectfully submitted,

*s/J. William Manuel*

J. William Manuel (MBN 9891)

Stephen L. Thomas (MBN 8309)

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<sup>1</sup> This lawsuit only challenges Sections 1-8 of the Act and does not challenge, or seek injunctive relief against, any other portions of the Act.