IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

NETCHOICE, *Plaintiff*, v. PHILIP J. WEISER, in his official capacity as Attorney General of Colorado, *Defendant*.	Civil Action No. 1:25-cv-2538

PLAINTIFF NETCHOICE'S OPPOSED MOTION FOR PRELIMINARY INJUNCTION

If allowed to take effect on January 1, 2026, Colorado House Bill 24-1136 ("Act") would flout the one "fixed star in our constitutional constellation" by compelling private websites to act as mouthpieces for the State. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).[1] But Colorado may not put its thumb on the scales of free expression to reflect what it thinks is a "better expressive balance." *Moody v. NetChoice, LLC*, 603 U.S. 707, 734 (2024). Section 4 of the Act, § 6-1-1601, is designed to deter minor users from using a "social media platform" by unconstitutionally compelling controversial speech from these services The Act would require a content-based and vaguely defined collection of "social media platforms" to opine on the highly controversial purported effects of social media use on the mental and physical health of minors and to otherwise provide repeated and burdensome full-screen warning notifications to minors.

Accordingly, NetChoice moves this Court for an order preliminarily enjoining Defendant from enforcing the Act's challenged provisions against NetChoice's members on or before January 1, 2026, until this matter may be resolved on the merits. As the accompanying memorandum and

[1] This lawsuit only challenges Section 4 of House Bill 24-1136 (enacting § 6-1-1601), and thus all references to "the Act" or "HB24-1136" refer only to the challenged Section 4. Unless otherwise noted, statutory citations refer to the Colorado Revised Statutes.

declarations explain, NetChoice members face irreparable harm absent an injunction. Defendant opposes the relief requested in this Motion.

NetChoice also respectfully requests oral argument to be heard at a time and date set by the Court.

Dated: August 21, 2025

Respectfully submitted,

/s/ Jeremy Evan Maltz

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CERTIFICATE OF SERVICE

Counsel for NetChoice will cause the forgoing motion and all attached documents to be served via process server and email at:

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