

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-014370-CA-01

SECTION: CA43

JUDGE: Thomas J. Rebull

Laurinda Hafner

Plaintiff(s)

vs.

State of Florida et al

Defendant(s)

_____ /

ORDER GRANTING ATTORNEY GENERAL'S MOTION TO DISMISS

This case came before the Court on September 29, 2023 on the Motion to Dismiss Plaintiffs' Amended Complaint ("Motion to Dismiss"), filed by Intervenor-Defendant, Ashley Moody, the Attorney General of the State of Florida ("Attorney General") (Doc. #216). The Court having reviewed the motion, Plaintiffs' response (Doc. #224), and the Attorney General's Reply, and having heard argument, hereby **GRANTS** the motion for the reasons set forth herein:

I. BACKGROUND

Plaintiffs are religious leaders of various faiths practicing in the Miami-Dade County area. Plaintiffs' First Amended Complaint ("Complaint") (Doc. #203) seeks declaratory and injunctive relief as two amendments to laws regulating the termination of pregnancies in Florida: (1) House Bill 5 ("HB 5"), enacted in 2022 as Ch. 2022-69, Laws of Fla., which took effect on July 1, 2022; and (2) Senate Bill 300 ("SB 300"), enacted in 2023 as Ch. 2023-21, § 9, Laws of Fla., but has not gone into effect (collectively the "Acts").

The Complaint purports to challenge the Acts in their entirety but appears to only to take issue with the specific sections that amend the time after which an abortion may not be lawfully

performed; HB 5 prohibits abortions after fifteen weeks gestation, and SB 300 (if it goes into effect) would lower the gestational age to six weeks. The Complaint seeks declaratory and injunctive relief, alleging that the Acts violate (1) the Florida Religious Freedom Restoration Act, Fla. Stat. Ann. § 761.03, (“FRFRA”), (2) Plaintiffs’ rights to free speech and free exercise and enjoyment of religion, guaranteed by Article I, §§ 3–4, of the Florida Constitution, (3) Plaintiffs’ freedom of speech and free exercise of religion guaranteed by the First Amendment to the United States Constitution; and (4) Plaintiffs’ rights under the Establishment Clause in the First Amendment of the United States Constitution.

Besides arguing that the Complaint should be dismissed under Florida Rule of Civil Procedure 1.140(b) for failure to state a cause of action upon which relief can be granted, the Attorney General raises three threshold issues in her Motion to Dismiss: (1) Plaintiffs’ claims against SB 300 are unripe; (2) the Complaint is a “shotgun pleading,” and otherwise fails to satisfy the pleading requirements set forth in Rule 1.110, Florida Rules of Civil Procedure; and (3) Plaintiffs have failed to establish they have standing to bring their claims. Thus, before addressing whether Plaintiffs have stated plausible claims for relief, this Court must address the threshold issues raised by the Attorney General.

II. RIPENESS OF PLAINTIFFS’ CHALLENGES TO SB 300

Although SB 300 has been signed into law, Plaintiffs’ challenge to it is premature because it has not gone into effect and, in fact, may never become effective. Whether or not SB 300 will ever go into effect is expressly contingent on the occurrence of one of four events, each of which may never happen. SB 300 includes a provision which states that:

Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect 30 days after any of the following occurs:

[A] decision by the Florida Supreme Court holding that the right to privacy enshrined in s. 23, Article I of the State Constitution does not include a right to abortion;

[A] decision by the Florida Supreme Court in *Planned Parenthood v. State*, SC2022-1050, that allows the prohibition on abortions after 15 weeks in s. 390.0111(1), Florida Statutes, to remain in effect, including a decision approving, in whole or in part, the First District Court of Appeal's decision under review or a decision discharging jurisdiction;

[A]n amendment to the State Constitution clarifying that s. 23, Article I of the State Constitution does not include a right to abortion; or

[A] decision from the Florida Supreme Court after March 7, 2023, receding, in whole or in part, from *In re T.W.*, 551 So. 2d 1186 (Fla. 1989), *North Fla. Women's Health v. State*, 866 So. 2d 612 (Fla. 2003), *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243 (Fla. 315 2017).

See Ch. 2023-21, § 9, Laws of Fla.

Based on the nature of the conditions precedent set forth in Section 9 of SB 300, it is ultimately unclear when, or *whether* SB 300 will ever go into effect at all, as there is no way of knowing when, or *if*, any one of the conditions precedent will ever actually occur. Because of this, Plaintiffs can only seek an advisory opinion at this point, relief which this Court clearly has no authority to grant. *See LaBella v. Food Fair, Inc.*, 406 So. 2d 1216, 1218 (Fla. 3d DCA 1981) ("It is well settled that, Florida courts will not render, in the form of a declaratory judgment, what amounts to an advisory opinion at the instance of parties who show merely the possibility of legal injury on the basis of a hypothetical state of facts which have not arisen and are only contingent, uncertain, and rest in the future.").

Plaintiffs respond by concluding that “SB 300’s passage reinforces the oppressive message sent by HB 5.” Resp. at 5. Plaintiff provides no support for this argument and the Court finds that such an allegation does not serve to ripen an otherwise unripe claim. Accordingly, all of Plaintiffs claims against SB300 are dismissed as premature.^[1]

III. SHOTGUN PLEADING

The Attorney General argues that the Complaint should be dismissed as a “shotgun pleading.” The Court agrees.

All counts of the Complaint unambiguously “reiterate and adopt each and every allegation in the preceding paragraphs as if fully set forth herein,” effectively incorporating not only the 144 general factual allegations, but also the allegation of all preceding counts. This is a quintessential hallmark of a dismissible shotgun pleading. *See Weiland v. Palm Beach County Sheriff's Office*, 792 F.3d 1313 (11th Cir. 2015) (“a complaint containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint” warrants dismissal under the shotgun pleading doctrine)^[2]; *Fregola v. Winn-Dixie Stores, Inc.*, 464 So. 2d 1292, 1293 (Fla. 1st DCA 1985) (dismissing as improper a complaint “drafted in such a manner that each succeeding count incorporated by reference not only the paragraphs contained in the complaint's preliminary allegations but also all of the paragraphs contained in each of the preceding counts”). This wholesale re-incorporation violates Florida Rules of Civil Procedure 1.110(b), because it shifts the burden of determining what allegations are intended to support each count of the Complaint. *See Horowitz v. Laske*, 855 So.2d 169, 172–73 (Fla. 5th DCA 2003) (explaining Rule 1.110 “forces counsel to recognize the elements of their cause of action and determine whether they have or can develop the facts necessary to support it”).

Plaintiffs’ argument that their incorporation of “all preceding paragraphs,” rather than just

the first 144 paragraphs, was an inadvertent error and easily cured by filing a motion for leave to amend their Complaint misses the mark. Resp. at 6, n.3. Even if Plaintiffs only reincorporated the 144 general allegations under each proceeding Count, the Complaint would still run afoul of the pleading requirements under Rule 1.110. *See, Pratus v. City of Naples*, 807 So. 2d 795, 797 (Fla. 2d DCA 2002) (plaintiffs “adopt by reference any statements in other portions of a complaint”, but only if they specifically and concisely “identify the common factual allegations that are common to the multiple counts and legal theories”). Plaintiffs simply cannot fulfill their obligation under Rule 1.110 to plead a “short and plain statement of the ultimate facts showing that the pleader is entitled to relief” by wholesale adoption of 144 general allegations under each Count, as it impermissibly shifts the burden of divining which of those 144 allegations was intended to apply to each claim onto Defendants and this Court. Moreover, this blanket approach to pleading is particularly problematic given the complex nature of Plaintiffs’ claims,^[3] and because it further exacerbates Counts II, III, and IV, lack of clarity. *See* AG Mot. to Dismiss at 6-9. Notably, Counts II, III, and IV, lack clarity insofar as they appear to assert multiple causes of action under a single count. *See* AG Mot. to Dismiss at 6-9. This is yet another calling card of a “shotgun pleading.” *See e.g., K.R. Exchange Services*, 48 So. 3d at 893 (“A party should plead each distinct claim in a separate count, rather than plead various claims against all defendants together”). Indeed, Plaintiffs are unclear as to the precise nature of the free speech claims they have brought. *Compare* Pls.’ Opp. at Section III(A)(2); *with* AG Reply at fn. 9.

Therefore, for all these reasons, this Court finds that the Complaint should be dismissed as an improper shotgun pleading.

IV. STATUTORY SCHEME

Before addressing the issue of standing, it is necessary to examine whether the Plaintiffs’ factual allegations may be fairly interpreted to subject them – hypothetically - to criminal liability

under the Acts. The pertinent statutory language is as follows.

“Any person who **willfully performs**, or **actively participates** in, a termination of pregnancy in violation of the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.” Subsection 390.0111(10), Fla. Stat. (2023) (emphasis added). Certainly none of the conduct or speech which Plaintiffs allege they intend to engage in could fairly be deemed the “willful performance” of a termination of pregnancy.

This subsection alternatively makes it a crime for any person who “actively participates” in a termination of pregnancy in violation of section 390.0111. A fair reading of this language does not penalize the conduct of someone who merely “participates” in an unlawful termination of pregnancy; it only applies to a person who **actively** participates in such a termination. There is no fair reading of the phrase “actively participates in a termination of pregnancy” which could reasonably be applied to Plaintiffs’ alleged intention to counsel a person to potentially terminate a pregnancy, or to arrange for transportation, funding, or lodging for such a person. While this alleged conduct is certainly “active,” it cannot reasonably be understood to constitute the active participation in a termination of pregnancy procedure.

Some hypothetical examples are helpful in interpreting the language. A doctor or other healthcare professional who is personally conducting the termination of pregnancy is an easy example of a person “who willfully performs.” Thus, “actively participates” must proscribe different conduct to not be deemed mere surplusage. An example of such a person may be a nurse who is assisting the doctor who is performing the procedure; or an anesthesiologist participating in the procedure. Another example of a person who actively participates in a termination of pregnancy is, of course, the woman who is seeking the termination. These are all examples of a person who may fairly be deemed to actively participate in a termination of pregnancy, but who did not willfully perform such a termination.

These examples help illustrate why a person who counsels someone, or arranges for funding or transportation, cannot fairly be deemed to have “actively participated” in a termination of pregnancy. To have meaning, the adverb “actively,” in relation to a participant in a termination of pregnancy cannot reasonably be understood, for example, to encompass the conduct of a front desk clerk who may check in a woman at a clinic seeking a termination. Reading the sentence in context (alongside a person who “willfully performs”), the phrase “actively participates” is with reference to the termination of pregnancy procedure itself; in other words, an active participant in the procedure to terminate the pregnancy. For these reasons, a fair reading of subsection 390.0111(10) cannot reasonably be regarded as criminalizing conduct such as providing counseling, funding, or transportation.

Plaintiffs further argue that the criminal statute which imposes criminal liability on an accomplice as a “principal in the first degree,” fairly read in conjunction with section 390.0111, may reasonably subject it to criminal prosecution. That statute reads as follows: Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed, and such offense is committed or is attempted to be committed, is a principal in the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.” Section 777.011, Fla. Stat. (2023) (emphasis added). Applying that language here, the criminal offense would be active participation in an unlawful termination of pregnancy.

Again, a hypothetical example is helpful. For purposes of the example, we will assume that the active participant is a woman who is considering or seeking an unlawful termination of her pregnancy. Breaking down section 777.011, that language would potentially deem a person who “counsels” the woman to actively participate in an unlawful termination of pregnancy a principal in the first degree, fully punishable under section 390.0111, whether or not the “counselor” was or

was not actually or constructively present at the termination of pregnancy procedure.

Likewise, the first-degree principal statute regards a person who “aids” the active participant in the unlawful pregnancy termination as a principal who is fully punishable for the underlying offense. Employing a fair reading of this provision, it is not unreasonable to conclude that someone who drove (provided transportation) a woman to a clinic to actively participate in an unlawful termination of pregnancy could very well be deemed to have “aided” in the commission of such an offense and therefore be deemed a principal. Using a related classic example, if the criminal offense were a bank robbery, could anyone reasonably argue that the “getaway driver” who drove the actual robbers to the bank and waited outside to drive them away was not a principal under the statute?

Taking all of this into consideration, a person counseling or aiding a woman to actively participate in an unlawful termination of pregnancy may reasonably be understood to face criminal liability as a principal. Further, a person may reasonably be deemed to have “aided” such offense to be committed if they provided transportation, funding, or housing to the woman who is the active participant.

V. STANDING

“Standing is predicated on a party's legitimate or sufficient interest at stake in the controversy that will be affected by the outcome of the litigation.” *Equity Res., Inc. v. Cnty. of Leon*, 643 So. 2d 1112, 1117 (Fla. 1st DCA 1994). To establish standing to sue, a plaintiff must allege facts demonstrating (1) an injury-in-fact, which is concrete, distinct and palpable, and actual or imminent; (2) a causal connection between the injury and the law complained of; and (3) a substantial likelihood that the requested relief will remedy the alleged injury in fact. *State v. J.P.*, 907 So. 2d 1101, 1113 n.4 (Fla. 2004). This Court finds the Complaint lacks sufficient factual allegations to establish injury in-fact, or redressability for Counts I, II, III, IV and V.

At various points in the Complaint, Plaintiffs switch between alleging the Acts^[4] are “so vague” that they have no idea what conduct is criminalized, and alleging that the Acts are not vague at all, but affirmatively criminalize, penalize, prohibit and/or “target” Plaintiffs’ religious conduct. Compare Compl. at ¶¶ 138; 140; 149; 171-173; 175; 177; 209; 215; 218 (allegations that Acts criminalize, penalize, prohibit and/or “target”) with ¶¶ 18-19; 22; 186; 136-137; 193-198 (allegations that Acts are vague in what they criminalize, penalize, prohibit and/or “target”). It is well-established principle that a claimant whose conduct is clearly proscribed by a law cannot also successfully challenge that same law as being void for vagueness. *Vill. of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 495 (1982) (“One to whose conduct a statute clearly applies may not successfully challenge it for vagueness.” (citing *Parker v. Levy*, 417 U.S. 733, 756 (1974))). Either a law is vague, or it is not; it cannot be both. Based on these principles, the mere fact that Plaintiffs assert these mutually exclusive injuries in-fact argues in favor of dismissal of the Complaint.

Notwithstanding this, this Court finds the Complaint has failed to assert sufficient ultimate facts that supporting a showing that Plaintiffs have suffered a legally cognizable injury in to bring their claims under Counts I, II, III, and IV, for all the reasons set forth below.

First, with respect to with respect to Counts I, III, and V, Plaintiffs allege that the Acts affirmatively criminalize, penalize, “target”, and/or prohibit, Plaintiffs’ religious beliefs and practices. Am. Compl. at ¶¶138; 140; 149; 171-173; 175; 177; 209; 215; 218. Yet, whether the Acts affirmatively criminalize, penalize, prohibit or “target” Plaintiffs speech or conduct is a conclusion of law that goes to the very heart of this dispute, and the Complaint offers no factual basis informing Plaintiffs’ leap in logic that HB-5 affirmatively criminalizes their religious beliefs and practices, nor how the Acts can be reasonably construed as having that effect. *Davila v. Delta Air Lines, Inc.*, 326 F.3d 1183, 1185 (11th Cir. 2003) (“conclusory allegations, unwarranted factual deductions or legal conclusions masquerading as facts will not prevent dismissal.”); *See Ocala*

Loan Co. v. Smith, 155 So. 2d 711, 716 (Fla. 1st DCA 1963) (citations omitted) (“Mere legal conclusions are fatally defective unless substantiated by sufficient allegations of ultimate fact; and every fact essential to the cause of action must be pleaded distinctly, definitely, and clearly”); *Brandon v. County of Pinellas*, 141 So.2d 278, 279 (Fla. 2d DCA 1962) (“[E]very material fact essential to establish the right to equitable relief must be clearly and definitely pleaded. Mere statements of opinions or conclusions unsupported by specific facts will not suffice”).

Based on the allegations in the Complaint, Plaintiffs’ individual religious beliefs, religious speech, and religious practices on matters of abortion can be summarized as maintaining respect for an individual’s right to self-determination, to have access to a safe abortion, and to otherwise have the ability to make the ultimate decision of whether or not to receive an abortion, in accordance with their religious beliefs and values and many other factors which they may consider. *See* Am. Compl. at ¶52 (United Church of Christ); ¶59 (Judaism); ¶99 (Unitarian Universalist faith); ¶¶113-114 (Buddhism). However, the Complaint fails to draw a connection as to how a law which merely *shifts the time within which that decision must be made*, effectively criminalizes, penalizes, prohibits, and/or “targets” those same beliefs, speech, and practices.

Thus, Plaintiffs’ legal conclusion that the Acts criminalize, penalize, “target”, and/or prohibit, Plaintiffs’ religious speech and conduct are ultimately insufficient to establish Plaintiffs have standing to bring their claims under Counts I, II, and V.

Second, in regards to Counts II and IV, Plaintiffs assert that the Acts violate the Free Speech clauses of the Florida and United States constitutions, because the language “actively participates,” as used in Section 390.0111(10), Florida Statutes (“§390.0111(10)”), is “so vague” that it has produced a chilling effect on “religious speech and expressive conduct,” as it is unclear whether the State will prosecute Plaintiffs as an “active participant” under §390.0111(10), or, in the alternative, as a principle in the first degree under Section 777.011, Florida Statutes (“§777.011”), for “encouragement, assistance, facilitation, or advocacy regarding the permissibility of abortion

under the principles of their respective faiths.” *See* Am. Compl. at ¶¶17; ¶¶134-137; ¶¶195-196.

Courts have held allegations of “self-censorship” can constitute an actual injury. *Harrell v. The Fla. Bar*, 608 F.3d 1241, 1254 (11th Cir. 2010). In such cases, standing ultimately turns on whether the claimant’s injury is “imminent, not conjectural or hypothetical.” *Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1120 (11th Cir. 2022). Establishing an injury-in-fact in a case alleging self-censorship requires that a plaintiff show “an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and [that] there exists a credible threat of prosecution thereunder.” *Babbitt v. United Farm Workers Nat. Union*, 442 U.S. 289, 298. (1979).

To establish a credible threat of prosecution, and therefore a cognizable injury-in-fact, a plaintiff must show “that either (1) he was threatened with prosecution; (2) prosecution is likely; or (3) there is a *credible* threat of prosecution.” *ACLU v. Florida Bar*, 999 F.2d 1486, 1492 (11th Cir.1993) (emphasis added). This is because “persons having no fears of state prosecution except those that are imaginary or speculative, are not to be accepted as appropriate plaintiffs.” *Babbitt*, 442 U.S. at 298 (internal citation and quotation marks omitted). Thus, claimants who only allege a “*subjective* fear that [they] may be prosecuted for engaging in expressive activity[,] [such allegations] will not be held to constitute an injury for standing purposes unless that fear is *objectively reasonable*.” *Wilson v. State Bar of Ga.*, 132 F.3d 1422, 1428 (11th Cir. 1998) (emphasis added).

In simplest terms, when a claimant does not allege they or someone similarly situated were *actually* prosecuted or threatened with prosecution, the “credible threat of enforcement” prong can only be satisfied if the Complaint asserts some other “*objective*” facts that supports a showing that Plaintiffs’ fear of prosecution for engaging in the speech and conduct they are censoring themselves from is “*reasonable*” (and therefore *credible*). *See e.g., ACLU v. The Florida Bar*, 999 F.2d 1486, 1494 & n.13 (11th Cir. 1993) (explaining that a plaintiff must have an *objectively reasonable* belief

about the likelihood of disciplinary action in order to bring a claim based on a “self-censorship” injury in-fact)(emphasis added); *Pittman v. Cole*, 267 F.3d 1269, 1284 (11th Cir. 2001) (“[I]f no credible threat of prosecution looms, the chill [i.e, self-censorship] is insufficient to sustain the burden that Article III imposes”, because “[a] party's subjective fear that she may be prosecuted for engaging in expressive activity will not be held to constitute an injury for standing purposes unless that fear is *objectively reasonable*.”)(emphasis added); *Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1120 (11th Cir. 2022) (“The fundamental question under our precedent—as well as under the precedent of other courts that have decided similar “speech code”—cases—is whether the challenged policy “objectively chills”—protected expression.”)(emphasis added). *Steffel v. Thompson*, 415 U.S. 452, 459 (1974) (holding plaintiff established standing based on self-censorship “fear of prosecution” claim, because they alleged specific facts that demonstrated an actual and well-founded fear that the law will be enforced against them);^[5] *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010) (same).

Relying on these same principles, Judge Hanzman, in his Order Denying Temporary Injunction (Doc. #184), determined that *as a matter of law* -neither HB 5, -§_390.011(10), or §_777.011, can “reasonably be construed as criminalizing mere religious counseling, and thus Plaintiffs cannot demonstrate a reasonably objective fear of criminal prosecution for providing counseling, and therefore lack standing to challenge the Act. *Id.* at 9-10. Plaintiffs have given this Court no reason to revisit this finding. Thus, because it has already been established as a matter of law that Plaintiffs do not face a credible threat of prosecution for providing religious counseling, the only question remaining as to the issue of standing is whether Plaintiffs’ generalized allegations that they “would” provide assistance to individuals seeking to obtain abortions are sufficient to support a showing Plaintiffs have suffered a cognizable injury-in fact. This Court finds they are not.

The *Babbitt* test can only be satisfied with ultimate facts that state, “with particularity,” that

a plaintiff has engaged in conduct in violation of the challenge law, or otherwise has actual, specific, plans that they will engage in the speech or conduct at some designated point in the future that would subject them to imminent future harm. *See e.g., LaCroix v. Lee Cnty., Florida*, 819 Fed. Appx. 839, 843 (11th Cir. 2020) (finding claimant lacked standing to bring pre-enforcement claim because they only “generally stated” and intent to engage in conduct arguably proscribed by the challenged law, and thus failed to allege ultimate facts of his intent to engage in future free speech activity “with the *requisite specificity* to demonstrate a substantial likelihood of future injury”); *Elend v. Basham*, 471 F.3d 1199, 1209 (11th Cir. 2006) (holding claimant lacked standing to bring pre-enforcement challenge because claimants did not allege, when, where, or how they would engage in the conduct arguably proscribed by the challenge law in the future, and because claimant otherwise failed to provide “a description of [their] past conduct from which to infer that they might act in a similar manner in the future”); *see also Holder*, 561 U.S. 1 (2010) (finding claimant had establishing standing to bring pre-enforcement challenge because claimants alleged ultimate facts that they specifically have engaged in conduct in violation of the challenged law in the past, they planned to engage in that same conduct again, individuals similarly situated to the claimant had already been prosecuted under the challenge law for engaging in the same conduct, and the Government declined to disavow prosecution if the plaintiffs continued to violate the law).

The Complaint only generally alleges that Plaintiffs have engaged in conduct in the past with respect to the unspecified “healthcare-related needs” of their congregants, and otherwise lacks any allegations that any Plaintiff has ever “actively participated” or assisted in any abortion, legal or otherwise, before the filing of this lawsuit. *See* Compl. ¶¶ 5, 71, 82, 89, 121, 130. Thus, the Complaint lacks “a description of [their] past conduct from which to infer that they might act in a similar manner in the future.” *Elend*, 471 F.3d 1199, 1209 (11th Cir. 2006); *Lynch*, 744 F.2d at 1456 (“Past wrongs do constitute evidence bearing on whether there is a real and immediate threat of repeated injury which could be averted by the issuing of an injunction.”).

Moreover, any allegations concerning abortion-related conduct Plaintiffs “would” engage in are non-specific, and otherwise assert a vague desire to engage in conduct unrelated to anything that is arguably proscribed by the Acts. *Id.* at ¶¶ 6, 72, 83, 90, 122, 130. The Complaint lacks any allegations that Plaintiffs have actual, concrete, plans to “actively assist” a congregant to receive an abortion in violation of the Acts in the future, or under any circumstance. These generalized allegations expressing Plaintiffs’ desire to possibly assist in providing abortion-related care *in general* at some undisclosed point of time, should the circumstances ever arise, are not sufficient to confer standing to bring a pre-enforcement challenge to a statute. “Such ‘some day’ intentions—without any description of concrete plans, or indeed even any specification of when the some day will be—do not support a finding of the ‘actual or imminent’ injury that our cases require.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 564 (1992); *Elend v. Basham*, 471 F.3d 1199, 1211–12 (11th Cir. 2006) (“[I]t would strain credulity to say that there is a credible threat that Plaintiffs’ First Amendment rights will be violated in the future ... [when] we don’t know when they will protest, we don’t know where they will protest, and we don’t know how they will protest..”).

Moreover, it is entirely conjectural whether Plaintiffs would ever have the opportunity to assist or counsel an individual in violation of the Acts at all. Plaintiffs cannot reasonably fear prosecution for engaging in the conduct asserted in the Complaint if there is nobody seeking Plaintiffs’ help in obtaining an abortion beyond the limits set forth in the Acts, nor if there are no medical providers who are willing to administer an abortion in the State of Florida beyond those same limits. Unless and until these circumstances arise, Plaintiffs fears of prosecution are purely theoretical and speculative, as Plaintiffs would never have the opportunity to engage in the speech and non-speech conduct they fear prosecution for in the first place. Yet, the Complaint does not allege that any members of Plaintiffs’ congregations ever have, or ever would, seek an abortion beyond the limits of the Acts, or that they would seek out Plaintiffs’ assistance or counsel regarding the same. Additionally, the Complaint does not allege that there are physicians or other healthcare

professionals in Florida who are presently willing to perform abortions prohibited by the Acts. Absent ultimate allegations of fact suggesting otherwise, this Court cannot merely give Plaintiffs “the benefit of the doubt” and assume that those circumstances ever have, or ever would, arise.

The Complaint thus fails to offer ultimate facts demonstrating, *objectively*, Plaintiffs are under any real, immediate or otherwise credible threat of prosecution under either section 390.0111(10)(a) or 777.011. *Babbitt v. United Farm Workers Nat. Union*, 442 U.S. 289, 298 (1979) (“persons having no fears of state prosecution except those that are imaginary or speculative, are not to be accepted as appropriate plaintiffs”).[\[6\]](#)

Relatedly, because Plaintiffs have failed to demonstrate they have suffered a cognizable injury-in-fact for Counts I, II, III and IV, they necessarily cannot establish the other two required elements of standing for the same. Without an injury in fact, there can be no “causal connection between the injury [in fact] and the conduct complained of.” *J.P.*, 907 So. 2d at 1113 n.4. Nor can Plaintiffs possibly “show a substantial likelihood that the requested relief will remedy the alleged injury in fact,” when there is no actionable injury-in-fact. *Id.*

Therefore, for these reasons, the Court finds that Plaintiffs lack standing to bring a pre-enforcement challenge to the Acts. The issue is not whether Plaintiffs *can* challenge the Acts on First Amendment grounds, but rather *how* such a challenge may be brought. *See Wiccan Religious Coop. of Fla., Inc. v. Zingale*, 898 So. 2d 134, 135 (Fla. 1st DCA 2005) (“when standing is placed in issue in a case, the question is whether the person whose standing is challenged is a proper party to request an adjudication of a particular issue and not whether the issue itself is justiciable.”) (quoting *Flast v. Cohen*, 392 U.S. 83, 99–100 (1968)). “A Plaintiff who challenges a statute must demonstrate a realistic danger of sustaining a direct injury as a result of the statute's operation or enforcement.” *Babbitt*, 442 U.S. at 298 (citation omitted). Of course, “one does not have to await the consummation of threatened injury to obtain preventive relief. If *the injury is certainly impending*, that is enough.” *Id.* (internal quotation and citations omitted) (emphasis added). In

other words “[w]hen the plaintiff has alleged an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, *and there exists a credible threat of prosecution thereunder*, he should not be required to await and undergo a criminal prosecution as the sole means of seeking relief.” *Id.* (internal quotation and citation omitted) (emphasis added).

The converse of this well-established law applies here, namely that where an alleged injury is not “certainly impending,” or where a “credible threat of prosecution” is not established, a pre-enforcement challenge may not be brought at that time. The filing of an actionable complaint would have to await a change in circumstances that would demonstrate an impending or credible threat of prosecution, or that the challenged law has actually been enforced. Otherwise, parties would be able to challenge newly-enacted laws by simply asserting a general intent to engage in conduct that they subjectively believe would violate the same, irrespective of the fact that they have never before engaged in such conduct, nor have any concrete plans to do so in the future. This would undermine the purpose of the standing doctrine, *See Wiccan Religious Coop.*, 898 So. 2d at 135 (“A proper party is essential to prevent the courts from deciding ill-defined controversies over constitutional issues”)(citation and internal quotation omitted), and simply defy the well-established precedent governing Article III standing in pre-enforcement challenges as set forth by *Babbitt* and its progeny, and otherwise stretch the protections of the First Amendment beyond its intended means.

Therefore, for all these reasons, the Complaint lacks sufficient factual allegations to support a showing that Plaintiffs have standing to bring their claims under Counts I, II, III and IV.

VI. FAILURE TO STATE A CLAIM

Having addressed, and notwithstanding, the threshold issues raised by the Attorney General in her Motion to Dismiss, the Court now addresses whether the Complaint should be dismissed for

failure to state a cause of action under Rule 1.140, Florida Rules of Civil Procedure.

In order to survive a motion to dismiss, a complaint must contain: (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short and plain statement of the ultimate facts showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which the pleader deems himself or herself entitled." Fla. R. Civ. P. 1.110(b). On a motion to dismiss, review is generally limited to the four corners of the complaint, and the court must take the factual allegations of the complaint as true and view the evidence in a light most favorable to the non-movant, *The Fla. Bar v. Greene*, 926 So. 2d 1195, 1999 (Fla. 2006), but it "need not accept internally inconsistent factual claims, conclusory allegations, unwarranted deductions, or mere legal conclusions made by a party." *W.R. Townsend Contracting, Inc. v. Jensen Civil Constr., Inc.*, 728 So.2d 297, 300 (Fla. 1st DCA 1999).

Applying these principles in reviewing the Complaint and Motion to Dismiss presently before this Court, this Court finds that the Attorney General has established all six counts of the Amended Complaint fail to state a cause of action.

1. Florida Religious Freedom Restoration Act ("FRFRA") (Count I)

Plaintiffs allege that HB 5 and SB 300 violate FRFRA because they "intentionally place a substantial burden on Plaintiffs' sincerely held religious beliefs by prohibiting the practice of their respective faith's ideals related to abortion," which "practice includes providing religious services and counseling to their congregants and communities on the principles held by their respective religions that is required as a member of the clergy, and which appear to be, or are, criminalized by [HB 5 and SB 300]." Compl. ¶ 149. In order to bring a FRFRA claim, Plaintiffs must allege sufficient ultimate facts to show that "(1) the government has placed a substantial burden on a practice (2) motivated by a sincere religious belief." *Warner v. City of Boca Raton*, 887 So. 2d 1023, 1032 (Fla. 2004).

The Florida Supreme Court has established that the statute's belief prong requires only that a plaintiff show "a practice motivated by a sincere religious belief." *Cambridge Christian Sch., Inc. v. Florida High Sch. Athletic Ass'n, Inc.*, 942 F.3d 1215, 1249 (11th Cir. 2019), while "a substantial burden on the free exercise of religion is one that either compels the religious adherent to engage in conduct that his religion forbids or forbids him to engage in conduct that his religion requires." *Id.* at 1250.

Plaintiffs' FRFRA claim hinges on the improper legal conclusion that the Acts affirmatively criminalize their religious beliefs and practices. Thus, Plaintiffs' FRFRA claim fails for the same reason they lack standing. Without a factual basis to support their legal conclusion that the Acts affirmatively criminalize or penalize their religious conduct, Plaintiffs cannot establish that the Acts "forbid [them] to engage in conduct that [their] religion[s] require," and thus cannot state a claim that the practice of their religions has been substantially burdened. *Cambridge Christian Sch.*, 942 F.3d at 1250.

Nevertheless, the only conduct Plaintiffs allege they are *required* to engage in is to provide counseling *in general*, but neither HB5 or SB300 forbid clergy from counseling or speaking on matters of abortion. Am. Compl. at ¶¶ 149, 153.^[7] Moreover, even if the Acts somehow amounted to a regulation on Plaintiffs' speech, *how* Plaintiffs are required to counsel on matters of abortion under their respective belief systems are nevertheless unaffected by the Acts. *See e.g.*, Am. Compl. at ¶¶ 210-214.

In addition, even if successful in their FRFRA claim, Plaintiffs would not be entitled to the relief they demand—a declaration that the Acts are unconstitutional and violative of FRFRA and an injunction against their enforcement. FRFRA provides that "[a] person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief." In considering such a claim, and any relief to which a plaintiff may be entitled, a court must look to the "application of the challenged law to" the

plaintiff and determine whether the plaintiff's "exercise of religion is being substantially burdened." *Holt v. Hobbs*, 574 U.S. 352, 363 (2015).^[8] Thus, even if Plaintiffs prevail on their FRFRA claim, Plaintiffs are not entitled to an order enjoining or invalidating HB 5 or SB 300 in their entirety, nor an order allowing any person to perform an unlawful abortion. Therefore, any relief available would be limited to an order granting Plaintiffs specific exemptions from enforcement based on FRFRA. *See Toca v. State*, 834 So. 2d 204, 207–09 (Fla. 2d DCA 2002) (considering whether a plaintiff should be "exempt . . . from regulatory mandates" not whether the mandates should be declared invalid).

2. Freedom of Speech (Counts II & IV)

The Complaint fails to state a claim that the Acts violate Article 1, Section 4 of the Florida Constitution and the Free Speech Clause of the First Amendment ("free speech clauses").

As an initial matter, these counts expressly limit Plaintiffs' Free Speech claims to counseling activities. Counts II and IV assert that Plaintiffs do not know whether "speaking freely" or "counseling" an individual to receive an abortion in accordance with their faith would be subject to prosecution. *See* Compl. at ¶ 160 ("The threat of criminal liability for violations of the Acts restrains Plaintiffs' ability to speak freely about the fundamental tenets of their respective faiths and to counsel their congregants and communities on matters of family planning, pregnancy and childbirth, and abortion in accordance with Plaintiffs' sincerely held religious beliefs and those of their congregants."); and ¶ 187 (identical allegation with "suppresses" replacing "restrains"). However, as noted above, this argument was already expressly rejected by Judge Hanzman in his order denying temporary injunction. Temp. Inj. Order at 9 ("it does not require an authoritative disquisition, a string citation of precedent, or a study of an acute and powerful intellect to discern that a member of the clergy, who does no more than offer counsel and support to a congregant on the decision of whether to abort a pregnancy, is not an 'active participant' in an abortion that their

congregant may decide to have after thoughtful deliberation”) (internal citation and quotation omitted)).

Even if Counts II and IV included allegations that the Acts violate the free speech clauses because they allegedly “chill” Plaintiffs from engaging in the speech/conduct they claim they “would” -engage in, Counts II and IV would still fail to state a cause of action. The only conduct Plaintiffs contend they “would” engage in is they “actively assist[ing] congregants and others” by “providing or connecting access to funding, arranging travel and lodging, identifying healthcare providers, scheduling, and/or transporting congregants or others in need of help with regard to abortion procedures,” Compl. at ¶ 6.

Conduct is only entitled to protection under the free speech clauses if it amounts to “expressive conduct.” Conduct that may be considered sufficiently expressive to merit constitutional protection requires: (1) the presence of “[a]n intent to convey a particularized message;” and (2) that under “the surrounding circumstances the likelihood was great that the message would be understood by those who viewed it.” *Spence v. State of Washington*, 418 U.S. 405, 410-411 (1974). Plaintiffs have the burden of establishing these elements. *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 n.5 (1984) (“it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies”).

Counts II and IV lack any allegations regarding non-counseling conduct, let alone allegations that, by means of conduct they allege elsewhere that they intend to engage in, Plaintiffs intend to convey any particularized message, or that there is a great likelihood that any intended message would be understood as such by anyone who happened to witness. As set forth in the Complaint, any intended conduct by Plaintiffs is simply conduct that is not entitled to constitutional protection as the equivalent of speech.

Therefore, this Court finds that Counts II and IV fail to state a claim under Article 1, Section 4 of the Florida Constitution and the Free Speech Clause of the First Amendment.

3. Free Exercise of Religion (Counts III & V)

Counts III and V of the complaints allege that the Acts violate Plaintiffs' right to the free exercise of religion guaranteed by the Florida and United States Constitutions, respectively ("free exercise clauses").^[9]

In *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872 (1990), the United States Supreme Court held that “the right of free exercise does not relieve an individual of the obligation to comply with a valid and neutral law of general applicability on the ground that the law proscribes or prescribes conduct that his religion prescribes or proscribes.” *Smith*, 494 U.S. at 879 (internal citation and quotation omitted); see also *City of Boerne v. Flores*, 521 U.S. 507, 514 (1997) (citing *Smith* for the proposition that consistent with the Free Exercise Clause that “neutral, generally applicable laws may be applied to religious practices even when not supported by a compelling governmental interest”).

In applying *Smith*, the “[g]overnment fails to act neutrally when it proceeds in a manner intolerant of religious beliefs or restricts practices because of their religious nature.” *Fulton v. City of Philadelphia, Pennsylvania*, 141 S. Ct. 1868, 1877 (2021) (citations omitted). Also, “[a] law is not generally applicable if it ‘invite[s]’ the government to consider the particular reasons for a person's conduct by providing a mechanism for individualized exemptions.” *Id.* (quoting *Smith*, 494 U.S. at 884) (internal citations and quotation marks omitted). In addition, “[a] law also lacks

general applicability if it prohibits religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way.” *Fulton*, 141 S.Ct. at 1877 (citing *Lukumi*, 508 U.S. at 542-546).

Regardless, under the foregoing standards, the plain language of the Acts indicate they are neutral and generally applicable. The Acts apply to all individuals regardless of religious affiliation or lack of affiliation, do not restrict any religious practices, and do not provide a procedure for the exercise of government discretion in allowing exemptions, religious or otherwise, to its requirements. The Complaint offers no factual allegations that suggest otherwise. Accordingly, because Counts III and V lack any well-pleaded factual allegations that would support a claim under the Free Exercise clauses, both counts must be dismissed.

4. Establishment Clause (Count VI)

Count VI concludes that the Acts violate the Establishment Clause because they “reflect the views of a minority of Americans, whose faith rejects abortion and who seek, through legislation, to deny religious freedom on the issue of abortion to all others, under the notion that only they are capable of understanding God’s law and judgments and the religious views of all others are wrong and thus not entitled to respect or constitutional protections.” Compl. at ¶ 223.

The United States Supreme Court “has instructed that the Establishment Clause must be interpreted by reference to historical practices and understandings.” *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2428 (2022) (internal citation and quotation omitted). “The line that courts and governments must draw between the permissible and the impermissible has to accord with history and faithfully reflect the understanding of the Founding Fathers.” *Id.* (internal citations and quotations omitted). Under the *Kennedy* standard, “the plaintiff has the burden of proving a set of facts that would have historically been understood as an establishment of religion” which “requires proving both a set of facts, like in all litigation, and proving that those facts align with a historically

disfavored establishmentarian practice.” [*Firewalker-Fields v. Lee*, 58 F.4th 104, 123 \(4th Cir. 2023\)](#). Courts faced with an Establishment Clause challenge should keep in mind “the historical hallmarks of an establishment of religion—government control over religion offends the Constitution, but treating a church on par with secular entities and other churches does not.” *Shurtleff v. City of Boston, Mass.*, 142 S. Ct. 1583, 1609–10 (2022) (Gorsuch, J., concurring).

Under the *Kennedy* standard, Plaintiffs fail to allege any facts that the enactment of laws prohibiting abortions beyond a certain gestational age would have been historically understood to constitute an establishment of religion. The Complaint alleges no facts that would show the Acts do not treat Plaintiffs and members of their respective faiths any differently than secular individuals or members of any other faiths.

Plaintiffs’ allegations are nothing more than “mere statements of opinions or conclusions” rather than ultimate facts. *Ocala Loan Co. v. Smith*, 155 So. 2d 711, 716 (Fla. 1st DCA 1963) (“[m]ere legal conclusions are fatally defective unless substantiated by sufficient allegations of ultimate fact; and every fact essential to the cause of action must be pleaded distinctly, definitely, and clearly”). Indeed, the Complaint merely *concludes*, rather than offer *facts* that *show*, that the “Florida lawmakers and the Governor, through the Acts, have imposed on the State the narrow views of a minority of believers without accommodation for any other religious believer.” Am. Compl. at ¶ 219-234.

In fact, the closest the Complaint comes to offering any factual basis behind Plaintiffs’ Establishment Clause argument is the allegation that the Acts’ “failure to include accommodation” for those whose religious beliefs contradict with the Acts “is indicative of the state’s illicit intent to impose a faith perspective on the citizens of Florida.” *See* Compl. at ¶ 225. Yet, the absence of religious accommodations is not indicative of a “historically understood” Establishment Clause violation at all, and Plaintiffs offer no legal basis suggesting otherwise. Indeed, pre-emptively “legislating in” religious accommodations within the Acts would open them up to charges that they

violate the Establishment Clause. *See Fulton*, 141 S. Ct. 1868, 1877 (2021) (“[a] law is not generally applicable if it ‘invite[s]’ the government to consider the particular reasons for a person’s conduct by providing a mechanism for individualized exemptions.”).

Accordingly Count VI fails to state a cause of action for violation of the Establishment Clause.

CONCLUSION

For the reasons set forth above, it is **HEREBY ORDERED** that Plaintiffs’ First Amended Complaint is **DISMISSED WITHOUT PREJUDICE**.^[10] Plaintiffs shall have thirty days from the date of this order in which to file a second amended complaint. Considering the Court’s dismissal of Plaintiffs’ claims as to SB 300 for lack of ripeness, those claims may not be refiled until they ripen. In rendering this decision, the Court is of course not questioning the sincerity or good faith of Plaintiffs’ views, beliefs, and intentions. The Court is instead applying the law to the allegations in the Plaintiffs’ most recent complaint.

^[1] It logically follows that because Plaintiffs’ claims for declaratory relief are foreclosed at this point in time, so too are Plaintiffs’ claims for injunctive relief by operation of Chapter 86, Florida Statutes. *See e.g., City of Newberry v. Alachua Cnty.*, 366 So. 3d 1176, 1179 (Fla. 1st DCA 2023) (“Chapter 86 requires a plaintiff to obtain declaratory relief first, before the plaintiff seeks an injunction. The injunctive relief is ancillary to and dependent upon the existence of a declaratory judgment... If the trial court denies the declaratory relief on the merits, it is not authorized under chapter 86 to even reach the question of granting the supplemental [injunctive] relief because there is no judgment to serve as the condition precedent to filing the motion required by section 86.061.”) (citing Fla. Stat. §86.061).

^[2] *Weiland* construed Fed. R. Civ. P. 8(a), upon which Fla. R. Civ. P. 1.110 is modeled.

^[3] Plaintiffs pleading errors are not *de minimis*; If there ever were a case that necessitated strict adherence to requiring a claimant to clearly set forth the factual underpinnings of each of their claims, this would be it. The instant action is brought by seven different Plaintiffs from various religious backgrounds, who are challenging the constitutional validity of a statute based on an alleged violation of highly individualized religious beliefs on matters of abortion. On top of that,

Plaintiffs attempt to invoke a variety of highly sophisticated constitutional doctrines - most of which require scrupulous application of law to fact (and for some, precise application of law to fact as to each individual Plaintiff) in order to determine whether Plaintiffs have even sufficiently stated a claim for relief thereunder.

[4] Although the Court has dismissed the challenge to SB 300 as premature in section II, the collective term “Acts” will continue to be used because the remainder of this Order would be applicable to SB 300 even if the Court had not so found.

[5] *Steffel* involved a Georgia criminal trespass statute and the distribution of handbills. The fear of prosecution sufficient to establish standing was based on allegations that the petitioner “has been twice warned to stop handbilling that he claims is constitutionally protected and has been told by the police that if he again handbills at the shopping center and disobeys a warning to stop he will likely be prosecuted.” *Id.* In addition, “[t]he prosecution of petitioner's handbilling companion is ample demonstration that petitioner's concern with arrest has not been chimerical.” *Id.* (citation and internal quotation omitted).

[6] At the hearing, Plaintiffs, argued for the very first time that the reason the Complaint lacks specific ultimate facts relating to the past and future conduct Plaintiffs believe is violative of the Acts because of a Protective Order that Plaintiffs obtained prior to the filing their Amended Complaint (Doc. #162). This Court will not consider this argument or the Protective Order in evaluating the Attorney General’s Motion to Dismiss because it was not attached or incorporated into the Complaint. *Florida Int’l Univ. Bd. of Trustees v. Alexandre*, 365 So. 3d 436, 439 (Fla. 3d DCA 2023) (“In considering a motion to dismiss, the trial court is bound by the “four corners rule” to consider only the evidence alleged in the complaint and its incorporated attachments”) (citations omitted). However, this Court notes that if, as Plaintiffs argue, the Protective Order effectively forecloses them from alleging relevant facts relating to conduct they believe violates the Acts and demonstrates standing, it would likely be additional grounds for dismissal. *See e.g., Rollins Burdick Hunter of New York, Inc. v. Euroclassics Ltd., Inc.*, 502 So. 2d 959, 962 (Fla. 3d DCA 1987) (“[A] plaintiff seeking affirmative relief in a civil action may not invoke the fifth amendment and refuse to comply with the defendant's discovery requests, thereby thwarting the defendant's defenses ... The proper sanction where the plaintiff does so is to dismiss the action or strike the pertinent portions of the pleadings. ... While plaintiffs cannot be compelled to incriminate themselves, when seeking affirmative relief, they may not use the same right to avoid answering pertinent questions and thereby prevail in a civil suit.”).

[7] The Acts simply do not, “on [their] face, implicate the spoken or written word”, and thus cannot reasonably constitute a regulation on *speech*. *Wollschlaeger v. Governor, Florida*, 848 F.3d 1293, 1317 (11th Cir. 2017)(holding discrimination provision of Florida’s Firearm Owners' Privacy Act, which prohibited physicians from discriminating against a patient based solely upon the patient's exercise of the constitutional right to own and possess firearms or ammunition, regulated *conduct*, not *speech*, and thus did not violate First Amendment); *see generally Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 65 (2006). At most, the Acts amount to regulations on non-expressive *conduct* that, at the very worst, could have an “incidental effect on speech”, but nevertheless do not run afoul of the First Amendment. *Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 65–66 (2006) (holding First Amendment does not extend to “non-expressive” conduct, and instead only extends to “inherently expressive conduct”).

[8] While *Holt* construed the federal Religious Freedom Restoration Act, FRFRA was modeled after the federal act. *Warner*, 887 So. 2d at 1031.

[9] The Free Exercise Clause of the Florida Constitution tracks the language of federal Free Exercise Clause and are generally interpreted in the same manner. *Napolitano v. St. Joseph Catholic Church*, 308 So. 3d 274, 277 n.2 (Fla. 5th DCA 2020); *Toca v. State*, 834 So.2d 204, 208 (Fla. 2d DCA 2002).

[10] Along with all the parties' filings, the Court also carefully considered the proposed orders submitted by each of the parties.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 9th day of January, 2024.

 2022-014370-CA-01 01-09-2024 5:00 PM

2022-014370-CA-01 01-09-2024 5:00 PM

Hon. Thomas J. Rebull

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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