No. 25A97

In the
Supreme Court of the United States

NETCHOICE, LLC,

Applicant,

v.

LYNN FITCH, IN HER OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF MISSISSIPPI,

Respondent.

On Application to the Honorable Samuel A. Alito, Jr.,
Associate Justice of the Supreme Court of the
United States and Circuit Justice for the Fifth Circuit

BRIEF OF TECHNET, CHAMBER OF PROGRESS, COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION, ENGINE ADVOCACY, INTERNET WORKS, AND SOFTWARE & INFORMATION INDUSTRY ASSOCIATION AS *AMICI CURIAE* IN SUPPORT OF APPLICANT

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STATEMENT OF INTEREST[1]

Amici are non-profit organizations committed to promoting a digitally interconnected society—one in which all people benefit from technology and enjoy the opportunities for speech that are afforded by a safe and open internet. *Amici* are interested in this case because it concerns the expressive freedom and due process rights of digital service providers and their users. *Amici* are also interested in advocating for rational, harmonious regulatory frameworks that promote child safety, privacy, and innovation rather than creating an unworkable patchwork of conflicting state mandates.

TechNet is a national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and state level. TechNet's diverse membership includes more than 100 dynamic American companies ranging from startups to the largest tech companies in the world. Those companies represent more than 5 million employees and countless customers in the fields of information technology, artificial intelligence, social media, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance. Further, TechNet has special expertise regarding how companies of all sizes manage compliance with state laws

[1] Pursuant to Supreme Court Rule 37.6, *amici curiae* state that no counsel for any party authored this brief in whole or in part and that no entity or person, aside from *amici curiae* and their counsel, made any monetary contribution toward the preparation or submission of this brief.

governing the internet and, consequently, the unique harms that Mississippi's Act would cause.[2]

Chamber of Progress is a tech-industry coalition devoted to a progressive society, economy, workforce, and consumer climate. Chamber of Progress seeks to protect internet freedom and free speech, promote innovation and economic growth, and empower technology customers and users. In keeping with that mission, Chamber of Progress believes that allowing a diverse range of websites and philosophies to flourish will benefit all corporate and natural persons. Chamber of Progress's work is supported by its corporate partners, but its partners do not sit on its board of directors and do not have a vote on, or veto over, its positions. Chamber of Progress does not speak for individual partner companies, and it remains true to its stated principles even when its partners disagree.[3]

The Computer & Communications Industry Association ("CCIA") is an international, not-for-profit association representing a broad cross-section of communications, technology, and internet industry firms that collectively employ more than 1.6 million workers, invest more than $100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. For more than 50 years, CCIA has promoted open markets, open systems, and open

[2] A list of TechNet members is available at *Members* (2025), https://www.technet.org/our-story/members/.

[3] A list of Chamber of Progress partners is available at *Partners* (2025), https://progresschamber.org/partners/.

networks. As an advocate for preserving free online speech, CCIA opposes governmental attempts to force or restrict access to speech.[4]

Engine Advocacy ("Engine") is a non-profit technology policy, research, and advocacy organization dedicated to bridging the gap between startups and policymakers. Engine works with government officials and a community of thousands of high-technology, growth-oriented startups across the nation to support innovation and entrepreneurship through research, policy analysis, and advocacy. Engine's community of startups across the country includes small- and medium-sized companies that host user-generated content, engage in a variety of content moderation practices, and appeal to a wide range of users.

Internet Works is a 501(c)(6) not-for-profit trade association of 23 diverse "Middle Tech" companies working together to right-size regulatory technology policy to foster trust and promote safety online so that the internet remains a place of limitless possibility and innovation. Since its founding in 2023, Internet Works has advocated for member companies and their online communities to have a seat at the table for vital policy conversations. Millions of Americans rely on Internet Works platforms to grow small businesses, find new jobs, book vacations, connect with neighbors, discover local restaurants, shop online, get answers to questions, and play games. Internet Works encourages policymakers to advance policies that drive economic growth and preserve what users love about the internet by promoting

[4] A list of CCIA members is available at *Members* (2025), https://ccianet.org/about/members/.

innovation, protecting user safety and free expression, and expanding consumer choice.[5]

The Software & Information Industry Association ("SIIA") is the principal trade association for those in the business of information. SIIA's membership includes nearly 400 software companies, platforms, data and analytics firms, and digital publishers that serve nearly every segment of society, including business, education, government, healthcare, and consumers. It is dedicated to creating a healthy environment for the creation, dissemination, and productive use of information. SIIA protects the rights of its members to use software as a tool for the dissemination of information. SIIA and its members have a particular interest in the robust and predictable application of the First Amendment. A significant cross-section of SIIA's membership creates tools for young people. SIIA believes kids deserve access to information and the virtual tools critical in keeping them connected and engaged in their communities without fear of being exploited. SIIA believes that policymakers can prioritize the privacy and safety of kids while empowering parents to be active participants in how their child operates online within the bounds of the First Amendment.[6]

[5] A list of Internet Works members is available at *Who We Are* (2025), https://theinternet.works/.

[6] A list of SIIA members is available at *SIIA Member Companies* (2021), https://www.siia.net/about-us/member-companies/.

SUMMARY OF THE ARGUMENT

Mississippi's H.B. 1126 (the "Act") imposes sweeping, content-based restrictions on online social media websites,[7] including intrusive age-verification, parental-consent, and content-monitoring mandates. As NetChoice's emergency application demonstrates, these requirements violate the First Amendment and threaten irreparable harm to both digital service providers and users. The Act's mandates will force *amici*'s member companies and similarly situated companies to curtail their operations, scale back engagement, and alter or suspend features that enable user speech. Such chilling of speech and disruption of expressive activity are precisely the kind of harm the First Amendment forbids. The equities strongly favor maintaining the district court's preliminary injunction while NetChoice's litigation proceeds. *Amici* fully support NetChoice's application and write separately to emphasize the broader harms the Act will inflict, particularly on smaller and emerging technology companies.

First, the Act is a classic content-based speech regulation. It compels digital service providers to collect and store detailed personal information about users, including identities and relationships; verify users' ages; obtain parental consent; and screen for broad categories of protected content, effectively requiring them to act as the State's censors. For *amici*, associations of companies whose services exist

[7] H.B. 1126 targets "[d]igital service[s]," defined as "a website, an application, a program, or software that collects or processes personal identifying information with Internet connectivity." § 2(a), 2024 Reg. Sess. (Miss.). For simplicity, *amici* refer to this collection of services as "websites."

precisely to enable user speech and foster online communities, this means being forced to replace their own editorial judgment and design decisions with government mandates. Under this Court's precedents, those content-based restrictions must face strict scrutiny. The Act cannot satisfy that demanding standard.

Second, the Act creates technical obligations that many companies cannot realistically meet and imposes costs they cannot bear. For smaller and emerging firms, these demands are not just expensive—they are existential. The Act would require covered entities to fundamentally change how they operate, devoting scarce engineering and compliance resources to build complex age-verification, parental-consent, and content-screening systems rather than features that enable speech and community. Many companies will have to scale back offerings, strip out expressive functionality, or even exit markets altogether—changing not just how *amici*'s members express themselves, but also whether they can continue offering products that foster their users' expressive activities. And, exacerbating those burdens, the Act is part of an emerging pattern of non-uniform state-level regulation of online speech forums.

Third, the Act is vague and overbroad. It relies on undefined terms like "primarily," "socially interact," "incidental," and "facilitate," and exempts favored categories of content while imposing restrictions on other categories less favored by the State. This leaves companies that offer community features—from fitness apps like MyFitnessPal, to coding platforms like GitHub, to religious applications like Bible.com—to guess at the rules that govern their operations. Faced with such

uncertainty and the Act's stiff penalties for those who guess wrong, digital service providers will be forced to err on the side of removing content, eliminating valid user accounts, and shutting down features, chilling protected expression and innovation alike.

Together, these defects show why the Act cannot survive constitutional review. The Fifth Circuit's unexplained stay exacerbates these harms, as it would force drastic changes to the digital landscape even as fundamental questions remain unresolved. This Court should vacate the stay, restore the injunction, and prevent the Act from further eroding the First Amendment's protection for online speech and the competitive, innovative internet it sustains.

ARGUMENT

I. The Act Is a Content-Based Speech Regulation that Triggers Strict Scrutiny.

Protecting children online is an urgent and important goal, and Mississippi's efforts reflect an understandable desire to respond to real concerns. But even well-intentioned laws must strike the right balance: they must protect children without eroding the First Amendment rights that both minors and their parents have historically enjoyed. When legislation aimed at safeguarding young people substantially suppresses lawful speech or compels self-censorship, it risks doing more harm than good. The Act is such a law. It imposes content-based restrictions on protected expression and compels private businesses to enforce the State's censorship regime. Under well-settled First Amendment principles, such regulation is subject to strict scrutiny.

The Act's mandates are sweeping. It requires digital service providers to verify the age of every user "with a level of certainty appropriate to the risks that arise from [the website's] information management practices." H.B. 1126 § 4(1). It prohibits minors from holding accounts unless "express consent from a parent or guardian" is obtained. *Id.* § 4(2). It further compels covered services to "make commercially reasonable efforts to develop and implement a strategy" to "prevent or mitigate" minors' exposure to broad categories of content, including any material that "promotes or facilitates" "self-harm," "substance use disorders," "eating disorders," "[i]ncitement of violence," or "[a]ny other illegal activity." *Id.* § 6(1). These requirements are enforceable through civil penalties of up to $10,000 per violation, injunctive relief, and criminal sanctions. *Id.* § 8(1); *see also* Miss. Code Ann. §§ 75-24-9, -19 to -20.

Each of these provisions targets expression based on content and speaker identity—hallmarks of content-based regulation. The Act singles out a subset of websites offering user-generated speech based on content, exempting services that are focused on certain topics the State favors, such as sports. And it restricts content on disfavored sites not because the content is constitutionally unprotected, but because the State has judged it inappropriate for minors. As this Court has made clear, "[g]overnment regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed." *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). That is plainly the case here.

The Act "restrict[s] expression because of its message, its ideas, its subject matter, or its content," and as a result it is subject to strict scrutiny. *Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002) (quoting *Bolger v. Youngs Drug Prods. Corp.*, 463 U.S. 60, 65 (1983)); *see also Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 642 (1994). Acts that suppress lawful speech to protect minors are not exempt from this scrutiny. *See Erznoznik v. City of Jacksonville*, 422 U.S. 205, 213 (1975) ("Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young."); *Interstate Cir., Inc. v. City of Dallas*, 390 U.S. 676, 689 (1968) ("The permissible extent of vagueness is not directly proportional to . . . the extent of the power to regulate or control expression with respect to children.").

Nor does this Court's recent decision in *Free Speech Coalition, Inc. v. Paxton*, 145 S. Ct. 2291 (2025), counsel otherwise. That case considered a Texas statute narrowly targeting material deemed "obscene to minors." *Id.* at 2306. Because that statute focused exclusively on speech that falls outside the First Amendment's protection, the Court applied intermediate scrutiny and sustained the statute. *See id.* at 2309. Notably, *Free Speech Coalition* reaffirmed—rather than relaxed—the principle that content- or viewpoint-based restrictions on protected expression must be evaluated under strict scrutiny. *See id.* at 2302.

The Act, by contrast, does not limit itself to obscenity. It restricts access to and imposes monitoring requirements for fully protected categories of speech, such as works of art and literature that might, in the eyes of the State, "promote[] or

facilitate[]" various behaviors. H.B. 1126 § 6(1). This Court has repeatedly rejected such compelled censorship. *See NRA v. Vullo*, 602 U.S. 175, 190 (2024) ("A government official cannot coerce a private party to punish or suppress disfavored speech on her behalf."). As this Court recently recognized, website providers possess editorial discretion over whether and how to disseminate third-party content. *Moody v. NetChoice, LLC*, 603 U.S. 707, 718 (2024). The Act not only burdens that discretion, it supplants it with state-imposed content standards. Accordingly, the Act must be evaluated under strict scrutiny. And because it is not narrowly tailored, does not rely on evidence-based distinctions, and burdens substantially more speech than necessary to achieve any compelling governmental interest, it cannot survive that review. Indeed, as detailed further below in Part III, the Act exemplifies the type of vague, overbroad speech regulation this Court has consistently invalidated. The Act's requirements, such as "commercially reasonable efforts" or mandates tied to "harmful material" or "illegal activity," lack precise definitions, leaving businesses to speculate about what is required for compliance and risking arbitrary enforcement. *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 244 (2002) (holding that the First Amendment does not tolerate a law that is both overinclusive and vague).

II. The Act Imposes Technical and Financial Burdens that Suppress Protected Speech and Disproportionately Impact Smaller Companies.

The Act demands sweeping changes to how digital services websites operate. These changes would be especially burdensome for startups and emerging firms. The district court ruled only on NetChoice's as-applied challenge and did not address a facial challenge. But the reasons the district court found the Act's enforcement

against NetChoice's members unconstitutional under the First Amendment apply equally to the many other companies that offer similar opportunities for user speech. Indeed, the Act will have especially severe chilling effects on smaller companies given the severe technical and financial burdens it imposes.

Implementing age verification at scale raises privacy and security concerns for all covered companies.[8] As one NetChoice member explained, "there is no technology—much less any technology available to a site with [our] limited resources—that can identify users who are under the age of 18."[9] Parental consent obligations, moreover, entail verifying familial relationships. Such verification poses difficult challenges with no established solutions. It will thus require companies to build new identity-checking systems or license third-party tools at significant cost.[10]

These are not typical, "ordinary course of business" expenditures for companies of any size, and for small businesses, they may be existential. Redesigning login and moderation systems, building new compliance infrastructure, and hiring legal

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[8] *See, e.g.*, App.208a ¶ 4 ("Dreamwidth.org has approximately 4 million registered accounts, and has approximately 2 million unique visitors annually. We operate on an extremely limited budget, and are staffed by myself and the company's other co-owner, two part-time employees, and approximately 200 volunteers.").

[9] App.211a ¶ 10.

[10] *See, e.g.*, App.211a ¶ 9 ("We cannot comply with the Act without making significant, sweeping changes to the site that we do not have the resources to make and without collecting additional personally identifying data about each account that we do not currently collect. . . . The changes the Act would require us to make to the software that runs our site would take months, if not years, of work at our current development capacity. The ongoing support burden the Act would impose upon us would also be impossible for us to meet at our current level of staffing, and we do not have the financial capabilities to add more staff.").

experts to interpret the Act's mandates will drain limited resources from product development and growth. As the district court found, the Act's compliance costs will require some NetChoice members "to spend money far in excess of [their] available budget." App.227a ¶ 37. For example, "[d]isputes about the identity of an account holder, their age, or the legal relationship between them and the person claiming to be their parent are complex, time-consuming, costly . . . , and unfortunately common." App.226a–27a ¶ 36. One industry estimate found that, for a Midwest startup with five full-time employees and 300,000 users, the cost to integrate a third-party service to verify users' ages would roughly equal an entire year's payroll. And that does not include the additional costs of establishing parent or guardian relationships and implementing content filtering.[11]

This Court has recognized that nonrecoverable compliance costs can constitute irreparable harm. *See Ohio v. EPA*, 603 U.S. 279, 292 (2024); *Ala. Ass'n of Realtors v. HHS*, 594 U.S. 758, 765 (2021) (per curiam); *see also Wages & White Lion Invs., L.L.C. v. FDA*, 16 F.4th 1130, 1142 (5th Cir. 2021) (granting stay of FDA order pending appeal). And such harms are particularly grave when they interfere with the ability of websites to disseminate expressive content. *See NetChoice*, 603 U.S. at 734 ("The government may not, in supposed pursuit of better expressive balance, alter a private speaker's own editorial choices about the mix of speech it wants to convey.").

[11] *See* Engine, More Than Just a Number: How Determining User Age Impacts Startups 2 (Feb. 2024), *available at* https://tinyurl.com/mpfh2ffp.

The risk of chilling protected speech is compounded further by the increasingly fragmented regulatory landscape created by the proliferation of state-level laws like the Act, which impose divergent and sometimes conflicting speech limitations on digital services with national and global reach. As NetChoice details in its emergency application, Mississippi's H.B. 1126 is just one of at least ten similar (but non-uniform) state laws, all aimed at restricting minors' access to online content, that are currently the subject of federal court challenges. Such challenges are ongoing in Arkansas, California, Georgia, Florida, Louisiana, Ohio, Tennessee, Texas, and Utah, in addition to Mississippi.[12]

The state laws at issue in these challenges contain varying definitions of key terms like "social media platform," "harmful material," and "interactive service." *See, e.g.*, Fla. Stat. Ann. § 501.1736(1)(e) (exempting only email and direct messaging services); Ga. Code Ann. § 39-6-1(6) (22 exemptions); Ark. Code Ann. § 4-88-1401(8)(B) (13 exemptions); Ohio Rev. Code Ann. § 1349.09(N)(1) (exempting only 3 kinds of services); Tenn. Code Ann. § 47-18-5702(9) (exempting eight different kinds of services from definition of "social media platform"). Many also fail to specify clearly

[12] *See NetChoice, LLC v. Griffin*, No. 5:23-cv-5105, 2025 WL 978607 (W.D. Ark. Mar. 31, 2025); *NetChoice v. Bonta*, 761 F. Supp. 3d 1202 (N.D. Cal. 2024); *Comput. & Commc'ns Indus. Ass'n v. Uthmeier*, No. 4:24-cv-438, 2025 WL 1570007 (N.D. Fla. June 3, 2025); *NetChoice v. Carr*, No. 1:25-cv-2422, 2025 WL 1768621 (N.D. Ga. June 26, 2025), *appeal docketed*, No. 25-12436 (11th Cir. July 16, 2025); *NetChoice v. Murrill*, No. 3:25-cv-231 (M.D. La. filed Mar. 18, 2025); *NetChoice, LLC v. Yost*, No. 2:24-cv-47, 2025 WL 1137485 (S.D. Ohio Apr. 16, 2025), *appeal docketed*, No. 25-3371 (6th Cir. May 13, 2025); *NetChoice v. Skrmetti*, No. 3:24-cv-1191, 2025 WL 1710228 (M.D. Tenn. June 18, 2025); *Comput. & Commc'ns Indus. Ass'n v. Paxton*, 747 F. Supp. 3d 1011 (W.D. Tex. 2024), *appeal docketed*, No. 24-50721 (5th Cir. Sept. 13, 2024); *NetChoice, LLC v. Reyes*, 748 F. Supp. 3d 1105 (D. Utah 2024).

which services fall within their scope. *See, e.g.*, Tenn. Code Ann. § 47-18-5702(9) (defining "social media platform" as a "website or internet application that . . . [a]llows a person to create an account" and "[e]nables an account holder to communicate with other account holders and users through posts," subject to 8 exemptions). Others create expressly content-based exemptions, regulating digital services that host user-generated discussion while exempting those that offer "sports," "news," or "career development" content. *See, e.g.*, Ga. Code Ann. § 39-6-1(6); La. Stat. Ann. § 51:1751(12)(b). Services with similar functionality may thus face divergent obligations based purely on the content of the speech they facilitate.

For companies that operate nationwide, such variegated mandates impose untenable compliance costs. A startup building a social networking website must now contend with whether its messaging function might subject it to regulation in Mississippi while simultaneously avoiding violations of materially different standards in at least nine other states. The costs of tailoring age-verification systems, parental-consent workflows, and content-filtering mechanisms to the requirements of each state are high enough to deter small companies from launching or scaling new services at all. While larger firms with more resources may be able to absorb the Act's costs (at least to the extent that compliance with its requirements is technically possible), smaller services may be forced to shut down, exit the Mississippi market, or delay innovation indefinitely. That outcome undermines the economic dynamism of the internet, harms both users and websites, and flies in the face of the First Amendment.

These cumulative burdens do not advance the government's interest in child safety in a narrowly tailored manner. Rather, they penalize lawful expression by making it cost-prohibitive to host or facilitate speech. For smaller services, the cost of compliance may result in the withdrawal of services entirely. That chilling effect on speech is precisely what strict scrutiny is intended to prevent.

III. The Act's Vagueness and Overbreadth Exacerbate the Chilling of Protected Expression.

The Act's vagueness and overbreadth aggravate the constitutional deficiencies discussed above. The Act relies on expansive, ambiguous terminology to determine which services are subject to its sweeping obligations. It regulates digital services that "allow[] users to socially interact" and "create or post content," while exempting those that "*[p]rimarily* function[] to provide . . . access to news, sports, commerce, online video games or content primarily generated or selected by the digital service provider"—but only if the "interactive functionality . . . is *incidental* to the digital service." H.B. 1126 §§ 3(1)–(2) (emphases added). The Act offers no meaningful guidance as to how these vague terms apply to the diverse and evolving landscape of digital services.

That uncertainty places every website—even those whose primary purpose lies outside traditional "social media"—in an untenable position. Companies must choose between costly preemptive redesign, abandoning planned features that might trigger coverage, or risking steep penalties based on unclear statutory language.

For instance, take MyFitnessPal, a fitness app that lets users share runs, compete in challenges, and comment on workouts. Does its core purpose as a sports

application exempt it from the Act, or do its social and community-building features bring it within the Act's reach? The same ambiguities impact a wide range of websites and applications known for fitness trackers but also for hosting workout logs and group sharing; GitHub, where the primary function is for developers to collaborate on developing code, and commenting is arguably incidental to that function; and the YouVersion Bible App (a/k/a Bible.com), where users can interface with the Bible in various ways (such as through translations and audio features) and can also share devotionals and reflections and comment on friends' activities. Are these forms of community-building and exchange covered "social interaction" that triggers the Act's mandates, or do their primary purposes—fitness, coding, and scripture—exclude them? The answers are not to be found in the Act.

The Act's ambiguity is not limited to which websites it covers, but extends to how covered websites must filter content. In attempting to regulate speech based on content that is favored or disfavored by the State, the Act is so vague that it sweeps in content that the State itself does not find objectionable. As NetChoice notes in its Application, major works of philosophy and literature are replete with content that could be said to be "harmful material" because it arguably "promotes" concepts such as "self-harm," "suicidal behaviors," "substance abuse," or "[i]ncitement of violence." *See* Emergency Application at 30–31; H.B. 1126 § 6(1). For example, Shakespeare's *Romeo and Juliet*[13]—which Mississippi's own Department of Education recommends

[13] *See* Miss. Dep't of Educ., Mississippi College and Career Readiness Standards for English Language Arts Scaffolding Document: Ninth Grade 6 (Sept. 2016), *available at* https://tinyurl.com/mvn8t96v.

for ninth graders—arguably promotes several of these themes. Nothing in the Act explains how social media websites should deal with such content if it is posted by Mississippi school officials on social media pages intended for use by students and parents.[14]

The Act's vexing ambiguity will force social media websites to choose between over-compliance, under-compliance, and withdrawal. Many will suppress lawful, speech-enhancing features simply to avoid liability.[15] Others may exit the Mississippi market entirely. This Court has warned that laws that leave companies guessing about whether they are subject to regulation—and if so, how—fail the First Amendment's basic requirements. *See FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012); *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972).

As the district court correctly recognized, these burdens make NetChoice's as-applied challenge highly likely to succeed. The Fifth Circuit's cursory stay order offered no contrary reasoning—or any reasoning at all. Yet the stay exacerbates the harms that the preliminary injunction was designed to prevent: a chilling effect on fully protected speech, a suppression of innovation by leading digital service

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[14] *See, e.g.*, *Lake Middle School*, Facebook, https://www.facebook.com/groups/1462819790635781/; *West Harrison Middle School*, Facebook, https://www.facebook.com/whmshurricanes/.

[15] *See, e.g.*, App.255a ¶ 46(b) ("My understanding is that not all covered websites have the ability to 'age-gate,' meaning that they are unable to separate the content available on adults' accounts from content available on minors' accounts. Therefore, for these websites, the restrictions on what content they may disseminate to minors will apply equally to adults.").

providers, and a fracturing of the national internet. This Court should vacate the stay and allow litigation to proceed on a stable constitutional footing.

CONCLUSION

The application should be granted.

Respectfully submitted,

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