

Nos. 22-277 and 22-555

IN THE SUPREME COURT OF THE UNITED STATES

ASHLEY MOODY, ATTORNEY GENERAL OF FLORIDA,
ET AL., PETITIONERS

v.

NETCHOICE, LLC, DBA NETCHOICE, ET AL.

NETCHOICE, LLC, DBA NETCHOICE, ET AL. , PETITIONERS

v.

KEN PAXTON, ATTORNEY GENERAL OF TEXAS

CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with copies of the **BRIEF FOR THE UNITED STATES AS AMICUS CURIAE**, via email and first-class mail, postage prepaid, this 7th day of December, 2023.

[See Attached Service List]

As required by Supreme Court Rule 33.1(h), I certify that the document contains **8,996** words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct. Executed on **December 7, 2023.**

Elizabeth B. Prelogar
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
(202) 514-2217

December 7, 2023

Due to the continuing delay in receiving incoming mail at the Department of Justice, in addition to mailing your brief via first-class mail, we would appreciate a fax or email copy of your brief. If that is acceptable to you, please fax your brief to Charlene Goodwin, Supervisory Case Management Specialist, Office of the Solicitor General, at (202) 514-8844, or email at **SupremeCtBriefs@USDOJ.gov**. Ms. Goodwin's phone number is (202) 514-2217 or 2218.

22-0277

MOODY, ASHLEY, ATTORNEY GENERAL OF FL,
ET AL.

NETCHOICE, LLC DBA NETCHOICE, ET AL.

IAN C BALLON
GREENBERG TRAUIG, LLP
1840 CENTURY PARK EAST,
SUITE 1900
LOS ANGELES, CA 90067
310-586-7700
BALLON@GTLAW.COM

CORBIN KNIGHT BARTHOLD
TECHFREEDOM
1500 K STREET NW
WASHINGTON, DC 20005
771-200-4997
CBARTHOLD@TECHFREEDOM.ORG

JOHN DAVID BERGMAYER
PUBLIC KNOWLEDGE
1818 N. STREET, NW
SUITE 4100
WASHINGTON, DC 20036
970-213-0578
JOHN@PUBLICKNOWLEDGE.ORG

BENJAMIN W. BERKOWITZ
KEKER, VAN NEST & PETERS LLP
633 BATTERY STREET
SAN FRANCISCO, CA 94111
415-391-5400
BBERKOWITZ@KEKER.COM

THOMAS ARTHUR BERRY
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20001
202-789-5202
TBERRY@CATO.ORG

THOEDORE J. BOUTROUS, JR.
GIBSON, DUNN & CRUTCHER LLP
333 SOUTH GRAND AVENUE
LOS ANGELES, CA 90071
213-229-7804
TBOUTROUS@GIBSONDUNN.COM

MARK WILLIAM BRENNAN
HOGAN LOVELLS US LLP
555 THIRTEENTH STREET, NW
WASHINGTON , DC 20004
202-6376409
MARK.BRENNAN@HOGANLOVELLS.COM

DAVID RYAN BRODY
LAWYERS COMMITTEE FOR CIVIL RIGHTS
1500 K STREET, NW
SUITE 900
WASHINGTON, DC 20005
202-662-8320
DBRODY@LAWYERSCOMMITTEE.ORG

BRUCE DAVID BROWN
REPORTERS COMMITTEE FOR FREEDOM OF
THE PRESS
1156 15TH ST NW
SUITE 1250
WASHINGTON, DC 20005
202-795-9300
BBROWN@RCFP.ORG

ALAN JAY BUTLER
ELECTRONIC PRIVACY INFORMATION
CENTER
1519 NEW HAMPSHIRE AVENUE, NW
WASHINGTON, DC 20036
202-483-1140
BUTLER@EPIC.ORG

ANTHONY THOMAS CASO
CONSTITUTION COUNSEL GROUP
ONE UNIVERSITY DRIVE
174 W. LINCOLN AVE
SUITE 620
ANAHEIM, CA 92805
9166011916
ATCASO@CCG1776.COM

PAUL D. CLEMENT
CLEMENT & MURPHY, PLLC
706 DUKE STREET
ALEXANDRIA, VA 22314
202-742-8900
PAUL.CLEMENT@CLEMENTMURPHY.COM

VIA EMAIL

MEGAN MARIE COKER
TILLOTSON JOHNSON & PATTON LLP
1201 MAIN STREET
SUITE 1300
DALLAS, TX 75202
469-895-6439
MCOKER@TILLOTSONLAW.COM

ROBERT LAWRENCE CORN-REVERE
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
700 PENNSYLVANIA AVENUE, SE
SUITE 340
WASHINGTON, DC 20003
215-717-3473
BOB.CORN-REVERE@THEFIRE.ORG

CYNTHIA FLEMING CRAWFORD
AMERICANS FOR PROSPERITY FOUNDATION
1310 N. COURTHOUSE ROAD
7TH FLOOR
ARLINGTON, VA 22201
571-329-2227
CCRAWFORD@AFPHQ.ORG

MICHAEL R. DREEBEN
O'MELVENY & MYERS LLP
1625 EYE STREET, NW
WASHINGTON, DC 20006
2023835400
MDREEBEN@OMM.COM

BEBHANUB MICHAEL FLOWERS
OHIO ATTORNEY GENERAL DAVE YOST
30 E. BROAD ST.
COLUMBUS, OH 43215
614-466-8980
BENJAMIN.FLOWERS@OHIOATTORNEYGENERAL.GOV

GEORGE FREEMAN
MEDIA LAW RESOURCE CENTER, INC.
266 W. 37TH STREET, 20TH FLOOR
NEW YORK, NY 10018
212-337-0200
GFREEMAN@MEDIALAW.ORG

STEVEN M. FREEMAN
ANTI-DEFAMATION LEAGUE
605 THIRD AVENUE
NEW YORK, NY 10158
212-885-7700
SFREEMAN@ADL.ORG

CATHERINE RACHEL GELLIS
3020 BRIDGEWAY
#247
SAUSALITO, CA 94965
202-642-2849
CATHY@CGCOUNSEL.COM

TIMOTHY K. GILMAN
SCHULTE ROTH & ZABEL LLP
919 THIRD AVENUE
NEW YORK, NY 10022
212-756-2000
TIM.GILMAN@SRZ.COM

DAVID MORRIS GOSSETT
DAVIS WRIGHT TREMAINE LLP
1301 K STREET, NW
STE. 500 EAST
WASHINGTON, DC 20005
202-973-4200
DAVIDGOSSETT@DWT.COM

DAVID ALLEN GREENE
ELECTRONIC FRONTIER FOUNDATION
815 EDDY STREET
SAN FRANCISCO, CA 94109-7701
415-436-9333
DAVIDG@EFF.ORG

SEAN D. GREENSTEIN
CONSTANTINE CANNON LLP
1001 PENNSYLVANIA AVENUE, NW
SUITE 1300 NORTH
WASHINGTON , DC 20004
202-204-3514
SGREENSTEIN@CONSTANTINECANNON.COM

GAUTAM SINGH HANS
CORNELL LAW SCHOOL
MYRON TAYLOR HALL
ITHACA, NY 14850
615-343-2213
GSHANS@CORNELL.EDU

KATHLEEN ROBERTA HARTNETT
COOLEY LLP
3 EMBARCADERO CENTER
20TH FLOOR
SAN FRANCISCO, CA 94111
415-693-2071
KHARTNETT@COOLEY.COM

RICHARD L. HASEN
UCLA SCHOOL OF LAW
385 CHARLES E. YOUNG DRIVE EAST
LOS ANGELES, CA 90095
310-206-3103
HASEN@LAW.UCLA.EDU

MICHAEL JASON HENDERSHOT
OHIO ATTORNEY GENERAL'S OFFICE
30 E. BROAD STREET
17TH FLOOR
COLUMBUS, OH 43215
614-466-8980
MICHAEL.HERNDERSOT@OHIOAGO.GOV

ART BENJAMIN ASHER HOLTZBLATT
WILMER CUTLER PICKERING HALE AND
DORR LLP
2100 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20037
202-663-6964
ARI.HOLTZBLATT@WILMERHALE.COM

JACOB H. HUEBERT
LIBERTY JUSTICE CENTER
190 SOUTH LASALLE STREET
CHICAGO, IL 60603
312-263-7998
JHUEBERT@LIBERTYJUSTICECENTER.ORG

MICHAEL ROBERT HUSTON
PERKINS COIE LLP
2901 NORTH CENTRAL AVE.
STE. 2000
PHOENIX, AZ 85012-2788
202-434-1630
MHUSTON@PERKINSCOIE.COM

ERIK S. JAFFE
SCHAERR | JAFFE LLP
1717 K STREET, NW
SUITE 900
WASHINGTON, DC 20006
202-787-1060
EJAFFE@SCHAERR-JAFFE.COM

JEAN-PAUL JASSY
JASSY VICK CAROLAN LLP
355 SOUTH GRAND AVENUE
SUITE 2450
LOS ANGELES , CA 90071
310-870-7048
JPJASSY@JASSYVICK.COM

JACOB MANDELL KARR
WASHINGTON SQUARE LEGAL SVCS AT NYU
SCHOOL OF LAW
245 SULLIVAN STREET
ROOM 511
NEW YORK, NY 10012
212-998-6042
JMK858@NYU.EU

MITCHELL KEITER
KEITER APPELLATE LAW
THE BEVERLY HILLS LAW BLDG
SUITE 424
SOUTH BEVERLY DRIVE
BEVERLY HILLS, CA 90212
MITCHELL.KEITER@GMAIL.COM

RAEHEL KEAY KUMMER
MORGAN, LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE, N.W
WASHINGTON, DC 20004
202-739-3000
RAEHEL.KUMMER@MORGANLEWIS.COM

MICHAEL S. KWUN
KWUN BHANSALI LAZARUS LLP
555 MONTGOMERY ST.
SUITE 750
SAN FRANCISCO , CA 94111
415-630-2350
MKWUN@KBLFIRM.COM

GABRIEL AKIVA ZABOW LATNER
ADVOCAN LAW LLP
157 ADELAIDE STREET W.
#300
TORONTO, ONTARIO, CANADA, XX M5H 4E7
647-745-4090
GABRIEL@ADVOCAN.CA

RICHARD LAWSON
GARDNER BREWER HUDSON
400 N ASHLEY DR.
TAMPA, FL 33602
813-952-8882
RLAWSON@GARDNERBREWER.COM

TYLER LEANDRO MARTINEZ
NATIONAL TAXPAYERS UNION
FOUNDATION
122 C STREET, NW
SUITE 700
WASHINGTON, DC 20001
720-291-6653
TMARTINEZ@NTU.ORG

JOHN MERCER MASSLON II
WASHINGTON LEGAL FOUNDATION
2009 MASSACHUSETTS AVE. NW
WASHINGTON, DC 20036
202-588-0302
MASSLON@WLF.ORG

ANNA-ROSE MATHIESON
CALIFORNIA APPELLATE LAW GROUP LLP
96 JESSIE STREET
SAN FRANCISCO, CA 94105
415-649-6700
ANNAROSE@CAQLAPLAW.COM

MARY B. MCCORD
INSTITUTE FOR CONSTITUTIONAL
ADVOCACY AND PROTECTION
GEORGETOWN UNIVERSITY LAW CENTER
600 NEW JERSEY AVENUE, NW
WASHINGTON, DC 20001
202-661-6607
MBM7@GEORGETOWN.EDU

JONATHAN F. MITCHELL
MITCHELL LAW PLLC
111 CONGRESS AVENUE
SUITE 400
AUSTIN , TX 78701
512-686-3940
JONATHAN@MITCHELL.LAW

ALAN B. MORRISON
GEORGE WASHINGTON UNIVERSITY LAW
SCHOOL
2000 H STREET, NW
WASHINGTON, DC 20052
202-994-7120
ABMORRISON@LAW.GWU.EDU

AARON EDGAR NATHAN
WILLKIE FARR & GALLAGHER LLP
1875 K STREET, NW
WASHINGTON, DC 20006
202-303-1172
ANATHAN@WILLKIE.COM

ANDREW C. NICHOLS
CHARIS LEX, PC
11921 FREEDOM DRIVE
SUITE 550
RESTON, VA 20190
571-549-2645
ANICHOLS@CHARISLEX.COM

LYNN OBERLANDER
BALLARD SPAHR LLP
1675 BROADWAY
19TH FLOOR
NEW YORK, NY 10019
212-223-0200
OBERLANDER@BALLARDSPAHR.COM

KELLY MARITA PERCIVAL
GIFFORDS LAW CENTER TO PREVENT GUN
VIOLENCE
268 BUSH ST.
#555
SAN FRANCISCO, CA 94104
415-433-2062
KPERCIVAL@GIFFORDS.ORG

CONSTANCE LYNN PFEIFFER
YETTER COLEMAN LLP
811 MAIN STREET
SUITE 4100
HOUSTON, TX 77002
713-632-8000
CPFEIFFER@YETTERCOLEMAN.COM

ANDREW JOHN PINCUS
MAYER BROWN LLP
1999 K STREET, NW
WASHINGTON, DC 20006
202-263-3220
APINCUS@MAYERBROWN.COM

ERIC CHRISTOPHER RASSBACH
THE BECKET FUND FOR RELIGIOUS LIBERTY
1919 PENNSYLVANIA AVENUE, NW
SUITE 400
WASHINGTON, DC 20006
202-955-0095
ERASSBACH@BECKETLAW.ORG

TIMOTHY MASON SANDEFUR
GOLDWATER INSTITUTE
500 E. CORONADO ROAD
PHOENIX, AZ 85004
602-462-5000
TSANDEFUR@GOLDWATERINSTITUTE.ORG

GENE C. SCHAERR
SCHAERR JAFFE LLP
1717 K STREET, NW
SUITE 900
WASHINGTON, DC 20006
202-787-1060
GSCHAERR@SCHAERR-JAFFE.COM

ERIC SCHNAPPER
UNIV. OF WASHINGTON SCHOOL OF LAW
SCHOOL OF LAW
PO BOX 353020
SEATTLE, 98195
2066163167
SCHNAPP@UW.EDU

JAY ALAN SEKULOW
AMERICAN CENTER FOR LAW AND JUSTICE
201 MARYLAND AVE., NE
WASHINGTON, DC 20002
202-546-8890
SEKULOW@ACLJ.ORG

JAMES MICHAEL SHOWALTER
ARENT FOX LLP
233 S. WACKER DRIVE
SUITE 7100
CHICAGO, IL 60606
312-258-5561
J.MICHAEL.SHOWALTER@AFSLW.COM

JENNIFER BETH TATEL
WILKINSON BARKER KNAUER LLP
1800 M STREET, NW
SUITE 800N
WASHINGTON, DC 20036
202-383-3344
JTATEL@WBKLAW.COM

REBECCA LEAH TUSHNET
HARVARD LAW SCHOOL
1575 MASSACHUSETTS AVE.
HAUSER 520
CAMBRIDGE, MA 02138
703-593-6759
RTUSHNET@LKAU.HARVARD.EDU

BARBARA D UNDERWOOD
SOLICITOR GENERAL
28 LIBERTY STREET
NEW YORK, NY 10005
212-416-8016
BARBARA.UNDERWOOD@AG.NY.GOV

WALTER M. WEBER
AMERICAN CENTER FOR LAW & JUSTICE
201 MARYLAND AVENUE, NE
WASHINGTON, DC 20002
202-546-8890
WMWEBER@ACLJ-DC.ORG

HENRY CHARLES WHITAKER
FLORIDA OFFICE OF THE ATTORNEY
GENERAL
PL-01 THE CAPITOL
TALLAHASSEE, FL 32399-1050
850-414-3300
HENRY.WHITAKER@MYFLORIDALEGAL.COM

VIA EMAIL

SCOTT BLOCK WILKENS
KNIGHT FIRST AMENDMENT INSTITUTE AT
COLUMBIA UNIVERSITY
475 RIVERSIDE DRIVE
SUITE 302
NEW YORK, NY 10115
646-745-8500
SCOTT.WILKENS@KNIGHTCOLUMBIA.ORG

ERIC B. WOLFF
PERKINS COIE LLP
1201 THIRD AVENUE
SUITE 4900
SEATTLE, WA 98101-3029
206-359-3779
EWOLFF@PERKINSCOIE.COM

CHRISTOPHER S. YOO
UNIVERSITY OF PENNSYLVANIA CAREY
LAW SCHOOL
3501 SANSOM ST.
PHILADELPHIA, PA 19104-6204
215-746-8772
CSYOO@LAW.UPENN.EDU

22-0555

NETCHOICE, LLC, DBA NETCHOICE, ET AL.
KEN PAXTON, ATTORNEY GENERAL OF TEXAS

BENJAMIN W. BERKOWITZ
KEKER, VAN NEST & PETERS LLP
633 BATTERY STREET
SAN FRANCISCO, CA 94111
415-391-5400
BBERKOWITZ@KEKER.COM

DAVID RYAN BRODY
LAWYERS COMMITTEE FOR CIVIL RIGHTS
1500 K STREET, NW
SUITE 900
WASHINGTON, DC 20005
202-662-8320
DBRODY@LAWYERSCOMMITTEE.ORG

GEORGE FREEMAN
MEDIA LAW RESOURCE CENTER, INC.
266 W. 37TH STREET, 20TH FLOOR
NEW YORK, NY 10018
212-337-0200
GFREEMAN@MEDIALAW.ORG

STEVEN M. FREEMAN
ANTI-DEFAMATION LEAGUE
605 THIRD AVENUE
NEW YORK, NY 10158
212-885-7700
SFREEMAN@ADL.ORG

TIMOTHY K. GILMAN
SCHULTE ROTH & ZABEL LLP
919 THIRD AVENUE
NEW YORK, NY 10022
212-756-2000
TIM.GILMAN@SRZ.COM

ERIK S. JAFFE
SCHAERR | JAFFE LLP
1717 K STREET, NW
SUITE 900
WASHINGTON , DC 20006
202-787-1060
EJAFFE@SCHAERR-JAFFE.COM

SCOTT A. KELLER
LEHOTSKY KELLER LLP
200 MASSACHUSETTS AVE. NW
WASHINGTON, DC 20001
512-693-8350
SCOTT@LEHOTSKYKELLER.COM

RAEHEL KEAY KUMMER
MORGAN, LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE, N.W
WASHINGTON, DC 20004
202-739-3000
RAEHEL.KUMMER@MORGANLEWIS.COM

MICHAEL S. KWUN
KWUN BHANSALI LAZARUS LLP
555 MONTGOMERY ST.
SUITE 750
SAN FRANCISCO , CA 94111
415-630-2350
MKWUN@KBLFIRM.COM

ANNA-ROSE MATHIESON
CALIFORNIA APPELLATE LAW GROUP LLP
96 JESSIE STREET
SAN FRANCISCO, CA 94105
415-649-6700
ANNAROSE@CAQLAPPLAW.COM

LANORA C. PETTIT
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 12548 (MC 059)
AUSTIN, TX 78711-2548
512-936-1700
LANORA.PETTIT@OAG.TEXAS.GOV

VIA EMAIL

LAWRENCE JAY SPIWAK
PHOENIX CENTER
5335 WISCONSIN AVE., NW
STE. 440
WASHINGTON, DC 20015
202-274-0235
LSPIWAK@PHOENIX-CENTER.ORG