

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

WALT DISNEY PARKS AND RESORTS
U.S., INC.,

Plaintiff,

v.

RONALD D. DESANTIS, in his official
capacity as Governor of Florida, et al.,

Defendants.

Case No. 4:23-cv-163-AW-MJF

CFTOD DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Local Rule 7.1(J), Defendants submit this notice of supplemental authority regarding developments in the state-court proceeding Defendants have previously highlighted for the Court. *See* Doc. 81-1. In Defendants' motion to dismiss or abstain, they urged the Court to abstain under *Railroad Commission of Texas v. Pullman Co.*, 312 U.S. 496 (1941), given both the unsettled questions of state law underlying Disney's federal constitutional claims and the ongoing state-court litigation, which will provide an answer to those unsettled questions. *See* Doc. 51-1 at 12-14.

The week after Defendants filed their reply in support of their motion to dismiss or abstain, Disney filed its Answer in that state-court proceeding. *See* Ex. A. In its Answer, Disney raised several counterclaims under the Florida Constitution

that mimic the federal constitutional claims it raises here—a Contracts clause claim, a Takings claim, a Due Process claim, and a Free Speech claim. *See id.* at 46-53 (Counts VI-IX). Disney also raised several breach-of-contract counterclaims. *Id.* at 41-46.

This development only underscores the propriety of *Pullman* abstention here. “The purpose of *Pullman* abstention is to avoid unnecessary friction in federal-state functions, interference with important state functions, tentative decisions on questions of state law, and premature constitutional adjudication.” *Siegel v. LePore*, 234 F.3d 1163, 1174 (11th Cir. 2000) (en banc) (quotations omitted). Given this purpose, one would be hard-pressed to find a better candidate for *Pullman* abstention than this case. As Defendants previously explained, the State Court’s resolution of the questions before it will—at the very least—materially alter nearly all of Disney’s claims, which “implicate matters of the State’s sovereignty and are of great interest to its economy and citizenry.” *See* Doc. 81 at 3-6 (quoting state-court order at 8). And with Disney’s newfound constitutional claims under the Florida Constitution, the state-law underpinnings of this dispute have grown even more substantial. Even if there were a theoretical circumstance in which some remnant of this case would still present a live controversy after the State court rules, the Court should exercise its discretion to stay the entire proceeding. *See id.* at 4.

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Respectfully submitted,

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LOCAL RULE 7.1(J) CERTIFICATION

In accordance with Local Rule 7.1(J), the undersigned counsel hereby certifies that the foregoing Notice of Supplemental Authority contains 347 words as measured by Microsoft Office for Word 365.

s/ Charles J. Cooper
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