SUPREME COURT OF FLORIDA

Case No. _____

RODERICK JAMES PALMER, TRUSTEE OF THE 2501 MOODY BLVD. LAND TRUST AGREEMENT DATED FEBRUARY 7, 2025,

Defendant-Appellant,

v.

FLAGLER SQUARE-JAX, INC.,

Plaintiff-Appellee.

On Appeal from the Circuit Court for the Seventh Judicial Circuit in and for Flagler County, Florida

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EMERGENCY MOTION FOR STAY PENDING REVIEW IN THE FIFTH DISTRICT COURT OF APPEAL

Relief Needed by Saturday, February 21, 2026

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Pursuant to this Court's "All Writs" jurisdiction, Fla. Const. Art. V, §3(b)(7), and Fla. R. App. P. 9.100(a) and 9.310, Appellant prays unto the Court for a stay of the circuit court's temporary injunction prohibiting Appellant, Coastal Family Church, and its religious congregants from gathering for religious worship services while Appellant's appeal of a nonfinal order is reviewed by the Fifth District Court of Appeal. Appellant sought relief first in the circuit court and did not receive the requested relief. Appellant sought a stay pending review from the Fifth District Court of Appeals, which initially granted the motion, noting that the injury for which Appellant sought relief is of a constitutional dimension, but then ultimately denied the relief. As such, only this Court can effectively prevent the irreparable constitutional injury that Appellant, Coastal Family Church, and its religious congregants are suffering each day the temporary injunction remains in place. For the reasons that follow, the motion should be granted and the temporary injunction stayed pending review in the Fifth District Court of Appeal and, if necessary, this Court's discretionary review.

URGENCIES JUSTIFYING EMERGENCY RELIEF SOUGHT

As the Supreme Court of the United States long ago established, "Neither a state nor the Federal Government can . . . force nor influence a person to go to or remain away from church against his will." *Everson v. Bd. of Educ. of Ewing Tp.*, 330 U.S. 1, 15 (1947). On Friday, January 23, 2026, the circuit court issued a temporary injunction[1] that did precisely that—it prohibited Appellant, Coastal Family Church, and its religious congregants from gathering together (*i.e.*, assembling) in the building Appellant owns to engage in religious exercise and religious worship services. The circuit court's TIO, "by effectively barring many from attending religious services, strike[s] at the very heart of the First Amendment's guarantee of religious liberty." *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 68 (2020).

As a result of the circuit court's TIO and facing the extraordinary weight of contempt, Appellant was forced on an emergency basis to inform each congregant of Coastal Family Church

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[1] A true and correct copy of the circuit court's January 23 Temporary Injunction Order is attached hereto as Appendix A and incorporated herein. Appellant will refer to this temporary injunction as the "TIO."

that a court in Florida had prohibited them from gathering together on Sunday for religious worship services. (*See* Appendix B, Declaration of Pastor George Gourlay in Support of Emergency Motion for Stay Pending Review, ¶2.)[2] Appellant was forced to inform the congregants of Coastal Family Church that a Florida court's order prohibited them from gathering for the reading of Scripture, prayer, the singing of hymns, communal worship, communion, fellowship, or any other form of religious assembly. *Let that sink in – a Florida court told religious worshipers in Florida that should they gather together in violation of a court order prohibiting religious worship services, their pastor and shepherd would be subject to contempt citations and punishment.* A more egregious violation of the First Amendment is difficult to fathom.

Worse still, as a result of the circuit court's TIO, on January 25, elders of Coastal Family Church were forced to stand in the parking lot of their religious sanctuary in the event their congregants did not

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[2] Appellant submits the Declaration of George Gourlay, Pastor of Coastal Family Church, pursuant to Fla. R. App. P. 9.300(a), permitting a motion to be accompanied by declarations not contained in the record. As the events described in the Gourlay Declaration occurred after entry of the circuit court's TIO, they are not part of the record but necessary for the adjudication of the instant motion.

get the message that a Florida court had prohibited them from gathering for religious worship services. (Gourlay Decl., ¶4.) Several vehicles entered the parking lot hoping to exercise their First Amendment right to attend religious worship services, unaware that a Florida court had enjoined that constitutionally protected activity, and the elders of Coastal Family Church were forced to inform them that they had to go home, could not worship the Lord, could not fellowship with their friends and family, and could not participate in religious worship services. (Gourlay Decl., ¶5.) Despite the shame Appellant and the elders of Coastal Family Church felt having to turn away religious congregants from religious worship services compelled by their sincerely held religious beliefs, Appellant nevertheless complied with the circuit court's TIO. This Court should prohibit that from ever occurring again.

Apparently, however, Appellee felt—for some reason—that Coastal Family Church could not be trusted to follow the circuit court's TIO. Fearing the horror of Floridians gathering for religious worship services in Flagler-Jax Square, Appellee sent his henchmen to ensure that no Floridian darkened the door of Coastal Family Church on Sunday January 25th. (Gourlay Decl., ¶6.) Just about the

time congregants would typically gather for religious worship services on Sunday morning, a white truck entered the parking lot accompanied by three police vehicles, and the driver informed the elders of Coastal Family Church that he had contacted Florida law enforcement officers to ensure that they would enforce the circuit courts TIO and guarantee no one gathered for religious worship services. (Gourlay Decl., ¶6.)

Appellant and another elder of Coastal Family Church spoke with the police officers to inform them that Appellant was in compliance with the circuit court's TIO and that Coastal Family Church was not hosting a religious worship service. (Gourlay Decl., ¶7.) Appellant invited the police officers to enter the religious sanctuary to see for themselves that Coastal Family Church was not violating the TIO, and the police officers entered the facility to ensure that no religious worship services were taking place. (Gourlay Decl., ¶8.) Appellant and the other elders of Coastal Family Church were under the impression that the officers were uncomfortable and aghast at the thought that Appellee and his henchmen had called the police to ensure no one participated in religious worship services. (Gourlay Decl., ¶10.)

"There is an old saying that a picture is worth a thousand words." *Reynolds v. Belk, Inc.*, -- So.3d --, 2025 WL 3685549, *1 (Fla. 5th DCA Dec. 19, 2025). Below is the scene in the parking lot of Coastal Family Church on Sunday, January 25th:

(Gourlay Decl., ¶6.) In the parking lot of a Florida church stood a property manager with three police officers that had come to ensure that the circuit court's TIO that prohibited religious worship services was being followed. In a Republic birthed on the will to be free and founded upon the idea of religious freedom, and in the Free State of Florida, police were called to ensure religious freedom was not

exercised. As a result of the circuit court's TIO, "the hand of the law [was] laid on the should of a minister," in Florida for desiring to engage in religious exercise, religious worship services, and ministry. *Fowler v. Rhode Island*, 345 U.S. 67, 70 (1953). The First Amendment plainly prohibits that, and it is not "in the competence of the court under our constitutional scheme to approve, disapprove, classify, regulate, *or in any manner* control sermons delivered at religious meetings." *Id.*

Given the blatant unconstitutionality of the TIO, Appellant sought immediate emergency relief from the Circuit Court for the Seventh Judicial Circuit in and for Flagler County, Florida. The circuit court did not respond to Appellant's request for relief. Appellant then sought emergency relief from the Fifth District Court of Appeal. Initially, the Fifth District "granted in part solely to allow this Court to fully consider the merits of the matters rasied in the motion."[3] The Fifth District provided:

> If this Court determines the temporary injunction before us was erroneously issued, the legal and actual harm of

[3] A true and correct copy of the Fifth District's January 30 Order is attached hereto as Appendix C and incorporated herein. Appellant will refer to this order as the "Fifth District's January 30th Order."

> being prohibited the right to assemble together and freedly exercise their sincerely held religious beliefs would be grevious and reach constitutional dimension. Being deprived of this fundamental right – for even one additional Sunday – would do irreparable harm to Appellant and its congregants.

(Fifth District's January 30th Order, 1.)

The Fifth District quickly changed its tune, issuing another Order on February 13, 2026, denying Appellant's motion for a stay and reinstituting the circuit court's TIO that prohibits Appellant, Coastal Family Church, and its religious congregants from gathering for worship services.[4] The Court abandoned its opinion on prior restraints and First Amendment rights, instead stating:

> Having now fully considered Appellant's arguments and the limited record before us, which does not include a transcript of proceedings in the trial court or other information that may be pertinent to our review, we are unable to conclude that Appellant has met his burden at this stage to permit this Court to stay enforcement of the temporary injunction issued by the trial court.

(Fifth District's February 13th Order, 1-2.)

Ultimately, the Fifth District denied Appellant's "Emergency Motion for Stay Pending Review," leaving Appellant and Coastal

[4] A true and correct copy of the Fifth District's February 13 Order is attached hereto as Appendix D and incorporated herein. Appellant will refer to this order as the "Fifth District's February 13th Order."

Family Church just a single day to prepare, yet again, to cancel religious services, and only a few hours to cancel a Valentines Day marriage event planned for 160 participants. So, the Church was yet again forced to sacrifice its fundamental right to religious worship services for yet another Sunday, and also forced to cancel a religious gathering celebrating its sincerely held religious beliefs in marriage.

To make matters even worse, the circuit court's TIO has now descended into what can only be described as a modern version of Sophocles's *Antigone*.[5] Last Sunday, a Congregant of Coastal Family Church passed away, and—as a result of the circuit court's TIO—Appellant was forced to inform the family that they were unable to hold a memorial service at the church. Thus, not only has the circuit court's TIO prohibited Appellant, Coastal Family Church, and its religious congregants from religious worship services, but now it is prohibiting them from exercising their religious beliefs to properly mourn the dead. As in *Antigone*, there is now "tension between the King's law – a formal edict that prohibited the burial of Antigone's brother Polynices – and the unwritten law of the Gods that mandated

[5] *See* Sophocles, *Antigone*, *The Complete Greek Tragedies*, D. Greene & R. Lattimore 162-209 (E. Wyckoff ed. 1954).

a proper burial so as to fulfull a duty to honor and mourn the dead."[6] The only difference is Appellant faces not a King's edit, but a TIO from the circuit court that effectively bars all religious exercise, including the proper mourning of the dead, at Coastal Family Church. This Court's intervention is needed to eliminate such unconstitutional and unconscionable infringements on religious liberty.

Despite Appellant filing directions to the clerk of the circuit court to transfer the record to the Fifth District, on February 5, 2026, and filing the transcript of the subject proceeding on February 10, 2026, the Fifth District did not need the transcript of the proceeding in order to determine the TIO violates the First and Fourteenth Amendments of the United States Constitution, Florida Statutes §§761 and 712.065, and that it is unconstitutionally vague and overbroad. These legal errors are plainly apparent on the face of the document. Regardless, Appellant has attached the transcript hereto as Appendix E.[7]

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[6] *See United States v. Hoffman*, 436 F. Supp. 3d 1272, 1278 n.3 (D. Az. 2020)

[7] A true and correct copy of the Transcript of January 14, 2026, Verified Motion for Temporary Injunctive Relief is attached hereto as Appendix E and incorporated herein. Appellant will refer to this document as the "Transcript."

Again, as *Everson* stated unequivocally, "No person can be punished for entertaining or professing religious beliefs or . . . *for church attendance*." *Everson*, 330 U.S. at 16 (emphasis added). The circuit court's TIO and the Fifth District's February 13th Order effectively punish Appellant, Coastal Family Church, and its religious congregants for church attendance. Appellant and Coastal Family Church have suffered, are suffering, and will continue to suffer unconscionable and unconstitutional injury as a result.

Appellant, Coastal Family Church, and its religious congregants have now lost two Sundays of cherished religious worship services. They lost that eternally significant time because of the circuit court's TIO and Fifth District's February 13th Order.

Appellant, Coastal Family Church, and its religious congregants have already faced the arm of the State in badges showing up to ensure they did not engage in religious worship, read Scripture, receive communion, or fellowship. They lost that eternally significant time because of the circuit court's TIO and Fifth District's February 13th Order.

Appellant, Coastal Family Church, and its religious congregants have already been forced to violate Coastal Family Church's sincere

religious beliefs that they are not to forsake the assembling of themselves together." *Hebrews* 10:25. They lost that eternally significant gathering because of the circuit court's TIO and Fifth District's February 13th Order.

Appellant, Coastal Family Church, and its religious congregants have resorted to live streaming religious services, despite being uncertain if the circuit court's TIO permits a small groups of people to enter the facility to broadcast a remote religious worship service. And, even if it was not prohibited, "who is to say that every member of the congregation has access to the necessary technology to make that work." *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610, 615 (6th Cir. 2020). Moreover, a Florida circuit court has no authority to "say that every member of the congregation must see it as an adequate substitute for what it means when "two or three gather in my Name." *Id.* (quoting *Matthew* 18:20). As the Supreme Court has recognized, "remote viewing [of religious worship services] is not the same as personal attendance." *Catholic Diocese*, 592 U.S. at 68. They lost that eternally significant gathering because of the circuit court's TIO and the Fifth District's February 13th Order.

Appellant, Coastal Family Church, and its religious congregants "reinforce their faith and their bonds with the faithful through religious assemblies." *On Fire Christian Ctr., Inc. v. Fischer*, 453 F. Supp. 3d 901, 912 (W.D. Ky. 2020). Indeed, "the Greek word translated 'church' in our English versions of Christian scriptures is the word, 'ekklesia," which literally means 'assembly." *Id.* They lost that eternally significant assembly because of the circuit court's TIO.

Of course, "[i]t is true that [Coastal Family Church and its religious congregants] could *believe* in everything Easter teaches from their homes on Sunday. So too could the pilgrims before they left Europe. But the Pilgrims demanded more than that. And so too does the Free Exercise Clause." *Id.* at 912. The First Amendment's "promise is as important to the minister as for those ministered to, as vital to the shepherd as to the sheep. And it is as necessary now as when the *Mayflower* met Plymouth Rock." *Id.* Appellant, Coastal Family Church, and its religious congregants sacrificed that promise because of the circuit court's TIO and the Fifth District's February 13th Order.

Regardless of Appellee's apparent views on religious worship services, "constitutional rights still exist. Among them is the freedom

to worship as we choose," and the circuit court "may not ban [Coastal Family Church] from worshipping." *Id.* at 912–13. Appellant, Coastal Family Church, and its religious congregants suffered that precise ban because of the circuit court's TIO and the Fifth District's February 13th Order.

Appellant, Coastal Family Church, and its religious congregants have now also been forced to turn away mourners seeking to properly honor their loved one's passing, also infringing their sincerely held religious beliefs that "[p]recious in the sight of the Lord is the death of His saints." *Psalm* 116:15.

Every bit of this injury is not only eternally significant to Appellant, Coastal Family Church, and its religious congregants, but it is constitutionally irreparable. Indeed, "[t]here can be no question that the challenged [TIO] restrictions, if enforced, will cause irreparable harm." *Catholic Diocese*, 592 U.S. at 67. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitute irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). *See also Catholic Diocese*, 592 U.S. at 67 (same). And, when "the great majority of those who wish to attend

[Coastal Family Church] will be barred," *id.* at 67–68, as is true under the circuit court's TIO, irreparable harm is unquestionable.

Though arising in vastly different circumstances, the Supreme Court was faced with a host of government orders effectuating the same prohibition that the circuit court's order TIO does here—barring people from attending religious worship services while permitting similarly situated non-religious assemblies to meet without restriction. In each of those instances, the Supreme Court struck down such state orders. *E.g.*, *Catholic Diocese*,592 U.S. 14; *Tandon v. Newsom*, 593 U.S. 61 (2021); *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289 (2021); *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021); *Gateway City Church v. Newsom*, 141 S. Ct. 1460 (2021); *Gish v. Newsom*, 141 S. Ct. 1290 (2021); *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 889 (2020); *High Plains Harvest Church v. Polis*, 141 S. Ct. 527 (2020); *Robinson v. Murphy*, 141 S. Ct. 972 (2020). As Justice Gorsuch stated, "[i]t is time—past time—to make plain that . . . there is no world in which the Constitution tolerates [government orders allowing non-religious assemblies] but shutter churches[.]" 592 U.S. at 27 (Gorsuch, J., concurring).

As the circuit court stated in its TIO, Appellant, Coastal Family Church, and its religious congregants are "enjoined effective immediately from utilizing Unit 1 as a place of public assembly," whether for religious exercise, worship services, or any other religious gathering. A more unconscionable and unconstitutional restriction on Appellant's rights is difficult to imagine.

Each and every day that passes while Appellant, Coastal Family Church, and its religious congregants are subject to the circuit court's TIO, they are losing their First Amendment rights to assemble for religious worship services, to exercise their sincerely held religious beliefs, and to otherwise engage in constitutionally protected activities. The circuit court's TIO must be stayed immediately to prevent further irreparable injury that will be felt again this Sunday, February 22 and every day that it remains in effect. For that reason, Appellant respectfully requests relief by Saturday, February 21, 2026.

As required by Rule 9.310, Appellant first sought an emergency stay pending review in the circuit court and requested relief by Wednesday, January 28. The circuit court did not act on that request, but the urgencies discussed *supra* demonstrate that the

circuit court's silence is a denial and continues to impose irreparable injury on Appellant each day that passes. Appellant then sought an emergency stay from the Fifth District and requested relief by January 31, 2026. The Fifth District "granted in part solely to allow this Court to fully consider the merits on the matters raised in the Motion." (Fifth District's January 30th Order, 2.) Subsequently, the Fifth District denied Appellant's "Emergency Motion for Stay Pending Review." (Fifth District's February 13th Order.) Thus, Appellant appeals to this Court for emergency relief to permit them to gather for religious worship services this Saturday, February 21, 2026, and for the duration of the appeal in the Fifth District Court of Appeal and, if necessary, this Court.[8]

This Court should grant the instant Motion and stay the circuit court's TIO because it has worked and is working immediate and irreparable constitutional injury on Appellant each day it remains in effect. Only a stay can prevent that injury from continuing every day.

[8] Pursuant to Fla. R. App. P. 9.300(c), Appellant also provided notice to Appellee that they would be seeking emergeny relief from this Court due to the circuit court's failure to grant Appellant a stay and the Fifth District's February 13th Order.

ARGUMENT

To obtain a stay pending review of the circuit court's TIO, Appellant must establish "(1) a likelihood of success on the merits, and (2) likelihood of harm absent the entry of a stay." *Planned Parenthood of Greater Orlando v. MMB Properties*, 148 So.3d 810, 812 (Fla. 5th DCA 2014) (quoting *Sunbeam Television Corp. v. Clear Channel Metroplex, Inc.*, 117 So.3d 772, 772 (Fla. 3d DCA 2012)). Appellant easily satisfies each threshold. Appellant, Coastal Family Church, and its religious congregants are suffering irreparable harm every day the circuit court's TIO remains in effect, and Appellant is likely to succeed on the merits of its appeal that the circuit court's TIO violates the First and Fourteenth Amendments and Florida law.

I. Appellant is likely to succeed on the merits of his appeal that the circuit court's TIO violates the United States Constitution and Florida law.

A. Appellant is likely to succeed on the merits of his appeal that the circuit court's TIO prohibiting religious worship services and assembly violate the First and Fourteenth Amendments.

The circuit court's TIO prohibiting religious worship services and assembly is a blatant violation of the First Amendment and must be stayed pending review. The circuit courts' TIO represents a

presumptively unconstitutional prior restraint on speech, assembly, and religious exercise. The circuit courts' TIO represents a total ban on religious assembly and worship, which is blatantly unconstitutional under the First Amendment and abundant Supreme Court precedent. The circuit court's TIO is impermissibly overbroad and not tailored to any identifiable harm, and is also impermissibly vague. The circuit court's TIO violates the Florida Religious Freedom Restoration Act, and Florida statutes. The Court should enter a stay immediately.

1. The circuit court's TIO represents a presumptively unconstitutional prior restraint on speech, assembly, and religious exercise.

It is axiomatic that prior restraints are highly suspect and disfavored. *See Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 130 (1992). Indeed, "[a]ny system of prior restraints of expression comes to this Court bearing *a heavy presumption against its constitutional validity*." *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963) (citing cases) (emphasis added).

> It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so. *[A] law*

> *requiring a permit to engage in such speech constitutes a dramatic departure from our national heritage and constitutional tradition.*

Watchtower Bible & Tract Soc'y of N.Y. v. Vill. of Stratton, 536 U.S. 150, 165-66 (2002) (emphasis added); *see also Lovell v. City of Griffin*, 303 U.S. 444, 451-52 (1938) ("[w]hile this freedom from previous restraint . . . upon publication cannot be regarded as exhausting the guaranty of liberty, the prevention of that restraint was a leading purpose in the adoption of the [First Amendment]."); *Carroll v. President & Comm'r Princess Anne, et al.*, 393 U.S. 175, 181 (1968) ("Prior restraint upon speech suppresses the precise freedom which the First Amendment sought to protect from abridgment.").

The circuit court's TIO operates as an unconstitutional prior restraint, totally prohibiting Appellant, Coastal Family Church, and its religious congregants from assembling for religious worship. "*Temporary restraining orders* and permanent injunctions – i.e., court orders that actually forbid speech activities – *are classic examples of prior restraints.*" *Alexander v. United States*, 509 U.S. 544, 550 (1993) (emphasis added).

"[T]he injunction at issue here operated as a prior restraint on the First Amendment rights . . . and is therefore presumed

unconstitutional." *Post-Newsweek Stations Orlando, Inc. v. Guetzloe*, 968 So.2d 608, 610 (Fla. 5th DCA 2007) (citing *Alexander*, 509 U.S. at 550). "This presumption exists because '[p]rior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights.'" *Id.* (quoting *Neb. Press Ass' v. Stuart*, 427 U.S. 539, 559 (1976)). "To overcome this presumption of unconstitutionality, the proponent of the injunction bears a 'heavy burden.'" *Id.* at 611 (quoting *Neb. Press Ass'n*, 427 U.S. at 559).

"Although the Supreme Court has never articulated a clear test that we can apply to determine when this "heavy burden" has been met, the Court has demonstrated the weight of this burden by consistently holding that the prohibition against such restraints attaches even when substantial competing interests are at stake." *Post-Newsweek Stations Orlando*, 968 So.2d at 611. Indeed, the Supreme Court and Florida courts have invalidated prior restraints even when the speech at issue threatened far weightier interests than parking congestion, which is the sole basis upon which Appellee sought a prohibition on religious worship services below.

Prior restraints on speech are impermissible to prevent the publication of stolen, classified government documents, *New York Times Co. v. United States*, 403 U.S. 713 (1971); to prevent infringement on a defendant's right to a fair trial, *Neb. Press Ass'n*, 427 U.S. 539; to prevent the disclosure of a witness's grand jury testimony, *Butteworth v. Smith*, 494 U.S. 624 (1990); to prevent the showing of obscene movies at an adult movie theater, *Vance v. Universal Amusement Co., Inc.*, 445 U.S. 308, 310 (1980), and; to prevent defamatory speech, *Vrasic v. Leibel,* 106 So.3d 485, 486 (Fla. 4th DCA 2013).

If prior restraints are unconstitutional to protect national security, grand jury secrecy, and a defendant's fair trial rights, they are emphatically unconstitutional to protect speculative parking congestion. And, regardless of the comparators, the circuit court's TIO "operates as a prior restraint" because it is "the equivalent ofa total prohibition on the exercise of constitutionally guaranteed rights." *Int'l Soc'y for Krishna Consciousness v. Rochford*, 585 F.2d 263, 269 (7th Cir. 1978). "It is an impermissible restriction." *Id.*

2. The circuit court's TIO represents a total ban on religious assembly and worship, which is blatantly unconstitutional.

The upshot of the circuit court's TIO is that Appellant, Coastal Family Church, and its religious congregants are subject to a total ban on religious worship at their own facility. Such a total ban on religious exercise does not and cannot satisfy constitutional muster. Total prohibitions on First Amendment speech, assembly, and religious exercise are substantially broader than any conceivable government interest could justify. *Bd. of Airport Comm'rs of City of L.A. v. Jews for Jesus, Inc.*, 482 U.S. 569, 574 (1987); *Shapero v. Kentucky Bar Ass'n*, 486 U.S. 466, 476 (1988) (holding that the First Amendment does not countenance "a total ban" on protected activity); *id.* at 468 ("[T]he State may not absolutely ban certain types" of First Amendment activity."). *See also Knowles v. City of Waco*, 462 F.3d 430, 435 (5th Cir. 2006) (noting that complete prohibitions are "hardly tailored at all," much less narrowly tailored).

The circuit court's TIO is essentially an expression that Flagler Square-JAX is a "First Amendment free zone." The Constitution simply does not permit such a restriction, and neither should this Court. In *Jews for Jesus*, the government tried—as the circuit court's

TIO does here—to "prohibit *all* protected expression, purport[ing] to create a virtual 'First Amendment Free Zone." 482 U.S. at 575. The restriction did "not merely regulate [First Amendment activity] . . . that might create problems such as congestion or the disruption of activities of those who use LAX." *Id.* In other words, the prohibition represented "a sweeping ban" prohibiting all First Amendment activity in a certain location. Though the circuit court below did not believe that was a problem, the Supreme Court of the United States held that "it is *obvious that such a ban cannot be justified*" because "no conceivable government interest would justify such an absolute prohibition of speech." *Id.* at 575 (emphasis added).

This Court, too, has held that total prohibitions on First Amendment activity are prohibited. *See State v. Bradford*, 787 So.2d 811, 826 (Fla. 2001) ("The First Amendment has not been interpreted to permit such a prophylactic restriction" that "bans all forms" of protected First Amendment activity.); *Amendments to Rules Regulating Florida Bar-Advertising Rules*, 762 So.2d 392, 397 (Fla. 1999) (noting that "broad prophylactic rules" and "total ban[s] cannot be justified under the First Amendment).

Simply put, "[b]ecause First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity." *NAACP v. Button*, 371 U.S. 415, 433 (1963). The government cannot "burn the house to roast the pig." *Sable*, 492 U.S. at 127 (quoting *Butler v. Michigan*, 352 U.S. 380, 383 (1957)). The circuit court's TIO constitutes a total ban on religious exercise, speech, and assembly at Coastal Family Church. There is no world in which the First Amendment tolerates such a broad injunction. As the Fifth District provided, "the legal and actual harm of being prohibited the right to assemble together and freely exercise their sincerely held religious beliefs would be grievous and reach constitutional dimension," (Fith District's January 31st Order), and it must be stayed pending review.

3. The circuit court's TIO is impermissibly vague.

The circuit court's TIO is also unconstitutional in that it is impermissibly vague. "If the injunction does issue, it must be definite and certain." *Orlando Sports Stadium, Inc. v. State*, 262 So.2d 881, 884 (Fla. 1972). Government action "which either forbids or requires the doing of an act in terms so vague that anyone of common intelligence must guess at its meaning and differ as to its application

violates the first essential of due process." *Falco v. State*, 407 So.2d 203, 206 (Fla. 1981). *See also D'Alemberte v. Anderson*, 349 So.2d 164, 166 (Fla. 1977) ("Due process of law will not tolerate [an injunction] which forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning.").

Indeed, temporary injunctions "must be carefully tailored to remedy on the specific harm shown," *Spagnulo v. Ins. Office of Am., Inc.*, 356 So.3d 908, 919 (Fla. 5th DCA 2023), and "[i]t must be adequately particularized and phrased in such language that it can with definiteness be complied with." *Id. See also Pediatric Pavilion v. Ag. For Health Care Admin.*, 83 So.2d 927, 930 (Fla 5th DCA 2004) (same). Simply put, "one against whom an injunction is directed should not be left in doubt about what he is to do." *Planned Parenthood of Greater Orlando v. MMB Prop.*, 148 So.3d 810, 812 n.1 (Fla. 5th DCA 2014) (quoting *Pizio v. Babcock*, 76 So.2d 654, 655 (Fla. 1954)).

Here, as the sworn testimony before this Court demonstrates, Appellant is left to guess at the scope, meaning, and application of the circuit court's TIO. (Gourlay Decl. ¶¶3, 20.) As the Pastor of

Coastal Family Church testifies, he is left to guess at whether he will be subject to a contempt citation for merely holding a virtual service. (*Id.*, ¶20 ("As a result of the circuit court's injunction, I am not even certain if I can have a small group of leaders and elders gather to put on a remote worship service via internet broadcast.").)

The term "public assembly" is not defined in the Declaration that was the subject of the below matter. The circuit court's TIO does not define the term. The circuit court's TIO conducted no analysis of what activities constitute "public assembly." As a result, Appellant cannot determine what conduct the circuit court's TIO permits or prohibits. (*See, e.g.*, Gourlay Decl. ¶¶3, 20.) Appellant has no way of knowing what conduct violates the TIO and what conduct would be acceptable.

In addition to his fundamental question about whether a couple of people gathering to conduct a virtual service would be prohibited, as it would be an "assembly" of people gathered in the Church's facility, Appellant has further questions that are unanswered by the circuit court's TIO.

Does it prohibit him "assembling" with a congregant of Coastal Family Church for a counseling session? After all, that would be an assembly of people.

Does the circuit court's TIO prohibit Pastor Gourlay or other elders of the Church from gathering with an individual to administer Holy Communion? Again, that would be an assembly of people.

Does it prohibit the Pastor from calling on the elders of the church to lay hands on and pray for a congregant of Coastal Family Church who is sick, as required by James 5:14. That would require more than one individual and thus be an assembly.

Does the injunction prohibit Pastor Gourlay from following *Matthew* 18:19 and having two or three of his elders gather with him to agree with one another in prayer over the Church, its congregants, and even what to do about the circuit court's TIO? That would be an assembly as well, but Appellant has no idea whether it is prohibited.

The circuit court's TIO simply leaves too many questions unanswered, and the wrong answer is subject to a contempt charge that hangs like a sword of Damocles over the head of Coastal Family Church. Similarly, the Fifth District's February 13th Order leaves these questions unanswered. Even without a transcript, or record,

the vagueness of the circuit court's TIO is plainly apparent on the face of the order. No extrinsic documents are needed to determine that Appellant has been left to derive the meaning of an order, the wrong interpretation of which will land him in contempt. The First and Fourteenth Amendments to the United States Constitution do not permit such an outcome. Neither should this Court. The TIO should be stayed immediately pending the Fifth District Court of Appeals's full review of the TIO, and this Court's review, if necessary.

4. The circuit court's TIO is impermissibly overbroad and not tailored to any identifiable harm.

"Injunctions must be specifically tailored to each case and they must not infringe upon conduct that does not produce the harm sought to be avoided." *Angelino v. Santa Barbra Enterprises, LLC*, 2 So.3d 1100, 1104 (Fla. 3d DCA 2009) (citing *Clark v. Allied Assocs., Inc.*, 447 So.2d 656, 657 (Fla. 5th DCA 1985)). "[T]he temporary injunction here is overly broad and cannot stand on this basis." *Angelino*, 2 So.3d at 1104. Furthermore, the scope of a temporary injunction is meant to be tailored to the "harm sought to be avoided." *Id.*

Here, the circuit court's TIO identifies no specific harm that is alleged to be occurring. The harm alleged by Appellee was that Coastal Family Church's religious worship services clutter the parking lot. (*See* Record, Doc. 12, ¶4 ("the Defendant is adversely affecting the members of the Association, and will be overwhelming the 315 available parking spaces at the Plaza (based on the admitted intended scope of the use of Unit 1 as evidenced in public filings by the Defendant, as well as unduly burdening the physical infrastructure by such a heavy (and unanticipated) increase in traffic to the Plaza."). Leaving aside the constitutional irrelevance of such a contention, the circuit court's TIO made no finding that this harm exists. The reason for this is simple: Appellee, despite having the burden to demonstrate each element for injunctive relief, utterly failed to put forward any record evidence demonstrating such harm.

More fatally, the record establishes that there is no such harm. Defendant has never used more than 162 of the 315 available parking spaces. No tenant has complained about parking congestion. And no evidence shows that parking has ever been inadequate. Specifically, Appellee provided: "Plaintiff has suffered, and will continue to suffer, irreparable harm unless or until injunctive relief is entered, due to

Defendant's impermissible and extensive burden upon the existing parking facilities at the Plaza." (Doc. 12, ¶26.)

The circuit court made no finding that this alleged harm exists. And, in fact, the circuit court could make no such finding because the record explicitly demonstrated that such harm does not exist. Though Appellant had no burden to prove anything, it was the only party below who came forward with sworn evidence in the proceedings below concerning the alleged harms—and *that sworn evidence demonstrated there is no harm*. And injunction issued on those grounds is plainly reversible error. As such, Appellant is likely to succeed on the merits of its appeal that the circuit court's TIO is overbroad and not tailored to the specific harm alleged. The Court should stay the circuit court's TIO immediately.

B. Appellant is likely to succeed on the merits of his claim that the restriction upon which the circuit court's TIO is premised is null and void *ab initio* under the plain language of Florida law.

Leaving aside the significant constitutional infirmities that are working immediate and irreparable on Appellant every day the injunction remains in place, the circuit court's TIO ignores the fact that Florida statutory law has rendered the restrictive covenant upon

which Appellee's suit was premised *void ab initio*. In other words, because Florida Statute §712.065 rendered all discriminatory restrictions "null and void," any such restriction must be treated "as if it never existed." *Hoffman v. State*, 474 So.2d 1178, 1182 (Fla. 1985). Thus, there was no covenant for the circuit court to enforce, and there is no covenant upon which this Court can affirm the injunction. In essence, Appellee's request for injunctive relief was and "is a case about nothing." *Morrison v. Bd. of Educ. Of Boyd Cnty.*, 521 F.3d 602, 607 (6th Cir. 2008).

The circuit court's TIO did not address Fla. Stat. §712.065, the statute that renders the restriction *void ab initio* as a matter of law. On September 4, 2020, the Florida legislature passed Fla. Stat. §712.065, which rendered null and void all discriminatory land use restrictions and covenants. As the Florida legislature made clear: "*[a] discriminatory restriction is not enforceable in this state, and all discriminatory restrictions contained in any title transaction recorded in this state are unlawful, are unenforceable, and are declared null and void.*" Fla. Stat. §712.065(2) (emphasis added).

Section 2 of the statute provides:

> A discriminatory restriction is not enforceable in this state, and all discriminatory restrictions contained in any title transaction recorded in this state are unlawful, are unenforceable, and are declared null and void. Any discriminatory restriction contained in a previously recorded title transaction is extinguished and severed from the recorded title transaction is extinguished and severed from the recorded title transaction, and the remainder of the title transaction remains enforceable and effective. The recording of any notice preserving or protecting interests or rights pursuant to s. 712.06 does not reimpose or preserve any discriminatory restriction that is extinguished under this section.

Fla. Stat. §712.065(2).

This legislation extends protections previously used to combat racially discriminatory covenants, to those that discriminate against other suspect classifications *including religion*. The statute operates automatically, extinguishing discriminatory restrictions upon the statute's effective date. The circuit court was required to assess this controlling Florida law that voids the very restriction the court was asked to enforce and upon which it presumably granted the TIO. The circuit court ignored this statute entirely, and that is textbook reversible error. Appellant is likely to succeed on his appeal of this issue.

"Determining whether invidious discrimination purpose was a motivating factor demands a sensitive inquiry into such

circumstantial and direct evidence of intent as may be available." *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266 (1977). In this case, "[t]he evidentiary inquiry is relatively easy." *Id.*

Appellee's attempt to enforce a restriction on "public assembly" is a thin veil to mask its religious discrimination. The evidentiary record demonstrates that Appellee seeks to selectively and discriminatorily enforce the prohibition on "public assembly" to target Appellant's Church *and only Appellant's Church* while ignoring identical – and in some cases more egregious – violations of the same restrictive covenant by other tenants. Tenants that operate consignment shops, bingo parlors, and rent their venues for public assembly may continue operations, while Appellant, Coastal Family Church, and its religious congregants are enjoined from gathering for religious worship services. Even the circuit court's TIO recognized that other tenants of the relevant property were in violation of the restrictive covenant upon which the circuit court issued an injunction against Appellant. (TIO, ¶4.) In other words, the restriction is being discriminatorily enforced solely against religious congregants of Coastal Family Church. The First Amendment does not allow this,

and Florida Stat. §712.065(2) therefore renders the restriction as if it never existed.

This is plainly discriminatory and renders the restriction null and void under Florida law. Indeed, as the Supreme Court recognized as number of times, a restriction on religious worship is unconstitutionally discriminatory "whenever it treats *any* comparable activity more favorably than religious exercise." *Tandon v. Newsom*, 593 U.S. 61, 62 (2021). *See also Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14 (2020) (same). Here, the circuit court's TIO unconstitutionally and discriminatorily enjoins enforcement of a restrictive covenant that is being applied discriminatorily against only religious worship services while permitting similarly situated nonreligious gatherings. Under the plain language of Fla. Stat. §712.065(2), the restrictive covenant is null and void. Thus, the circuit court's TIO based upon that null and void covenant cannot stand, and Appellant is likely to succeed on the merits of his appeal. The Fifth District did not even address the fact that the circuit court's TIO was devoid of mention that Fla. Stat. §712.065 existed, let alone whether it rendered the restrictive covenant null and void. A transcript was not required to determine

that the TIO did not assess Appellant's affirmative defenses, and the record was not required to determine that the restriction was discriminatory. Yet, the Fifth District, like the circuit court, passed on addressing either matter. As such, the Court should immediately enter a stay of the injunction that was based upon a non-existent restrictive covenant and end the eternal and irreparable injury Appellant, Coastal Family Church, and its congregants are suffering as a result of the TIO.

C. Appellant is likely to succeed on the merits of his claim that the circuit court's TIO and the restriction upon which it is based violates the Florida Religious Freedom Restoration Act.

The circuit court's TIO is state action that substantially burdens Appellant's religious exercise, violating FRFRA and RLUIPA. Congress enacted RFRA "in order to provide very broad protection for religious liberty." *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 693 (2014). Florida, too, enacted its own version of RFRA. Fla. Stat. §761.03. FRFRA reads:

> (1) The government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, except that the government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person: (a) is in furtherance of a compelling

> governmental interest; and (b) is the least restrictive means of furthering that compelling government interest.

Fla. Stat. §761.03.

In the wake of the Supreme Court's decision in *City of Boerne v. Flores*, 521 U.S. 507, 511 (1997), striking down the federal RFRA as applied to the States, Congress enacted RLUIPA to protect religious exercise at the state and local level, especially as it relates to land-use regulations. 42 U.S.C. 2000cc(a). RLUIPA provides:

> No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution – (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling government interest.

42 U.S.C. §2000cc(a)(1).

"In light of the above similarities, federal and state courts have applied the same analysis under FRFRA and RLUIPA." *Westgate Tabernacle, Inc. v. Palm Beach Cnty.*, 14 So.3d 1027, 1031 (Fla.2009) (internal citations omitted.) That analysis, as implied from FRFRA's legislative history, "suggests that in order to state a claim that the government has infringed upon the free exercise of religion, a plaintiff

must only establish that the government has placed a substantial burden on a practice motivated by a sincere religious belief." *Warner v. City of Boca Raton*, 887 So.2d 1023, 1032 (Fla.2004).

The circuit court's TIO plainly imposes a substantial burden on Appellants' religious exercise. There is no question about this. (Gourlay Decl., ¶¶14–22.) While the Declaration is an agreement between private actors, this Court's enforcement of Plaintiff's discriminatory restriction is state action. This Supreme Court best articulated this form of state action as it relates to judicial enforcement of restrictive covenants in *Shelley v. Kraemer*, 341 U.S. 1 (1948). In *Shelley*, the Supreme Court was called upon to consider whether enforcement by state courts of racially discriminatory restrictive agreements may be deemed to be the acts of those States; and, if so, whether that action denies petitioners equal protection of the laws which the Fourteenth Amendment was intended to safeguard. 341 U.S. at 18. The Court unequivocally held that it was:

> We have no doubt that there has been state action in these cases in the full and complete sense of the phrase. The undisputed facts disclose that petitioners were willing purchasers of properties upon which they desired to establish homes. The owners of the properties were willing sellers; and contracts of sale were accordingly consummated. It is clear that but for the active

> intervention of the state courts, supported by the full panoply of state power, petitioners would have been free to occupy the properties in question without restraint.

Id. See also Gerber v. Longboat Harbour N. Condo., Inc., 757 F. Supp. 1339, 1341 (M.D. Fla. 1991) ("[B]y applying the principles enumerated in *Shelley v. Kraemer*, 334 U.S. 1 (1947), this Court found and continues to find that judicial enforcement of private agreements contained in a declaration of condominium constitutes state action and brings the heretofore private conduct within the scope of the Fourteenth Amendment, through which the First Amendment guarantee of free speech is made applicable to the states.")

The circuit court's TIO deprives Appellant, Coastal Family Church, and its religious congregants of the constitutional right to religious exercise, assembly, and speech. It is a total prohibition on religious worship and deprives the Church and its congregants of the ability to follow their sincerely held religious beliefs. (*See* Gourlay Decl., ¶¶14–22.) "[B]ut for the active intervention of the state courts, supported by the full panoply of state power," Appellant would remain free to occupy Unit 1 without restraint, to host religious worship services, to exercise their sincerely held religious beliefs, and

to gather together to follow the commands of Scripture. (*Id.*) The circuit court's TIO prohibits them from doing all of this, and there can be no more of a substantial burden than that.

Appellant, Coastal Family Church, and its religious congregants desire to use its building for religious worship services is plainly religious exercise. The party claiming that a government action constitutes a violation of FRFRA or RLUIPA 'bears the initial burden of showing that a regulation constitutes a substantial burden on his or her exercise of religion.'" *Westgate Tabernacle*, 14 So.3d at 1031 (quoting *Warner v. City of Boca Raton*, 887 So.2d 1023, 1034 (Fla. 2004)). Appellant's religious worship services plainly qualify as the exercise of religion. RLUIPA's definition of religious exercise includes the following: "The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose." 42 U.S.C. 2000cc-5(5)(B). The circuit court's TIO "substantially burden[s] the congregants' sincerely held religious practices—and *plainly so. Religion motivates the worship services*." *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610, 613 (6th Cir. 2020) (emphasis added).

A substantial burden exists where, as the circuit court's TIO does here, the regulation "either compels the religious adherent to engage in conduct that his religion forbids or forbids him to engage in conduct that his religion requires." *Warner*, 887 So.2d at 1033 (citing *Mack v. O'Leary*, 80 F.3d 1175, 1178 (7th Cir. 1996)).

"Once that [substantial burden] threshold determination has been made, the government bears the burden of establishing that the regulation furthers a compelling government interest and is the least restrictive means of furthering that interest." *Warner*, 887 So.2d at 1034 (citing Fla. Stat. §§761.02(3), 761.03(1) (2003)). Summarily, the regulation is subject to strict scrutiny, *id.* at 1033, "the most demanding test known to constitutional law." *City of Boerne*, 521 U.S. at 534. The circuit court's TIO unquestionably fails that standard.

A government action, such as the circuit court's TIO here, is not supported by a compelling interest where it leaves the same conduct engaged in from a nonreligious perspective unrestrained. *E.g.*, *Tandon*, 593 U.S. at 63–63. And, more fatally, even if there was some compelling interest in enjoining religious worship services on the basis of a null and void restrictive covenant, which there is not, "[i]t is not enough to show that the Government's ends are compelling;

the means must be carefully tailored to achieve those ends." *Sable Commc'ns of Cal., Inc. v. FCC*, 492 U.S. 115, 126 (1989). Again, total prohibitions on constitutionally protected speech are substantially broader than any conceivable government interest could justify. *Bd. of Airport Comm'rs of City of L.A. v. Jews for Jesus, Inc.*, 482 U.S. 569, 574 (1987). Indeed, a narrowly tailored regulation of speech is one that achieves the government's interest "without unnecessarily interfering with First Amendment freedoms." *Sable*, 492 U.S. at 127. The circuit court's TIO runs roughshod over the First Amendment rights of Appellant, Coastal Family Church, and its religious congregants, and it is *ipso facto* not the least restrictive means. It therefore fails strict scrutiny, and Appellant is likely to prevail on his appeal that the circuit court's TIO violates Florida RFRA. Still, the Fifth District opted not to engage this topic. Neither a transcript nor a record are needed to inform a court that a categorical prohibition on speech, assembly, and religious exercise fails strict scrutiny.

II. Appellant has suffered, is suffering, and will continue to suffer irreparable constitutional injury absent a stay.

As demonstrated *supra* in the Urgencies Justifying Relief section, the circuit court's TIO, "by effectively barring many from

attending religious services, strike at the very heart of the First Amendment's guarantee of religious liberty." *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 68 (2020). It bears repeating, "[t]here can be no question that the challenged [TIO] restrictions, if enforced, will cause irreparable harm." *Catholic Diocese*, 592 U.S. at 67. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitute irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). *See also Catholic Diocese*, 592 U.S. at 67 (same). And, when "the great majority of those who wish to attend [Coastal Family Church] will be barred," *id.* at 67–68, as is true under the circuit court's TIO, irreparable harm in unquestionable.

As a result of the circuit court's TIO, the Fifth District's February 13th Order, and facing the extraordinary weight of contempt, Appellant suffered the following irreparable harm:

(1) being forced on an emergency basis to inform each congregant of Coastal Family Church that a court in Florida had prohibited them from gathering together for religious worship services on both Sunday Janaury 25th, 2026, and Feburary 15th, 2026 (Gorley Decl., ¶2);

(2) being forced to inform the congregants of Coastal Family Church that a Florida court's order had prohibited them from gathering for the reading of Scripture, prayer, the singing of hymns, communal worship, communion, fellowship, or any other form of religious assembly on both Sunday Janaury 25th, 2026, and Feburary 15th, 2026;

(3) being forced to stand in the parking lot of their religious sanctuary in the event their congregants did not get the message that a Florida court had prohibited them from gathering for religious worship services on both Sunday Janaury 25th, 2026, and Feburary 15th, 2026 (Gourlay Decl., ¶4);

(4) being forced to turn religious congregants away from the Church in violation of their belief that Scripture requires letting "whosoever will" come, *Revelation* 22:17;

(5) being forced to turn away five first time visiting families from the church in violation of their belief that Scripture requires them to "[a]ccept one another, then, just as Christ accepted you, in order to bring praise to God." *Romans* 15:7;

(6) being forced to relocate a marriage event scheduled for February 14, 2026, at the church planned for approximately 160 individuals;

(7) being forced to turn away a congregant's family, after congregant passed away on Sunday February 15, 2026, and wished to have a memorial service at the the church;

(8) being forced to relocate or cancel Men's breakfast events, young adult ministry meetings, youth ministry meetings, weekly bible school programs, and bible study programs;

(9) sacrificing two Sundays of cherished religious worship services and losing eternally significant time;

(10) facing the weighty arm of the State with law enforcement showing up to ensure they did not engage in religious worship, read Scripture, receive communion, pray, or fellowship;

(11) being forced to violate Coastal Family Church's sincere religious beliefs that they are not to forsake the assembling of themselves together," *Hebrews* 10:25; and

(12) being forced to violate their religious beliefs to reinforce their faith and their bonds with the faithful through religious assemblies.

Every bit of this injury is not only eternally significant to Appellant, Coastal Family Church, and its religious congregants, but it is constitutionally irreparable. The Court should grant the motion and stay the circuit court's TIO pending review. Only a stay can ameliorate the unconstitutional, unconscionable, and unlawful injury being thrust on Appellants each and every day.

CONCLUSION

Appellant ends where he began by noting that, sometimes, "a picture is worth a thousand words." *Reynolds v. Belk, Inc.*, -- So.3d --, 2025 WL 3685549, *1 (Fla. 5th DCA Dec. 19, 2025).

(Gourlay Decl., ¶6.)

A picture may be worth a thousand words, but the picture here "merit[s] only three words:" **Stayed Pending Review.** *Reynolds*, 2025 WL 3685549, at *1. This Court should grant the instant Motion and stay the circuit court's TIO immediately.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with all applicable font and word count requirements. It was prepared in 14-point Bookman Old Style font and conforms with Fla. R. App. P. 9.045.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by electronic service through the Florida Courts E-Filing Portal on this 17th day of February, 2026, to all counsel of record, including the following:

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