UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

Kelly L. Stephens Clerk 100 EAST FIFTH STREET, ROOM 540 POTTER STEWART U.S. COURTHOUSE CINCINNATI, OHIO 45202-3988

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Filed: July 12, 2024

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Mr. Andrew Jay Schwartzman

Ms. Helgi C. Walker

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Case No. 24-7000/24-3449/24-3450/24-3497/24-3508/

Re: 24-3510/24-3511/24-3519/24-3538,

MCP No. 185 Open Internet Rule (FCC 24-52)

Originating Case No. 24-52

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Robin L Baker Case Manager Direct Dial No. 513-564-7014

cc: Mr. Russell Balikian

Mr. Jonathan Bond

Mr. Jeremy Joseph Broggi

Ms. Sarah Citrin

Mr. Charles S Dameron

Mr. Boyd Garriott

Mr. Jeffrey Matthew Harris

Ms. Zoe A. Jacoby

Mr. Jacob M. Lewis

Mr. Roman Martinez

Mr. Thomas Ryan McCarthy

Mr. Matthew Murchison

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Mr. Robert B. Nicholson

Mr. James Bradford Ramsay

Ms. Morgan L. Ratner Mr. Kevin K. Russell

Mr. Max Schulman

Mr. Joshua Scott Turner

Enclosure

No. 24-7000

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

FILEDJul 12, 2024
KELLY L. STEPHENS, Clerk

(3 of 3)

In re: MCP No. 185; FEDERAL)	
COMMUNICATIONS COMMISSION, IN THE)	
MATTER OF SAFEGUARDING AND)	
SECURING THE OPEN INTERNET,)	
DECLARATORY RULING, ORDER, REPORT)	<u>O R D E R</u>
AND ORDER, AND ORDER ON)	
RECONSIDERATION, FCC 24-52, 89 Fed. Reg.)	
45404, Published May 22, 2024.)	

Before: SUTTON, Chief Judge; CLAY and DAVIS, Circuit Judges.

Multiple broadband providers have filed a motion to stay the Federal Communications Commisssion's ("FCC") declaratory order *Safeguarding and Securing the Open Internet*, 89 Fed. Reg. 45404 (May 22, 2024). To provide sufficient opportunity to consider the merits of the motion to stay the FCC's order, we conclude that an administrative stay is warranted. *See Brady v. Nat'l Football League*, 638 F.3d 1004, 1005 (8th Cir. 2011) (collecting cases). The FCC's order is hereby temporarily stayed until August 5, 2024. In the interim, the panel would be grateful for supplemental briefs by the parties with respect to the application of stare decisis and *National Cable & Telecom. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967 (2005), to this dispute, filed no later than July 19, 2024.

ENTERED BY ORDER OF THE COURT

Kelly L. Sterhens, Clerk