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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

CHRISTOPHER KOHLS, et al., Plaintiffs, **v.** ROB BONTA, in His Official Capacity as Attorney General of the State of California, and SHIRLEY N. WEBER, in Her Official Capacity as California Secretary of State, Defendants.	Case No. 2:24-cv-02527-JAM-CKD **STIPULATION AND ORDER REGARDING AB 2655 ENFORCEMENT** Dept: 6 Judge: The Honorable John A. Mendez Trial Date: Not scheduled Action Filed: 9/17/2024

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Plaintiffs Christopher Kohls, The Babylon Bee, LLC, and Kelly Chiang Rickert, and Defendants Attorney General Rob Bonta and Secretary of State Shirley N. Weber, by and through their respective counsel, agree and stipulate as follows:

1. On August 5, 2025, the Court held a hearing on Plaintiffs' Motion for Summary Judgment Against Assembly Bill ("AB") 2655 (ECF No. 46) and Defendants' Cross-Motion for Summary Judgment on AB 2655 (ECF. No. 49).

2. At the hearing, the Court ruled from the bench and (1) granted Plaintiffs' Motion for Summary Judgment because AB 2655 violates and is preempted by Section 230 of the Communications Decency Act of 1996 (47 U.S.C. § 230) and (2) denied Defendants' Cross-Motion for Summary Judgment for the reasons stated on the record during oral argument on August 5, 2025.

3. After the Court issued its ruling at the August 5, 2025 hearing, the Parties met and conferred at the Court's direction about Plaintiffs' constitutional claims against AB 2655.

4. As a result of that process, Defendants have agreed to not to enforce AB 2655 against any "provider" of "an interactive computer service," as those terms are defined in 47 U.S.C. § 230(c) and § 230(f)(2).

5. In light of this agreement, the Court need not address the Parties' Cross-Motions for Summary Judgment as to the constitutionality of AB 2655 under (1) the First Amendment to the United States Constitution, (2) Article I, Section 2, of the California Constitution, or (3) the First and Fourteenth Amendments to the United States Constitution on vagueness grounds at this time.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that:

1. Defendants shall not enforce AB 2655, in its entirety, against any "provider" of "an interactive computer service," as those terms are defined in 47 U.S.C. § 230(c) and § 230(f)(2). Such providers include Facebook, Instagram, and YouTube.

2. This agreement shall take effect immediately.

3. If Defendants appeal from the final judgment entered in this matter and an appellate court vacates the judgment granted as to AB 2655, this agreement shall terminate.

4. A proposed order is attached to this joint stipulation.

Dated: August 27, 2025

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER KOHLS, et al., Plaintiffs, **v.** **ROB BONTA, in His Official Capacity as Attorney General of the State of California, and SHIRLEY N. WEBER, in Her Official Capacity as California Secretary of State,** Defendants.	Case No. 2:24-cv-02527-JAM-CKD **ORDER ON STIPULATION REGARDING AB 2655 ENFORCEMENT**

Before the Court is the Parties' Joint Stipulation Regarding AB 2655 Enforcement. Having considered the Parties' Joint Stipulation, the Court hereby ORDERS:

1. Defendants Attorney General Rob Bonta and Secretary of State Shirley N. Weber, in their official capacities, shall not enforce AB 2655, in its entirety, against any "provider" of "an interactive computer service," as those terms are defined in 47 U.S.C. § 230(c) and § 230(f)(2). Such providers include Facebook, Instagram, and YouTube.

2. In light of this the Court need not address the Parties' Cross-Motions for Summary Judgment as to the constitutionality of AB 2655 under (1) the First Amendment to the United

States Constitution, (2) Article I, Section 2, of the California Constitution, or (3) the First and Fourteenth Amendments to the United States Constitution on vagueness grounds at this time.

3. This Order shall take immediate effect. If Defendants appeal from the final judgment entered in this matter and an appellate court vacates the judgment granted as to AB 2655, this Order shall terminate.

August 28, 2025

JOHN A. MENDEZ,
SENIOR UNITED STATES DISTRICT JUDGE