

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FREE SPEECH FOUNDATION,  
INC. and JOSEPH GILBERT, an  
Arizona nonprofit corporation,

Plaintiffs,

v.

Case No.: 2:22-cv-714-SPC-NPM

SIMONE GOLD,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

This Order follows up on matters addressed at today's status conference.

At the conference, Defendant represented she planned to file a motion to dismiss pursuant to [Fed. R. Civ P. 12\(b\)\(1\)](#). The Court informed the parties that it would set relevant deadlines concerning both Plaintiffs' Verified Motion for Restraining Order and Preliminary Injunction ([Doc. 7](#)) and Defendant's prospective motion to dismiss when the Court received Defendant's motion.

Now before the Court is both Plaintiffs' Verified Motion for Restraining Order and Preliminary Injunction ([Doc. 7](#)) and Defendant's Motion to Dismiss

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<sup>1</sup> Disclaimer: Papers hyperlinked to CM/ECF may be subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or their services or products, nor does it have any agreements with them. The Court is not responsible for a hyperlink's functionality, and a failed hyperlink does not affect this Order.

Pursuant to [Fed. R. Civ. P. 12\(b\)\(1\) \(Doc. 24\)](#). Due to a dispute as to the threshold issue of the Court's jurisdiction, the Court will not schedule a preliminary injunction hearing at this time. The Court will set deadlines for Defendant to respond to Plaintiffs' Verified Motion for Restraining Order and Preliminary Injunction ([Doc. 7](#)) and for Plaintiffs to respond to Defendant's Motion to Dismiss Pursuant to [Fed. R. Civ. P. 12\(b\)\(1\) \(Doc. 24\)](#).

The Court will take under advisement all documentation that has (and will) come before it regarding jurisdiction. If the Court determines it has jurisdiction, the Court will expeditiously schedule a preliminary injunction hearing.

Accordingly, it is now **ORDERED**:

1. Plaintiffs shall respond to Defendant's Motion to Dismiss Pursuant to [Fed. R. Civ. P. 12\(b\)\(1\) \(Doc. 24\)](#) on or before **noon on November 23, 2022**.
2. Defendant shall respond to Plaintiffs' Verified Motion for Restraining Order and Preliminary Injunction ([Doc. 7](#)) on or before **December 2, 2022**.

**DONE** and **ORDERED** in Fort Myers, Florida on November 18, 2022.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record