

**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

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: July 12, 2024

Mr. Matthew Brill
Mr. Andrew W. Chang
Mr. Thomas M. Johnson Jr.
Mr. Albert H. Kramer
Mr. Jeffrey A. Lamken
Mr. Scott Matthew Noveck
Mr. Andrew Jay Schwartzman
Ms. Helgi C. Walker
Mr. Jeffrey Bryan Wall

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

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

FILED
Jul 12, 2024
KELLY L. STEPHENS, Clerk

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

ORDER

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

Multiple broadband providers have filed a motion to stay the Federal Communications Commission’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. Stephens, Clerk