

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

JOHN W. LICCIONE,

Plaintiff,

vs.

Case No.: 26-002751-CI

RON DESANTIS, et. al.,

Defendants.

**ORDER DENYING PLAINTIFF'S REQUEST
FOR EX PARTE TEMPORARY INJUNCTION**

THIS MATTER is before the Court on Plaintiff's Emergency Motion for Temporary Injunction ("Motion")¹ dated May 5, 2026. Having considered the Motion, the case file, the applicable law, and being otherwise fully advised in the premises, the Court hereby **FINDS** as follows:

Introduction

Plaintiff initiated the instant matter on May 4, 2026. The Complaint characterizes this case as "an emergency action for declaratory and injunctive relief challenging the congressional redistricting plan identified by the Florida Senate as EOGPCRP20265...as an unconstitutional incumbent-protection and partisan gerrymander under Article III, Section 20 of the Florida Constitution." Compl. ¶ 2. On May 5, 2026, Plaintiff filed the Motion now before this Court, which seeks "entry of a temporary injunction prohibiting Defendants from implementing EOGPCRP2026 / House Bill 1-D in the 2026 congressional election cycle." Mot. at 1. Plaintiff specifically seeks a

¹ The full title of the Motion is Plaintiff's Emergency Motion for Temporary Injunction under Fla. R. Civ. P. 1.610, Requesting (I) Immediate Temporary Injunction without Notice under Rule 1.610(a); (II) Temporary Injunction with Notice under Rule 1.610(b) after Emergency Hearing within Fourteen Days; and (III) Waiver of Bond Requirement.

temporary injunction without notice² to Defendants pursuant to Florida Rule of Civil Procedure 1.610(a)(1). *See* Mot. at 1 ("Plaintiff requests immediate entry of a temporary injunction without notice"). On May 26, 2026, Plaintiff filed a document entitled Plaintiff's Verified Emergency Motion to Deem Service Effective on Defendant DeSantis and to Proceed on the Pending Emergency Motion for Temporary Injunction ("Subsequent Motion"). The Court now takes up the issue of Plaintiff's request for a temporary injunction without notice. For the reasons stated herein, Plaintiff's request is denied.

Legal Standard

"Ex parte orders are antithetical to precious due process rights." *Smith v. Knight*, 679 So. 2d 359, 361 (Fla. 4th DCA 1996). However, rule 1.610 permits a court, under certain circumstances, to grant a temporary injunction on an *ex parte* basis without notice or an evidentiary hearing. *Thomas v. Osler Med., Inc.*, 963 So. 2d 896, 899 (Fla. 5th DCA 2007) (citation omitted). "A temporary injunction without notice is an extraordinary remedy that should be granted sparingly." *Smith*, 679 So. 2d at 361 (citing *State v. Beeler*, 530 So. 2d 932, 933 (Fla. 1988)). *See also Minimatic Components, Inc. v. Westinghouse Elec. Corp.*, 494 So. 2d 303, 304 (Fla. 4th DCA 1986) (noting that an *ex parte* temporary injunction is available only under "very limited circumstances"). As such, "[s]trict compliance with Florida Rule of Civil Procedure 1.610 is required" in order for a temporary injunction to issue. *Wayne's Aggregate & Materials, LLC v. Lopez*, 391 So. 3d 633, 636 (Fla. 5th DCA 2024) (citation omitted).

On the issue of *ex parte* temporary injunctions, rule 1.610 states the following:

(a) Temporary Injunction.

(1) A temporary injunction may be granted without written or oral notice to the adverse party only if:

² This order uses "ex parte temporary injunction" and "temporary injunction without notice" interchangeably.

(A) it appears from the *specific facts* shown by affidavit or verified pleading that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition[.]

Fla. R. Civ. P. 1.610(a)(1)(A) (emphasis added). Generalities and conclusory statements are insufficient to support the issuance of an *ex parte* temporary injunction. *See, e.g., City of Boca Raton v. Boca Raton Airport Auth.*, 768 So. 2d 1191, 1193 (Fla. 4th DCA 2000) (reversing an *ex parte* temporary injunction where "[t]he pleading discussed potential injury only in generalities, not the 'specific facts' required by Florida Rule of Civil Procedure 1.610(a)(1)(A)"); *Angelino v. Santa Barbara Enterprises, LLC*, 2 So. 3d 1100, 1103 (Fla. 3d DCA 2009) ("A temporary injunction that merely recites legal conclusions is insufficient to support its entry."). Pursuant to Florida Rule of Civil Procedure 1.610(a)(2), no evidence other than the affidavit or verified pleading is to be used to support an application for a temporary injunction if the adverse party is not noticed for a hearing. *Gray v. Gray*, 958 So. 2d 955, 957 (Fla. 1st DCA 2007).

The process of obtaining a temporary injunction without notice "may only be utilized if the facts shown in an affidavit or verified pleading reflect that immediate and irreparable injury, loss or damage would result before the adverse party could be heard in opposition." *Seminole Cty. Sch. Bd. v. Downey*, 59 So. 3d 1156, 1159 (Fla. 5th DCA 2011). *See also Burtman v. Tech. Chemicals & Products, Inc.*, 724 So. 2d 672, 676–77 (Fla. 4th DCA 1999) ("Florida Rule of Civil Procedure 1.610(a)(1)(A) requires a showing of 'immediate and irreparable injury, loss, or damage' as a precondition to the *ex parte* issuance of a temporary injunction."). "[A] motion seeking an *ex parte* temporary injunction...must demonstrate how and why providing reasonable notice would actually accelerate, precipitate, or otherwise permit the threatened irreparable injury to occur," *Smith v. Crider*, 932 So. 2d 393, 397 (Fla. 2d DCA 2006) (citation omitted) or "that the time

required to notice a hearing would actually permit the threatened irreparable injury to occur." *Smith*, 679 So. 2d at 361.

The burden placed on the party moving for an *ex parte* temporary injunction has been described as "heavy." *See McKeegan v. Ernst*, 84 So. 3d 1229, 1230 (Fla. 4th DCA 2012) ("Additionally, appellant argues and we agree that her due process right to notice and an opportunity to be heard were violated because appellees did not meet their heavy burden to establish that notice was not required."). Rule 1.610(a) "requires a showing to a substantial certainty that immediate and irreparable damage *will* result unless the temporary injunction is issued." *Minimatic Components*, 494 So. 2d at 304. Accordingly, the specific facts relied upon by the movant must be "strong" and "clear." *See Beeler*, 530 So. 2d at 933; *Smith*, 679 So. 2d at 361.

An *ex parte* temporary injunction is generally warranted "where notice of a hearing will prompt a defendant to destroy records, cause unsecured assets to be liquidated in the context of a fraudulent enterprise, or precipitate the disposal of the major asset of a partnership subject to an accounting." *Boca Raton Airport Auth.*, 768 So. 2d at 1193 (citations and footnotes omitted). No such injunction should be entered "unless an immediate threat of irreparable injury exists, which forecloses [an] opportunity to give reasonable notice and in which a subsequent remedy for damages or other relief would be inadequate." *Lieberman v. Marshall*, 236 So. 2d 120, 125 (Fla. 1970). *See also Boca Raton Airport Auth.*, 768 So. 2d at 1192 ("A trial court should issue an *ex parte* injunction only where there exists an immediate threat of irreparable injury which forecloses opportunity to give reasonable notice." (citations and internal quotation marks omitted)). "[C]ontinuing, generalized damage generally does not justify the issuance of an *ex parte* injunction." *Smith*, 679 So. 2d at 362.

Analysis

In requesting the issuance of an *ex parte* preliminary injunction, the threshold issue is whether Plaintiff has made the showing required by rule 1.610(a)(1)(A). Affidavits and verified pleadings are the only evidence this Court may consider in adjudicating this issue. Here, Plaintiff filed a verified complaint, but Plaintiff's Motion is unverified and not supported by an affidavit. Accordingly, the Court is not permitted to consider any factual statements or averments made in the Motion which do not appear in the verified complaint. To the extent Plaintiff's Subsequent Motion dated May 26, 2028 contains any additional factual statements or averments beyond those in the verified complaint, the Court is precluded from considering such. First, the Subsequent Motion is not a pleading. *See Gannon v. Cuckler*, 281 So. 3d 587, 596 (Fla. 2d DCA 2019) ("A motion is not a pleading within the meaning of the civil rules." (citations omitted)). Next, the Subsequent Motion is not supported by an affidavit. Assuming *arguendo* that the verification of the Subsequent Motion acts as a substitute for a formal affidavit, the language of the verification is clearly limited to facts and averments regarding the sufficiency of service upon Defendant, RON DESANTIS and fails to mention the portions of the Subsequent Motion which pertain to the injunction issue. Given the foregoing, the verified complaint is the only document which the Court is permitted to review in analyzing Plaintiff's request for an *ex parte* temporary injunction.

Plaintiff's verified complaint fails to articulate specific facts sufficient to support the entry of an *ex parte* temporary injunction. In particular, it fails to demonstrate that providing notice to Defendants for a hearing would accelerate or precipitate the injuries complained of by Plaintiff or that the time required to notice a hearing would permit the threatened irreparable injury to occur. As Plaintiff admits in the verified pleading, the law Plaintiff seeks to enjoin went into effect on May 4, 2026, thus binding Defendants, CORD BYRD and JULIE MARCUS to implement the

law. Plaintiff claims that the passage of time harms his campaign as a candidate for a federal congressional seat. Absent from Plaintiff's verified complaint are any specific facts which support the notion that Defendants would somehow accelerate or precipitate his alleged injuries if they received notice of a hearing on Plaintiff's request for injunction. For example, Plaintiff has not alleged that Defendants would accelerate implementation of the contested congressional map if they were notified of a hearing on Plaintiff's request for a temporary injunction.

Additionally, the only impediment preventing Plaintiff from noticing a prompt hearing on his request for a temporary injunction is incomplete service of process on all Defendants. The record reflects service on and an appearance by Defendant, JULIE MARCUS. However, there is currently no valid proof of service in the record for Defendants, RON DESANTIS and CORD BYRD.³ The Court cannot set a hearing until Plaintiff has served all Defendants and ensured that proper proof thereof has been filed with the court. *See, e.g., Re-Employment Services, Ltd. v. Nat'l Loan Acquisitions Co.*, 969 So. 2d 467, 471 (Fla. 5th DCA 2007) ("The court cannot proceed in a matter until proper proof of valid service is made."). Moreover, this Court does not have personal jurisdiction over Defendants, RON DESANTIS and CORD BYRD without valid proof of service. Accordingly, this Court has no authority to enter a temporary injunction against them. *See Smith*, 679 So. 2d at 361 ("[U]nless a court has acquired personal jurisdiction over a defendant by service of process, a court may not use its contempt power against the defendant to enforce a temporary injunction." (citations omitted)).

Because service of process is an obligation which rests upon Plaintiff, Defendants bear no responsibility for any delay in scheduling a hearing on Plaintiff's request for a temporary

³ The Court recognizes that Plaintiff has filed exhibits suggesting that Defendant, CORD BYRD has been served by Plaintiff's process server. However, Plaintiff's process server has yet to file an affidavit of service with the Court as required by Florida Rule of Civil Procedure 1.070(b). The Court cannot accept an email notification from Plaintiff as proof of service.

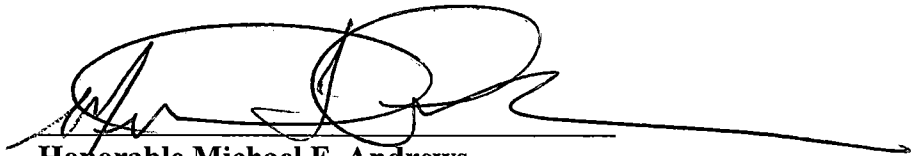
injunction. Furthermore, Plaintiff has acknowledged in his verified complaint that the new congressional map is already operative law. Therefore, many of Plaintiff's alleged injuries have already occurred, at least in part. Although the Court recognizes the urgency of disputes regarding forthcoming elections under the new congressional map, the verified complaint does not contain specific facts which lead this Court to conclude that the time required to notice a hearing would permit the threatened irreparable injury to occur. Although Plaintiff alleges that the passage of time exacerbates such harm, this alone is not sufficient to justify the entry of an *ex parte* injunction. Such an allegation is more consistent with a generalized, continuing harm, which is distinct from the immediate and irreparable injury required for the issuance of an *ex parte* injunction.

Accordingly, it is

ORDERED and ADJUDGED:

1. Plaintiff's Motion is **DENIED**.
2. Plaintiff's Subsequent Motion dated May 26, 2026 is further **DENIED** to the extent it seeks the same relief identified in Plaintiff's Motion dated May 5, 2026.
3. The Court's ruling herein is limited to an adjudication that the extraordinary remedy of an *ex parte* temporary injunction is unwarranted.

DONE and ORDERED in Chambers, in Clearwater, Pinellas County, Florida this 1 day ^{JUNE} of May, 2026.



Honorable Michael F. Andrews
Circuit Civil Judge

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