

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

**JOHN WILLIAM LICCIONE,**

**Plaintiff,**

v.

**Case No.: 24-003939-CI**

**CATHY SALUSTRI-LOPER, et al.,**

**Defendants.**

\_\_\_\_\_ /

**MOTION TO STAY COLLATERAL PROCEEDINGS PENDING APPEAL**

Plaintiff, John Liccione, pro se, pursuant to Florida Rule of Appellate Procedure 9.310(a) and the Court's inherent authority to preserve the status quo pending appellate review, respectfully moves for entry of an order staying specified collateral proceedings pending appeal, and states as follows:

**I. PROCEDURAL BACKGROUND**

1. On January 29, 2026, the Court rendered an Order Granting Defendants' Motion to Dismiss Third Amended Complaint, dismissing the action with prejudice and reserving jurisdiction to determine the amount of attorney's fees and costs under the Anti-SLAPP statute.
2. On February 2, 2026, Plaintiff filed a timely Notice of Appeal, invoking the jurisdiction of the Florida Second District Court of Appeal over the dismissal order.
3. On February 3, 2026, Plaintiff filed an Application for Determination of Civil Indigent Status pursuant to section 57.082, Florida Statutes and a Notice of filing the application, seeking waiver of appellate fees.

## **II. Limited Scope of Requested Stay**

4. Plaintiff seeks a stay only of collateral proceedings that may otherwise proceed notwithstanding the appeal and does not at this time seek reconsideration, modification, or alteration of the dismissal order itself.
5. Specifically, Plaintiff requests a stay of the following proceedings pending appellate resolution:
  - a. Any proceedings to determine the amount of attorney's fees or costs under the Anti-SLAPP statute;
  - b. Entry or enforcement of any attorney's-fees or costs judgment;
  - c. Any requirement that Plaintiff post a bond, security, or other financial condition; and
  - d. Any proceedings seeking to designate Plaintiff as a vexatious litigant or impose related financial sanctions, including proceedings under §68.093, Florida Statutes, as referenced in Defendants' November 18, 2025 motion. No hearing has been scheduled and no preliminary determination has been made with respect to any such request.
6. Plaintiff does not seek to stay ministerial actions necessary for preparation or transmission of the appellate record.

## **III. GOVERNING LEGAL STANDARD**

7. Under Florida Rule of Appellate Procedure 9.310(a), the trial court has discretion to grant a stay pending appeal and to condition such relief on a bond, other conditions, or both. See *Platt v. Russek*, 921 So. 2d 5, 6–7 (Fla. 2d DCA 2004).

8. Although the filing of a notice of appeal divests the trial court of jurisdiction over the merits, the court retains discretion to stay collateral matters where necessary to protect appellate jurisdiction and avoid irreparable injury.

#### **IV. GROUNDS SUPPORTING STAY**

##### **A. Irreparable Harm Absent a Stay**

9. Plaintiff's sole income is SSDI (\$3,561 monthly + \$16.55 dividends/interest), with negative net worth ~-\$13,456, \$27,696 unsecured debt, \$791 monthly debt service, and \$3,582 expenses exceeding income. Liquid assets ~\$11,240 are exempt SSDI funds (42 U.S.C. §407; *Philpott v. Essex County Welfare Bd.*, 409 U.S. 413 (1973)).
10. Proceeding with attorney's-fees litigation and/or enforcement during the pendency of the appeal would impose immediate and irreparable financial harm that cannot be remedied by later appellate relief.
11. Proceeding with collateral matters at this stage—particularly attorney's fees, security, bond, or related enforcement mechanisms—would operate as a practical denial of appellate review. Any requirement that Plaintiff post security or defend fee proceedings now would impose conditions Plaintiff cannot satisfy, effectively coercing abandonment of the appeal rather than permitting review on the merits. Florida courts recognize that a stay is appropriate where post-judgment proceedings would undermine meaningful access to appellate relief, especially where the plaintiff/appellant is indigent, no fee judgment has been entered, and the amount and entitlement to fees remain unresolved. Currently, no attorney's-fees or vexatious litigation hearing has been scheduled, no money judgment has been entered, and no reasonable fee amount has been adjudicated.

12. Proceeding with collateral matters such as attorneys' fees or security before appellate review risks entrenching financial and procedural consequences that cannot be unwound if the dismissal is reversed. A limited stay preserves the status quo and ensures that the appeal remains capable of affording meaningful relief.
13. These concerns are heightened in the Anti-SLAPP context, where the statute creates a substantive protection against being subjected to unnecessary litigation and its attendant burdens. See *Gundel v. AV Homes, Inc.*, 264 So. 3d 304, 305–06 (Fla. 2d DCA 2019) (recognizing that the Anti-SLAPP statute is intended to prevent defendants from being forced to incur litigation costs and burdens that cannot be meaningfully remedied after the fact). While Defendants may seek fees if the dismissal is affirmed, compelling an indigent appellant to litigate or secure a prospective fee award or bond while appellate review is pending would invert the statute's structure by transforming a fee-shifting mechanism into a barrier to appellate access. A temporary stay of collateral proceedings avoids that result without prejudicing Defendants' ability to pursue fees following appellate resolution.

#### **B. Preservation of Appellate Jurisdiction and Judicial Economy**

14. If the dismissal order is reversed or vacated on appeal, any attorney's-fees proceedings conducted in the interim would have been unnecessary, resulting in avoidable expense and wasted judicial resources. A stay preserves the status quo and avoids piecemeal litigation during appellate review.

#### **C. Bond or Security Should Be Waived**

15. Because the Court has reserved jurisdiction to consider attorneys' fees, the prospective fee exposure in this matter is substantial and continuing. Based on the duration and scope of the proceedings to date, any resulting fee judgment could reasonably be estimated to exceed

\$75,000, exclusive of interest. Under ordinary appellate practice, any supersedeas bond or other security would be expected to secure the full amount of any prospective judgment, together with interest. Any requirement that Plaintiff post such a bond would, as a practical matter, be unattainable, because commercial sureties typically require significant non-exempt collateral in addition to an immediate cash premium—conditions Plaintiff cannot satisfy given his indigency and exempt income—and would therefore operate as a de facto denial of appellate review.

16. Plaintiff has filed an application for a determination of civil indigent status under section 57.082, Florida Statutes. See *Platt v. Russek*, 921 So. 2d 5, 6 (Fla. 2d DCA 2004) ("Although the trial court has discretion to waive the bond requirement, it must consider whether the appellees would be prejudiced by the stay.")
17. Requiring Plaintiff to post a supersedeas bond or other security would be impossible without diverting exempt SSDI funds from basic living expenses and would effectively deny appellate review. Moreover, because Defendants are a media company and its owner, it is reasonable to presume that their liability insurance policy is covering all legal fees and costs incurred to date, resulting in no direct financial prejudice to them from a stay.
18. Accordingly, any stay should be granted without bond, or with bond expressly waived.

## **V. ANTICIPATED OPPOSITION AND DISCRETION TO STAY**

19. While section 768.295 reflects a legislative policy favoring the expeditious resolution of Anti-SLAPP motions and related fee claims, trial courts retain discretion under Florida Rule of Appellate Procedure 9.310(a) to stay collateral fee proceedings pending appeal where necessary to preserve appellate jurisdiction, prevent irreparable harm, and promote judicial economy. Here, appellate review may alter or reverse the dismissal order and its anti-SLAPP

cost shifting regimen, in which event, any interim fee proceedings would have been unnecessary, resulting in avoidable expenditure of judicial and party resources. A limited stay therefore serves the interests of fairness, efficiency, and orderly appellate review without prejudicing Defendants' ability to seek fees following resolution of the appeal.

20. **Good Faith Certification.** This motion is filed in good faith for the limited purpose of preserving the status quo pending appellate review and is not interposed for delay.

**WHEREFORE,** Plaintiff respectfully requests that the Court enter an order:

- A. Staying all collateral proceedings pending appeal, including attorney's-fees proceedings, enforcement actions, bond or security requirements, and vexatious-litigant proceedings;
- B. Waiving any bond or security requirement; and
- C. Granting such other and further relief as the Court deems just and proper.

DATED: February 4, 2026

Respectfully submitted,

**/s/ John W. Liccione**  
John W. Liccione,  
Plaintiff, Pro Se  
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**Attached: Exhibit A: Proposed Order**

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was filed via the Florida e-Filing Portal and served via email to Defendants' counsel, James B. Lake (jlake@tlolawfirm.com), on February 4, 2026.

**/s/ John W. Liccione**