

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

JOHN WILLIAM LICCIONE,

Plaintiff,

vs.

Case No.: 24-003939-CI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections,
et. al.,

Defendants.

THE COURT'S MOTION TO STAY AND ORDER

PLEASE TAKE NOTICE that the Court hereby moves *sua sponte* to stay the instant proceeding.

1. The Court has become aware that Plaintiff filed suit on August 23, 2024 in the United States District Court for the Middle District of Florida, case number 8-24-cv-2005-SDM-NHA ("federal action").

2. The federal action involves many of the same defendants, some of the same claims, and the same nucleus of facts as the instant case.

3. Plaintiff did not file the instant action until September 3, 2024.

4. "Generally, when a state lawsuit is filed that involves the same nucleus of facts as a previously filed federal lawsuit, principles of comity and the desire to avoid inconsistent results require the stay of the subsequently filed state action until the prior filed federal action has been adjudicated." *Roche v. Cyrulnik*, 337 So. 3d 86, 88 (Fla. 3d DCA 2021) (citations omitted). In *OPKO Health, Inc. v. Lipsius*, the Third District of Florida further stated the following:

Although a trial court has broad discretion to order or refuse a stay of an action pending before it, it is nonetheless an abuse of discretion to refuse to stay a subsequently filed state court action in favor of a previously filed federal action which involves the same parties and the same or substantially similar issues. This rule is based on principles of comity.

OPKO Health, Inc. v. Lipsius, 279 So. 3d 787, 791 (Fla. 3d DCA 2019) (citing *Fla. Crushed Stone Co. v. Travelers Indem. Co.*, 632 So. 2d 217, 220 (Fla. 5th DCA 1994)).

5. For this general rule of comity to apply, the causes of action asserted in the two cases need not be identical nor must the two actions have identical parties. *Roche*, 337 So. 3d at 88 (citations omitted).


6. Because Plaintiff filed his federal action prior to the instant case, the Court hereby moves to stay the instant proceeding until Plaintiff's federal action has been adjudicated.

Additionally, it is further **ORDERED** as follows:

1. The Court's Motion to Stay will be heard at the previously-scheduled hearing on **November 12, 2024 at 3:00 P.M.**

2. Any party who opposes the instant Motion is directed to file and serve a written response and memorandum of law opposing the instant Motion. The Court requests that any such opposition also be personally served on the undersigned by **10:00 A.M. on November 12, 2024** at section7@jud6.org.

DONE and ORDERED in Chambers, in St. Petersburg, Pinellas County, Florida this 4th day of November, 2024.


~~24-003939-CI-11/4/2024 1:06:25 PM~~
Circuit Judge Patricia A. Muscarella
~~24-003939-CI-11/4/2024 1:06:25 PM~~
Honorable Patricia A. Muscarella
Circuit Civil Judge

