

**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.

ORDER GRANTING COURT'S MOTION TO STAY

THIS CAUSE came before the Court on November 12, 2024 upon the Court's Motion to Stay ("Motion") dated November 4, 2024, and the Court, having considered the Motion, the case file, the applicable law, the argument of counsel, and being otherwise fully advised in the premises, the Court hereby **FINDS** the following:

1. On August 23, 2024, Plaintiff filed a federal lawsuit in the Middle District of Florida, Case No.: 8:24-cv-02005-SDM-NHA ("the federal lawsuit").
2. On September 3, 2024, Plaintiff initiated the instant lawsuit. The federal lawsuit and the instant lawsuit contain many of the same defendants. Additionally, there is significant factual overlap between the two actions.
3. "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).
4. It is "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.” *OPKO Health, Inc. v. Lipsius*, 279 So. 3d 787, 791 (Fla. 3d DCA 2019) (citation omitted).

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. The federal lawsuit and the instant lawsuit involve the same nucleus of facts, namely allegations of election fraud by the various Defendants as to the August 20, 2024 Democratic primary election for Florida’s 13th Congressional District.

7. Counsel for Defendants stipulated to staying the instant litigation pending the outcome of the federal lawsuit assuming the following conditions were observed: 1) claims against Defendant, JENNIFER GRIFFITH would be transferred to Section 19 and joined with Plaintiff’s prior lawsuit (See Order Granting Court’s Ore Tenus Motion To Consolidate); 2) all Defendants who asserted an anti-SLAPP defense did not waive their right to an expedited hearing if such is necessary upon resolution of the federal lawsuit (see section 768.295(4), Fla. Stat. (2024)).

8. Although Plaintiff has objected to the issuance of a stay, the Court finds that the above-provided rule of comity applies and requires the Court to stay the instant action until the federal lawsuit has been adjudicated.


Accordingly, it is

ORDERED and ADJUDGED:

1. The Court’s Motion is hereby **GRANTED**.
2. Plaintiff is required to file a copy of the final judgment for the federal lawsuit with this Court within **FIVE (5) DAYS** of the final judgment’s date of entry.

3. The Court shall conduct a case management conference in the instant matter within **THIRTY (30) DAYS** of the entry of final judgment in the federal lawsuit to determine which, if any, of Plaintiff's claims in the instant lawsuit require adjudication by this Court. The Court shall hear any remaining anti-SLAPP defenses, if any, at said case management conference.

DONE and ORDERED in Chambers, in Clearwater, Pinellas County, Florida this ____ day of November, 2024.


24-003939-CI-11/20/2024 7:44:03 PM
Circuit Judge Patricia A. Muscarella
24-003939-CI-11/20/2024 7:44:03 PM
Honorable Patricia A. Muscarella
Circuit Civil Judge

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