

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA**

CASE NO. 2022 CA 980

GENERATION TO GENERATION, INC., et al:

Plaintiffs,

v.

STATE OF FLORIDA, RON DeSANTIS et al.:

Defendants.

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**MOTION FOR RECONSIDERATION IN  
TREATING THIS CASE AS A NON-EMERGENCY AND  
TO COMPEL THE DEPOSITION OF DEFENDANT DeSANTIS**

COME NOW, the Plaintiffs by undersigned counsel and request that this Honorable Court reconsider its Order to delay an initial hearing on the Plaintiffs' Motion for Temporary Injunction and to require that the Defendants' Motion to Dismiss be resolved, an answer filed to the Complaint and requiring this case to be "at issue" before a preliminary hearing is granted and further seek an order to compel Defendant DeSantis to be deposed in this matter, and as grounds therefor state:

1. This is a case alleging serious and widespread violations of fundamental rights across the State of Florida, including freedom of religion, free speech, equal rights and the right of privacy since the enactment of HB 5 (hereinafter "The Act"), which places serious restrictions on abortion rights and religious freedom, overturning decades of case precedent.

2. The Florida Supreme Court held that the right to privacy in Florida includes a woman's right to terminate a pregnancy. "The Florida Constitution embodies

the principle that “[f]ew decisions are more personal and intimate, more properly private, or more basic to individual dignity and autonomy, than a woman’s decision . . . whether to end her pregnancy. A woman’s right to make that choice freely is fundamental.” *In re T.W.*, 551 So. 2d 1186, 1192 (Fla. 1989). at 1193 (quoting *Thornburgh v. Am. Coll. of Obstetricians & Gynecologists*, 476 U.S. 747 (1986)).

3. Despite the decision of Dobbs, the opinion of the Florida Supreme Court regarding the importance of the right to abortion and reproductive freedom is still the law of the land in the State of Florida.

4. In Florida and across America, the right to an abortion is considered one of the most basic, fundamental rights that anyone can possess, and this issue played a large factor in the previous election.

5. The provisions of the Act violate the holding of the Florida Supreme Court in *In re T.W.*, which guarantees free access to abortion in most circumstances and instead, places serious restrictions on this fundamental right. Plaintiff alleges the provisions of the Act are unconstitutional, threaten the most basic rights in America of freedom of religion, speech and privacy, and jeopardize the health and lives of women and children across Florida.

6. The unrebutted, sworn affidavit filed in this case by Rabbi Barry Silver indicates that the Act prevents Jews and others from exercising their freedom of religion and prevents millions of women across the state from exercising their most basic rights.

7. Plaintiffs further allege that the provisions of the Act threaten to dismantle

the wall of separation between church and state which our founding fathers erected as the foundation for all other constitutional rights which is fundamental to freedom in America. Accordingly, Plaintiffs allege that this is a case of great public importance.

8. The clerk of courts of Leon County also lists this case as a high profile in Florida in recognition of the serious issues and the level of public attention that has been focused on abortion rights and religious freedom throughout the nation.

9. Plaintiffs allege that every day that the Act remains in effect, the right of privacy, religion and free speech of the Plaintiffs and millions of Floridians are threatened and violated. Plaintiffs further allege that the Act establishes a narrow Christian view about abortion and the beginning of life as the law for all Floridians in violation of the Florida Constitution and the Florida Religious Freedom Restoration Act. All of these sworn allegations have remained unrebutted after many months of litigation.

10. Despite the paramount importance of the issues raised herein and the violation of fundamental rights of millions of women and families, this Court has so far refused to grant the right to even be heard on these issues, and instead suggested in an Order to Show Cause that this case should simply allow another abortion challenge filed by the ACLU and Planned Parenthood on completely different grounds, to run its course, which could take years to resolve, and suggested that the case at bar should be bound by that decision which is unrelated in its legal claims for relief to this case.

11. The undersigned has filed dozens of cases seeking temporary injunctive relief in Florida often involving just one individual, not millions, and issues far less

egregious than the issues raised herein and has been granted a hearing within a few days or weeks in most cases. This inordinate delay in granting a preliminary hearing to the Plaintiffs on such an important issue affecting the basic rights and lives of millions of people is virtually unprecedented.

12. In the ACLU and Planned Parenthood challenge to the Act, Plaintiffs were granted a hearing on their motion for temporary injunction within weeks of their request due to that Court's understanding of the important and serious nature of the challenge to the Act. Similarly, the 1<sup>ST</sup> DCA, recognizing the critical importance of this issue to millions of Floridians, granted extremely expedited consideration of the Appeal and issued an order within days of the filing of the Notice of Appeal.

13. In sharp contrast to the way this issue has been handled by all other courts in Florida and throughout the nation, and contrary to other cases involving far less serious violations affecting one person, rather than millions, this Court has consistently stalled, procrastinated and delayed a preliminary hearing to the Plaintiffs, has stated that the Plaintiffs may not even be granted a hearing, and has determined this case not to constitute an emergency.

14. In South Carolina, State Representative Neal Collins voted to restrict abortion rights in a law similar to the Act challenged herein. When he learned that as the result of that law, a 19-year-old woman may suffer severe and debilitating physical injuries, which he never intended, he told the Legislature, "That weighs on me...I voted for this bill....These are affecting people... I didn't sleep....What we do matters."

15. The South Carolina Supreme Court recently held that the anti-abortion

law which Representative Collins voted to pass is invalid and unenforceable.

16. The Florida ACLU and Planned Parenthood case involves a completely different legal theory and should not determine the outcome of this case.

17. Plaintiffs in the case at bar have alleged in unrebutted, sworn affidavits that the Act is part of an effort to impose a Christian theocracy in Florida. Due to the great harm that such theological tyranny wreaked in Europe, our founding fathers who fashioned our Democracy in America, erected a wall of separation to protect our nation from this dangerous threat. It has been said that “When fascism comes to America, it will be wrapped in a flag and carrying a cross.” Plaintiffs’ allegations thus raise serious, emergency matters.

18. The undersigned has stage 4 cancer and is undergoing difficult treatment for his illness. If this Court continues to delay, the undersigned may be denied the opportunity to be heard and/or to try this case and he and his clients will be severely and irreparably prejudiced.

19. The cavalier attitude of this Court towards the fundamental rights of millions of women, Jews and practitioners of other religions across the State of Florida, whose lives and religious freedom are jeopardized, threatened and/or lost every day that the Act is in effect, reinforces the Plaintiffs’ concerns that they will not get a fair and impartial hearing from this Court as “justice delayed is justice denied.”

20. Without women’s rights, none of our rights are safe. Without freedom of religion, the entire Bill of Rights are rendered meaningless.

21. Defendant DeSantis claims in a campaign ad that on the 8<sup>th</sup> day of

creation, God needed a fighter and so he created DeSantis as God's protector on Earth. If so, then the laws he enacts, such as HB 5 are an effort to promote religion and God's law, which is a violation of Florida RFRA and the Florida Constitution. In a RFRA case, the intent and the purpose of the government in passing restrictions on the religious freedom of others is a highly relevant fact, and the plaintiffs in this case have the right to inquire into such motives when they are clearly and unambiguously expressed by the Defendant himself as the promotion of a religious, not a secular purpose.

22. If Defendant DeSantis believes that God sent him to be his protector on Earth, the Plaintiffs have the right to depose him to inquire as to

- a) Who are the enemies of God that DeSantis is fighting against to protect God;
- b) How DeSantis learned that he is God's protector and the evidence he relies upon to support this claim;
- c) What rules and/or laws God has ordained that DeSantis is enacting in his role as God's protector and whether HB 5 is one of them;
- d) The God of which religion chose DeSantis to be His protector.

WHEREFORE, Plaintiffs respectfully request that this Court grant a hearing forthwith on Plaintiffs Silver, Generation to Generation, Inc, and Sachs' Motion for Injunctive Relief and treat the egregious violations of their rights and the rights of millions of Floridians seriously and not require this case to be "at issue" before the Plaintiffs' rights can be adjudicated. In addition, Plaintiffs request that this Court deny a protective order to Defendant DeSantis and permit the Plaintiffs to take his deposition

forthwith, as the Apex Doctrine does not apply to one who has delusions of being chosen as God's protector and who imposes laws upon the people of Florida based on religious delusion, rather than any legitimate governmental purpose.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of this Motion has been sent via the eportal system this January 20, 2023 to William Stafford, [William.Stafford@myfloridalegal.com](mailto:William.Stafford@myfloridalegal.com), James Percival, [James.Percival@myfloridalegal.com](mailto:James.Percival@myfloridalegal.com); Natalie Christmas, [Natalie.Christmas@myfloridalegal.com](mailto:Natalie.Christmas@myfloridalegal.com), and Elizabeth Teegen, [Elizabeth.Teegen@myfloridalegal.com](mailto:Elizabeth.Teegen@myfloridalegal.com).

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