

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

GAINESVILLE WOMAN CARE,  
LLC, et al.,

CASE NO. 2015 CA 1323  
CIVIL DIVISION

Plaintiff,

v.

STATE OF FLORIDA , et al.,

Defendants.

\_\_\_\_\_/

**ORDER VACATING AUTOMATIC STAY OF  
TEMPORARY INJUNCTION ORDER**

A hearing was held on July 2, 2015 on Plaintiffs' motion to vacate the temporary injunction entered by this court on June 30, 2015. Counsel for Plaintiffs and Defendants attended by telephone. On June 30, 2015 Defendants appealed the temporary injunction order. That appeal triggered an automatic stay created by Florida Rule of Appellate Procedure 9.310(b)(2).

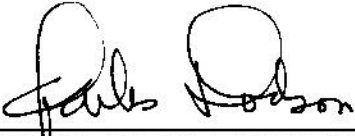
To determine whether to vacate the automatic stay, this court must consider the likelihood of irreparable harm if the stay is not granted and the likelihood of success on the merits of the appeal by Defendants. See *Mitchell v. State*, 911 So.2d 1211(Fla. 2005).

In the temporary injunction order this court already found irreparable harm would occur if the Act goes into effect.

As to whether Defendants are likely to successfully overturn the temporary injunction on appeal, Defendants must overcome the appellate presumption of correctness and demonstrate the injunction was not founded on substantial competent evidence, that it resulted from an incorrect application of law, or that this court abused its discretion when entering it. This court cannot find Defendants are likely to successfully overturn the injunction on appeal.

Accordingly, Plaintiffs' motion is granted. The automatic stay that Defendants' notice of appeal triggered under the Florida Rules of Appellate Procedure is vacated.

**DONE AND ORDERED** in Chambers, Tallahassee, Leon County, Florida, this 2<sup>nd</sup> day of July, 2015.

  
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CHARLES W. DODSON  
CIRCUIT JUDGE

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