

No. 23-12737

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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YIFAN SHEN, et al.,

*Plaintiffs–Appellants,*

v.

WILTON SIMPSON, in his official capacity as  
Florida Commissioner of Agriculture, et al.,

*Defendants–Appellees.*

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On Appeal from the United States District Court  
for the Northern District of Florida, No. 4:23-cv-208 (Winsor, A.)

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**PLAINTIFFS–APPELLANTS’ TIME-SENSITIVE MOTION  
FOR LEAVE TO EXCEED WORD LIMIT**

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Patrick Toomey  
Sarah Taitz  
Omar Jadwat  
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**CERTIFICATE OF INTERESTED PERSONS AND**  
**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, Appellants certify that the following individuals and entities may have an interest in the outcome of this case or appeal:

1. American Civil Liberties Union Foundation, *Attorney for Plaintiffs–Appellants*
2. American Civil Liberties Union Foundation of Florida, *Attorney for Plaintiffs–Appellants*
3. Anti-Racism Center of LMU Loyola Law School, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
4. Aoki Center for Critical Race and Nation Studies at UC Davis School of Law, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
5. Arkansas, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
6. Asian Americans Advancing Justice – Asian Law Caucus, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*

7. Asian Americans Advancing Justice Atlanta, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
8. Asian American Legal Defense & Education Fund, *Attorney for Plaintiffs–Appellants*
9. Asian American Women's Political Initiative, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
10. Asian Law Alliance, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
11. Asian Pacific American Bar Association of Tampa, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
12. Bailey, Andrew, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
13. Bell, Daniel William, *Attorney for Defendants–Appellees*
14. Boston University Center for Antiracist Research, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*

15. Butler, Steve, *Attorney for U.S. Department of Justice, United States' Statement of Interest*
16. Carr, Christopher M., *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
17. Center for Civil Rights and Racial Justice at the University Pittsburgh School of Law, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
18. Center for Immigration Law, Policy, and Justice at Rutgers Law School, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
19. Center for Civil Rights and Racial Justice at the University Pittsburgh School of Law, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
20. Chang, Robert Seungchul, *Attorney for Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*

21. Chin, Gabriel J., *Attorney for Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
22. Chinese for Affirmative Action, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
23. Clarke, Kristen, *Attorney for U.S. Department of Justice, United States' Statement of Interest*
24. Conference of Asian Pacific American Law Faculty, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
25. Coody, Jason R., *Attorney for U.S. Department of Justice, United States' Statement of Interest*
26. Costello, David M., *Attorney for Defendants–Appellees*
27. Cuison-Villazor, Rose, *Attorney for Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
28. DeHeng Law Offices, PC, *Attorney for Plaintiffs–Appellants*
29. Formello, John M., *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*

30. Idaho, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
31. Indiana, State of, *Amici Curiae Brief of the State of Idaho, et al.*,
32. Fitch, Lynn, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
33. Fitzgerald, Patricia, *Defendant–Appellee*
34. Florida Attorney General’s Office, *Attorney for Defendants–Appellee*
35. Florida Office of the Solicitor General, *Attorney for Defendants–Appellee*
36. Forrester, Nathan Andrew, *Attorney for Defendants–Appellee*
37. Fred T. Korematsu Center for Law and Equality at Seattle University  
School of Law, *Amicus Curiae, Amici Curiae Brief of Racial Justice  
Centers, Affinity Bar and Professional Associations, and Civil Rights  
Advocacy Organizations*
38. Georgia, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho*
39. Gorski, Ashley Marie, *Attorney for Plaintiffs–Appellants*
40. Griffin, Tim, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
41. Handberg, Roger B., *Attorney for U.S. Department of Justice, United  
States’ Statement of Interest*
42. Harwell Jr., Lacy R., *Attorney for U.S. Department of Justice, United  
States’ Statement of Interest*

43. Hispanic National Bar Association, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
44. Jackley, Marty J., *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
45. Japanese American Citizens League, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
46. Jarwala, Alisha, *Attorney for U.S. Department of Justice, United States' Statement of Interest*
47. Kelly, J. Alex, *Defendant–Appellee*
48. Knudsen, Austin, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
49. Koo, Elizabeth L., *Attorney for Plaintiffs–Appellants*
50. Labrador, Raul R., *Attorney for Amici Curiae Brief of the State of Idaho, et al.*
51. Lapointe, Markenzy, *Attorney for U.S. Department of Justice, United States' Statement of Interest*
52. Larizza, R.J., *Defendant*



53. Latino Justice PRLDEF, *Amicus Curiae*, *Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
54. Lee, Dexter, *Attorney for U.S. Department of Justice, United States' Statement of Interest*
55. Li, Bethany Yue-Ping, *Attorney for Plaintiffs–Appellants*
56. Liu, Yongxin, *Plaintiff–Appellant*
57. Longfield, Timothy J., *Attorney for Amici Curiae Brief of the State of Idaho, et al.*
58. Maurer, Michael S., *Attorney for U.S. Department of Justice, United States' Statement of Interest*
59. Mississippi, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
60. Missouri, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
61. Montana, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
62. Moody, Ashley, *Attorney for Defendants–Appellees*
63. Multi-Choice Realty, LLC, *Plaintiff–Appellant*

64. National Asian Pacific American Bar Association, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
65. New Hampshire, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
66. Nordby, Daniel E., *Attorney for Defendants–Appellees*
67. North Dakota, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
68. Pagnucco, Carrie, *Attorney for U.S. Department of Justice, United States’ Statement of Interest*
69. Quinn Emanuel Urquhart & Sullivan, LLP, *Attorney for Plaintiffs–Appellants*
70. Reyes, Sean, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
71. Rodriguez, Madeleine Kristine, *Attorney for Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
72. Rokita, Theodore E., *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
73. Rundle, Katherine Fernandez, *Defendant*
74. Sayler, Erik Louis, *Attorney for Defendants–Appellees*

75. Schenck, Robert Scott, *Attorney for Defendants–Appellees*
76. Shaffer, Derek Lawrence, *Attorney for Plaintiffs–Appellants*
77. Shen, Yifan, *Plaintiff–Appellant*
78. Shutts & Bower, LLP, *Attorney for Defendants–Appellees*
79. Simpson, Wilton, *Defendant–Appellee*
80. South Carolina, State of, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
81. South Dakota, State of, *Amicus Curiae, Amicus Curiae Brief of the State of Idaho, et al.*
82. South Asian Bar Association of North America, *Amicus Curiae, Amici Curiae Brief of Racial Justice Centers, Affinity Bar and Professional Associations, and Civil Rights Advocacy Organizations*
83. Taitz, Sarah Michelle, *Attorney for Plaintiffs–Appellants*
84. Tang, Haiyan, *Attorney for Plaintiffs–Appellants*
85. Tilley, Daniel Boaz, *Attorney for Plaintiffs–Appellants*
86. Toomey, Patrick Christopher, *Attorney for Plaintiffs–Appellants*
87. Turner, Joshua Nathaniel, *Attorney for Amici Curiae Brief of the State of Idaho, et al.*
88. U.S. Department of Justice, *United States’ Statement of Interest*
89. Utah, State of, *Amici Curiae Brief of the State of Idaho, et al.*

90. Wang, Xixi, *Plaintiff–Appellant*
91. Warren, Nicholas, *Attorney for Plaintiffs–Appellants*
92. Whitaker, Henry Charles, *Attorney for Defendants–Appellees*
93. Wilson, Alan, *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
94. Winsor, Hon. Allen, *District Court Judge for the Northern District of Florida and District Court Judge in the Above-Captioned Case*
95. Wofsy, Cody H., *Attorney for Plaintiffs–Appellants*
96. Wold, Theodore J., *Attorney for Amicus Curiae Brief of the State of Idaho, et al.*
97. Worrell, Monique H., *Defendant*
98. Wrigley, Drew H., *Amicus Curiae, Amici Curiae Brief of the State of Idaho, et al.*
99. Xu, Zhiming, *Plaintiff–Appellant*
100. Zaman, Razeen J., *Attorney for Plaintiffs–Appellants*
101. Zhu, Keliang, *Attorney for Plaintiffs–Appellants*

Plaintiffs–Appellants further state that no publicly traded company or corporation has an interest in the outcome of the case or appeal. Plaintiffs–Appellants certify that Multi-Choice Realty, LLC has no parent corporation, and no

publicly held corporation owns 10% or more of its stock. The remaining Plaintiffs–  
Appellants are individual persons.

Dated: August 25, 2023

*/s/ Ashley Gorski*  
Ashley Gorski  
American Civil Liberties Union  
Foundation

*Attorney for Plaintiffs–Appellants*

## **TIME-SENSITIVE MOTION FOR LEAVE TO EXCEED WORD LIMIT**

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), Plaintiffs–Appellants respectfully request permission to exceed, by 1,050 words, the 5,200-word limit for their time-sensitive motion seeking (1) an injunction pending appeal against the implementation and enforcement of portions of Florida Senate Bill 264, codified at Florida Statutes §§ 692.201, 692.203-204 (“SB 264”), and (2) an expedited appeal. Florida’s new statute restricts the ability of people whose “domicile” is in China to purchase real property in the state, and it is currently inflicting irreparable harm on Plaintiffs and others throughout Florida.

The district court’s opinion denying Plaintiffs’ motion for a preliminary injunction spans 51 pages and addresses several complex constitutional and statutory issues. To fully address the errors in the district court’s opinion regarding the application of the Fair Housing Act, Equal Protection Clause, Due Process Clause, and federal preemption of Florida’s law, Plaintiffs respectfully submit that 1,050 additional words are necessary and will aid the Court’s consideration of their motion for an injunction pending appeal.

Plaintiffs have sought the position of Defendants–Appellees<sup>1</sup> with respect to this motion, and they requested that Plaintiffs represent their position as follows:

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<sup>1</sup> Defendants in this matter include both state officers sued in their official capacity and state attorney defendants. On July 5, 2023, the district court granted a joint

“The State opposes an expansion of the word limit for Plaintiffs’ motion. Should the court grant an expansion, the State respectfully requests 14 days to respond to the motion, an enlargement of four days.”

Given the time-sensitive circumstances and irreparable harms identified in Plaintiffs’ motion for an injunction pending appeal, Plaintiffs oppose any enlargement of time for Defendants’ response. Plaintiff Zhiming Xu is scheduled to close on a home next month and will be forced to cancel the contract absent relief. The loss of unique, irreplaceable property cannot be remedied at law. In addition, Plaintiff Multi-Choice Realty, a brokerage, is already losing customers and suffering damage to its goodwill due to the operation of Senate Bill 264.

Accordingly, Plaintiffs respectfully request to file a consolidated motion of up to 6,250 words for an injunction pending appeal and motion to expedite the appeal.

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motion of Plaintiffs and the state attorney defendants to stay proceedings as to those particular defendants. *Shen v. Simpson*, No. 4:23-cv-00208-AW, ECF No. 59. The state officer defendants (“Defendants–Appellees”) opposed Plaintiffs’ motion for a preliminary injunction and oppose Plaintiffs’ motion for an injunction pending appeal.

Dated: August 25, 2023

Respectfully submitted,

/s/ Ashley Gorski

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*Attorneys for Plaintiffs–Appellants*



**CERTIFICATE OF COMPLIANCE**

The undersigned counsel certifies as follows:

1. This motion complies with the word limit of Rule 27(d)(2)(A) of the Federal Rules of Appellate Procedure because, excluding the parts of the document exempted by Rule 32(f), it contains 410 words.

2. This motion complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6).

Dated: August 25, 2023

/s/Ashley Gorski

Ashley Gorski  
American Civil Liberties Union  
Foundation

*Attorney for Plaintiffs–Appellants*