No. 23-60641

In the United States Court of Appeals for the Fifth Circuit

MAURINE MOLAK;
MATTHEW MOLAK,

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION;
UNITED STATES OF AMERICA,

Respondents.

Petition for Review of an Order
of the Federal Communications Commission
FCC 23-84; WC Docket No. 13-184

JOINT MOTION TO HOLD CASE IN ABEYANCE

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Pursuant to Federal Rule of Appellate Procedure 27, Petitioners Maurine and Matthew Molak ("Petitioners") and Respondent Federal Communications Commission ("FCC") hereby jointly move the Court to hold this case in abeyance pending the FCC's review of the Declaratory Ruling at issue. As the FCC and Respondent United States of America explained in a recent filing, "the FCC now has three sitting members, only one of whom (Commissioner Gomez) voted to approve the [Declaratory Ruling]," and "[t]he newly constituted Commission is reevaluating the agency's past actions, including the [Declaratory Ruling]." Doc. 171 at 5. Petitioners and the FCC respectfully submit that an order holding the case in abeyance is an appropriate and efficient step in consideration of the agency's ongoing internal review. Should the Court agree and enter an order holding the case in abeyance, the FCC would propose to file a status report 90 days from the date of the order and every 90 days thereafter until such time as the order is lifted. We have contacted the Schools, Health and Libraries Broadband Coalition ("Intervenor") and are authorized to represent that Intervenor takes no position on the motion. Respondent United States of America does not oppose the motion.

Dated: July 9, 2025

s/ Sarah E. Citrin
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2025, the foregoing motion was electronically filed with the United States Court of Appeals for the Fifth Circuit using the CM/ECF system. I certify that all parties required to be served have been served.

Dated: July 9, 2025

Respectfully submitted,

s/ *David K. Suska*
Counsel for Petitioners

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because it contains 198 words, excluding exempted text.

2. This document complies with the type-face and type-style requirements of Fed. R. App. P. 32(a)(5) and 32(a)(6) because it has been prepared in proportionally spaced 14-point Garamond font using Microsoft Word 365.

s/ *David K. Suska*
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