

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FACEBOOK, INC.,
a corporation,

Defendant.

Case No. 1:19-cv-02184-TJK

DEFENDANT’S MOTION FOR INJUNCTION PENDING APPEAL

Pursuant to Rule 62(d) of the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying memorandum of points and authorities, Defendant Meta Platforms, Inc. (“Meta”)—previously, Facebook, Inc.—by and through its counsel, hereby moves this Court for an injunction pending appeal of the Court’s November 27, 2023 denial of Meta’s Motion to Enforce the Stipulated Order and to Enjoin the Administrative Reopening Proceeding of the Federal Trade Commission (Dkt. No. 38) (the “Motion to Enforce”).

Meta met and conferred with counsel for Plaintiff telephonically on November 28 and December 6 and in person on December 8. Plaintiff has indicated that it will oppose the motion.

DATED: December 12, 2023

Respectfully submitted,

/s/ James P. Rouhandeh

James P. Rouhandeh (DDC Bar No. NY0390)
Michael Scheinkman (DDC Bar No.
NY0381)
David B. Toscano (*pro hac vice*)
John A. Atchley III (*pro hac vice*)
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017
Tel: (212) 450-4000
rouhandeh@davispolk.com
michael.scheinkman@davispolk.com
david.toscano@davispolk.com
john.atchley@davispolk.com

Paul J. Nathanson (DDC Bar No. 982269)
DAVIS POLK & WARDWELL LLP
901 15th Street, NW
Washington, DC 20005
Tel: (202) 962-7000
paul.nathanson@davispolk.com

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2023, true and correct copies of the foregoing were filed using the Court's CM/ECF System and served on counsel of record.

DATED: December 12, 2023

Respectfully submitted,

/s/ James P. Rouhandeh

James P. Rouhandeh (DDC Bar No. NY0390)
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017
Tel: (212) 450-4000