

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

META PLATFORMS, INC.,

Plaintiff,

v.

THE FEDERAL TRADE COMMISSION,

– and –

LINA M. KHAN, REBECCA KELLY
SLAUGHTER, and ALVARO BEDOYA,
in their official capacities as Commissioners
of the Federal Trade Commission,

Defendants.

Case No. _____

**[PROPOSED] ORDER ON PLAINTIFF’S
MOTION FOR PRELIMINARY INJUNCTION**

This matter is before the Court on Plaintiff’s Motion for Preliminary Injunction enjoining Defendants from taking further action in the Federal Trade Commission (“FTC”) administrative proceeding *In the Matter of Facebook, Inc.*, FTC File No. C-4365, against Meta Platforms, Inc. (the “FTC Proceeding” or “Proceeding”). Having considered Plaintiff’s Complaint, Memorandum of Points and Authorities, and declarations thereto, and the argument of counsel, the Court has determined the following:

(1) this Court has subject matter jurisdiction over Plaintiff’s constitutional challenges to the FTC Proceeding grounded in the unconstitutional structure of the FTC; and

(2) Plaintiff is entitled to its requested relief because the factors for granting a preliminary injunction weigh in its favor:

i. Plaintiff has established a likelihood of success on the merits of its claims that (a) the dual role of prosecutor and judge afforded to the FTC in administrative proceedings initiated or reopened pursuant to the Federal Trade Commission Act (the “FTC Act”) violates the Fifth Amendment’s Due Process clause; (b) the FTC Commissioners’ exercise of executive authority while insulated from removal by the President violates Article II; (c) the unfettered delegation by Congress of authority to the FTC to assign disputes to administrative adjudication over adjudication before an Article III court violates Article I; (d) the FTC’s adjudication of private rights violates Article III; and (e) the FTC Proceeding violates Meta’s Seventh Amendment right to a jury trial;

ii. Plaintiff has demonstrated that, absent a preliminary injunction, it must respond to an order to show cause issued by the FTC in the FTC Proceeding by December 11, 2023, and will suffer irreparable harm in the form of a “here-and-now” injury from being subjected to the unconstitutional Proceeding; and

iii. Plaintiff has further demonstrated that an injunction will not substantially injure Defendants and that the public interest favors the injunction of unlawful agency action.

On this ____ day of ____, 2023 ORDERED that Plaintiff’s Motion for Preliminary Injunction is GRANTED.

It is further ORDERED:

Defendants, together with their officers, agents, servants, employees, and attorneys are to refrain from prosecuting and pursuing the FTC Proceeding against Plaintiff or any other action against Plaintiff until such time as this case is fully and finally resolved.

United States District Judge

Dated: _____, 2023

LCvR 7(k) Parties to Be Notified

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