

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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**NOTICE TO THE COURT CONCERNING  
PLAINTIFF–APPELLANT ZHIMING XU**

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Ashley Gorski  
Patrick Toomey  
Shaiba Rather  
Omar Jadwat  
Sidra Mahfooz  
Noor Zafar

**AMERICAN CIVIL LIBERTIES**

**UNION FOUNDATION**  
125 Broad Street, 18th Floor  
New York, NY 10004  
(212) 549-2500  
agorski@aclu.org

Keliang (Clay) Zhu  
**DEHENG LAW OFFICES PC**  
7901 Stoneridge Drive, Suite 208  
Pleasanton, CA 94588  
(925) 399-5856  
czhu@dehengsv.com

Derek L. Shaffer  
**QUINN EMANUEL URQUHART &  
SULLIVAN, LLP**  
1300 I Street NW, 9th Floor  
Washington, D.C. 20005  
(202) 538-8000  
derekshaffer@quinnemanuel.com

*(list of counsel continued on next page)*

Cody Wofsy  
**AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION**  
39 Drumm Street  
San Francisco, CA 94111  
(415) 343-0770  
cwofsy@aclu.org

Daniel B. Tilley  
**ACLU FOUNDATION OF FLORIDA**  
4343 West Flagler Street, Suite 400  
Miami, FL 33134  
(786) 363-2707  
dtalley@aclufl.org

Bethany Y. Li  
Elizabeth Koo  
Razeen Zaman  
**ASIAN AMERICAN LEGAL  
DEFENSE AND EDUCATION  
FUND**  
99 Hudson Street, 12th Floor  
New York, NY 10013  
(212) 966-5932  
bli@aaldef.org

Nicholas L.V. Warren  
**ACLU FOUNDATION OF FLORIDA**  
336 East College Avenue, Suite 203  
Tallahassee, FL 32301  
(786) 363-1769  
nwarren@aclufl.org

*Attorneys for Plaintiffs–Appellants*

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**NOTICE TO THE COURT CONCERNING**  
**PLAINTIFF–APPELLANT ZHIMING XU**

Plaintiff Zhiming Xu, through undersigned counsel, writes to inform the Court that he intends to proceed with the closing for his contracted-for home, which is scheduled for Tuesday, November 28, 2023. The seller of the property, Lennar Homes LLC, has refused to further delay the closing.

Mr. Xu previously intended to cancel his contract if he failed to obtain an injunction against the enforcement of SB 264. *See* App. 120. Although Plaintiffs’ Time-Sensitive Motion for an Injunction Pending Appeal is still pending before the Court, *see* Dkt. No. 4-1, the seller’s refusal to delay the closing past November 28 has left Mr. Xu in an impossible position. He faces the prospect of losing both his \$31,250 deposit and the unique property for which he contracted. Ultimately, after much consideration, Mr. Xu has decided that he wishes to proceed with the transaction, notwithstanding the substantial risks resulting from SB 264’s unconstitutionally vague terms and his fear that the law will be enforced against him.

Mr. Xu continues to respectfully request that the Court enjoin the enforcement of SB 264 pending appeal, *see* Dkt. Nos. 4-1 & 48, and reverse the district court’s denial of Plaintiffs’ motion for a preliminary injunction, *see* Dkt. Nos. 38 & 51.

Dated: November 27, 2023

Respectfully submitted,

/s/ Ashley Gorski

Keliang (Clay) Zhu  
**DEHENG LAW OFFICES PC**  
7901 Stoneridge Drive, Suite 208  
Pleasanton, CA 94588  
(925) 399-5856  
czhu@dehengsv.com

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UNION FOUNDATION**  
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New York, NY 10004  
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**QUINN EMANUEL URQUHART &  
SULLIVAN, LLP**  
1300 I Street NW, 9th Floor  
Washington, D.C. 20005  
(202) 538-8000  
derekshaffer@quinnemanuel.com

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Nicholas L.V. Warren  
**ACLU FOUNDATION OF FLORIDA**  
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Tallahassee, FL 32301  
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nwarren@aclufl.org

*Attorneys for Plaintiffs–Appellants*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 27, 2023, the foregoing was filed electronically with the Clerk of Court through the appellate CM/ECF system. I further certify that all parties required to be served have been served.

Dated: November 27, 2023

/s/ Ashley Gorski

Ashley Gorski  
American Civil Liberties Union  
Foundation

*Attorney for Plaintiffs–Appellants*