

Appellate Litigation Team Files Supreme Court Amicus for Marketplace Industry Association, Etsy, and OfferUp on Texas and Florida Content Moderation Laws

WASHINGTON, D.C. (December 13, 2023)—A Perkins Coie appellate litigation team has filed an amicus brief before the U.S. Supreme Court on behalf of the [Marketplace Industry Association](#) (MIA), Etsy, and OfferUp which argues that burdensome state laws in Texas and Florida are eroding the First Amendment rights of digital marketplaces to moderate content on their platforms.

The amicus brief highlights that the Texas and Florida laws effectively force digital marketplaces to choose between complying with "onerous government regulations" or "letting their platforms become vehicles for unsafe, hateful, spammy, discriminatory, or offensive content that is contrary to their values and harmful to their users." The Supreme Court brief can be read [here](#).

The firm's appellate litigation team includes partners [Eric Wolff](#) and [Greg Miller](#) and associates [Karl Worsham](#) and [Jordan Buckwald](#) with Perkins Coie's Appeals, Issues & Strategy practice. Corporate law partner [John Schreiner](#) represents the MIA.

The brief argues that a Supreme Court ruling upholding the Texas and Florida laws could pave the way for similar laws across the nation that would affect additional digital platforms and marketplaces, including startups and emerging companies. It also underlines that the First Amendment challenge raised by the laws could stifle innovation and raise the barrier to entry for new companies, in part because the laws enable users to sue digital platforms over allegations of political censorship.

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