

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 25-81091-CIV-CANNON

NEWSMAX BROADCASTING, LLC,

Plaintiff,

v.

**FOX CORPORATION,
and FOX NEWS NETWORK, LLC,**

Defendants.

ORDER DISMISSING SHOTGUN COMPLAINT AND PERMITTING REPLEADING

THIS CAUSE comes before the Court upon a sua sponte review of the record. On September 3, 2025, Plaintiff filed a five-count Complaint alleging violations of the Sherman Act, 15 U.S.C. §§ 1, 2; violations of the Florida Antitrust Act, Fla. Stat. §§ 542.18, 542.19; and a violation of the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.204 [ECF No. 1]. The second, third, fourth, and fifth counts in the Complaint, however, incorporate all preceding allegations, thus rendering the Complaint an impermissible “shotgun pleading” [ECF No. 1 ¶¶ 87, 93, 95, 97]. *See Weiland v. Palm Beach Cnty. Sheriff’s Off.*, 792 F.3d 1313, 1321 (11th Cir. 2015) (“The most common type [of shotgun pleading]—by a long shot—is a complaint containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint.”). The Court has an independent obligation to dismiss such pleadings and require replader.

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Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.
2. Plaintiff may file an amended complaint that is consistent with this Order on or before **September 11, 2025. The amended complaint must not contain any successive counts that incorporate all prior allegations.** In other words, Counts I, II, III, IV, and V may incorporate the same factual allegations (paragraphs 1 through 78), but Counts II, III, IV, and V must not broadly incorporate the allegations of previous counts. Further, each count must identify the particular legal basis for liability and contain specific factual allegations that support each cause of action within each count.
3. Failure to comply with this Order may result in dismissal of the case without further notice.

ORDERED in Chambers at Fort Pierce, Florida, this 4th day of September 2025.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record