

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LA

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

2006 DEC -4 A 10: 14

**ENTERTAINMENT SOFTWARE
ASSOCIATION AND ENTERTAINMENT
MERCHANTS ASSOCIATION,**

Plaintiffs,

vs.

**CHARLES C. FOTI, JR., in his official
capacity as Attorney General of the State of
Louisiana; and DOUG MOREAU, in his
official capacity on behalf of himself as
District Attorney for the Parish of East
Baton Rouge, and on behalf of a class of
similarly situated individuals in their official
capacities,**

Defendants.

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SIGN _____
BY DEPUTY CLERK

CIVIL ACTION NO. 06-431-JJB-CN

SECTION "D"

Judge James J. Brady

FINAL JUDGMENT

This matter comes before the Court on plaintiffs Entertainment Software Association and Entertainment Merchants Association’s Motion for Summary Judgment and Motion for Class Certification.

For the reasons set forth at the hearing on the motions on November 29, 2006 and in the Court’s August 24, 2006 Ruling on Motion for Preliminary Injunction and Motion to Dismiss, the Court orders as follows:

IT IS ORDERED that Plaintiffs’ Motion for Class Certification is GRANTED, the Court finding that all requirements of Rule 23 of the Federal Rules of Civil Procedure are met. The Court CERTIFIES a defendant class of all duly elected District Attorneys in the State of Louisiana with Doug Moreau, in his capacity as District Attorney for the Parish of East Baton Rouge, Louisiana, as class representative.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Summary Judgment is GRANTED.

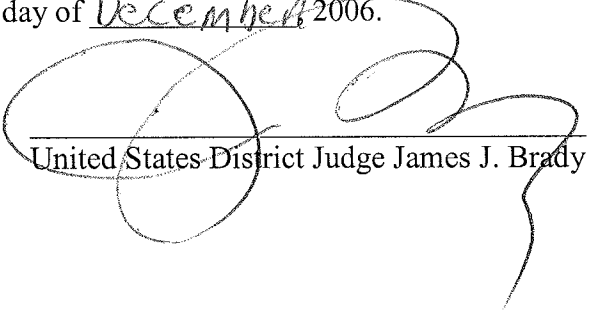
IT IS FURTHER ORDERED that defendant Doug Moreau, in his official capacity as District Attorney for the Parish of East Baton Rouge, and all other duly elected District Attorneys of the State of Louisiana, and their officers, agents, servants, employees, successors and attorneys and those persons in active concert or participation with them are hereby PERMANENTLY ENJOINED from enforcing, or directing the enforcement of the Act 441 of the 2006 regular session of the Louisiana Legislature, codified at R.S. 14:91.14 (the "Act").

IT IS FURTHER ORDERED that the Act is ADJUDGED and DECLARED to be UNCONSTITUTIONAL, void and of no force and effect, and this declaratory judgment is entered against Charles C. Foti, in his official capacity as the Attorney General of the State of Louisiana and Doug Moreau, in his official capacity as District Attorney for the Parish of East Baton Rouge, and all other duly elected District Attorneys of the State of Louisiana.

The Court further recognizes that Plaintiffs have reserved their right to move for their attorney's fees and costs pursuant to 42 U.S.C. § 1988 and they shall proceed in accordance with Federal Rules of Civil Procedure 54(d)(2) and Local Rule 54.

SO ORDERED,

Baton Rouge, Louisiana, this 15th day of December 2006.


United States District Judge James J. Brady