

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 28 2009

MOLLY C. DWYER, CLERK OF COURT
U.S. COURT OF APPEALS

POWELL'S BOOKS, INC.; OLD
MULTNOMAH BOOK STORE, LTD.,
DBA Annie Bloom's Books; DARK
HORSE COMICS, INC.; COLETTE'S
GOOD FOOD HUNGRY MINDS, LLC;
BLUEJAY, INC., DBA Paulina Springs
Books; ST. JOHN'S BOOKSELLERS,
LLC; AMERICAN BOOKSELLERS
FOUNDATION FOR FREE
EXPRESSION; ASSOCIATION OF
AMERICAN PUBLISHERS, INC.;
FREEDOM TO READ FOUNDATION,
INC. COMIC BOOK LEGAL DEFENSE
FUND,

Plaintiffs - Appellants,

and

AMERICAN CIVIL LIBERTIES UNION
OF OREGON; CANDACE MORGAN
PLANNED PARENTHOOD OF THE
COLUMBIA/WILLAMETTE, INC.;
CASCADE AIDS PROJECT,

Plaintiffs,

V.

MATT SHIRTCLIFF, Baker County
District Attorney, in his official capacity;
JOHN HAROLDSON, Benton County
District Attorney, in his official capacity;
JOHN FOOTE, Clackamas County District
Attorney, in his official capacity; JOSHUA
MARQUIS, Clatsop County District

No. 09-35153

D.C. No. 3:08-cv-00501-MO

District of Oregon, Portland

ORDER

Attorney, in his official capacity; STEVE ATCHISON, Columbia County District Attorney in his official capacity; PAUL FRASIER, Coos County District Attorney, in his official capacity; GARY WILLIAMS Crook County District Attorney, in his official capacity EVERETT DIAL, Curry County District Attorney, in his official capacity; MICHAEL DUGAN, Deschutes County District Attorney, in his official capacity; JACK BANTA, Douglas County District Attorney, in his official capacity; MARION WEATHERFORD, Gilliam County District Attorney, in his official capacity; RYAN JOSLIN, Grant County District Attorney, in his official capacity; TIM COLAHAN, Harney County District Attorney, in his official capacity; JOHN SEWELL, Hood River County District Attorney, in his official capacity; MARK HUDDLESTON, Jackson County District Attorney in his official capacity; PETER L. DEUEL, Jefferson County District Attorney, in his official capacity; STEPHEN D. CAMPBELL, Josephine County District Attorney, in his official capacity; EDWIN I. CALEB, Klamath County District Attorney, in his official capacity; DAVID A. SCHUTT, Lake County District Attorney, in his official capacity; DOUGLASS HARCLEROD, Lane County District Attorney, in his official capacity; BERNICE BARNETT, Lincoln County District Attorney in her official capacity; JASON CARLILE, Linn County District Attorney, in his official capacity; DAN NORRIS Malheur County District Attorney, in his official capacity

WALTER M. BEGLAU, Marion County District Attorney, in his official capacity; ELIZABETH BALLARD, Morrow County District Attorney, in her official capacity; MICHAEL D. SCHRUNK Multnomah County District Attorney, in his official capacity; JOHN FISHER, Polk County District Attorney, in his official capacity; WADE M. MCLEOD, Sherman County District Attorney, in his official capacity; WILLIAM BRYAN PORTER Tillamook County District Attorney, in his official capacity; DEAN GUSHWA, Umatilla County District Attorney, in his official capacity; TIM THOMPSON, Union County District Attorney, in his official capacity; DANIEL OUSLEY, Wallowa County District Attorney, in his official capacity; ERIC J. NISLEY, Wasco County District Attorney, in his official capacity; ROBERT HERMANN, Washington County District Attorney, in his official capacity; THOMAS W. CUTSFORTH Wheeler County District Attorney, in his official capacity; BRAD BERRY, Yamhill County District Attorney, in his official capacity; JOHN KROEGER, Attorney General of the State of Oregon,

Defendants - Appellees.

AMERICAN CIVIL LIBERTIES UNION OF OREGON; CANDACE MORGAN PLANNED PARENTHOOD OF THE COLUMBIA/WILLAMETTE, INC.; CASCADE AIDS PROJECT,

No. 09-35154
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ORDER

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in his official capacity; GARY
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EVERETT DIAL, Curry County District
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NISLEY, Wasco County District Attorney, in his official capacity; ROBERT HERMANN, Washington County District Attorney, in his official capacity; THOMAS W. CUTSFORTH Wheeler County District Attorney, in his official capacity BRAD BERRY, Yamhill County District Attorney, in his official capacity; JOHN KROGER, in his official capacity as Attorney General of the State of Oregon,

Defendants - Appellees.

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Defendants - Appellees.

The Answering Brief submitted on 9/25/09 is filed.

Within five (5) working days of the filing of this order, Appellee is ordered to file ten (10) copies of the brief in paper format, with a Red cover, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. A sample certificate is available on the Court's website, www.ca9.uscourts.gov, at the CM/ECF button.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

By: Fred Taylor
Deputy Clerk