

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

OCT 13 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 HARCLEROAD, 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  
D.C. No. 3:08-cv-00501-MO  
District of Oregon, Portland

Plaintiffs - Appellants,

**ORDER**

and

POWELL'S BOOKS, INC.; OLD  
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ATCHISON, Columbia County District  
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in his official capacity; GARY  
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Attorney, in his official capacity  
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 Reply Brief submitted on 10/9/09 is filed.

Within five (5) working days of the filing of this order, Appellant is ordered to file ten (10) copies of the brief in paper format, with a Grey 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](http://www.ca9.uscourts.gov), at the CM/ECF button.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

By: Fred Taylor  
Deputy Clerk