

FILED

UNITED STATES COURT OF APPEALS

MAY 26 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
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

No. 09-35153

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

ORDER

Attorney, in his official capacity; JOSHUA MARQUIS, Clatsop County District 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

No. 09-35154

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

COLUMBIA/WILLAMETTE, INC.;
CASCADE AIDS PROJECT,

Plaintiffs - Appellants,

and

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,

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
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

District of Oregon,
Portland

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 R. KROGER, in his official capacity as Attorney General of the State of Oregon,

Defendants - Appellees.

The motion to grant Plaintiffs-Appellants' separate counsel each 15 minutes of oral argument is denied. Plaintiffs-Appellants' separate counsel will share a total of 20 minutes of oral argument time, and Defendants-Appellees' separate counsel will share a total of 20 minutes of oral argument time.

FOR THE COURT:

Molly Dwyer, Clerk of Court

By: Wendy Li
Deputy Clerk