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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

POWELL'S BOOKS, INC.; OLD
MULTNOMAH BOOKS 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.

Continued...

U.S.C.A. No. 09-35153

MOTION TO AMEND CASE CAPTION

HARDY MYERS, in his official capacity as Attorney General of the State of Oregon; 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 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. SCHUTTK, Lake County District Attorney, in his official capacity; DOUGLAS HARCLEROD, Lane County District Attorney, in his official capacity; BERNICE BARNETT, Lincoln County District Attorney, in her official capacity;

Continued...

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,

Defendants-Appellees.

Appellees hereby move this court to amend the case caption. The current caption includes "Hardy Myers, Oregon State Attorney General" among the Defendants-Appellees. On January 5, 2009, John Kroger succeeded Hardy Myers as the Attorney General of the State of Oregon. Accordingly, and

pursuant to FRAP 43(c), Appellees ask the court to amend the case caption to list "John Kroger, Oregon State Attorney General" instead.

Respectfully submitted,

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/s/ Denise G. Fjordbeck
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Harcleroad, Barnett, Carlile, Norris,
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McLeod

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2009, I directed the to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

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