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**IN THE UNITED STATES DISTRICT COURT FOR THE
 DISTRICT OF ALASKA**

**AMERICAN BOOKSELLERS FOUNDATION FOR FREE
 EXPRESSION; AMERICAN CIVIL LIBERTIES UNION
 OF ALASKA; ASSOCIATION OF AMERICAN
 PUBLISHERS, INC.; COMIC BOOK LEGAL DEFENSE
 FUND; ENTERTAINMENT MERCHANTS
 ASSOCIATION; FREEDOM TO READ FOUNDATION;
 DAVID & MELISSA LLC d/b/a Fireside Books; BOOK
 BLIZZARD LLC d/b/a Title Wave Books; BOSCO'S, INC.;
 DONALD R. DOUGLAS d/b/a Don Douglas Photography;
 and ALASKA LIBRARY ASSOCIATION,**

Plaintiffs,

v.

**DANIEL S. SULLIVAN, in his official capacity as
 ATTORNEY GENERAL OF THE STATE OF ALASKA,**

Defendant.

Civil No. 3:10-cv-00193-RRB

**PLAINTIFFS' MOTION
 FOR LEAVE TO FILE AN
 OVER-LENGTH
 MEMORANDUM IN
 SUPPORT OF PLAINTIFFS'
 MOTION FOR A
 PRELIMINARY
 INJUNCTION**

Plaintiffs hereby move for leave to file an over-length Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction (the "Memorandum"). In support thereof, plaintiffs state:

1. This case presents a complex challenge to the constitutionality of AS 11.61.128 (the "Act"), both as amended by Sections 9-12 in Senate Bill No. 222, 26th Leg., 2d Sess., and as prior to amendment.

2. Specifically, the Complaint alleges violations of the Commerce Clause of, and the First, Fifth and Fourteenth Amendments to, the Constitution. These violations require separate analyses in the Memorandum in order for plaintiffs to show that they are likely to succeed on the merits of their claims. Some of these violations are subject to the “strict scrutiny” standard, which involves particularly complex analysis, including a description of less restrictive alternative means for achieving the Act’s purpose.

3. Moreover, there is a large body of controlling case law invalidating statutes similar to the Act, which plaintiffs must address.

4. To adequately and fully address these and other issues, plaintiffs respectfully request that they be given leave to submit a 29-page Memorandum.

WHEREFORE, plaintiffs pray that they be given leave to file their over-length Memorandum in Support of Plaintiffs’ Motion for a Preliminary Injunction.

Dated: August 31, 2010

Respectfully submitted

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ATTORNEYS FOR PLAINTIFFS

The undersigned certifies that a true and correct copy of the foregoing Motion for Participation by Non-Resident Counsel and attachments thereto, was served by hand-delivery this 31st day of August, 2010, upon counsel for Defendant.

s/ Thomas Stenson
Thomas Stenson