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**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 ACTION NO.:  
 3:10-cv-00193-RRB

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**DECLARATION OF COUNSEL**

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I, Marika R. Athens, declare as follows:

1. I am counsel of record for the defendant at this time.
2. I am making this declaration in support of the extension of time to answer the complaint.
3. Service was complete in this case on September 7, 2010.
4. I was out of state until late September 13, 2010.
5. The request for extension of time covers the time I was out of state and unable to address the complaint and motion.
6. On September 14, 2010, I spoke with opposing counsel, D. John McKay, and he non-opposed this extension request.
7. This request is not being filed for the purposes of undue delay or harassment.

DATED this 14th day of September, 2010.

DANIEL S. SULLIVAN  
ATTORNEY GENERAL

By: s/Marika R. Athens  
Assistant Attorney General  
Department of Law  
Office of Special Prosecutions and Appeals  
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2010, a copy of the foregoing document was served electronically on:

D. John McKay

s/Marika R. Athens  
Marika R. Athens