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

**AMERICAN BOOKSELLERS FOUNDATION FOR FREE
EXPRESSION, et. al.**

Plaintiffs,

v.

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

Defendants.

CIVIL ACTION NO.

3:10-cv-00193-RRB

DECLARATION OF COUNSEL

D. John McKay, declares as follows:

1. I am co-counsel of record for the Plaintiffs.
2. I am making this declaration in support of the unopposed request to change the date set for the hearing of the plaintiffs' motion for preliminary injunction from November 4 to November 3, 2010.
3. The court issued an order yesterday setting on oral argument in this matter for one hour at 10 a.m. on Thursday, November 4, 2010. Undersigned counsel has a longstanding and immovable commitment, involving multiple parties, at the time set by the court for the November 4 hearing.

4. Counsel has determined in consultation with the court's staff that as of this morning, the court's calendar could accommodate changing this matter from November 4 to November 3. Undersigned counsel has consulted with all counsel involved in the case, including opposing counsel and co-counsel, and has determined that counsel for both sides already have other hearings scheduled for the afternoons of November 3 and November 4, but that all counsel are available to argue the motion on the morning of November 3, 2010.

5. Specifically, on September 28, 2010, I spoke with opposing counsel, Marika R. Athens, and she non-opposed this request to move the hearing from November 4 to November 3.

6. This request is not being filed for the purpose of undue delay or harassment.

Dated this 28th day of September, 2010.

By: s/ D. John McKay

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Certificate of Service

I certify that on this 28th day of September, 2010, I served a copy of the foregoing Declaration and the accompanying Non-opposed Motion to Change Date of Oral Argument and (Proposed) Order Rescheduling Oral Argument on counsel of record, including Assistant Attorney General Marika Athens, electronically, via the ECF system.

s/ D. John McKay
