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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 A PRELIMINARY
 INJUNCTION (FED. R. CIV.
 P. 65)**

Pursuant to Rule 65, Fed. R. Civ. P., plaintiffs hereby move for a preliminary injunction and other appropriate relief against enforcement 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., which purports to limit access to First Amendment protected materials deemed "harmful to minors."

This motion is based upon the complaint herein, the expert declaration of Scott Bradner, and the declarations of Allan R. Adler, Vice President for Legal and Government Affairs of the Association of American Publishers, Inc.; Crossan R. Andersen, President and CEO of the

Entertainment Merchants Association; Charles Brownstein, Executive Director of the Comic Book Legal Defense Fund; David Cheezem, co-owner of David & Melissa LLC, d/b/a Fireside Books; Donald R. Douglas; Julie Drake, member of Book Blizzard LLC, d/b/a Title Wave Books; Christopher Finan, President of the American Booksellers Foundation for Free Expression; Barbara M. Jones, Executive Director of the Freedom to Read Foundation, Inc.; Jeffrey Mittman, Executive Director for the American Civil Liberties Union of Alaska; David Ongley, President of the Alaska Library Association; and John Weddleton, owner of Bosco's Inc.

As is detailed in the attached memorandum, the undisputed facts and the law applicable to the case establish that plaintiffs are entitled to the preliminary injunction sought on the ground that the challenged Act violates both the Commerce Clause of, and the First, Fifth and Fourteenth Amendments to, the Constitution of the United States of America.

Dated: August 31, 2010

Respectfully submitted

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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/ D. John McKay

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