

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

AMERICAN BOOKSELLERS
FOUNDATION FOR FREE
EXPRESSION, et al.,

Plaintiffs,

vs.

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

Defendant.

Case No. 3:10-cv-0193-RRB

**ORDER REGARDING SECOND
MOTION FOR CLARIFICATION**

On October 20, 2010, at Docket 47, this Court entered a Preliminary Injunction prohibiting enforcement of A.S. § 11.61.128 until further Order of this Court, or until the parties enter into a stipulation that would eliminate the need for such an injunction. On January 5, 2011, at Docket 54, the Department of Law sought clarification of this Court's Order, specifically regarding its ability to defend against an appeal based on "the former A.S. § 11.61.128."

It is unclear what version of the statute the Department of Law is referencing. However, the Court notes that the Preliminary Injunction in this case specifically addresses changes made to the

statute in January 2010, pursuant to Alaska Bill SB 222, sections 9-12. It is these changes to which Plaintiffs have objected in this lawsuit. Accordingly, if individuals were charged under a previous form of the statute, this Preliminary Injunction does not prohibit the Department of Law from defending against any appeals based on a prior version of A.S. § 11.61.128.

ENTERED this 8th day of February, 2011.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT COURT