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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF ALASKA**

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

**Plaintiffs,**

**v.**

**JOHN BURNS, in his official capacity as ATTORNEY  
 GENERAL OF THE STATE OF ALASKA,**

**Defendant.**

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

**PLAINTIFFS' RENEWED MOTION FOR SUMMARY JUDGMENT**

WHEREAS on April 19, 2011, this Court issued its Order (Docket 74): (a) granting Defendants' Motion to Certify Questions to the Alaska Supreme Court (Docket 60), (b) dismissing Plaintiffs' Motion for Summary Judgment (Docket 51) without prejudice pending decision of the Alaska Supreme Court, and (c) dismissing Defendants' Cross-Motion for Summary Judgment (Docket 59) without prejudice pending decision of the Alaska Supreme Court; and

WHEREAS on April 29, 2011, this Court entered a Stipulated Order for Certification (Docket 76) certifying questions to the Alaska Supreme Court; and

WHEREAS on June 2, 2011, the Alaska Supreme Court issued an Order declining this Court's request to answer the certified questions, which Order was received by this Court on June 8, 2011 (Docket 79);

NOW, THEREFORE, pursuant to FED. R. CIV. P. 56, Plaintiffs hereby respectfully renew their motion for summary judgment on all counts of the Complaint.

In support of their motion, Plaintiffs respectfully rely upon and incorporate by reference the following previously-filed documents:

<b>Date Filed</b>	<b>Docket</b>	<b>Description</b>
9/1/2010	10	Declaration of Allan Adler, Association of American Publishers, Inc.
9/1/2010	11	Declaration of Barbara Jones, Freedom to Read Foundation
9/1/2010	12	Declaration of Charles Brownstein, Comic Book Legal Defense Fund
9/1/2010	13	Declaration of Christopher Finan, American Booksellers Foundation for Free Expression
9/1/2010	14	Declaration of Crosson Andersen, Entertainment Merchants Association
9/1/2010	15	Declaration of David Cheezem, Fireside Books
9/1/2010	16	Declaration of David Ongley, Alaska Library Association
9/1/2010	17	Declaration of Donald Douglas, Donald Douglas Photography
9/1/2010	18	Declaration of John Weddleton, Bosco's, Inc.
9/1/2010	20	Declaration of Scott Bradner
9/2/2010	26-1	Declaration of Julie Drake, Title Wave Books
12/27/2010	52	Memorandum in Support of Plaintiffs' Motion for Summary Judgment

3/24/2011	70	Plaintiffs' Combined Memorandum (A) Reply in Further Support of Plaintiffs' Motion for Summary Judgment, (B) In Opposition to the State's Cross-Motion for Summary Judgment, and (C) In Opposition to the State's Motion for Certification
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Plaintiffs also respectfully rely upon and incorporate by reference the following document, filed herewith:

<b>Date Filed</b>	<b>Docket</b>	<b>Description</b>
6/13/2011		Declaration of Michael A. Bamberger.

As is detailed in the memoranda and declarations, the undisputed facts and the law applicable to the case establish that Plaintiffs are entitled to summary judgment on the grounds 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.

June 16, 2011

Respectfully submitted,

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*Attorneys for Plaintiffs*

The undersigned certifies that a true and correct copy of the foregoing Plaintiffs' Renewed Motion for Summary Judgment was served via electronic filing this 16th day of June, 2011, upon counsel for Defendants.

s/ Michael A. Bamberger  
Michael A. Bamberger