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E-FILED on 3/30/07

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VIDEO SOFTWARE DEALERS  
ASSOCIATION, and ENTERTAINMENT  
SOFTWARE ASSOCIATION,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, in his  
official capacity as Governor of the State of  
California; BILL LOCKYER, in his official  
capacity as Attorney General of the State of  
California; GEORGE KENNEDY, in his  
official capacity as Santa Clara County District  
Attorney; RICHARD DOYLE, in his official  
capacity as City Attorney for the City of San  
Jose; and ANN MILLER RAVEL, in her  
official capacity as County Counsel for the  
County of Santa Clara,

Defendants.

No. C-05-04188 RMW

ORDER GRANTING LEAVE TO FILE  
NOTICE OF SUPPLEMENTAL  
AUTHORITY

[Re Docket Nos. 99-101]

1 On August 2, 2006, plaintiffs filed a motion for leave to submit as supplemental authority an  
 2 order issued by the United States District Court for the District of Minnesota on July 31, 2006,  
 3 permanently enjoining enforcement of a Minnesota statute imposing monetary fines on minors who  
 4 purchase video games rated "M" or "AO" under the voluntary video game rating system. *Entertainment*  
 5 *Software Ass'n & Entertainment Merchants Ass'n v. Hatch*, No. 06-CV-2268 (D. Minn. July 31, 2006).  
 6 On September 6, 2006, plaintiffs moved for leave to submit an order issued by the United States District  
 7 Court for the Middle District of Louisiana on August 24, 2006, preliminarily enjoining enforcement of  
 8 a Louisiana statute imposing criminal fines and potential imprisonment on those who sell or rent certain  
 9 "violent video games" to minors. *Entertainment Software Ass'n, et al. v. Foti*, No. 06-cv-00431 (M.D.  
 10 La. August 24, 2006). On August 2, 2006, plaintiffs filed a motion for leave to submit an opinion issued  
 11 by the United States Court of Appeals for the Seventh Circuit on November 27, 2006, affirming the  
 12 district court's order permanently enjoining enforcement of an Illinois statute criminalizing the sale or  
 13 rental of certain sexually explicit or "violent" video games to minors. *Entertainment Software Ass'n,*  
 14 *et al. v. Blagojevich*, \_\_\_ F. 3d \_\_\_ (7th Cir., Nov. 27, 2006). Defendants did not oppose these motions.

15 The court finds the orders and opinions plaintiffs seek to submit to be relevant to the issues  
 16 raised for the court's consideration in the currently-pending motions for summary judgment and grants  
 17 plaintiffs' motion for leave to submit them as supplemental authority.

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 19 DATED: 3/30/07   
 20 RONALD M. WHYTE  
 21 United States District Judge  
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12 Counsel are responsible for distributing copies of this document to co-counsel that have not registered  
13 for e-filing under the court's CM/ECF program.

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16 **Dated:** 3/30/07

/s/ MAG  
**Chambers of Judge Whyte**

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