

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BIG HAT BOOKS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:08-CV-0596 LJM-TAB
)	
PROSECUTORS, <i>et al.</i> ,)	
)	
Defendants.)	

Motion for Preliminary Injunction

Come now plaintiffs, by their counsel, and move this Court for a preliminary injunction in this cause, pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining the enforcement of Indiana's HEA No. 1042 which is scheduled to go into effect on July 1, 2008. In support of this Motion they say that:

1. The challenged statute is unconstitutional and therefore they will meet their obligation to demonstrate a probability of success on the merits in this cause.
2. They are being caused irreparable harm for which there is no adequate remedy at law.
3. The balance of interests favors the grant of a preliminary injunction in this matter.
4. The public interest will not be disserved by the grant of a preliminary injunction in this matter.
5. The preliminary injunction should issue without bond.
6. The plaintiffs intend to support this Motion with affidavits and a memorandum of law which will be filed in the near future or pursuant to a schedule set by this Court or agreed to by the parties.

7. This is a facial challenge to the challenged statute and plaintiffs anticipate that only affidavits will be introduced at the preliminary injunction hearing.

WHEREFORE, plaintiffs request that a preliminary injunction be granted in this cause, without bond, and for all other proper relief.

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Admission in this District Pending

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Foundation for Free Expression,
Association of American Publishers,
Freedom to Read Foundation,
Entertainment Merchants Association,
National Association of Recording
Merchandisers, and Great Lakes
Booksellers Association

Certificate of Service

I certify that a copy of the foregoing was served on the below named person(s) by first class U.S. Postage, pre-paid on this 7th day of May, 2008

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Decatur, IN 46733

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Ft. Wayne, IN 46802

Bartholomew Co Prosecutor
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Columbus, IN 47201

Benton County Prosecutor
Courthouse
706 E. 5th ST
Fowler, IN 47994

Blackford Co Prosecutor
110 W. Washington St
Hartford City, IN 47348

Boone County Prosecutor
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Lebanon, IN 46052

Brown County Prosecutor
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Nashville, IN 47448

Carroll County Prosecutor
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Delphi, IN 46923

Cass County Prosecutor
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Logansport, IN 46947

Clark County Prosecutor
215 City County Building
Jeffersonville, IN 47130

Clinton County Prosecutor
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Frankfort, IN 46041

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Connersville, IN 47331

Floyd County Prosecutor
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New Albany, IN 47150

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301 4th St
Covington, 47932

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Rochester, IN 46975

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Hamilton County Prosecutor
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Harrison County jail
City Justice Center, 2nd Floor
1445 Gardner Lane
Corydon, IN 47112

Hendricks County Prosecutor
Courthouse
Suite 105
Danville, IN 46122

Henry County Prosecutor
Justice Center, Suite 250
1215 Race Street
New Castle, IN 47362

Howard County Prosecutor
Administration Center
220 N. Main St
Kokomo, IN 46901

Huntington Co Prosecutor
Courthouse
201 N. Jefferson, Rm 420
Huntington, IN 46750

Jackson County Prosecutor
111 S. Main Street
Brownstown, IN 47220

Jasper County Prosecutor
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Rensselaer, IN 47978

Jay County Prosecutor
120 Court Street
Portland, IN 47371

Jefferson County Prosecutor
Courthouse
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Madison, IN 47250

Johnson County Prosecutor
80 S. Jackson St
Franklin, IN 46131

Jennings County Prosecutor
Courthouse Sq
24 N. Pike
Vernon, IN 47282

Knox County Prosecutor
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300 E. Main Street
Vincennes, IN 47591

Kosciusko County Prosecutor
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Warsaw, IN 46580

LaGrange County Prosecutor
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105 N. Detroit
LaGrange, IN 46761

Lake County Prosecutor
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Crown Point, IN 46307

LaPorte County Prosecutor
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LaPorte, IN 46350

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Wabash County Prosecutor
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