

# ATTACHMENT 2

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BIG HAT BOOKS, *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 v. ) No. 1:08-CV-0596 SEB-TAB  
 )  
 PROSECUTORS, *et al.*, )  
 )  
 Defendants. )

**Affidavit of Abbey Friedman**

Comes now Abbey Friedman, being duly sworn upon her oath, and says that:

1. I am an adult resident of Indiana.
2. I am the General Coordinator and member of the Board of Directors of Boxcar Books and Community Center, Inc. ("Boxcar Books"), a not for profit, volunteer run, bookstore in Bloomington, Indiana.
3. Although Boxcar Books is a not for profit it does sell the books and magazines in the store.
4. The building in which Boxcar Books is located is for sale and there is currently a potential buyer for the building.
5. Once the sale goes through Boxcar Books may have to move and it is looking at potential new spaces in the event it has to move after June 30, 2008.
6. Boxcar Books has sections on erotica and art books that feature nudity and sexuality.

7. Additionally, Boxcar Books sells literature with sexual content such as works by D.H. Lawrence, Henry Miller, Anais Nin, Michel Foucault, the Marquis de Sade, and Vladimir Nabokov.

8. Boxcar Books also sells various books that concern women's sexual health such as *Our Bodies, Ourselves* by the Boston Women's Collective and books about recovering from sexual abuse such as *Courage to Heal* by Ellen Bass and Laura Davis.

9. Boxcar Books also sells various magazines with a sexual content such as *On Our Backs* and *Dirty Found*.

10. Boxcar Books will be adding new employees and/or volunteers after June 30, 2008.

11. In order to register as required by HEA 1042, Boxcar Books will have to pay \$250 and then pay \$250 for each new employee who is added. This will pose a severe economic burden on Boxcar Books, a not for profit organization. Even the single payment of \$250 is an economic burden to Boxcar Books.

12. Boxcar Books does have a section of its store where children's literature is sold. This area is not proximate to the section for more mature readers.

13. If Boxcar Books registers and is therefore labeled as a seller of material that is harmful to minors it will negatively effect its business in that it will make it more likely that person's desiring children's literature will not go to the store. Although Boxcar Books is a not for profit organization, it does need to maintain a revenue stream so that it can pay for operating costs and expenses.

14. I am aware that if Boxcar Books registers as required by HEA 1042 it must provide a statement detailing the types of materials that it intends to sell. I have no idea

what this means and what degree of specificity must attend such a disclosure. I do not know if I need to list every work we have and whether that must be supplemented as the works change.

15. Registering as required by the law will cause increased costs and administrative burdens on Boxcar Books.

16. Boxcar Books is not an "adult bookstore." I do not believe that Boxcar Books sells anything that is obscene.

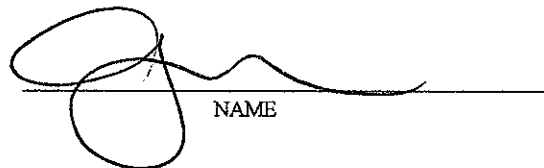
17. However, as I read HEA 1042, Boxcar Books will be required to register unless we go through the store's collection and purge material that we sell. We do not want to do this as it would injure Boxcar Books both financially and in our efforts to provide a wide range of literature to the community.

18. Boxcar Books does not wish to register as required by HEA 1042.

### Verification

I verify, under the penalty of perjury, that the foregoing is true and correct.

Executed on 5/15/08  
DATE

  
NAME

Prepared by:

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