#### IN THE UNITED STATES DISTRICT COURT

#### MIDDLE DISTRICT OF LOUISIANA

ENTERTAINMENT SOFTWARE
ASSOCIATION AND ENTERTAINMENT
MERCHANTS ASSOCIATION,

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Plaintiffs,

CIVIL ACTION NO. 06-431-JJB-CN

vs.

\*

CHARLES C. FOTI, JR., in his official capacity as Attorney General of the State of Louisiana; and DOUG MOREAU, in his official capacity on behalf of himself as District Attorney for the Parish of East Baton Rouge, and on behalf of a class of similarly situated individuals in their official capacities,

**SECTION "D"** 

Judge James J. Brady

Defendants.

\*

# EX PARTE MOTION FOR LEAVE TO FILE PLAINTIFFS' SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION FOR A PRELIMINARY INJUNCTION

NOW INTO COURT, through undersigned counsel, come Plaintiffs Entertainment Software Association ("ESA") and Entertainment Merchants Association ("EMA"), who respectfully seek leave to file the attached supplemental memorandum, in order to draw the Court's attention to the recent decision of the United States District Court for the District of Minnesota permanently enjoining, on First Amendment grounds, a Minnesota statute that restricted the sale of certain video games based on the content of the games. *Entertainment Software Association and Entertainment Merchants Association v. Hatch*, 06-CV-2268 (D. Minn. July 31, 2006). A copy of the decision is annexed to the supplemental memorandum.

Plaintiffs respectfully submit that their supplemental memorandum will assist the Court in resolving issues before it.

Respectfully submitted,

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Attorneys for Entertainment Software Association and Entertainment Merchants Association

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served upon Charles C. Foti, Jr., in his official capacity as Attorney General of the State of Louisiana and Doug Moreau, in his official capacity as District Attorney for the Parish of Baton Rouge, by facsimile and U.S. mail this 1st day of August 2006.

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## IN THE UNITED STATES DISTRICT COURT

### MIDDLE DISTRICT OF LOUISIANA

ENTERTAINMENT SOFTWARE	*	
ASSOCIATION AND ENTERTAINMENT	*	
MERCHANTS ASSOCIATION,	*	
,	*	
Plaintiffs,	*	CIVIL ACTION NO. 06-431-JJB-CN
	*	CIVIL ACTION NO. 00-431-33B-CN
vs.	*	
	*	
CHARLES C. FOTI, JR., in his official	*	SECTION "D"
capacity as Attorney General of the State of	*	
Louisiana; and DOUG MOREAU, in his	*	Judge James J. Brady
official capacity on behalf of himself as	*	
District Attorney for the Parish of East	*	
Baton Rouge, and on behalf of a class of	*	
similarly situated individuals in their official	*	
capacities,	*	
•	*	
Defendants.	*	

# <u>ORDER</u>

Considering the Ex Parte Motion for Leave to File Plaintiffs' Supplemental Memorandum in Support of Motion for a Preliminary Injunction;

IT IS ORDERED that the Motion is granted and that the supplemental memorandum attached thereto is hereby filed into the record of this case.

Baton Roug	e, Louisiana, this	date of	, 2006.

UNITED STATES DISTRICT JUDGE

2006

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