

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST COURT
MIDDLE DISTRICT OF LA

2006 AUG 31 P 2: 27

ENTERTAINMENT SOFTWARE
ASSOCIATION AND ENTERTAINMENT
MERCHANTS ASSOCIATION,

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Plaintiffs,

CIVIL ACTION NO. 06-431-JJB-CN

vs.

SECTION "D"

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,

Judge James J. Brady

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION AND GRANTING IN PART AND DENYING
IN PART DEFENDANTS' MOTION TO DISMISS**

This matter comes before the Court on plaintiffs Entertainment Software Association and Entertainment Merchants Association's Motion for a Preliminary Injunction and the Motion to Dismiss filed by defendant Charles C. Foti, in his capacity as the Louisiana Attorney General and adopted by defendant Doug Moreau, in his capacity as District Attorney for the Parish of East Baton Rouge, Louisiana.

For the reasons set forth in the Court's August 24, 2006 Ruling on Motion for Preliminary Injunction and Motion to Dismiss, the Court orders as follows:

IT IS ORDERED that the motion by defendants to dismiss (Doc. 19) is GRANTED IN PART to the extent that (1) the Attorney General is dismissed as a party defendant to injunctive

relief only, and (2) preliminary injunctive relief will not be entered against Doug Moreau as representative of the proposed defendant class. In all other respects, the motion to dismiss is DENIED.

IT IS ORDERED that plaintiffs' Motion for a Preliminary Injunction (Doc. 1) is GRANTED.

IT IS FURTHER ORDERED that defendant Doug Moreau, in his official capacity as District Attorney for the Parish of East Baton Rouge, and his officers, agents, servants, employees, and attorneys and those persons in active concert or participation with them who receive actual notice of this Order by postal service or otherwise, are hereby ENJOINED from enforcing, or directing the enforcement of the Act 441 of the 2006 regular session of the Louisiana Legislature, codified at R.S. 14:91.14 until resolution of this action or further order of this Court.

IT IS FURTHER ORDERED that plaintiffs file a motion for class certification and personally notify by mail all of the district attorneys in Louisiana of this action, the motion for class certification, and any motion for summary judgment.

IT IS FURTHER ORDERED that nothing herein affects the requests for declaratory judgment and other relief requested in the Complaint.

Baton Rouge, Louisiana, this 31ST day of AUGUST 2006.


United States District Judge James J. Brady

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