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.

PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS

NOW INTO COURT, through undersigned counsel, come Plaintiffs, Entertainment Software Association and Entertainment Merchants Association, pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1920, Fed. R. Civ. P. 54(d), and Local Rule 54.2 and 54.3, who respectfully move this Court for an order granting attorneys' fees, expenses, and costs to them, as the prevailing party in their First Amendment challenge to La. R.S. 14:91.14 ("the Act"). The Act would have criminalized the sale or rental to minors of certain "violent" video games, as defined by the Act. This Court granted Plaintiffs' motions for preliminary relief and subsequently invalidated the Act, declaring it unconstitutional and enjoining its enforcement throughout the State. In light of the significant degree of success achieved by Plaintiffs, and based on this motion, the attached supporting materials, and the record in this case, Plaintiffs ask that they be awarded a total of

\$145,871.25 in fees and costs. Plaintiffs are filing contemporaneously herewith a memorandum in support of this motion as well as the Declarations of Katherine A. Fallow and James A. Brown and edited invoices, which are attached to the memorandum.

WHEREFORE, Plaintiffs respectfully request an award of their attorneys' fees, litigation expenses, and costs in the amount of \$145,871.25.

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 this day of December, 2006.

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