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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON

POWELL'S BOOKS, INC. et al.,

Civil No. CV 08-0501-MO

Plaintiffs,

PLAINTIFFS' MOTION FOR
 DECLARATION OF
 UNCONSTITUTIONALITY AND
 PERMANENT INJUNCTION

v.

HARDY MYERS, in his official capacity as
 ATTORNEY GENERAL OF THE STATE
 OF OREGON, et al.,

ORAL ARGUMENT REQUESTED

Defendants.

LOCAL RULE 7.1(A) COMPLIANCE

Plaintiffs have conferred with defendant on the subject of this motion, and the parties were unable to agree on a resolution of the issues.

MOTION

Plaintiffs respectfully request that this Court grant declaratory relief stating that ORS 167.054 and ORS 167.057(1)(A) are unconstitutional because they violate the First, Fifth, and Fourteenth Amendments to the United States Constitution, for the reasons described in the concurrently filed Memorandum in Support of Motion for Declaration of Unconstitutionality and Permanent Injunction (the “Memorandum”) and supporting declarations.

Plaintiffs also respectfully request that this Court grant a permanent injunction against enforcement of ORS 167.054 and ORS 167.057(1)(A), or, in the alternative, against enforcement of said sections against plaintiffs and those on whose behalf they sue because those statutes violate the First, Fifth, and Fourteenth Amendments to the United States Constitution, for the reasons described in the Memorandum and supporting declarations.

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DATED: July 31, 2008.

STOEL RIVES LLP

s/ P.K. Runkles-Pearson

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* Application for pro hac vice admission filed

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