

P.K. Runkles-Pearson, OSB No. 061911
pkrunkles-pearson@stoel.com
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204
Telephone: (503) 224-3380
Facsimile: (503) 220-2480

Michael A. Bamberger
mbamberger@sonnenschein.com
Rachel G. Balaban
rbalaban@sonnenschein.com
SONNENSCHN NATH & ROSENTHAL LLP
1221 Avenue of the Americas, 24th Floor
New York, NY 10020
Telephone: (212) 768-6700
Facsimile: (212) 768-6800
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

POWELL'S BOOKS, INC., et al.,

Plaintiffs,

v.

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

Defendants.

Civil No. CV 08-0501-MO

DECLARATION OF DR. MARK
NICHOLS IN SUPPORT OF PLAINTIFFS'
REQUEST FOR DECLARATION OF
UNCONSTITUTIONALITY AND
PERMANENT INJUNCTION

I, Mark Nichols, declare under penalty of perjury:

1. I am an individual currently residing in the State of Oregon, and I am over the age of 18. I have personal knowledge of the facts and statements contained in this declaration.

2. I have been a licensed physician in the state of Oregon for 29 years. I hold a

Bachelor of Arts in biology and a medical degree from the University of California Davis.

3. I have been the medical director for Planned Parenthood of the Columbia Willamette since 1996. In that capacity, I have experience as doctor treating children and adolescents for reproductive health matters.

4. I am a member of the American College of OBGYNs, and the Society for Family Planning.

5. My experience and training allows me render a qualified opinion about sexual development in children (preteens) and teenagers.

6. Puberty involves a complex series of biologic transitions; it corresponds to accompanying cognitive and psychosocial changes in children and teenagers. People entering puberty think differently about sexual matters and about body image than people who have not yet entered puberty.

7. In girls, the earliest sign of puberty is breast development; the onset of most girls' first period (known as menarche) occurs about two or three years after that. In boys, the earliest sign of puberty is an increase in testicular volume.

8. The age of puberty has steadily declined over time. For instance, the average age of menarche declined 2.3 months from 1999 to 2002. It declined 4.9 months from the 1960s to 1999. Since 1900, the average age of menarche has declined by three years.

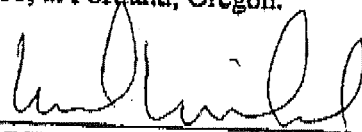
9. Today, the earliest signs of puberty in girls occur, on average, at age 9 or 10. They may occur as early as age 8 without being considered abnormal. The average age of menarche is between 12 and 12.5 years. In boys, puberty is considered normal at age 9.

10. Children beginning puberty exhibit behaviors that indicate a changed attitude toward sex and body image. They are preoccupied with their own bodies, are uncertain about their physical appearances, and have questions about sexual matters such as intercourse

and masturbation. They have limited abilities to perceive future consequences of sexual actions, and that may lead them to initiate sexual activity.

11. Children and teenagers may be prevented from risky sexual behaviors if they receive concrete information about sex. Encouraging the "normalization" of sexual discussion can allow children and teenagers to ask the frank questions necessary for their sexual health and may help to delay sexual intercourse, preventing early pregnancies, sexually transmitted diseases, and emotional damage.

Executed this 31st day of July, 2008, at Portland, Oregon.



MARK NICHOLS