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UNITED STATES DISTRICT COURT DISTRICT OF UTAH, CENTRAL DIVISION

THE KING'S ENGLISH, INC., et al.,)
Plaintiffs, vs.	MOTION FOR ENTRY OF STIPULATED ORDER
	(Including Preliminary Injunction)
MARK SHURTLEFF, In his official capacity as ATTORNEY GENERAL OF) Civil No. 2:05CV00485 DB
THE STATE OF UTAH, et al.,	Judge Dee Benson
Defendants.	

In this action, Plaintiffs have sued the Utah Attorney General and the District and County Attorneys for all counties in Utah (in their official capacities) challenging the constitutionality of HB 260 ("the Act"), passed in the 2005 General Session of the Utah State Legislature. Specifically, Plaintiffs challenge the following sections of the Utah Code which were either enacted or amended by the Act: Section 2 (enacting 67-5-19); Section 4 (amending 76-10-1205); Section 5 (amending 76-10-1206); Section 6 (enacting 76-10-1230); Section 7 (enacting 76-10-1231); Section 8 (enaction 76-10-1232); and Section 9 (enacting 76-10-1233).

After considerable discussion between counsel for Plaintiffs and Defendants, Defendants recommended to the Utah Legislature certain amendments to HB 260, which were introduced in the 2006 General Session of the Utah Legislature as HB 187. Defendants believed HB 187

eliminated a number of the issues in the litigation. The proposed bill passed the House Judiciary Committee and, though it was placed on the calendar to be voted upon by the House, it died on the last day 8th down from the top. There was discussion about having the bill placed on the call for the special session of the Legislature convened May 24, 2006, but that never happened. There also exists the possibility the bill could be placed on the call for a second special session, but at this point the only thing that can be certain is that the sponsor is willing to introduce the bill in the 2007 General Session of the Utah Legislature.

While Plaintiffs are willing and prepared to proceed with the present case, and have submitted to Defendants requests for admissions, interrogatories and requests for production of documents, Defendants and the sponsor of HB 260 intend to have the Utah legislature amend the Legislation.

Therefore, Defendants respectfully move this Court for an entry of a Stipulated Order which imposes a preliminary injunction, acknowledges that even though the Plaintiffs are prepared to proceed with this case, discovery should be stayed pending the conclusion of the 2007 General Session of the Utah State Legislature, and the dates previously set to in the Attorneys' Planning Meeting Report shall be reset by counsel following the 2007 Utah Legislative Session.

DATED this $\frac{24}{2}$ day of August, 2006.

MARK L. SHURTLEFF

Attorney General

ERROLD'S JENSEN

Assistant Attorney General Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing Motion for Entry of Stipulated Order were served by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

HOWREY LLP Attorneys for Plaintiffs Wesley D. Felix, e-filer

AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC. Attorneys for Plaintiffs
Margaret D. Plane, e-filer

CENTER FOR DEMOCRACY & TECHNOLOGY Attorneys for Plaintiffs John B. Morris, e-filer

SONNENSCHEIN NATH AND ROSENTHAL LLP Attorneys for Plaintiffs Michael A. Bamberger, e-filer

/s/ Peni Cox