

2. No later than November 1, 2006, Defendants shall submit to Plaintiffs a draft of the proposed amendments to HB 260 along with an indication by the sponsor of the amendments that he intends to introduce the amendments at the start of the 2007 Legislative Session.

3. In the event Defendants do not submit to Plaintiffs a draft of the proposed amendments and an indication by the sponsor that he intends to introduce the same in the 2007 Legislative Session, this stay on discovery shall be lifted and discovery responses shall be due by November 30, 2006.

4. If the draft amendments are submitted to Plaintiffs by November 1, 2006, Plaintiffs shall respond to Defendants by December 1, 2006, as to what issues are inadequately addressed in the draft amendments and the parties shall proceed with discovery on those issues, to be completed by April 1, 2007.

5. Defendants, and all persons acting under their direction or control, are preliminarily enjoined from enforcing, prosecuting, investigating or reviewing any matter based on:

- a) the statutes created or changed by Sections 2 and 4-9 of House Bill 260 (2005); and
- b) Utah Criminal Code § 76-10-1206 (as amended by House Bill 260) against any person or entity with respect to harmful to minors material which is communicated, distributed or transmitted electronically, except when the material is intended to be, and is, communicated, distributed or transmitted to one or more specific identifiable persons actually known to the communicator, distributor or transmitter to be minors.

6. Pursuant to Rule 65(c) of the Federal Rules of Civil Procedure, Plaintiffs need not post a bond in connection with this injunction, which is in effect immediately.

7. This injunction, which supersedes the outstanding order of non-enforcement dated November 28, 2005, will remain in full force and effect until the final judgment of this Court, or further order of this Court, whichever comes soonest.

Dated this 25th day of August, 2006.

BY THE COURT:



HONORABLE DEE BENSON

Approved as to form:

/s/ Zachary J. Weyher
HOWREY LLP
by Zachary J. Weyher
Attorneys for Plaintiffs

Utah Attorney General's Office

/s/ Jerrold S. Jensen
by Jerrold S. Jensen
Attorney for Defendants

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing proposed Stipulated Order was 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
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/s/ Peni Cox