

HOWREY LLP

Wesley D. Felix (6539)
Zachary J. Weyher (10846)
170 South Main Street, Suite 400
Salt Lake City, UT 84101
Telephone: (801) 533-8383
Facsimile: (801) 531-1486

**AMERICAN CIVIL LIBERTIES UNION
OF UTAH FOUNDATION, INC.**

Marina Baginsky Lowe (11482)
355 North 300 West
Salt Lake City, UT 84103
Telephone: (801) 521-9682
Facsimile: (801) 532-2850

**CENTER FOR DEMOCRACY
& TECHNOLOGY**

John B. Morris, Jr. (Pro Hac Vice)
1634 Eye Street, NW # 1100
Washington, DC 20006
Telephone: (202) 637-9800 ext. 116
Facsimile: (202) 637-0968

**SONNENSCHN NATH &
ROSENTHAL LLP**

Michael A. Bamberger (Pro Hac Vice)
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 768-6700
Facsimile: (212) 768-6800

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

THE KING’S ENGLISH, et al.,)	
)	
Plaintiffs,)	Civil No. 2:05CV00485 DB
)	
vs.)	Judge Dee Benson
)	Magistrate Judge Samuel Alba
MARK SHURTLEFF, et al.,)	
)	
Defendants.)	
)	

**PLAINTIFFS’ MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE,
FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT**

COMES NOW, Plaintiffs, by and through their undersigned counsel, and hereby files a Motion for Reconsideration, or in the Alternative, Leave to File a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a).

Plaintiffs respectfully request that the Court reconsider the following three aspects of the Court's November 29, 2007 Memorandum Opinion and Order (the "Opinion"):

1) Holding that Plaintiffs IPNS of Utah, LLC and RigidTech.com, Inc. lack standing to challenge § 76-10-1231 under commerce clause;

2) Holding that Plaintiffs IPNS of Utah LLC and RigidTech.com, Inc., as well as all other content-providing plaintiffs, lack standing to challenge § 76-10-1205 under both the first amendment and the commerce clause; and

3) Holding that Plaintiffs The King's English, Inc. and Sam Weller's Zion Bookstore lack standing to challenge § 76-10-1206.

In the alternative, Plaintiffs respectfully request leave to file a Second Amended Complaint in order to more fully set forth the facts supporting Plaintiffs' standing to assert its claims. A copy of the proposed Second Amended Complaint and a Proposed Order are attached to the Memorandum in Support of Plaintiffs' Motion for Reconsideration.

WHEREFORE, Plaintiffs pray for an Order granting their Motion for Reconsideration on the points stated above, or in alternative, leave to file a second amended complaint.

DATED this 19th day of February, 2008.

HOWREY LLP
170 South Main Street, Suite 400
Salt Lake City, UT 84101

By 

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice electronically to:

Mark E. Burns
markburns@utah.gov

Jerrold S. Jensen
JerroldJensen@utah.gov, penicox@utah.gov

/s/ 