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THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMAZON.COM LLC ,

Plaintiff,

v.

KENNETH R. LAY, in his official capacity as  
Secretary of the North Carolina Department of  
Revenue,

Defendant.

No. 10-CV-00664

**[PROPOSED] ORDER  
GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

**NOTE ON MOTION  
CALENDAR: AUGUST 6, 2010**

This matter came before the Court on Plaintiff Amazon.com LLC's ("Amazon") Motion Summary Judgment. The Court finds that the Motion should be GRANTED. The Court, having considered the papers submitted in support of and in opposition to Amazon's motion, and has heard from the parties at oral argument, finds in favor of Amazon and against Kenneth R. Lay, in his official capacity as Secretary of the North Carolina Department of Revenue (the "Department of Revenue"), on all claims asserted in Amazon's complaint, filed in this Court on April 19, 2010.

It is hereby ORDERED that:

1. Plaintiff's motion for summary judgment is GRANTED;
2. To the extent that the Department of Revenue's information requests to Amazon demand that Amazon disclose its customers' names, addresses or any other personal information in connection with purchases of expressive material, such requests violate the First Amendment;

1           3.       To the extent that the Department of Revenue’s information requests to  
 2 Amazon demand that Amazon disclose its customers’ names, addresses or any other personal  
 3 information in connection with purchases of expressive material, such requests violate Article  
 4 1, sections 4 and 5 of the Washington State Constitution; and

5           4.       To the extent that the Department of Revenue’s information requests to  
 6 Amazon demand that Amazon disclose any personally identifiable information regarding  
 7 customers who purchased DVDs, Blu-Ray discs, VHS tapes and other audiovisual materials,  
 8 such requests violate the Video Privacy Protection Act of 1988, 18 U.S.C. § 2710.

9                   SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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 13                   Hon. Marsha J. Pechman  
 14                   UNITED STATES DISTRICT JUDGE

15 Presented by:

16 DAVIS WRIGHT TREMAINE, LLP  
 17 Attorneys for Amazon.com LLC

18  
 19           By s/ Steven P. Caplow  
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