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DISTRICT OF UTAH  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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

The Plaintiffs and Defendants have agreed to (1) the entry of a stipulated preliminary injunction barring the enforcement of the challenged portions of House Bill 260 passed during the 2005 General Session of the Utah State Legislature, as well as certain related portions of §76-10-1206, and (2) the staying of all discovery in the current case pending the submission of a bill amending HB 260 in the 2007 General Session of the State Legislature. Therefore, the Court hereby enters the following stipulated order.

This Court hereby orders that:

1. Even though Plaintiffs are prepared to proceed with discovery as planned, and have served full sets of discovery requests on Defendants as of July 5, 2006, discovery is hereby stayed pending the conclusion of the 2007 General Session of the Utah State Legislature.

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 25<sup>th</sup> day of August, 2006.

BY THE COURT:

A handwritten signature in cursive script that reads "Dee Benson". The signature is written in dark ink and is positioned above a horizontal line.

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  
Attorneys for Plaintiffs  
Wesley D. Felix, e-filer

AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC.  
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/s/ Peni Cox