

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

American Civil Liberties Union,
et al.,

Plaintiffs,

v.

Jane Hull, et al.,

Defendants.

No. CV-00-0505-TUC-AM

Joint Motion for Stay of Litigation and
For Entry of Order Staying
Enforcement of A.R.S. § 13-3506

Both the Plaintiffs in the lawsuit and the Arizona Attorney General, in her role as lead defense counsel in this case, acting on behalf of the Arizona Department of Law, the Governor, and all of the County Attorneys of the State of Arizona (the "Defendants"), agree to stay the pending lawsuit pending the close of the current legislative session, or enactment or final defeat of HB 2289. This includes vacating the currently scheduled evidentiary hearing and the briefing schedule.

The parties further agree that, upon approval of the court, this order shall stay enforcement of A.R.S. § 13-3506 as described below; the stay of enforcement shall remain in place pending the district court's ruling on the plaintiffs' application for permanent injunctive relief or other relevant court order concerning disposition of this litigation in the district court.

The terms of the stay of enforcement shall be as follows: A.R.S. § 13-3506 shall not be enforced by the Defendants as to recklessly transmitting, furnishing, presenting,

providing, making available, giving, lending, showing, advertising, offering, or distributing any item over the Internet. Nothing in the stay of enforcement shall prohibit the Defendants from charging a person with a violation of A.R.S. § 13-3506, or otherwise using as evidence, any activity otherwise prohibited by A.R.S. § 13-3506, e.g. physically giving a minor a magazine containing pictures that contains material harmful to minors or making physically available a movie to a minor that contains material harmful to minors.

RESPECTFULLY SUBMITTED this 22nd day of January, 2001.

By: Tom Dennis for
Stephen T. Portell (No. 018567)
Christopher R. Harris
Michael A. Bamberger
for the Plaintiffs

Tom Dennis
Thomas J. Dennis (No. 010210)
for the Defendants