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UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

THE KING'S ENGLISH, INC., et al.,

Plaintiffs

vs.

MARK SHURTLEFF, In his official
capacity as ATTORNEY GENERAL OF
THE STATE OF UTAH, et al.,

Defendants.

**MOTION TO LIFT INJUNCTION
AGAINST UTAH CODE ANN. §§ 76-10-
1205 AND 1231**

Case No. 2:05CV00485

Judge Dee Benson

In the event this Court denies Plaintiffs' Motion for Reconsideration, or in the alternative, for Leave to File a Second Amended Complaint, dated February 19, 2008, Doc. 64, Defendants move for a lifting of the injunction against Utah Code Ann. §§ 76-10-1205 and 1231.

Pursuant to a Motion for Entry of Stipulated Order, filed August 24, 2006, Doc. 35, the parties stipulated to a Preliminary Injunction against the enforcement of House Bill 260, passed during the 2005 General Session of the Utah Legislature, which amended Utah Code Ann. §§ 76-

10-1205 and 1206, and created Utah Code Ann. §§ 76-10-1231 and 1233. Plaintiffs challenged all four sections. Pursuant to this Court's Opinion and Order of November 28, 2007, this Court found that none of the Plaintiffs had standing to challenge § 76-10-1231 or § 76-10-1205 and therefore dismissed these claims from this case.

Plaintiffs have filed a Motion for Reconsideration of that Opinion and Order, and in the alternative, for Leave to File a Second Amended Complaint. In the event both motions are denied, the injunction prohibiting the State of Utah from enforcing Utah Code Ann. §§ 76-10-1205 and 1231 should be lifted.

DATED this 16th day of April, 2008.

MARK L. SHURTLEFF
Attorney General

/s/Jerrold S. Jensen
JERROLD S. JENSEN
Assistant Attorney General

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing **MOTION FOR LIFTING OF THE INJUNCTION ON §§ 76-10-1205 AND 1231** 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:

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