HOWREY LLP

Wesley D. Felix (6539) Evelyn J. Furse (8952) 170 South Main Street, Suite 400 Salt Lake City, UT 84101 Telephone: (801) 533-8383 Facsimile: (801) 531-1486

Attorneys for Plaintiffs

CENTER FOR DEMOCRACY & TECHNOLOGY

John Morris (*Admitted Pro Hac Vice*) 1634 Eye Street, N.W., Suite 1100 Washington, D.C. 20006 Telephone: (202) 637-9800 Facsimile: (202) 637-0968

AMERICAN CIVIL LIBERTIES UNION OF UTAH LETHICT COURT FOUNDATION, INC. MEY 23 FOR 14:51 Margaret Plane 2005 MOV 28 P3 1:14 14:51 355 North 300 West Salt Lake City, UT 84103 Telephone: (801) 521-9862 Facsimile: (801) 532-2850 ULEX

SONNENSCHEIN NATH & ROSENTHAL LLP

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

IN THE UNITED STATES DISTRICT COURT DISTRICT OF UTAH

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

Plaintiffs,

vs.

MARK SHURTLEFF et al.,

Defendants.

STIPULATED ORDER

Civil No. 2:05CV00485 DB

Judge Dee Benson

The Plaintiffs and Defendants have agreed to the Defendants' non-enforcement of (1) House Bill 260, passed during the 2005 legislative session, and (2) Utah Code section 76-10-1206 as it applies 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, with respect to any acts occurring prior to the earlier of a decision by the Court on the merits or 30 days after written notice to Plaintiffs. The parties reached this agreement in lieu of requiring Plaintiffs to seek injunctive relief in this Court to stay enforcement of those provisions. Therefore, the Court hereby enters this Stipulated Order.

STIPULATED ORDER

This Court hereby ORDERS that Defendants shall not enforce against any person or entity

(1) Sections two, and four through nine (Section 2, and Sections 4-9) of H.B. 260 (2005) and

(2) Section 76-10-1206 as it applies 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, with respect to any acts occurring prior to the earlier of a decision by the Court on the merits or 30 days after written notice to Plaintiffs of Defendants' intent to enforce any of the above referenced sections against any person or entity. DATED this $\frac{28}{28}$ day of November, 2005.

per Kenson

Honorable Dee Benson

AGREED AS TO FORM

HOWREY LLP BY: Wesley D. Felix Autorneys for Plaintiffs

UTAH AZTORNEY GENERAL'S OFFICE BY: Jerrold Jensen Attorney for Defendants