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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Antigone Books L.L.C., et al.
Plaintiffs,

2:14-cv-02100-PHX-SRB

-v-

FINAL DECREE

Mark Brnovich, in his capacity as Attorney
General of the State of Arizona; et al.
Defendants.

This Final Decree is entered upon the Stipulation of Plaintiffs and Defendant Attorney General. Plaintiffs filed this lawsuit on September 23, 2014, in order to challenge the constitutionality of Ariz. Rev. Stat. § 13-1425. Among other claims, Plaintiffs allege that Ariz. Rev. Stat. § 13-1425 is an unconstitutionally overbroad and viewpoint-based restriction on protected speech. Plaintiffs assert that Ariz. Rev. Stat. § 13-1425 is unconstitutional for the additional reasons set forth in the Complaint.

Each of the defendant County Attorneys entered into a Stipulation, upon which an Order was entered by this Court (collectively, the “Orders re County Attorneys”), agreeing that such County Attorney would be bound by any Stipulation entered into by the Attorney General, except for a Stipulation requiring discovery, imposing greater obligations upon the County Attorney than those imposed on the Attorney General, or imposing liability for costs or fees upon the County Attorney or his/her County.

After Plaintiffs moved for a preliminary injunction, the Court entered an Order upon joint motion of the parties, staying enforcement of Ariz. Rev. Stat. § 13-1425 beginning November 26, 2014 (Dkt. 104). That stay was continued on April 28, 2015

1 (Dkt. 108), and currently remains in effect. This Final Decree now resolves Plaintiffs’
2 claims by agreement.

3 Plaintiffs and Defendant Attorney General have now jointly stipulated for entry of
4 this Final Decree. Pursuant to the Orders re County Attorneys, each of the County
5 Attorneys is bound by such Stipulation.

6 The Court finds that entry of this Final Decree will further the objectives of judicial
7 economy, fiscal responsibility, and the U.S. Constitution.

8 NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED:

9 1. **Jurisdiction.** This Court has jurisdiction over the subject matter of this action
10 and over the parties under 28 U.S.C. §§ 1331, 1367, and 1441.

11 2. **Resolution.** This Final Decree resolves all issues and claims set forth in
12 Plaintiffs’ Complaint and Motion for Preliminary Injunction.


13 3. **Terms.** Defendants, their agents, employees, successors, assigns, and all
14 persons in active concert or participation with Defendants are permanently
15 enjoined from enforcing, threatening to enforce, or otherwise using Arizona
16 Revised Statute § 13-1425 in its current form.

17 4. **Fees.** Plaintiffs are the prevailing parties and are entitled to an award of
18 reasonable attorneys’ fees and costs against defendant Attorney General,
19 pursuant to 42 U.S.C. § 1988, in an amount to be agreed upon by the Parties
20 and, absent agreement, to be determined by the Court. The Parties shall seek to
21 reach agreement on the amount of attorneys’ fees and costs (to be paid by the
22 Attorney General or the State on his behalf) within 14 days of the date of entry
23 of this Final Decree by the Court, pursuant to Local Civil Rule 54.2. Absent
24 such agreement, Plaintiffs’ counsel may make application for reasonable
25 attorneys’ fees and costs within 28 days of the date of entry of this Final
26 Decree by the Court, pursuant to Rule 54(d)(2), Fed. R. Civ. P. and Local Civil
27 Rule 54.2.
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- 5. **Release.** Except for the obligations expressly set forth in this Final Decree, Defendants, their agents, employees, successors, assigns, and all persons in active concert or participation with Defendants, are released from any and all civil liability to Plaintiffs for the claims alleged in the Complaint filed in this matter.
- 6. **Authority.** The undersigned representatives of Defendant Attorney General and Plaintiffs are fully authorized to file the Stipulation upon which this Final Decree is entered, and to bind Defendant Attorney General and Plaintiffs to such Stipulation and this Final Decree. Pursuant to the Orders re County Attorneys, each of the County Attorneys is bound by this Final Decree.
- 7. **Final Judgment.** This Final Decree constitutes a final judgment of the action captioned above. The Court finds that there is no reason for delay and therefore enters this Final Decree as a final judgment under Rules 54 and 58 of the Federal Rules of Civil Procedure.

Dated this 10th day of July, 2015.



Susan R. Bolton
United States District Judge