	Case 2:12-cv-00954-RSM Document 8	3 Filed 12/06/12 Page 1 of 4			
1	THE HONORABLE RICARDO S. MARTINEZ				
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7	UNITED STATES DISTRICT COURT				
8	WESTERN DISTRICT OF WASHINGTON AT SEATTLE				
9	BACKPAGE.COM, LLC,)			
10	Plaintiff,) No. 2:12-cv-000954-RSM			
11	and) STIPULATION BETWEEN) PLAINTIFFS AND			
12	THE INTERNET ARCHIVE,) DEFENDANT RUSSELL D.			
13		HAUGE ACCEPTING[PROPOSED] ORDER FOR			
14	Plaintiff-Intervenor,) ENTRY OF FINAL) JUDGMENT ENJOINING			
15	V.	ENFORCEMENT OF RCW4.68A.104 (WASHINGTON			
16	ROB MCKENNA, Attorney General of the State of Washington, <i>et al.</i>) SENATE BILL 6251)			
17	Defendants, in their)			
18	official capacities.)			
19 20					
20	Plaintiffs Backpage.com, LLC and The Internet Archive, together with Defendant				
22	Russell D. Hauge, Prosecuting Attorney of Kitsap County ("Hauge"), by and through their				
23	counsel of record, hereby stipulate and agree as follows:				
24	1. Plaintiffs and Hauge agree and request that the Court enter final judgment in				
25	this matter, permanently enjoining any enforcement or prosecution of any person under				
26	RCW 4.68A.104 (the codified version of Washington Engrossed Substitute Senate Bill				
27	6251, Chapter 138, Washington Laws of 2012) and declaring that the statute is				
	STIPULATION AND [PROPOSED] ORDER OF FINAL JUDGMENT				

ENJOINING ENFORCEMENT OF RCW 4.68A.104 — 1

unconstitutional and violates federal law, in accordance with paragraphs 2 and 3 of the Proposed Order for Entry of Final Judgment Enjoining Enforcement of RCW 4.68A.104 (Washington Senate Bill 6251) pursuant to the Stipulation entered into concurrently between Plaintiffs and all other Defendants in this action (the "Stipulated Order").

2. Hauge does not object to the judgment assessing an award of costs and attorneys' fees against the Office of the Attorney General, as set forth in paragraph 4 of the Stipulated Order. Plaintiffs agree that Hauge shall not be responsible for any additional costs or attorneys' fees.

3. With this Stipulation, the undersigned parties hereby settle all claims and potential claims between them related to this litigation, and no party will appeal or otherwise challenge an order of the Court or entry of final judgment in this matter as set forth in the Stipulated Order.

4. The undersigned parties further agree that, by this Stipulation, Plaintiffs' Motion for Clarification or Reconsideration of Order Granting Defendant Hauge's Motions to Dismiss (Dkt. #74), the Court's Order Granting Defendant Hauge's Motions to Dismiss (Dkt. #72), and the Court's Order Directing Response to Motion for Clarification or Reconsideration (Dkt. #77) are mooted, should be withdrawn, and require no further action by the Court.

<u>ORDER</u>

Based on the foregoing Stipulation and the Court's prior orders, findings and conclusions in this action, it is hereby ORDERED, ADJUDGED and DECREED that:

All claims between Plaintiffs and Defendant Russell D. Hauge, Kitsap
County Prosecuting Attorney, are and shall be resolved in accordance with paragraphs 2
and 3 of the Proposed Order for Entry of Final Judgment Enjoining Enforcement of RCW
4.68A.104 (Washington Senate Bill 6251) pursuant to the Stipulation entered into
concurrently between Plaintiffs and all other Defendants in this action (the "Stipulated Order").

STIPULATION AND [PROPOSED] ORDER OF FINAL JUDGMENT ENJOINING ENFORCEMENT OF RCW 4.68A.104 — 2

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1	2. Plaintiffs' Motion for Clarification or Reconsideration of Order Granting			
2	Defendant Hauge's Motions to Dismiss (Dkt. #74), the Court's Order Granting Defendant			
3	Hauge's Motions to Dismiss (Dkt. #72), and the Court's Order Directing Response to			
4	Motion for Clarification or Reconsideration (Dkt. #77) are moot and are hereby withdrawn,			
5	and Plaintiffs and Defendant Hauge need not respond further.			
6	3. The Court has awarded Plaintiffs costs and attorneys' fees in the Stipulated			
7	Order, and Defendant Hauge shall not be responsible for any additional costs or attorneys'			
8	fees. The undersigned parties respectively shall bear any other costs and fees incurred in			
9	connection with this action.			
10				
11	SO ORDERED this day of December, 2012.			
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14	RICARDO S. MARTINEZ UNITED STATES DISTRICT JUDGE			
15				
16	Presented and agreed to by:			
17	DAVIS WRIGHT TREMAINE LLP			
18	<u>s/James C. Grant</u> James C. Grant WSPA No. 14358			
19	James C. Grant, WSBA No. 14358 Ambika K. Doran, WSBA No. 38237			
20	<u>s/Elizabeth L. McDougall</u>			
21	Elizabeth L. McDougall, WSBA No. 27026 General Counsel, Village Voice Media Holdings, LLC			
22	Attorneys for Plaintiff Backpage.com, LLC			
23	ELECTRONIC FRONTIER FOUNDATION			
24	s/ Matthew Zimmerman			
25	Matthew Zimmerman (admitted <i>pro hac vice</i>)			
26				
27				
	STIPULATION AND [PROPOSED] ORDER OF FINAL JUDGMENT ENJOINING ENFORCEMENT OF RCW 4.68A.104 — 3 Davis Wright Tremaine LLP LAW OFFICES Suite 2200 1201 Third Avenue Seattle, WA 98101-3045 206.622.3150 main · 206.757.7700 fax			

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1	FOCAL PLLC			
2	s/ Venkat Balasubramani			
	Venkat Balasubramani, WSBA No. 28269			
3	Attorneys for Plaintiff-Intervenor The Internet Archive			
4	RUSSELL D. HAUGE, Kitsap County Prosecuting Attorney			
5				
6	Ione S. George, WSBA No. 18236			
7	Chief Deputy Prosecuting Attorney			
8	Attorney for Defendant Russell D. Hauge			
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