

THE HONORABLE RICARDO S. MARTINEZ

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BACKPAGE.COM, LLC,)	
	)	No. 2:12-cv-000954-RSM
Plaintiff,)	
and	)	STIPULATION BETWEEN
	)	PLAINTIFFS AND
THE INTERNET ARCHIVE,	)	DEFENDANT RUSSELL D.
	)	HAUGE ACCEPTING
Plaintiff-Intervenor,	)	[PROPOSED] ORDER FOR
	)	ENTRY OF FINAL
v.	)	JUDGMENT ENJOINING
	)	ENFORCEMENT OF RCW
ROB MCKENNA, Attorney General of the	)	4.68A.104 (WASHINGTON
State of Washington, <i>et al.</i>	)	SENATE BILL 6251)
)	
Defendants, in their)	
official capacities.)	
)	

STIPULATION

Plaintiffs Backpage.com, LLC and The Internet Archive, together with Defendant Russell D. Hauge, Prosecuting Attorney of Kitsap County (“Hauge”), by and through their counsel of record, hereby stipulate and agree as follows:

1. Plaintiffs and Hauge agree and request that the Court enter final judgment in this matter, permanently enjoining any enforcement or prosecution of any person under RCW 4.68A.104 (the codified version of Washington Engrossed Substitute Senate Bill 6251, Chapter 138, Washington Laws of 2012) and declaring that the statute is

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

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

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

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

19 **ORDER**

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

22 1. All claims between Plaintiffs and Defendant Russell D. Hauge, Kitsap
23 County Prosecuting Attorney, are and shall be resolved in accordance with paragraphs 2
24 and 3 of the Proposed Order for Entry of Final Judgment Enjoining Enforcement of RCW
25 4.68A.104 (Washington Senate Bill 6251) pursuant to the Stipulation entered into
26 concurrently between Plaintiffs and all other Defendants in this action (the “Stipulated
27 Order”).

1 FOCAL PLLC

2 s/ Venkat Balasubramani

3 Venkat Balasubramani, WSBA No. 28269

4 Attorneys for Plaintiff-Intervenor The Internet Archive

5 RUSSELL D. HAUGE, Kitsap County Prosecuting Attorney

6 s/ Ione S. George

7 Ione S. George, WSBA No. 18236

8 Chief Deputy Prosecuting Attorney

9 Attorney for Defendant Russell D. Hauge