

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PRISON LEGAL NEWS, DANIEL
DENVIR, PHILADELPHIA CITY
PAPER, CHRISTOPHER MORAFF,
PENNSYLVANIA PRISON SOCIETY,
SOLITARY WATCH, PROFESSOR
REGINA AUSTIN, STEVEN
BLACKBURN, WAYNE JACOBS,
EDWIN DESAMOUR, and WILLIAM
COBB,

Plaintiffs,

v.

KATHLEEN KANE, in her capacity as
Attorney General of Pennsylvania, and
R. SETH WILLIAMS, in his capacity as
District Attorney of Philadelphia County,

Defendants.

CIVIL ACTION

No. _____

ORDER

AND NOW, this ____ day of _____, 2015, upon consideration
of Plaintiffs' Motion for a Preliminary Injunction and any responses thereto, the
Court hereby finds that:

1. 18 Pa. C.S. § 11.1304 violates the Due Process Clause of the
Fourteenth Amendment and violates the First Amendment, as applied to the states
by the Fourteenth Amendment;

2. Plaintiffs will be irreparably harmed if the enforcement of 18 Pa. C.S. § 11.1304 is not enjoined;

3. The harm that denying the preliminary injunction motion will cause Plaintiffs outweighs any harm that Defendants will suffer if the motion is granted; and

4. Granting Plaintiffs the preliminary injunction that they seek is in the public's interest.

It is therefore ORDERED that, pending further order of the Court, Defendants are enjoined from filing or otherwise participating in any suit under 18 Pa. C.S. § 11.1304.

BY THE COURT:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PRISON LEGAL NEWS, DANIEL
DENVIR, PHILADELPHIA CITY
PAPER, CHRISTOPHER MORAFF,
PENNSYLVANIA PRISON SOCIETY,
SOLITARY WATCH, PROFESSOR
REGINA AUSTIN, STEVEN
BLACKBURN, WAYNE JACOBS,
EDWIN DESAMOUR, and WILLIAM
COBB,

Plaintiffs,

v.

KATHLEEN KANE, in her capacity as
Attorney General of Pennsylvania, and
R. SETH WILLIAMS, in his capacity as
District Attorney of Philadelphia County,

Defendants.

CIVIL ACTION

No. 1:15-CV-45

FILED
HARRISBURG, PA

JAN 08 2015

AAA

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION


Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs *Prison Legal News*, Daniel Denvir, *Philadelphia City Paper*, Christopher Moraff, Pennsylvania Prison Society, Solitary Watch, Professor Regina Austin, Steven Blackburn, Wayne Jacobs, Edwin Desamour, and William Cobb move this Court for an Order preliminarily enjoining the enforcement of 18 Pa. C.S. § 11.1304. In support of this Motion, Plaintiffs rely upon and incorporate the averments and

reasons set forth in their Verified Complaint and in the 34-page, 8,186-word supporting brief that Plaintiffs are simultaneously moving for leave to file.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion for a Preliminary Injunction and enter an Order preliminarily enjoining the enforcement of 18 Pa. C.S. § 11.1304.

Date: January 8, 2015

Respectfully submitted,



Amy B. Ginensky (PA 26233)*
Eli Segal (PA 205845)*
PEPPER HAMILTON LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
(215) 981-4000
Attorneys for Plaintiffs

Thomas B. Schmidt, III (PA 19196)
Tucker R. Hull (PA 306426)
PEPPER HAMILTON LLP
100 Market Street, Suite 200
Harrisburg, PA 17108-1181
(717) 255-1155
Attorneys for Plaintiffs

Witold J. Walczak (PA 62976)
Sara J. Rose (PA 204936)
AMERICAN CIVIL LIBERTIES
FOUNDATION OF PENNSYLVANIA
313 Atwood Street
Pittsburgh, PA 15213
(412) 681-7864
Attorneys for Plaintiffs

Seth F. Kreimer (PA 26102)
3400 Chestnut Street
Philadelphia, PA 19104
(215) 898-7447
Attorney for Plaintiffs

Lance Weber (FL 104550)*
Sabarish Neelakanta (FL 26623)*
HUMAN RIGHTS DEFENSE CENTER
PO Box 1151
Lake Worth, FL 33460
(561) 360-2523
Attorneys for Plaintiff Prison Legal News

**pro hac vice application to be submitted*

CERTIFICATE OF NON-CONCURRENCE

I hereby certify that counsel for Defendants was advised of the foregoing motion and indicated that Defendants do not concur in the relief that the motion seeks.

By: T. R. Hull
Tucker R. Hull

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Plaintiffs' Motion for a Preliminary Injunction were served on this 8th day of January, 2015, upon the parties listed below in the manner set forth.

By hand-delivery upon:

R. Seth Williams, District Attorney of Philadelphia
Three South Penn Square
Corner of Juniper and South Penn Square
Philadelphia, PA 19107-3499

By email (as agreed upon by the parties) upon:

Kathleen G. Kane, Attorney General of Pennsylvania
Strawberry Square, 16th Floor
Harrisburg, PA 17120

By: Tucker R. Hull
Tucker R. Hull