

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUL 11 2003

JAMES W. McCORMACK, CLERK
By _____ DEP. CLERK

**SHIPLEY, INC. d/b/a THAT BOOKSTORE
IN BLYTHEVILLE, et al.**

PLAINTIFFS

v.

No. 4:03 CV00481 GTE

**FLETCHER LONG, JR., District One Prosecuting
Attorney, et al.**

DEFENDANTS

STIPULATION

In order to eliminate the need for a hearing and trial court disposition of any pending or future motion or motions for temporary restraining order or preliminary injunction, and to facilitate an expeditious and efficient disposition of this litigation by the District Court, plaintiffs and defendants, through their respective counsel, hereby stipulate that, unless and until the District Court issues a final ruling on the merits of plaintiffs' claims, the defendants will take no action to enforce or threaten to enforce those provisions of Arkansas Code Annotated section 5-68-502(1)(b) that were added by Arkansas Act 858 of 2003.

This stipulation is entered into by the defendants solely to facilitate the expeditious and efficient disposition of this litigation by the District Court. By entering into this stipulation, the defendants do not concede that any plaintiff has satisfied or might satisfy the burden of establishing the requisites for any temporary, preliminary, or permanent declaratory or injunctive relief, nor do defendants concede that any plaintiff might succeed on the merits of any claim asserted in this litigation. This stipulation, and defendants' agreement to enter into it, shall not

be submitted or used as evidence, direct or indirect, in support of any of the claims asserted by plaintiffs in this litigation.

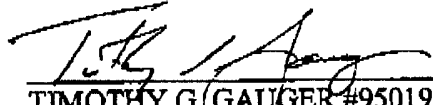
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July 11, 2003

Honorable G. Thomas Eisele
United States District Court
Eastern District of Arkansas
Suite 502
600 West Capitol Avenue
Little Rock, AR 72201-3325

Re: Shipley, Inc., d/b/a That Bookstore in Blytheville, *et al.* v
Fletcher Long, Jr., District 1 Prosecuting Attorney, *et al.*
Civil No. 4-03CV00481GTE

Dear Judge Eisele:

We are writing as counsel for the parties in this case and pursuant to our telephone conference with you on June 27, 2003.

The parties have filed a Stipulation, a copy of which is attached, stating that the defendants will not take any actions to enforce or threaten to enforce those provisions of Arkansas Code Ann. § 5-68-502 (1)(b) that were added by Act 858 of 2003 until such time as this Court rules on the merits in this case.

The plaintiffs have filed an Amended Complaint dropping the governor and the attorney general as defendants, leaving the prosecuting attorneys as the defendants.

The parties have agreed that the plaintiffs will provide to the defendants on July 11, 2003, the names of their proposed declarants and the nature of their testimony, and defendants will provide to the plaintiffs on July 18 the names of their proposed declarants and the nature of their testimony, in effect thereby complying with Rule 26 mandatory disclosures.

The defendants will file their Answer by July 21, 2003.

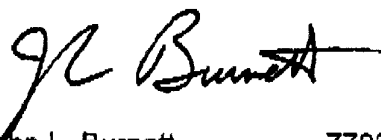
The plaintiffs will file on or before July 25 their motion for summary judgment, barring the parties' decision to conduct discovery, in which event a continued motion schedule will be in order. The defendants will respond by August 29, and the plaintiffs will file any reply by September 19.

If an evidentiary hearing or trial turns out to be necessary, the defendants prefer a trial date after January 1, 2004, due to Mr. Gauger's involvement in matters pertaining to the expected special legislative session in the fall, and plaintiffs do not object to that timeframe.

Thank you for your consideration.



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