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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BACKPAGE.COM, LLC,)
)
) Plaintiff,)
)
) v.)
)
) ROB MCKENNA, Attorney General of the)
) State of Washington; RANDY J. FLYCKT,)
) Adams County Prosecuting Attorney;)
) BENJAMIN C. NICHOLS, Asotin County)
) Prosecuting Attorney; ANDREW K. MILLER,)
) Benton County Prosecuting Attorney; GARY)
) A. RIESEN, Chelan County Prosecuting)
) Attorney; DEBORAH S. KELLY, Clallam)
) County Prosecuting Attorney; ANTHONY F.)
) GOLIK, Clark County Prosecuting Attorney;)
) REA L. CULWELL, Columbia County)
) Prosecuting Attorney; SUSAN I. BAUR,)
) Cowlitz County Prosecuting Attorney;)
) STEVEN M. CLEM, Douglas County)
) Prosecuting Attorney; MICHAEL SANDONA,)
) Ferry County Prosecuting Attorney; SHAWN P.)
) SANT, Franklin County Prosecuting Attorney;)
) MATTHEW L. NEWBERG, Garfield County)
) Prosecuting Attorney; ANGUS LEE, Grant)
) County Prosecuting Attorney; H. STEWARD)
) MENEFEE, Grays Harbor County Prosecuting)
) Attorney;)

No. C12-954-RSM
**TEMPORARY RESTRAINING
ORDER ENJOINING
ENFORCEMENT OF
WASHINGTON SENATE BILL
6251**

(Continued on Page 2)

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GREGORY M. BANKS, Island County)
Prosecuting Attorney; SCOTT W.)
ROSEKRANS, Jefferson County Prosecuting)
Attorney; DAN SATTERBERG, King County)
Prosecuting Attorney; RUSSELL D. HAUGE,)
Kitsap County Prosecuting Attorney;)
GREGORY L. ZEMPEL, Kittitas County)
Prosecuting Attorney; LORI L. HOCTOR,)
Klickitat County Prosecuting Attorney;)
JONATHAN L. MEYER, Lewis County)
Prosecuting Attorney; JEFFREY S.)
BARKDULL, Lincoln County Prosecuting)
Attorney; MICHAEL K. DORCY, Mason)
County Prosecuting Attorney; KARL F.)
SLOAN, Okanogan County Prosecuting)
Attorney; DAVID J. BURKE, Pacific County)
Prosecuting Attorney; THOMAS A.)
METZGER, Pend Oreille County Prosecuting)
Attorney; MARK LINDQUIST, Pierce)
County Prosecuting Attorney; RANDALL K.)
GAYLORD, San Juan County Prosecuting)
Attorney; RICHARD WEYRICH, Skagit)
County Prosecuting Attorney; ADAM N.)
KICK, Skamania County Prosecuting)
Attorney; MARK K. ROE, Snohomish)
County Prosecuting Attorney; STEVEN J.)
TUCKER, Spokane County Prosecuting)
Attorney; TIMOTHY D. RASMUSSEN,)
Stevens County Prosecuting Attorney; JON)
TUNHEIM, Thurston County Prosecuting)
Attorney; DANIEL H. BIGELOW,)
Wahkiakum County Prosecuting Attorney;)
JAMES L. NAGLE, Walla Walla County)
Prosecuting Attorney; DAVID S.)
McEACHRAN, Whatcom County)
Prosecuting Attorney; DENIS P. TRACY,)
Whitman County Prosecuting Attorney;)
JAMES P. HAGARTY, Yakima County)
Prosecuting Attorney,)
))
Defendants, in their)
official capacities.)
_____)

1 This matter came before the Court on the Motion of Plaintiff Backpage.com, LLC
2 (“Backpage.com”) for a Temporary Restraining Order and Preliminary Injunction. Having
3 considered the Motion, materials filed in support of the Motion, as well as the Complaint
4 filed concurrently by Backpage.com, the Court finds, concludes and orders as follows:

5 1. Washington Senate Bill 6251 (“SB 6251”) will take effect June 7, 2012
6 unless enjoined by this Court.

7 2. Backpage.com has provided notice of its Motion to all Defendants. *See*
8 Declaration of Ambika K. Doran ¶ 2 & Ex. A.

9 3. Defendants have not responded to Backpage.com’s Motion or Complaint,
10 but, for the reasons set forth below, the Court determines that it is appropriate to maintain
11 the status quo and enter a Temporary Restraining Order, as set forth herein.

12 4. Backpage.com has shown a likelihood of success on the merits of its claim,
13 pursuant to 42 U.S.C. § 1983 and the Declaratory Judgment Act, 28 U.S.C. § 2201, as well
14 irreparable harm, the balance of equities tipping strongly in its favor, and injury to the
15 public interest, justifying injunctive relief.

16 THEREFORE, the Court ORDERS as follows:

17 (A) Defendants are immediately RESTRAINED from taking any actions to
18 enforce SB 6251 or pursue prosecution under the law in any way;

19 (B) This Temporary Restraining Order will issue without the requirement of any
20 security bond.

21 (C) This Temporary Restraining Order shall take effect immediately and remain
22 in effect for 14 days after entry of this Order, unless the effective period is extended by
23 consent of the parties or by further Order of the Court.

24 (D) **The Court hereby sets Backpage.com’s motion for a preliminary**
25 **injunction for a hearing on Friday, June 15, 2012 at 10:30 a.m.** The parties shall adhere
26 to the following expedited briefing schedule:
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i. Any Response to Plaintiff’s motion shall be filed with the Court no later than Monday, June 11, 2012.

ii. Any Reply to Defendants’ Response shall be filed with the Court no later than Wednesday, June 13, 2012.

(E) Backpage.com shall certify no later than Wednesday, June 6, 2012, at 9:00 a.m. Pacific Standard Time that it has emailed a courtesy copy of this Order to all Defendants, and otherwise made a good faith effort to ensure that all Defendants, who have yet to appear in the action, have received notice that this Order has been filed.

SO ORDERED this 5 day of June 2012.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE