

**AMERICAN CIVIL LIBERTIES UNION
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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

NATHAN FLORENCE, et al.,

Plaintiffs,

vs.

MARK SHURTLEFF, et al.,

Defendants.

Civil No. 2:05CV00485 DB

Judge Dee Benson
Magistrate Judge Samuel Alba

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, plaintiffs hereby respectfully move for summary judgment on all counts of their Amended Complaint. In support of this motion, plaintiffs (a) incorporate by reference the Declarations of Allan R. Adler, Scott Bradner, Charles Brownstein, Christopher Finan, Nathan Florence, Barbara M. Jones, Karen McCreary and Terry Nathan and (b) submit the accompanying Memorandum in Support of Plaintiffs' Motion for Summary Judgment.

As is detailed in the attached memorandum, the undisputed facts and the law applicable to the case establish that plaintiffs are entitled to summary judgment on the ground that the Challenged Statutes violate both the Commerce Clause of, and the First, Fifth and Fourteenth Amendments to, the Constitution of the United States of America.

June 8, 2011

Respectfully submitted,

s/ Michael A. Bamberger
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The undersigned certifies that a true and correct copy of the foregoing Plaintiffs' Motion for Summary Judgment and declarations in support thereof were served via electronic filing this 8th day of June, 2011, upon counsel for Defendant.

s/ Michael A. Bamberger
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