

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CENTER FOR DEMOCRACY & TECHNOLOGY, On Behalf of Itself; AMERICAN CIVIL LIBERTIES UNION On Behalf of Its Members; and, PLANTAGENET, INC., On Behalf of Itself and Its Customers	:	CIVIL ACTION
	:	
Plaintiffs,	:	
	:	
vs.	:	NO. 03-5051
	:	
GERALD J. PAPPERT, Attorney General of the Commonwealth of Pennsylvania	:	
Defendant.	:	

ORDER

AND NOW, this 10th day of September, 2004, upon consideration of Plaintiffs' Motion for Declaratory Relief and For Preliminary and Permanent Injunctive Relief (Doc. No. 19, filed December 12, 2003), Defendant's Brief in Opposition to Plaintiffs' Motion for Declaratory Relief and Preliminary and Permanent Injunctive Relief (Doc. No. 26, filed December 24, 2003), Plaintiffs' Reply Memorandum in Support of Their Motion for Declaratory Relief and For Preliminary and Permanent Injunctive Relief (Doc. No. 67, filed December 31, 2003), Defendant's Sur-Reply Memorandum re Playboy and Reno Cases (Doc. No. 41, filed February 11, 2004), Plaintiffs' Supplemental Memorandum In Support of Their Motion for Declaratory Relief and For Preliminary and Permanent Injunctive Relief (Doc. No. 57, filed April 9, 2004), Defendant's Supplemental, Post-Hearing, Brief in Opposition to Plaintiffs' Motion for Declaratory Relief and Preliminary and Permanent Injunctive Relief (Doc. No. 63, filed April 30, 2004), Plaintiffs' Supplemental Reply Memorandum In Support of Their Motion for Declaratory Relief and For

Preliminary and Permanent Injunctive Relief (Doc. No. 64, filed May 11, 2004), Joint Stipulations of Fact (Doc. No. 27, filed December 26, 2003), Second Additional Joint Stipulation of Fact (Doc. No. 54, filed March 22, 2004), Plaintiffs' Post-Trial Proposed Findings of Fact (Doc. No. 58, filed April 9, 2004), Plaintiffs' Revised Proposed Conclusions of Law (Doc. No. 59, filed April 9, 2004), Defendant's Post-Hearing Proposed Findings of Fact (Doc. No. 62, filed April 30, 2004), Plaintiffs' Additional Post-Trial Proposed Findings of Fact in Reply to Defendant's Proposed Findings (Doc. No. 65, filed May 11, 2004), and following a non-jury trial, based on the attached Findings of Fact and Conclusions of Law, the Court **FINDS IN FAVOR** of plaintiffs, Center for Democracy and Technology, American Civil Liberties Union of Pennsylvania, and PlantageNet, Inc., and against defendant, Gerald J. Pappert.

It is **FURTHER ORDERED** that:

1. Judgment is **ENTERED** in favor of plaintiffs, Center for Democracy and Technology, American Civil Liberties Union of Pennsylvania, and PlantageNet, Inc., and against defendant, Gerald J. Pappert;

2. Pennsylvania's Internet Child Pornography Act, 18 Pa. Cons. Stat. §§ 7621-7630, is **DECLARED UNCONSTITUTIONAL**;

3. Defendant is **PERMANENTLY ENJOINED** from issuing any Informal Notices or obtaining any court orders under the Internet Child Pornography Act;

4. Defendant is **PERMANENTLY ENJOINED** from taking any action against an Internet Service Provider for failing to comply with an Informal Notice or court order issued pursuant to the Internet Child Pornography Act;

5. Defendant **SHALL SERVE** a copy of this Order on each Internet Service Provider that has been served with an Informal Notice or court order issued pursuant to the Internet Child

Pornography Act. Promptly upon receipt of a copy of this Order, all Internet Service Providers which blocked web sites pursuant to Informal Notices and, with respect to WorldCom, a court order shall remove the blocks.

BY THE COURT:

JAN E. DUBOIS, J.