

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WOODHULL FREEDOM FOUNDATION,)
HUMAN RIGHTS WATCH, ERIC KOSZYK,)
JESSE MALEY, a/k/a ALEX ANDREWS, and)
THE INTERNET ARCHIVE,)

Plaintiffs,)

v.)

THE UNITED STATES OF AMERICA)
and WILLIAM P. BARR, in his official)
capacity as ATTORNEY GENERAL)
OF THE UNITED STATES,)

Defendants.)

Case No. 1:18-cv-1552

[PROPOSED] ORDER

Upon consideration of the Motion for Summary Judgment and supporting papers of Plaintiffs Woodhull Freedom Foundation, Human Rights Watch, Eric Koszyk, Jesse Maley a/k/a Alex Andrews, and The Internet Archive, Defendants’ Motion for Summary Judgment, and the respective oppositions and replies thereto, together with the record herein and the arguments of the parties, it is hereby ORDERED Plaintiffs’ Motion for Summary Judgment is GRANTED, and Defendants’ Motion for Summary Judgment is DENIED. It is further ORDERED that:

1. The Court declares that the Allow States and Victims to Fight Online Sex Trafficking Act of 2017, Pub. L. No. 115-164, 132 Stat. 1253 (2018) (“FOSTA” or “the Act”), as codified at 18 U.S.C. § 2421A, 18 U.S.C. §§ 1591(e)(4) & 1595(d), and 47 U.S.C. § 230(e)(5), violates the First and Fifth Amendments and the *Ex Post Facto* Clause of the U.S. Constitution.

2. The Defendant Attorney General, as well as his officers, agents, employees, attorneys, and all other persons in active concert or participation with him; all State Attorneys General, as well as their officers, agents, employees, attorneys and all other persons in active

concert or participation with them; and all putative private parties whom the Act contemplates or authorizes to seek to impose civil liability or receive relief thereunder who receive notice of this Order, are permanently enjoined from enforcing or seeking application of 18 U.S.C. § 2421A, 18 U.S.C. §§ 1591(e)(4) & 1595(d), and 47 U.S.C. § 230(e)(5).

3. Plaintiffs are awarded attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412.

Dated: _____, 2020

RICHARD J. LEON
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record