

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

**ASSOCIATION OF AMERICAN
PUBLISHERS, INC.,**

*

Plaintiff,

*

*

v.

Case No.: DLB-21-3133

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**BRIAN E. FROSH, in his official capacity as
Attorney General of the State of Maryland,**

*

Defendant.

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ORDER

Having considered the motion for preliminary injunction of the plaintiff Association of American Publishers, Inc. (“AAP”) and its supporting memorandum and exhibits (ECF 4 & 4-1 – 4-4), the defendant Brian E. Frosh’s opposition to the motion and exhibits (ECF 10, 10-1, & 10-3 – 10-14), AAP’s reply in support of the motion (ECF 13), and the arguments of counsel on February 7, 2022, the Court finds that AAP has clearly established the four factors necessary for a preliminary injunction: (a) it will likely succeed on its claim that Md. Code Ann., Educ. §§ 23-701, 23-702 (“the Act”) is preempted by the Copyright Act, 17 U.S.C. § 101 *et seq.*; (b) its members likely will suffer irreparable harm if the Act is not enjoined; (c) the balance of the equities tips in favor of preliminary injunctive relief; and (d) an injunction is in the public interest. For these reasons, which are discussed in the accompanying Memorandum Opinion, it is this 16th day of February 2022 hereby ORDERED:

1. The plaintiff’s motion for preliminary injunction, ECF 4, is GRANTED;
2. Defendant Brian E. Frosh, in his official capacity as Attorney General of the State of Maryland, his officers, agents, servants, employees, and attorneys, and anyone acting under his authorization or direction are hereby preliminarily ENJOINED

from enforcing Md. Code Ann., Educ. §§ 23-701, 23-702. This preliminary injunction shall take effect immediately and shall remain in effect pending further order of the Court; and

3. The plaintiff is not required to pay a security deposit.



Deborah L. Boardman
United States District Judge