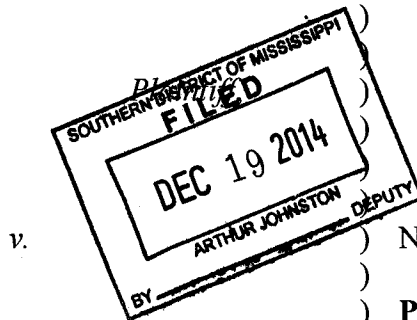


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

Google Inc.,



No. 3:14cv981 HTW-LRA

Jim Hood, Attorney General of the State
of Mississippi, in his official capacity,
Defendant.

)
) **PLAINTIFF GOOGLE INC.'S**
) **MOTION FOR TEMPORARY**
) **RESTRAINING ORDER AND**
) **PRELIMINARY INJUNCTION**

) **ORAL ARGUMENT REQUESTED**
)

Plaintiff Google Inc. ("Google") hereby moves, pursuant to Federal Rule of Civil Procedure 65(b), for a temporary restraining order and a preliminary injunction to enjoin Jim Hood, Attorney General of the State of Mississippi (the "Attorney General") from: (a) enforcing the Administrative Subpoena and Subpoena Duces Tecum (the "Subpoena") issued by the Attorney General and served on Google on October 27, 2014 (returnable January 5, 2015) or (b) bringing a civil or criminal charge against Google under Mississippi law for making accessible third-party content to Internet users (as threatened).

The grounds for this motion, which are set forth more fully in the accompanying Memorandum of Law in Support of Plaintiff Google's Motion for Temporary Restraining Order and Preliminary Injunction, include the following:

1. Google has a substantial likelihood of prevailing on the merits because the Subpoena and threatened litigation violate the Communications Decency Act of 1996 ("CDA")

and the First and Fourteenth Amendments, the Subpoena violates the Fourth Amendment, and the Subpoena and threatened litigation are in large part preempted by the Copyright Act, including the Digital Millennium Copyright Act, and by and the Food, Drug, and Cosmetic Act.

2. Google will suffer substantial and irreparable harm if its requested relief is not granted. The Attorney General's threats are causing ongoing injury: they force Google to choose between being prosecuted improperly or changing its services to screen out content per the Attorney General's demands, irrespective of what the law actually requires. The Subpoena is causing ongoing injury as well: it denies Google the full immunity granted in the CDA, subjects Google to an unreasonable search in violation of the Fourth Amendment, and punishes Google for constitutionally protected speech.

3. A temporary restraining order and preliminary injunction will preserve the status quo while this action is pending, without prejudicing the Attorney General who will not be injured by a modest delay while Google's legal claims are expeditiously addressed.

4. Enjoining the Attorney General will further the public interest. Google's request to enjoin the Attorney General is necessary to vindicate not only its own constitutional rights, but also the First Amendment rights of millions of Americans who rely on the Google products subject to the Subpoena and threatened litigation.

5. Google, therefore, meets the Fifth Circuit's requirements for injunctive relief. *See Texas Medical Providers Performing Abortion Services v. Lakey*, 667 F.3d 570, 574 (5th Cir. 2012).

6. In accordance with Local Civil Rule 7(b)(6)(A), Google requests oral argument on this Motion.

Google also requests that the Court require no security, or, at most, a minimal one, because Defendant will suffer no injury from the issuance of the temporary restraining order and preliminary injunction.

Wherefore, Google respectfully requests that the Court enter the proposed temporary restraining order and preliminary injunction order filed herewith.

DATED this 19th day of December, 2014.

Respectfully submitted,



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