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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

FREE SPEECH COALITION, INC.;  
DEEP CONNECTION TECHNOLOGIES,  
INC.; CHARYN PFEUFFER; JFF PU-  
BLICATIONS, LLC; ANNA LOUISE  
PETERSON; LYNSEY GRISWOLD ;  
PHE, INC.; AND CONVERGENCE  
HOLDINGS, INC.,

*Plaintiffs,*

v.

AUSTIN KNUDSEN, in his offi-  
cial capacity as Attorney General  
of the State of Montana

*Defendant.*

Case No. 9:24-cv-00067-DWM

**JOINT STATEMENT OF  
STIPULATED FACTS**

Plaintiffs Free Speech Coalition, Inc., Deep Connection Technolo-  
gies, Inc., JFF Publications, LLC, PHE, Inc., Convergence Holdings, Inc.,  
Charyn Pfeuffer, Anna Louise Peterson, Lynsey Griswold (“Plaintiffs”),  
and Defendant Austin Knudsen, in his official capacity as Attorney Gen-  
eral of the State of Montana (“Defendant”), through their respective at-  
torneys of record, submit this Joint Stipulation of Facts that are admitted

and require no proof as required by L.R. 16.2(b)(3) and this Court's Orders dated October 24, 2024 and December 3, 2024:

1. SB544 is titled "An Act Revising Internet Laws Related to Material Harmful to Minors."

2. Senator Willis Curdy sponsored SB544.

3. The Montana Senate passed SB544 on April 4, 2023.

4. The Montana House of Representatives passed SB544 on April 24, 2023.

5. Governor Gianforte signed SB544 into law on May 19, 2023.

6. SB544 has an effective date of January 1, 2024.

7. SB544 applies to "commercial entit[ies]" that "knowingly and intentionally" publish or distribute "material harmful to minors" on the internet from a website containing a "substantial portion" of "material harmful to minors." See §1(1).

8. SB544 defines "material harmful to minors" by adding "with respect to minors" or "for minors" to the test for obscenity in *Miller v. California*, 413 U.S. 15, 24 (1973). See §1(7)(d)(i)-(iii).

9. SB544 defines "minor" as "any person under 18 years of age." §1(7)(e).

10. Entities subject to SB544 may select their preferred “reasonable age verification methods,” including “government-issued identification,” §1(7)(h)(ii)(A), a “digitized identification card[s],” or “any commercially reasonable method that relies on public or private transactional data,” §1(7)(h)(i), (ii)(B).

11. Although “digitized identification card” is not defined in SB544 or elsewhere, no such card is currently available in Montana.

12. Entities that perform the “required age verification may not retain any identifying information of the individual after access has been granted to the material.” §1(2).

13. Exempted from the requirements of SB544 are “any bona fide news or public interest”: “broadcast,” “website video,” “report,” or “event.” §1(4).

14. SB544 provides for only a civil remedy, not any criminal liability.

15. The State has a compelling interest in protecting minors from certain sexually explicit online content.

16. Obscene content is not protected by the First Amendment and may be regulated. *Miller*, 413 U.S. at 23.

DATED this 16th day of January, 2025.

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