

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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| THE QC GROUP, INC., <i>et al.</i> , |) | Case No. 13-CV-1726 (JRT/SER) |
| |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| SYLVIA M. BURWELL, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**STIPULATION FOR ENTRY OF JUDGMENT AND INJUNCTION
IN FAVOR OF PLAINTIFFS AND STIPULATION FOR
FEE MOTION BRIEFING SCHEDULE**

In light of the decision by the United States Supreme Court in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), the parties, through their respective counsel, enter into the following Stipulation:

1. The parties stipulate and agree that judgment may be entered in favor of Plaintiffs and against Defendants on Count I of the Complaint [Docket No. 1], in the form of the Order for Injunction and Judgment attached to this Stipulation as Exhibit No. 1.
2. Plaintiffs intend to file a Motion for Attorney Fees and Nontaxable Costs pursuant to 42 U.S.C. § 1988 in the form of Exhibit 2 as a result of the Order for Injunction and Judgment the Court enters pursuant to paragraph 1 of this Stipulation. The parties stipulate to the following briefing schedule for the Plaintiffs’ § 1988 attorney fee motion under Federal Rule of Civil Procedure 54(d)(2) and Local Rule 54.3(b):

- a. Plaintiffs shall file their Memorandum of Law and any Declarations in support of the motion for attorney fees and nontaxable costs no later than 45 days from the date judgment is issued;
- b. Defendants shall file their Response Memorandum and Declarations no later than 21 days after Plaintiffs file their papers under paragraph a;
- c. Plaintiffs shall file their Reply Memorandum and Declarations no later than 14 days after Defendants file their papers under paragraph b.

The parties have provided for the 45-day period for Plaintiff to file the initial papers in support of the attorney fee motion in order to explore the possibility of reaching a negotiated settlement of Plaintiffs' attorney fee request. Thus, the purpose of this request and stipulation is to facilitate settlement and reduce costs and time expended by both parties and the Court.

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Dated: November 14, 2014

MOHRMAN, KAARDAL & ERICKSON, P.A.

/s/Erick G. Kaardal

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ATTORNEYS FOR PLAINTIFFS

Dated: November 14, 2014

UNITED STATES DEPARTMENT OF JUSTICE

/s/Bradley P. Humphreys

Bradley P. Humphreys

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ATTORNEYS FOR DEFENDANTS

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| |) | |
| Defendants. |) | |
| _____ |) | |

[PROPOSED] ORDER FOR INJUNCTION AND JUDGMENT

In light of the Supreme Court’s decision in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), it is hereby

ORDERED that defendants, their employees, agents, and successors in office are enjoined

(a) from enforcing

(1) the “June 30, 2014 Contraceptive Coverage Requirement,” defined here to include those provisions of federal law in existence on June 30, 2014, when the Supreme Court decided *Hobby Lobby*, that require plaintiff The QC Group, Inc. to provide its employees with health coverage for contraceptive methods, sterilization procedures, and related patient education and counseling to which plaintiffs object on religious grounds, *e.g.*, 26 C.F.R. § 54.9815-2713(a)(1)(iv); 29 C.F.R. § 2590.715-2713(a)(1)(iv); 45 C.F.R. § 147.130(a)(1)(iv); and

(2) any penalties, fines, or assessments for noncompliance with the June 30, 2014 Contraceptive Coverage Requirement, including those found in 26 U.S.C. § 4980D, and 29 U.S.C. §§ 1132 and 1185d; and

(b) from taking any other actions based on noncompliance with the June 30, 2014 Contraceptive Coverage Requirement against plaintiff The QC Group, Inc., its employee health plan(s), the group health coverage provided in connection with such plan(s), and/or The QC Group, Inc.'s health insurance issuers and/or third-party administrators with respect to The QC Group, Inc.'s health plan(s); and it is further

ORDERED that judgment is entered in favor of plaintiffs and against defendants on plaintiffs' claim under the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb *et seq.*; and it is further

ORDERED that any petition or motion by plaintiffs for attorneys' fees or costs shall be submitted on or before 45 days (or the next business day if that day falls on a weekend or court holiday) from the date this judgment is issued; and it is further

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ORDERED that this injunction and Judgment does not apply with respect to any changes in statute or regulation that are enacted or promulgated after this date, and nothing herein prevents plaintiffs from filing a new civil action to challenge any such future changes.

THERE BEING NO JUST REASON FOR DELAY, LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: _____

The Honorable John R. Tunheim
United States District Judge

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| |) | |
| Defendants. |) | |
| _____ |) | |

**PLAINTIFFS’ MOTION FOR ATTORNEY’S FEES AND NONTAXABLE COSTS
UNDER FED. R. CIV. P. 54(d)(2) AND LOCAL RULE 54.3(b)**

Plaintiffs move for an Order awarding attorney fees and nontaxable costs under Federal Rule of Civil Procedure 54(d)(2), District of Minnesota Local Rule 54.3(b), and 42 U.S.C. §§1983 & 1988. This Motion will be based on the supporting Memorandum and Declarations filed in support thereof, and arguments of counsel.

Dated: November __, 2014 **MOHRMAN, KAARDAL & ERICKSON, P.A.**

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ATTORNEYS FOR PLAINTIFFS

General Information

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| Court | United States District Court for the District of Minnesota; United States District Court for the District of Minnesota |
| Federal Nature of Suit | Other Statutory Actions[890] |
| Docket Number | 0:13-cv-01726 |
| Status | CLOSED |