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ATTORNEY GENERAL

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Attorney for Defendant Wasden

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

ANIMAL LEGAL DEFENSE FUND, <i>et al.</i>)	
)	
Plaintiffs,)	Case No. 1:14-cv-00104-BLW
)	
vs.)	STIPULATION FOR AWARD OF
)	ATTORNEYS' FEES AND COSTS
LAWRENCE WASDEN, in his official capacity)	
as Attorney General of Idaho,)	
)	
Defendant.)	
)	

Plaintiffs and Defendant through their undersigned counsel stipulate as follows:

1. On November 12, 2015, the Court issued and Final Judgment and Permanent Injunction declaring that Section 18-7042(1)(a) through (d) of the Idaho Code (I.C. § 18-7042(1)(a)-(d)) was unconstitutional and violated the First and Fourteenth Amendments to the United States Constitution.
2. On May 18, 2016, the Court issued its Memorandum Decision and Order which awarded Plaintiffs their attorneys' fees and costs in the amount of \$249,875.08.

3. On December 10, 2015, Defendant filed a Notice of Appeal to the United States Court of Appeals for the Ninth Circuit wherein he appealed the Final Judgment and Permanent Injunction entered by the Court on November 12, 2015 and the underlying Memorandum Decision and Order entered on August 8, 2015.
4. On January 4, 2018, the Ninth Circuit affirmed the district court's grant of summary judgment with respect to §§ 18-7042(1)(a) and (d). The Ninth Circuit reversed the district court's grant of summary judgment with respect to §§ 18-7042(1)(b) and (c) and directed that permanent injunction be modified accordingly.
5. Given that Plaintiffs prevailed in part on the appeal, they could seek an additional award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and other law and rules.
6. In the interest of resolving this matter without further litigation and the further accumulation of attorneys' fees and costs, the parties have reached an agreement for an award of attorneys' fees and costs, subject to approval by the Idaho State Board of Examiners and the Idaho Constitutional Defense Council.
7. If approved by the Idaho State Board of Examiners and the Idaho Constitutional Defense Council, the State of Idaho shall pay on Defendant's behalf, and Plaintiffs have agreed to accept, the sum total of Two Hundred and Sixty Thousand dollars (\$260,000) in full settlement of the attorneys' fees and costs due to Plaintiffs pursuant to 42 U.S.C. § 1988 and the Court's May 18, 2016 Memorandum Decision and Order.
8. If the Idaho State Board of Examiners and the Idaho Constitutional Defense Council fail to approve the settlement described in paragraph 7 on or before February 1, 2019, Defendant's counsel shall notify Plaintiffs' counsel and at any time within 21 days of

receiving notice Plaintiffs can file a motion with the Court to seek an award of attorneys' fees and costs due them pursuant to 42 U.S.C. § 1988 and other law and rules.

9. Plaintiffs and Defendant jointly request that the Court enter their proposed Order Regarding Award of Attorneys' Fees and Costs to facilitate the Idaho State Board of Examiners' and the Idaho Constitutional Defense Council's review of the parties' settlement.

DATED this 29th day of November, 2018.

OFFICE OF THE ATTORNEY GENERAL
CIVIL LITIGATION

/s/ Steven L. Olsen
Steven L. Olsen
Deputy Attorney General
Attorney for Defendant Wasden

DATED this 29th day of November, 2018.

/s/ Matthew Strugar
Matthew Strugar
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 29th, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that sent a Notice of Electronic Filing to the following persons:

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AND I HEREBY certify that I have mailed or served the foregoing to the following non-CM/ECF participant via U.S. Mail:

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/s/ Steven L. Olsen
Steven L. Olsen
Deputy Attorney General