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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

JANE DOE, *et al.*,

*Plaintiffs.*

v.

ROB BONTA, in his official capacity as  
Attorney General; *et al.*,

*Defendants.*

No. 8:19-cv-02105 DOC (ADSx)

**STIPULATED FINAL  
JUDGMENT, PERMANENT  
INJUNCTION, AND STAY  
PENDING APPEAL**

1 Several Plaintiffs<sup>1</sup> in these related cases filed complaints in 2019 alleging  
2 that Assembly Bill No. 290, ch. 862, 2019 Cal. Stat. \_\_\_\_ (“AB 290”), violates their  
3 rights under the First and Fourteenth Amendments of the United States  
4 Constitution and was preempted by federal law, and therefore could not be  
5 lawfully administered or enforced by Defendants.<sup>2</sup> ECF No. 1; *Fresenius* docket,  
6 Case No. 8:19-cv-2130, ECF No. 1.

7 On December 30, 2019, the Court granted a preliminary injunction,  
8 enjoining the administration or enforcement of AB 290 in full. *See* ECF No. 58.  
9 On January 9, 2024, the Court granted in part and denied in part Plaintiffs’ motions  
10 for summary judgment, holding that certain provisions of AB 290 violate the First  
11 Amendment of the United States Constitution, and are therefore void. *See* ECF  
12 No. 189. The Court also granted in part and denied in part Defendants’ motions  
13 for summary judgment, holding that other provisions of AB 290 are constitutional.  
14 *See id.* On April 4, 2024, the Court denied Defendants’ motion for  
15 reconsideration. *See* ECF No. 214.

16 Without waiving their rights to appeal, Plaintiffs and Defendants, by and  
17 through their counsel, have agreed to the entry of this Stipulated Final Judgment,  
18 Permanent Injunction, and Stay Pending Appeal to (i) effectuate the Court’s  
19 summary judgment decision, and (ii) to preserve the status quo during the  
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24 <sup>1</sup> The Plaintiffs are Jane Doe; Stephen Albright; the American Kidney Fund,  
25 Inc., Dialysis Patient Citizens, Inc., Fresenius Medical Care Orange County, LLC;  
26 DaVita Inc.; Fresenius Medical Care Holdings, Inc., doing business as Fresenius  
27 Medical Care North America; and U.S. Renal Care, Inc.

28 <sup>2</sup> Defendants are Rob Bonta, in his Official Capacity as Attorney General of  
California; Ricardo Lara, in his Official Capacity as the Director of the California  
Department of Insurance; Mary Watanabe, in her Official Capacity as Director of  
the California Department of Managed Health Care; and Tomás J. Aragón, in his  
official capacity as Acting Director of the California Department of Public Health.

1 pendency of any appeal.<sup>3</sup> The Court having considered the filings, and with good  
2 cause therefor appearing, **HEREBY ORDERS, ADJUDGES, AND DECREES**  
3 as follows:

4 **DECLARATORY JUDGMENT AND PERMANENT INJUNCTION**

5 1. This Court has jurisdiction over the subject matter of this case and  
6 over the parties pursuant to 42 U.S.C. § 1331 and 42 U.S.C. § 1983.

7 2. The Court may declare the legal rights and obligations of the parties in  
8 this action pursuant to 28 U.S.C. § 2201.

9 3. Venue in this District is proper under 28 U.S.C. § 1391(b).

10 4. Sections 2(a), 3(b)(4), and 5(b)(4) of AB 290 violate the First  
11 Amendment of the United States Constitution and are void and shall not be  
12 administered or enforced by any Defendant or by any Defendant's agents, servants,  
13 or employees.

14 5. Sections 3(b)(2) and 5(b)(2) of AB 290 violate the First Amendment  
15 of the United States Constitution and are void and shall not be administered or  
16 enforced by any Defendant or by any Defendant's agents, servants, or employees.

17 6. Sections 3(c)(2) and 5(c)(2) of AB 290 violate the First Amendment  
18 of the United States Constitution and are void and shall not be administered or  
19 enforced by any Defendant or by any Defendant's agents, servants, or employees.

20 7. Sections 2(a), 3(b)(4), and 5(b)(4), sections 3(b)(2) and 5(b)(2), and  
21 sections 3(c)(2) and 5(c)(2) are severable from the remainder of AB 290.

22 8. Sections 3(e)(1), 3(f)(1), 5(e)(1), and 5(f)(1) of AB 290 do not violate  
23 the First Amendment of the United States Constitution.

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27 <sup>3</sup> Plaintiffs and Defendants have submitted the Stipulated Final Judgment solely  
28 for the purpose of facilitating the entry of Final Judgment, and they do so expressly  
preserving all available rights to challenge on appeal any aspect of the Court's  
summary judgment decision underlying the Final Judgment.



1 Court finds that the standards for the stay of this Judgment pending appeal are  
2 satisfied.

3 13. Pending the final resolution of any appeals, the Court may consider  
4 any appropriate modifications to this Final Judgment or other relief.

5 **ATTORNEYS' FEES**

6 14. It does not appear to the Court that consideration of any appeal would  
7 be better informed if accompanied by a decision on attorneys' fees and costs.  
8 Further, the result of any appeals may affect whether and in what amount  
9 attorneys' fees are warranted. *See* Fed. R. Civ. P. 58, Advisory Committee Notes  
10 (1993 Amendment) ("Particularly if the claim for fees involves substantial issues  
11 or is likely to be affected by the appellate decision, the district court may prefer to  
12 defer consideration of the claim for fees until after the appeal is resolved.").

13 15. Accordingly, the filing and briefing of any motions for attorneys' fees,  
14 including expenses and costs, is hereby temporarily postponed until after the  
15 resolution of any and all appeals of this Judgment filed by any of the parties, or if  
16 no party seeks to appeal this Judgment, until after the parties' time for filing an  
17 appeal of this Judgment has elapsed. The deadline for filing any motion for  
18 attorneys' fees and bill of costs is extended until the end of the 60<sup>th</sup> day following  
19 the final resolution of all appeals. This order is without prejudice to any party  
20 seeking to modify the schedule if appellate proceedings are delayed or good cause  
21 otherwise exists for addressing the issue of attorneys' fees, including expenses and  
22 costs, before the appeals are fully and finally resolved.

23  
24 **IT IS SO ORDERED.**

25 Dated: May 9, 2024

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27 DAVID O. CARTER  
28 United States District Judge