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 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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 15 **SOUTH BAY UNITED**
 16 **PENTECOSTAL CHURCH, a**
 17 **California non-profit corporation;**
 18 **BISHOP ARTHUR HODGES III, an**
 19 **individual,**

20 Plaintiffs,

21 v.

22 **GAVIN NEWSOM, in his official**
 23 **capacity as Governor of the State of**
 24 **California; XAVIER BECERRA, in**
 25 **his official capacity as Attorney**
 26 **General of California; SONIA**
 27 **ANGELL, in her official capacity as**
 28 **Director of the California**
Department of Public Health, et al.,

Defendants.

3:20-cv-00865-BAS-AHG

**STIPULATION REGARDING
FINAL JUDGMENT ENTERING
PERMANENT INJUNCTION,
AWARDING ATTORNEY'S FEES
AND DISMISSING ACTION WITH
PREJUDICE; REQUEST FOR
EXPEDITED CONSIDERATION**

Judge: The Honorable Cynthia
Bashant

Action Filed: 5/8/2020

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24 *Pentecostal Church and Bishop Arthur Hodges III*

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1 Plaintiffs South Bay United Pentecostal Church and Bishop Arthur Hodges III
2 (“Plaintiffs”), and defendants California Governor Gavin Newsom, California
3 Attorney General Rob Bonta, and Director of the California Department of Public
4 Health Dr. Tomás Aragón (“State Defendants”),¹ stipulate as follows:

5 1) In May 2020, Plaintiffs filed the complaint in this case against State
6 Defendants, San Diego County Public Health Officer Wilma J. Wooten, San Diego
7 County Director of Emergency Services Helen Robbins-Meyer, San Diego County
8 Sheriff William D. Gore, City of San Diego Mayor Kevin Faulconer, and City of
9 San Diego Police Chief David Nisleit (together with State Defendants,
10 “Defendants”), challenging the State’s restrictions on houses of worship imposed in
11 connection with the COVID-19 pandemic. The parties have litigated this matter in
12 this Court, the Ninth Circuit, and the Supreme Court since that filing.

13 2) In light of the Supreme Court’s decision in *Tandon v. Newsom*, 141 S. Ct.
14 1294 (2021), the State made its restrictions on indoor worship services voluntary.
15 Although State Defendants continue to dispute Plaintiffs’ claims, State Defendants
16 as well as Plaintiffs wish to resolve this matter now and hereby consent to entry of
17 judgment in favor of Plaintiffs, and to entry of a permanent injunction and order of
18 dismissal in the form submitted as Exhibit A herewith to fully and finally resolve
19 Plaintiffs’ claim under the Free Exercise Clause of the United States Constitution.
20 This stipulation shall not be construed as a concession of liability on either
21 Plaintiffs’ claim under the Free Exercise Clause of the United States Constitution,
22 or any other claim alleged in the Complaint.

23 3) In consideration for the promises set forth in this stipulation, Plaintiffs
24 agree to dismiss with prejudice all claims pending against all Defendants and
25 hereby release and discharge all Defendants, and all of their agents, employees,
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27 ¹ Dr. Tomás Aragón is automatically substituted for Sonia Angell as a
28 defendant. Fed. R. Civ. P. 25(d). Rob Bonta is automatically substituted for Xavier
Becerra as a defendant. *Id.*

1 successors, and assigns, from all known and unknown charges, complaints, claims,
2 grievances, liabilities, obligations, agreements, causes of action, damages, and
3 expenses (including attorneys' fees and costs, except as provided in this
4 stipulation), of any nature whatsoever, whether at law or in equity, or known or
5 unknown, which Plaintiffs have, or may have had, against Defendants (or any of
6 them), whether or not apparent or yet to be discovered, or which may hereafter
7 develop, for any acts or omissions related to or arising from this litigation,
8 excepting any claims related to the enforcement of this stipulated judgment,
9 through the date of this stipulation.

10 4) Entry of the stipulated permanent injunction and order of dismissal will
11 fully resolve this civil action and related appeals. After this Court's entry of the
12 stipulated injunction, Plaintiffs will dismiss any pending appeals.

13 5) The parties respectfully request expedited consideration and action on
14 this stipulation and entry of the permanent injunction. This Court's prompt entry of
15 the stipulated permanent injunction by May 31, 2021, would obviate the need for
16 any interim motion to stay existing deadlines regarding Plaintiffs' pending
17 discovery requests and State Defendants' response to Plaintiffs' complaint.

18 6) The stipulated permanent injunction will be entered under Federal Rule
19 of Civil Procedure 65 and shall constitute the final judgment in this matter.

20 7) Defendant Governor Newsom shall pay Plaintiffs the sum of \$1,600,000
21 for Plaintiffs' reasonable attorney's fees necessarily incurred in this case, including
22 all associated appeals. Plaintiffs expressly waive any right to recover costs in this
23 case, including all associated appeals. Pursuant to 28 U.S.C. § 1961, post-judgment
24 interest shall begin to accrue 60 days from the date the Court signs the final
25 judgment.

26 8) The parties request that this Court retain jurisdiction over this matter for
27 the purpose of implementing and enforcing the final judgment.
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1 Dated: May 27, 2021

ROB BONTA
Attorney General of California
PAUL STEIN
Supervising Deputy Attorney General
LISA J. PLANK
Deputy Attorney General

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/s/ Todd Grabarsky²
TODD GRABARSKY
Deputy Attorney General
*Attorneys for Defendants
Gavin Newsom, Rob Bonta, and
Dr. Tomás Aragón*

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10 Dated: May 27, 2021

LIMANDRI & JONNA LLP

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/s/ Paul M. Jonna
PAUL M. JONNA
*Attorneys for Plaintiffs
South Bay United Pentecostal Church
and Bishop Arthur Hodges III*

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² I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.