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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION (SPRING STREET)

**MOUNTAIN RIGHT TO LIFE, INC.,  
DBA PREGNANCY & FAMILY  
RESOURCE CENTER; BIRTH  
CHOICE OF THE DESERT; HIS  
NESTING PLACE,**

Plaintiffs,

v.

**XAVIER BECERRA, ATTORNEY  
GENERAL OF THE STATE OF  
CALIFORNIA, IN HIS OFFICIAL  
CAPACITY; KAREN SMITH, M.D.,  
DIRECTOR OF THE CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH, IN  
HER OFFICIAL CAPACITY,**

Defendants.

Case No. 5:16-cv-00119-TJH(SPx)

**ORDER REGARDING  
STIPULATION OF PARTIES  
REGARDING ATTORNEYS'  
FEES AND COSTS [70]**

The Court has received, read, and considered the Stipulation – and Joint Request for Court Order – Regarding Attorneys’ Fees and Costs of Plaintiffs Mountain Right to Life, Inc., dba Pregnancy & Family Resource Center; Birth Choice of the Desert; and His Nesting Place, on one hand, and Defendant Xavier Becerra, Attorney General for the State of California, sued in his official capacity, on the other hand. For good cause shown, the Court rules as follows:

1. Defendant Xavier Becerra, Attorney General for the State of California, sued in his official capacity (hereinafter “Defendant”), shall pay to Plaintiffs Mountain Right to Life, Inc., dba Pregnancy & Family Resource Center; Birth Choice of the Desert; and His Nesting Place (hereinafter “Plaintiffs”) the sum of \$399,000.00, as and for reasonable attorneys’ fees and costs in the above-entitled

1 matter (hereinafter the “Settlement Sum”), via warrant payable to “Liberty Counsel,  
2 Inc.,” and delivered to the counsel for Plaintiffs at P.O. Box 540774, Orlando, FL  
3 32854.

4 2. Defendant shall take all necessary and reasonable measures to ensure that  
5 the Settlement Sum is listed on the next claims bill (“Claims Bill”), for California  
6 Department of Justice claims, submitted in the California Legislature, said  
7 measures including seeking California Department of Finance approval of the  
8 Settlement Sum for inclusion on a Claims Bill within 14 days of entry of this order.  
9 Defendant shall keep Plaintiffs apprised of the Claims Bill’s progress, and shall act  
10 in good faith to facilitate the Claim Bill’s enactment as soon as practicable.

11 3. Defendant shall seek issuance of a warrant from the California State  
12 Controller to pay the Settlement Sum on or before the date 14 days after the  
13 enactment by the California Legislature and the signing into law by the California  
14 Governor of the Claims Bill.

15 4. The Settlement Sum shall be sent to counsel for Plaintiffs no later than  
16 June 28, 2019. If the Settlement Sum is sent to counsel for Plaintiffs by June 28,  
17 2019, and if the warrant is received and successfully negotiated by Plaintiffs, then  
18 Defendant will have completely satisfied Defendant’s obligation to pay attorneys’  
19 fees and costs in this matter, and Plaintiffs will not be entitled to any interest.


20 5. If for any reason whatsoever (including failure of the California  
21 Legislature to enact the Claims Bill) Defendant fails to send the Settlement Sum to  
22 the Florida office of the counsel for Plaintiffs by June 28, 2019, then Plaintiffs shall  
23 be entitled to a Consent Judgment against Defendant for the sum of \$399,000.00  
24 plus interest accruing at the rate set by 28 U.S. Code section 1961, from the date  
25 that the Court issues this order regarding this settlement, until the day that the entire  
26 sum is paid. Plaintiffs and Defendant shall jointly submit such a Consent Judgment  
27 to the Court on or before July 12, 2019.

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1           6. The Court retains jurisdiction over this action to ensure compliance with  
2 this order, and, if necessary, to entertain and to enforce a Consent Judgment  
3 submitted to the Court, or to otherwise enforce the terms of the parties' settlement  
4 agreement.

5           It is so ORDERED.

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7 Dated: February 11, 2019

  
HON. TERRY J. HATTER, JR.  
UNITED STATES DISTRICT JUDGE

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