

DISTRICT COURT, TELLER COUNTY, COLORADO

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101 W. Bennet Ave.
Cripple Creek, Colorado 80813

TELLER COUNTY DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT, and
COLORADO DEPARTMENT OF PUBLIC HEALTH
AND ENVIRONMENT,

Plaintiffs,

v.

ANDREW WOMMACK MINISTRIES, INC.,

Defendant.

▲ COURT USE ONLY ▲

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*Attorney for Plaintiff Teller County Department of
Public Health and Environment*

Case No. 20CV30054
Div. 2 (for Div. 11, Teller)

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LIBERTY COUNSEL
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Andrew Wommack Ministries, Inc.*

STIPULATION OF DISMISSAL

Plaintiffs, TELLER COUNTY DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT and COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE), and Defendant, ANDREW WOMMACK MINISTRIES, INC, pursuant to Colo. R. Civ. P. 41(a)(1)(B), by and through their respective undersigned counsel, submit this stipulation of dismissal to the court, and as grounds therefor, state as follows.

On November 2, 2020, Governor Polis issued Executive Order D 2020 237, which amended the mask order to exempt individuals who are officiating or participating in a life rite or religious service where the temporary removal of a face covering is necessary to complete or participate in the life rite or religious service.

On November 25, 2020, the United States Supreme Court issued its opinion in *Roman Catholic Diocese of Brooklyn v. Cuomo*, No. 20A87, 2020 WL 6948354 (U.S. Nov. 25, 2020), enjoining enforcement of certain occupancy limits for religious services under an executive order of the Governor of New York as likely violative of the Free Exercise Clause of the First Amendment to the United States Constitution.

On December 7, 2020, the Executive Director of CDPHE issued the Third Amended Public Health Order 20-36, COVID-19 Dial (PHO 20-36) which superseded and replaced PHO 20-35 (the order that was in effect at the commencement of this action). This Third Amended PHO 20-36 removed capacity limits for houses of worship, and now includes houses of worship and associated ceremonies like weddings, funerals, and baptisms in the definition of “Critical Business,” specifically as “Critical Services.” PHO 20-36 includes public health requirements that apply to all Critical Businesses.

On December 11, 2020, CDPHE issued specific guidance for places of worship at <https://covid19.colorado.gov/worship-guidance> for following public health recommendations to help prevent the spread of COVID-19.

In recognition of these substantive amendments to the Executive Order, Public Health Order, and new guidance from CDPHE, the issues in dispute in this action have been rendered moot.

Therefore, the parties, through their respective counsel, hereby stipulate to the dismissal of this action, without prejudice, each party to bear its own attorney's fees and costs.

Respectfully submitted this 17th day of December.

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Environment**

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2020 a true and correct copy of the foregoing Stipulation of Dismissal was served via CO-Efiling on the following:

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**s/ Samantha A. Lewis* _____

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*Electronically filed. Pursuant to C.R.C.P. 121, Section 1-26, a duly signed original is on file at the offices of Sparks Willson, P.C.