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Attorneys for Defendants

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

F.V. and DANI MARTIN,

Plaintiffs,

vs.

RUSSELL BARRON, in his official capacity
as Director of the Idaho Department of Health
and Welfare and ELKE SHAW-TULLOCH,
in her official capacity as Administrator of the
Division of Public Health the Idaho
Department of Health and Welfare, and
JAMES AYDELOTTE, in his official
capacity as State Registrar and Chief of the
Bureau of Vital Records and Health Statistics,

Defendants.

)
) Case No. 1:17-cv-000170-CWD

**STIPULATION REGARDING
AWARD OF ATTORNEYS' FEES
AND COSTS**

Plaintiffs F.V. and Dani Martin (“Plaintiffs”) and Defendants Russell Barron, Elke Shaw-Tulloch, and James Aydelotte (“Defendants”), through their undersigned counsel, stipulate as follows:

1. On April 20, 2018, the Court entered judgment in Plaintiffs' favor. As a result, Plaintiffs are entitled to an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

2. 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 State of Idaho Board of Examiners at its May 15, 2018 meeting.

3. If approved by the Board of Examiners, the State of Idaho shall pay on Defendants' behalf, and Plaintiffs have agreed to accept, the sum total of Seventy-Five Thousand dollars (\$75,000) in full settlement of the attorneys' fees and costs due to Plaintiffs pursuant to 42 U.S.C. § 1988. From that sum, \$6,000 shall be paid to Cockerille Law Office, P.L.L.C., and \$69,000 shall be paid to Lambda Legal Defense and Education Fund, Inc.

4. If the Board of Examiners fails to approve the settlement described in paragraph 3, Plaintiffs shall be entitled to file a motion with the Court to seek an award of attorneys' fees and costs due them pursuant to 42 U.S.C. § 1988. If forced to file a motion, Plaintiffs shall not be limited to the settlement amount set forth in paragraph 3, but shall be free to seek the full amount to which they may be entitled under the law, including fees and costs incurred in bringing their motion.

5. Plaintiffs and Defendants jointly request that the Court enter their proposed Order Regarding Award of Attorneys' Fees and Costs to facilitate the Board of Examiners' review of the parties' settlement.

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DATED this 25th day of April, 2018

COCKERILLE LAW OFFICE, PLLC

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: /s/ Monica G. Cockerille
Monica G. Cockerille

By: /s/ W. Scott Zanzig
W. Scott Zanzig
Deputy Attorney General

LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.

By: /s/ Peter C. Renn
Peter C. Renn

LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.

By: /s/ Kara Ingelhart
Kara Ingelhart

