

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

SKYLINE WESLEYAN CHURCH,  
Plaintiff,  
v.  
CALIFORNIA DEPARTMENT OF  
MANAGED HEALTH CARE; MARY  
WATANABE, in her official capacity as  
Director of the California Department of  
Managed Health Care,  
Defendants.

Case No.: 3:16-cv-00501-RBM-MSB

**ORDER GRANTING JOINT  
MOTION AND ENTERING  
JUDGMENT**

**[Doc. 140]**

On May 10, 2023, Plaintiff Skyline Wesleyan Church (“Plaintiff”) and Defendants California Department of Managed Health Care and Mary Watanabe, in her official capacity as Director of the California Department of Managed Health Care (“DMHC”)

1 (collectively “Defendants”), filed a Stipulation and Proposed Order and Judgment  
2 (“Stipulation”) requesting the Court grant Plaintiff’s request for a permanent injunction on  
3 its Free Exercise Clause claim and that the remainder of Plaintiff’s claims be dismissed  
4 with prejudice. Good cause appearing, the Court hereby **GRANTS** the Parties’ joint  
5 motion (Doc. 140) and **ORDERS** as follows pursuant to the parties’ Stipulation:

6 1. Plaintiff’s request for a permanent injunction on its Free Exercise Clause  
7 claim is **GRANTED**.

8 2. The remainder of Plaintiff’s claims are **DISMISSED** with prejudice.

9 3. The DMHC is ordered to consider requests and proposals from Plaintiff for  
10 abortion care coverage comporting with its religious beliefs, and to approve or provide  
11 feedback on the proposed coverage within 30 days.

12 4. If and when the DMHC approves coverage language comporting with  
13 Plaintiff’s beliefs, the DMHC must request Plaintiff’s plan submit an amended evidence of  
14 coverage document containing the approved language within 30 days.

15 5. Defendants will pay to Plaintiff a total of \$900,000 in attorneys’ fees and costs  
16 (including \$50,000 for local counsel and \$850,000 for counsel Alliance Defending  
17 Freedom).

18 6. This payment will completely satisfy Defendants’ obligation to pay attorneys’  
19 fees and costs in this matter; Plaintiff will not be entitled to any interest.

20 7. This payment is contingent upon certification of availability of funds and the  
21 approval of the Director of the California Department of Finance.

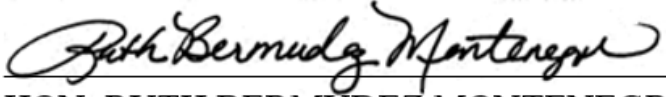
22 8. Plaintiff understands that the submission of the claims bill cannot be made  
23 without an order of this Court regarding the Parties’ agreement for the payment of  
24 attorneys’ fees and costs.

25 9. If Defendants fail to pay the agreed-upon sum of \$900,000 by June 30, 2023,  
26 Plaintiff retains the right to pursue an award of attorneys’ fees under 42 U.S.C. § 1988.  
27  
28

1           10. All of Plaintiff’s claims and requested relief having been resolved pursuant to  
2 the parties’ Stipulation, (*id.* ¶ 3), the Clerk of Court shall enter judgment in accordance  
3 with this Order and close the case.

4           **IT IS SO ORDERED.**

5 Dated: May 11, 2023

6   
7 HON. RUTH BERMUDEZ MONTENEGRO  
8 UNITED STATES MAGISTRATE JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28