

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

PLANNED PARENTHOOD SOUTHEAST,
INC.; and JANE DOE,

Plaintiffs,

v.

ROBERT BENTLEY, Governor of Alabama, in
his official capacity; STEPHANIE McGEE
AZAR, Acting Commissioner, Alabama
Medicaid Agency, in her official capacity,

Defendants.

CIVIL ACTION

Case No. 2:15-cv-00620-MHT-TFM

JOINT MOTION TO ENTER FINAL ORDER

Plaintiffs Planned Parenthood Southeast, Inc. (“PPSE”) and Jane Doe and Defendants Governor Robert Bentley and Commissioner Stephanie Azar respectfully submit this stipulation regarding the final resolution of this case. In seeking this final resolution, the parties state the following:

1. The Governor and the Commissioner represent that they have reinstated PPSE’s two Medicaid provider agreements with the State effective October 28, 2015 and will process any validly submitted claims for payment in accordance with Alabama Medicaid regulations.
2. PPSE represents that it has complied, and will continue to comply with Alabama Administrative Code 420-5-1.03(5)(e) regarding the examination and disposal of fetal tissue.
3. PPSE represents that it does not offer tissue-donation services to its patients, and, accordingly, does not receive reimbursement for tissue donation.

4. PPSE represents that it is a separate corporate entity from the Planned Parenthood affiliates outside Alabama about which the Governor and Commissioner expressed concern in their opposition to Plaintiffs' motion for preliminary injunction.

5. The parties have resolved all issues of attorneys' fees, costs and expenses – Defendants will pay Plaintiffs' counsel fifty one thousand, nine dollars and eighty nine cents (\$51,009.89).

6. Based on these representations, the parties jointly move the Court to enter the final proposed order attached as Exhibit A.

Dated: November 30, 2015.

Respectfully Submitted,

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EXHIBIT A

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ORDER

Before the Court is the parties' Joint Motion to Enter Final Order, doc. no. 69. Upon consideration of the motion, it is ORDERED as follows:

Defendants Robert Bentley and Stephanie McGee Azar, and all those acting in concert with them, are PERMANENTLY ENJOINED from suspending Medicaid payments to Planned Parenthood Southeast, Inc., or terminating their provider agreements based upon any allegation, video or documentation prepared by, or in concert with, the Center for Medical Progress that has been released or made available as of the date of this Order. PROVIDED HOWEVER, that nothing in this Order prohibits the Governor and Commissioner from terminating Planned Parenthood Southeast, Inc.'s Medicaid provider agreements for cause as defined by the Medicaid Act, should such cause arise in the future.

Defendants Robert Bentley and Stephanie McGee Azar, and all those acting in concert with them, are PERMANENTLY ENJOINED from terminating Planned Parenthood Southeast, Inc.'s Medicaid provider agreements on an at-will basis.

Defendants shall pay Plaintiffs' counsel fifty one thousand, nine dollars and eighty nine cents (\$51,009.89) in full satisfaction of any claim for attorneys' fees, expenses and costs within ninety (90) days of this Order.

DONE, this the ____ day of _____, 2015.

MYRON H. THOMPSON
UNITED STATES DISTRICT JUDGE