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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MONTANA MEDICAL
ASSOCIATION, et al.,

Plaintiffs,

and

MONTANA NURSES
ASSOCIATION,

Plaintiff-Intervenors,

v.

AUSTIN KNUDSEN, et al.,

Defendants.

Case No. CV 21-00108-DWM

STIPULATED STATEMENT
OF FACTS

In accordance with the Court's May 5, 2022 Order and Local Rule 16.2(b)(3), the Parties have conferred and discussed the matters set forth in Local Rule 16.2(b)(3) and hereby submit the following Statement of Stipulated Facts:

1. Montana House Bill 702, 67th Legislature, Regular Session (Mont. 2021) was codified at Montana Code Annotated §§ 49-2-312 through 313.
2. The Montana Medical Association (“MMA”) has members who are physicians and who practice in all medical specialties.
3. MMA has members who are employed in Hospitals, as identified in Montana Code Annotated § 50-5-101(31) (“Hospitals”).
4. Providence Health & Services – MT (“PH&S”) is a non-profit corporation located in Montana.
5. PH&S operates a Hospital that employs physicians and health care professionals who provide care and treatment for patients in clinical settings.
6. Austin Knudsen is the Montana Attorney General.
7. Laurie Esau is the Montana Commissioner of Labor and Industry.
8. Since its enactment, the Montana Human Rights Bureau has received numerous complaints alleging discrimination in violation of Montana Code Annotated § 49-2-312.
9. PH&S participates in the federal Medicare and Medicaid programs and cares for patients covered by Medicare and Medicaid.
10. Hospitals, private physician offices, nursing homes, long-term care facilities and assisted living facilities participating in Medicare and Medicaid are subject to CMS regulations.

11. Licensed nursing homes, long term care facilities, and assisted living facilities treat patients with compromised immune systems.

DATED this 12th day of May, 2022.

/s/ Kathryn S. Mahe
Attorneys for Plaintiffs

/s/ Raph Graybill
Attorneys for Plaintiff-Intervenor

/s/ Brent Mead
Attorneys for Defendants