

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

**KENT BERNBECK, and MICHAEL
WARNER,**

Plaintiffs,

v.

**JOHN A. GALE, Nebraska Secretary
of State, in his official capacity,**

Defendant.

Case No. 4:18-CV-3073

STIPULATION

Plaintiffs Kent Bernbeck and Michael Warner and Defendant John A. Gale, Nebraska Secretary of State, hereby stipulate as follows:

1. On May 29, 2018, Plaintiffs filed a Complaint for a declaratory judgment alleging, in part, that Neb. Rev. Stat. § 32-618(2) (Reissue 2016) is unconstitutional.
2. The parties agree that Neb. Rev. Stat. § 32-618(2) (Reissue 2016) exceeds permissible signature requirements under the First Amendment.
3. The parties stipulate to the entry of a judgment, and of an order granting final declaratory and injunctive relief consistent with the following:
 - a. A declaration that Section 2 of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016), codified at Neb. Rev. Stat. § 32-618(2), is unconstitutional and § 32-618(2) (Supp. 2011) remains in full force and effect;
 - b. A declaration that Section 11 of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016), is unconstitutional to the extent it authorizes the repeal of original § 32-618(2);

- c. A declaration that the remaining sections of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016), are severable; and
 - d. Defendant is permanently enjoined from taking any action to enforce Section 2 of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016).
4. The parties stipulate to the dismissal of Plaintiffs' Second Claim without prejudice.

Submitted June 12, 2018.

**JOHN A. GALE, Nebraska Secretary of State,
in his official capacity, Defendant.**

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**KENT BERNBECK, and MICHAEL WARNER,
Plaintiffs.**

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Attorneys for Plaintiffs.

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2018, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, using the CM/ECF system, causing notice of such filing to be served upon all parties' counsel of record.

By: s/ Ryan S. Post