

**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, 104<sup>th</sup> 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, 104<sup>th</sup> 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, 104<sup>th</sup> Leg. Sess. (Neb. 2016), are severable; and
- d. Defendant is permanently enjoined from taking any action to enforce Section 2 of Legislative Bill 874, 104<sup>th</sup> 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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#### **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*