

Aadika Singh (Bar No. 11676)
AMERICAN CIVIL LIBERTIES UNION OF IDAHO
FOUNDATION
P. O. Box 1897
Boise, ID 83701
United States
T: (208) 344-9750 ext. 1208
ASingh@acluidaho.org

Debra Groberg (Bar No. 9797)
NEVIN, BENJAMIN & MCKAY LLP
303 West Bannock
P.O. Box 2772
Boise, Idaho 83701
T: (208) 343-1000
F: (208) 345-8274
dgroberg@nbmlaw.com

Matthew Strugar (*pro hac vice*)
LAW OFFICE OF MATTHEW STRUGAR
3435 Wilshire Blvd., Suite 2910
Los Angeles, CA 90010
T: (323) 696-2299
matthew@matthewstrugar.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

JOHN DOE and RANDALL MENGES,

Plaintiff,

v.

LAWRENCE WASDEN, Attorney General of
the State of Idaho; KEDRICK WILLS,
Colonel of the Idaho State Police, LEILA
MCNEILL, Bureau Chief of the Idaho State
Police Bureau of Criminal Investigation;
and THE INDIVIDUAL MEMBERS OF THE
IDAHO CODE COMMISSION, all of the above
in their official capacities,

Defendants.

Case No. 1:20-cv-452

**STIPULATION FOR DISMISSAL
AND PERMANENT INJUNCTION**

1. Under the terms and conditions set forth in this stipulation, the parties agree to resolve all claims in the above-captioned action and stipulate to dismissal as outlined herein. All references to “Defendants” in this stipulation refer to the Defendants named in this action, their successors automatically substituted as defendants pursuant to the Federal Rules of Civil Procedure (FRCP 25(d) at the time of this order), as well as any other successors in office, and their legal representatives, agents, employees, servants, attorneys, assigns, and all others in active concert or participation with them.

2. Idaho State Police shall remove from the Idaho Sex Offender Registry the three individuals listed in Exhibit A to this stipulation, which is filed under seal to protect the privacy of those individuals.

3. Idaho State Police shall create an internal policy for handling any person who:

(a) has an out of state conviction prior to June 26, 2003, that is determined to be substantially equivalent to I.C. § 18-8304(1)(b) and (f), or;

(b) has an in-state conviction for I.C. § 18-6605 prior to June 26, 2003, and is not registered on the Idaho Sex Offender Registry as of the date of the Order; and

(c) has no other registerable offense beyond those described above in (a) or (b).

4. Idaho State Police shall remove all persons described in Paragraph 2 above as expeditiously as possible, and in no event, not later than twenty-one days from the date of entry of this Stipulation.

5. Idaho State Police shall mail a written notification to all persons described in Paragraph 2 above within twenty-one days of the entry of this Stipulation informing them that they have been removed from the Idaho Sex Offender Registry and will no longer have to register as sex offenders in the State of Idaho.

6. Idaho State Police shall, within ninety days of the entry of the Court's Order adopting this stipulation, expunge all records in its possession indicating that all persons described in Paragraph 2 were ever subject to registration on the Idaho Sex Offender Registry.

7. Idaho State Police shall, within ninety days of entry of the Court's Order adopting this stipulation, provide notification to all agencies that Idaho State Police provided information to about the registration of each person described in Paragraph 2 (including courts, police departments, sheriff's departments, and the Federal Bureau of Investigation) that each person described in Paragraph 2 has been removed from the Idaho Sex Offender Registry and is no longer subject to the requirements of the Sexual Offender Registration Notification and Community Right-To-Know Act. This provision does not require Idaho State Police to contact agencies it has not been in contact with.

8. Idaho State Police shall, within ninety days of the entry of the Court's Order adopting this stipulation, provide notification to the sheriff's office of the individual's county of residence for all persons described in Paragraph 2 that each person described in Paragraph 2 above has been removed from the Idaho Sex Offender Registry and is no longer subject to the requirements of the Sexual Offender Registration Notification and Community Right-To-Know Act.

9. Consistent with the terms of the Order re: Stipulation for Protective Order entered by the Court on April 1, 2022, Defendants shall not disclose the identity or any identifying information of plaintiff John Doe, or the identity of the non-plaintiff who is removed from the Idaho Sex Offender Registry, to members of the media or the public or to any person, group or organization that is not involved in removing them from the Idaho Sex Offender Registry and/or granting the other relief necessary to effect their removal from the Idaho Sex Offender Registry and/or any person or entity not necessary to execute this Order.

10. Idaho State Police shall remit to plaintiffs \$275,000 in attorneys' fees. Defendants will submit the request for payment to the Idaho Board of Examiners no later than December 31, 2022. If not approved by the Idaho Board of Examiners for payment from the Constitutional Defense Fund, then Idaho State Police shall pay plaintiffs' counsel \$25,000 on July 1, 2023 and submit the remaining \$250,000, plus interest, as part of the Fiscal Year 2025 budget request to the Legislature. Those monies, if appropriated, will be payable on July 31, 2024. Interest shall begin accruing July 1, 2023 at the rate of 4.4%, in the spirit of 28 U.S.C. § 1961. Failure to appropriate state funds shall not relieve Defendants' obligation to remit to plaintiffs \$275,000 plus interest.

Dated this 10th day of November, 2022.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: /s/
Leslie M. Hayes
Deputy Attorney General
Counsel for Defendants

Dated this 10th day of November, 2022.

LAW OFFICE OF MATTHEW STRUGAR

By: /s/
Matthew Strugar

NEVIN BENJAMIN & MCKAY LLP

By: /s/ Debra Groberg
Debra Groberg

ACLU OF IDAHO

By: /s/
Aadika Singh

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 10 2022 I filed electronically the foregoing with the Clerk of the Court using the CMF/ECF filing system that served a true and correct copy of the foregoing to the CMF/ECF participants listed below:

Leslie Hayes
State of Idaho, Office of the Attorney General
Leslie.hayes@ag.idaho.gov

Dayton Reed
State of Idaho, Office of the Attorney General
dayton.reed@ag.idaho.gov

Attorneys for Defendants

/s/
Matthew Strugar