

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Navajo Health Foundation-Sage Memorial)	
Hospital, Inc.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-01185-JB-JFR
)	
Alex Azar, Secretary, U.S. Department of)	
Health and Human Services; Michael)	
Weahkee, Principal Deputy Director,)	
Indian Health Service; Roselyn Tso, Area)	
Director, Navajo Area Indian Health)	
Service; Marquis Yazzie, Agency Lead)	
Negotiator/Director, Office of Indian Self-)	
Determination, Navajo Area Indian Health)	
Service; and United States of America,)	
)	
Defendants.)	
)	

**JOINT STIPULATION REGARDING PLAINTIFF’S MOTION FOR IMMEDIATE
INJUNCTIVE RELIEF**

The parties file this joint stipulation to inform the Court of a resolution reached regarding Plaintiff’s Motion for Immediate Injunctive Relief, Doc. 9, the terms of which are as follows:

1. Defendants will award a three-month Indian Self-Determination and Education Assistance Act (ISDEAA) contract (including a three-month annual funding agreement (AFA)) to Plaintiff by 12:00 p.m. Mountain Time on Friday, December 11, 2020. This three-month contract will be paid in full (i.e., three months of funding).

2. Once the three-month contract is fully executed by both parties, Plaintiff will voluntarily dismiss its Motion for Immediate Injunctive Relief, without prejudice. This dismissal shall be filed upon contract execution or by 4:00 p.m. Mountain Time on Friday, December 11, 2020, whichever occurs later.

3. This stipulation will not impact Defendants' proposed deadline of January 19, 2021, to award or decline Plaintiff's October 21, 2020 contract proposal. If the parties have not signed a Fiscal Year 2021 contract and AFA by the expiration of the three-month contract, Defendants agree to continue issuing month-to-month contracts until the resolution of the litigation.

4. The parties jointly request a status conference with the Court on January 20, 21, or 22, 2021.

5. This agreement is without prejudice to or waiver of any of the legal arguments that the parties may raise in the current litigation or may raise with respect to the May 29, 2020 or October 21, 2020 submissions.

SONOSKY, CHAMBERS, SACHSE, MILLER &
MONKMAN, LLP

Dated: 12/10/2020

By: /s/ Lloyd B. Miller

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Dated: 12/10/2020

/s/ Paula R. Lee 12/10/20

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Counsel for Defendants

CERTIFICATE OF SERVICE

I CERTIFY that on the 10th day of December 2020, I filed the foregoing using CM/ECF which caused counsel to be served by electronic means as described in the Notice of Electronic

Filing:

Paula Lee
Attorney for Defendants
paula.lee@hhs.gov

 /s/ Lloyd B. Miller
Lloyd B. Miller