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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

JANE DOE, *et al.*,

Plaintiffs.

v.

ROB BONTA, in his official capacity as
Attorney General; *et al.*,

Defendants.

No. 8:19-cv-02105 DOC (ADSx)

**AMENDED STIPULATED
FINAL JUDGMENT AND
PERMANENT INJUNCTION**

1 Several Plaintiffs¹ in these related cases filed complaints in 2019 alleging
2 that Assembly Bill No. 290, ch. 862, 2019 Cal. Stat. ____ (“AB 290”), violates their
3 rights under the First and Fourteenth Amendments of the United States
4 Constitution and was preempted by federal law, and therefore could not be
5 lawfully administered or enforced by Defendants.² ECF No. 1; *Fresenius* docket,
6 Case No. 8:19-cv-2130, ECF No. 1.

7 On December 30, 2019, the Court granted a preliminary injunction,
8 enjoining the administration or enforcement of AB 290 in full. *See* ECF No. 58.
9 On January 9, 2024, the Court granted in part and denied in part Plaintiffs’ motions
10 for summary judgment, holding that certain provisions of AB 290 violate the First
11 Amendment of the United States Constitution, and are therefore void. *See* ECF
12 No. 207. The Court also granted in part and denied in part Defendants’ motions
13 for summary judgment, holding that other provisions of AB 290 are constitutional.
14 *See id.* On April 4, 2024, the Court denied Defendants’ motion for
15 reconsideration. *See* ECF No. 214.

16 On May 14, 2024, the Court entered the parties’ stipulated final judgment,
17 permanent injunction, and stay pending appeal. *See* ECF 219. As part of that final
18 judgment, the Court declared that certain provisions of AB 290 violated the First
19 Amendment and were therefore void and could not be administered or enforced by
20

21 ¹ The Plaintiffs are Jane Doe; Stephen Albright; the American Kidney Fund,
22 Inc., Dialysis Patient Citizens, Inc., Fresenius Medical Care Orange County, LLC;
23 DaVita Inc.; Fresenius Medical Care Holdings, Inc., doing business as Fresenius
24 Medical Care North America; and U.S. Renal Care, Inc.

25 ² Defendants are Rob Bonta, in his Official Capacity as Attorney General of
26 California; Ricardo Lara, in his Official Capacity as the Director of the California
27 Department of Insurance; Mary Watanabe, in her Official Capacity as Director of
28 the California Department of Managed Health Care; and Erica Pan, in her official
capacity as Director of the California Department of Public Health. Dr. Pan is
automatically substituted for her predecessor Tomás J. Aragón under Federal Rule
of Civil Procedure 25(d).

1 Defendants. *See id.* The Court also stayed and enjoined implementation or
2 enforcement of AB 290 in its entirety pending the resolution of the parties' appeal
3 to the United States Court of Appeals for the Ninth Circuit. *See id.* Finally, the
4 Court postponed the parties' deadlines to seek any attorneys' fees until after the
5 resolution of any appeals. *See id.*

6 On April 7, 2026, the Ninth Circuit entered a judgment affirming in part and
7 reversing in part this Court's summary judgment order. *See* [ECF No. 233](#). The
8 Ninth Circuit held that AB 290's Financial Assistance Restriction (Sections 3(b)(2)
9 and 5(b)(2)), Patient Disclosure Requirement (Sections 3(c)(2) and 5(c)(2)), and
10 Reimbursement Cap (Sections 3(e)(1) and 5(e)(1)) were unconstitutional. *See id.*
11 While the Ninth Circuit held that AB 290's Coverage Disclosure Requirement
12 (Sections 3(b)(3) and 5(b)(3)) was constitutional, it determined that the
13 unconstitutional provisions of AB 290 could not be severed from the remainder of
14 the statute. *See id.* The Ninth Circuit further held that Plaintiffs' appeal was moot
15 insofar as it challenged this Court's holding that AB 290's Safe Harbor (Section 7)
16 was constitutional. *See id.* Defendants had not appealed this Court's ruling that
17 AB 290's Anti-Steering Provisions (Sections 2(a), 3(b)(4), and 5(b)(4)) were
18 unconstitutional.

19 In light of the Ninth Circuit's decision, Plaintiffs and Defendants, by and
20 through their counsel, have agreed to the entry of this Amended Stipulated Final
21 Judgment and Permanent Injunction. The Court having considered the filings, and
22 with good cause therefor appearing, **HEREBY ORDERS, ADJUDGES, AND**
23 **DECREES** as follows:

24 **DECLARATORY JUDGMENT AND PERMANENT INJUNCTION**

25 1. This Court has jurisdiction over the subject matter of this case and
26 over the parties pursuant to [42 U.S.C. § 1331](#) and [42 U.S.C. § 1983](#).

27 2. The Court may declare the legal rights and obligations of the parties in
28 this action pursuant to [28 U.S.C. § 2201](#).

1 3. Venue in this District is proper under 28 U.S.C. § 1391(b).

2 4. Sections 2(a), 3(b)(4), and 5(b)(4) of AB 290 violate the First
3 Amendment of the United States Constitution and are void and shall not be
4 administered or enforced by any Defendant or by any Defendant’s agents, servants,
5 or employees.

6 5. Sections 3(b)(2) and 5(b)(2) of AB 290 violate the First Amendment
7 of the United States Constitution and are void and shall not be administered or
8 enforced by any Defendant or by any Defendant’s agents, servants, or employees.

9 6. Sections 3(c)(2) and 5(c)(2) of AB 290 violate the First Amendment
10 of the United States Constitution and are void and shall not be administered or
11 enforced by any Defendant or by any Defendant’s agents, servants, or employees.

12 7. Sections 3(e)(1) and 5(e)(1) of AB 290 violate the First Amendment
13 of the United States Constitution and are void and shall not be administered or
14 enforced by any Defendant or by any Defendant’s agents, servants, or employees.

15 8. The unconstitutional provisions of AB 290 are not severable from the
16 remainder of the statute.

17 9. No section of AB 290 shall be administered or enforced by any
18 Defendant or by any Defendant’s agents, servants, or employees.

19 10. With regard to Plaintiffs’ claims that AB 290 is preempted by the
20 United States Constitution, as well as Plaintiffs’ claims arising under the Contracts,
21 Due Process, and Takings Clauses of the United States Constitution, judgment is
22 entered in favor of Defendants.

23
24 **IT IS SO ORDERED.**

25 Dated: June 22, 2026



27 DAVID O. CARTER
28 United States District Judge