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**FILED**  
**Court Administrator**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

JAN 08 2010

SECOND JUDICIAL DISTRICT

By CIX Deputy

Case Type: Other Civil

Deanna Brayton, Darlene Bullock, Forough Mahabady, Debra Branley, Marlene Griffin and Evelyn Bernhagen, on behalf of themselves and all others similarly situated,

Court File No. 62-CV-09-11693  
Chief Judge Kathleen R. Gearin

Plaintiffs,

**STIPULATION AND ORDER  
FOR ENTRY OF  
FINAL PARTIAL JUDGMENT**

vs.

Tim Pawlenty, Governor of the State of Minnesota, Thomas Hanson, Commissioner, Minnesota Department of Management and Budget, Cal Ludeman, Minnesota Department of Human Services, and Ward Einess, Commissioner, Minnesota Department of Revenue,

Defendants.

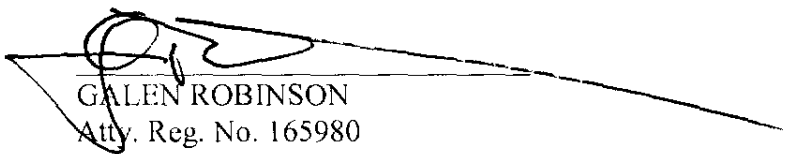
**STIPULATION**

The parties in the above-entitled action, through their undersigned counsel, hereby stipulate to issuance of the attached Order for Entry of Final Partial Judgment. The parties agree that the Order satisfies Minn. R. Civ. P. 54.02 and that the resulting final partial judgment is appealable as of right under Minn. R. Civ. App. P. 103.03(a).

Nothing in this Stipulation or the attached Order constitutes an admission or acknowledgment by Defendants that any of the unallotments that have been or may be challenged in this or any other lawsuit are unlawful.

Dated: January 8, 2010

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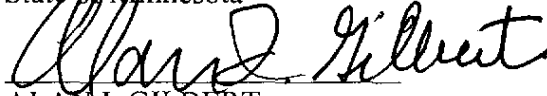
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Dated: January 8, 2010

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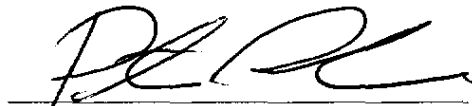
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Dated: January 8<sup>th</sup>, 2010



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**ORDER FOR ENTRY OF FINAL PARTIAL JUDGMENT**

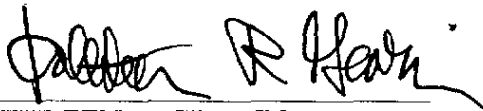
Based on the Court's Order filed December 30, 2009, and the foregoing Stipulation of the parties, and in accordance with Minn. R. Civ. P. 54.02,

**IT IS HEREBY ORDERED:**

1. Pursuant to the Court's Order of December 30, 2009, and the reasoning set forth therein, Defendants' motion to dismiss is denied with respect to Plaintiffs' claim that the unallotment of funding for the Minnesota Supplemental Aid-Special Diet ("MSA-SD") program is unlawful.
2. Also pursuant to the Court's Order of December 30, 2009, the unallotment of funding for the MSA-SD program that was approved in July 2009 and took effect November 1, 2009, is unlawful and void. Defendants shall immediately restore the funding with respect to that unallotment, if not done so already.
3. There is no just reason for delay of entry of judgment on Plaintiffs' claim that the unallotment of funding for the MSA-SD program is unlawful. Immediate appellate review of this claim is appropriate and in the public interest. The claim implicates the lawfulness of other unallotments made for the current biennium. An expeditious final judicial decision of the claim will assist the executive and legislative branches in determining their respective authority regarding the State's current budget crisis.
4. This Order does not prohibit either the Governor or the Legislature from the exercise of their legitimate constitutional power in light of the current budget issues facing the State or from bringing a motion that the issues in this lawsuit have been rendered moot.

THERE BEING NO JUST REASON FOR DELAY, LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 8, 2010

  
KATHLEEN R. GEARIN  
Chief Judge of District Court