

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Melinda and Mark Loe, on their own  
behalf and as next friends of their  
children R.L. and O.L.; Dawn Erickson,  
on her own behalf and as next friend of  
her child J.G.; Crown College; and  
University of Northwestern – St. Paul,

Case No. 23-cv-1527 (NEB/JFD)

**STIPULATION FOR  
PRELIMINARY INJUNCTION**

Plaintiffs,

vs.

Tim Walz, in his official capacity as  
Governor of Minnesota; Willie Jett, in his  
official capacity as Minnesota  
Commissioner of Education; and  
Minnesota Department of Education,

Defendants.

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The parties, by and through their undersigned counsel, hereby stipulate to entry of a preliminary injunction on the terms set forth below, for the duration of this action and any subsequent appeals (the “Injunctive Period”). In support hereof, the parties state as follows:

1. Plaintiffs commenced this action on May 24, 2023. (ECF No. 1.)
2. In their Complaint, Plaintiffs allege that one section (Act of May 24, 2023, ch. 55, Art. 2, sec. 45; hereinafter, the “Amendment”) of a bill signed into law on May 24, 2023—H.F. 2497, 93rd Leg. (Minn. 2023)—violates their rights under the First and Fourteenth Amendments to the United States Constitution and Article I, § 16 of the Minnesota Constitution.

3. Defendants deny that the Amendment violates Plaintiffs’ federal or state constitutional rights and will respond to Plaintiffs’ Complaint accordingly.

4. The Amendment amends Minn. Stat. § 124D.09, subd. 3 (the “Eligible Institutions Definition”) and is scheduled to take effect July 1, 2023.

5. The Eligible Institutions Definition was last amended by the Legislature in 2019. For clarity, this stipulation refers to the “Status Quo” as the 2019 Eligible Institutions Definition.

6. To preserve the Status Quo while this action is litigated, the parties request that the Court enter an Order enjoining enforcement of the provisions of the Amendment during the Injunctive Period.

7. The stipulation is expressly limited to the text of the Amendment, and does not extend to any other part of the Act of May 24, 2023, ch. 55, or any other law currently existing or passed in the 2023 legislative session.

8. The 2019 Eligible Institutions Definition, and all other existing laws governing the PSEO program, including the remainder of the Act of May 24, 2023, ch. 55, Art. 2, shall remain in full force and effect during the Injunctive Period and are not affected by the parties’ stipulated preliminary injunction.

9. Accordingly, to participate in the PSEO program during the Injunctive Period, postsecondary institutions must still qualify as an “Eligible Institution,” as that term is defined in the 2019 Eligible Institutions Definition.

10. Under the terms of the 2019 Eligible Institutions Definition, Plaintiffs Crown College and University of Northwestern – St. Paul currently qualify as an “Eligible

Institution” and will remain so during the Injunctive Period as long as they continue to meet the criteria of the 2019 Eligible Institutions Definition.

11. Nothing in this stipulation constitutes or shall be construed as an admission by Defendants of any liability or wrongdoing whatsoever. Rather, Defendants’ intent in stipulating to a preliminary injunction is to provide certainty to students, secondary schools, and postsecondary institutions participating in the PSEO program during the Injunctive Period.

Dated: June 13, 2023

/s/ Diana Verm Thomson

Diana Verm Thomson\*

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Dated: June 13, 2023

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