

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

FRESH VISION OP, INC., et al.,

Plaintiffs,

v.

MARK SKOGLUND, et al.,

Defendants.

Case No. 24-4055-DDC-TJJ

MEMORANDUM AND ORDER

Before the court is Plaintiffs’ Motion for Attorney Fees (Doc. 45). Plaintiffs ask the court to award reasonable attorney fees under 42 U.S.C. § 1988, Fed. R. Civ. P. 54(d)(2), and D. Kan. Rule 54.2, as the prevailing parties in this civil rights action. Doc. 45 at 1.

After plaintiffs filed an appeal, the court twice granted plaintiffs extensions of time to file their memorandum in support of this motion. Doc. 50; Doc. 56. Legislative action later mooted the appeal, so plaintiffs voluntarily dismissed it. Doc. 57. The parties then consulted one another the attorney fees motion, complying with D. Kan. Rule 54.2(b). Those negotiations were successful, and jointly they now ask the court to enter this Order under that same local rule.

The court already has determined that plaintiffs are prevailing parties entitled to an award of attorney fees. Doc. 43 at 30. Plaintiffs secured a temporary restraining order against defendants, which the court later converted into a permanent injunction, barring “defendants from designating Fresh Vision as a political committee based on a finding that express advocacy is *a* major purpose—but not *the* major purpose—of its organization under Kan. Stat. Ann. § 25-4143(l)(1).” *Id.* at 31. The court entered a corresponding judgment the same day. Doc. 44.

Now, the parties have represented to the court that they have reached an agreement on the amount of the award. The parties have determined that a fee of \$98,500.00 is reasonable and appropriate under 42 U.S.C. § 1988. The parties deem the amount of the fee award consistent with the quality of the work performed, the skill of counsel, and the results achieved. The parties communicated this agreement to the court and agreed on a proposed order emailed to chambers. The court construes the proposed order—which specifies the award amount—as a stipulation and request for an order under D. Kan. Rule 54.2(b). The court enters this Order based on that represented agreement.¹

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiffs’ Motion for Attorney Fees (Doc. 45) is granted. Defendants shall pay to plaintiffs attorney fees and costs in the agreed upon amount of \$98,500.00.

IT IS SO ORDERED.

Dated this 22nd day of May, 2025, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge

¹ The parties also proposed that the court order as follows: “Said payment shall be made as soon as administratively practicable following the entry of this Order, payable to the Institute for Free Speech (1150 Connecticut Ave., N. W., Suite 801, Washington DC 20036) which shall share the payment with Kriegshauser Ney Law Group as local counsel.” But the Supreme Court has made it clear that “Section 1988 makes the prevailing *party* eligible for a discretionary award of attorney’s fees.” *Venegas v. Mitchell*, 495 U.S. 82, 87 (1990) (emphasis in original). That is, “it is the party, rather than the lawyer, who is so eligible[.]” *Id.* And so, the court extracted the payable-to portion of the proposed order.

AGREED:

/s/ Charles Miller

Charles Miller (*pro hac vice*)
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