



FOR IMMEDIATE RELEASE
August 25, 2022

CONTACT: Lisa Horowitz
Hailey City Administrator
208-788-9815
lisa.horowitz@haileycityhall.org

Hailey Awarded Attorneys Fees in Federal Court Ruling regarding Mask Mandate

In an unusual federal court ruling yesterday, District Court Judge David C. Nye ordered that the Health Freedom Defense Fund pay the City of Hailey for its attorney fees incurred in defending the City's mask mandate put in place during the Covid-19 pandemic to protect the public. Hailey had hired Deborah Ferguson of Ferguson Durham who successfully defended the civil rights challenge and secured the Attorney Fees Order. Ms. Ferguson stated, "Attorney fees are very rarely awarded to prevailing state and local governments as defendants in civil rights cases. Successful plaintiffs, on the other hand, are entitled to their fees when they win against the government. To award a government fees, a court must find that the suit against it was frivolous, unreasonable or without foundation. Judge Nye found these exceptional circumstances existed in the case, so the taxpayers of Hailey will not be responsible for the City's legal bill."

The suit was dismissed with prejudice in March of this year, when the Court found the challenge had not "alleged plausible legal claims." The Court upheld local government authority to enact public health orders, including those more stringent than public mask mandates. In its decision awarding Hailey the attorney fees, the Court found the claims to be without reasoned basis or foundation, and frivolous. The attorney fees awarded are in the amount of \$29,650.

Health Freedom Defense Fund, et al. v. City of Hailey, Martha Burke, Mayor, Case No. 1:21-cv-00389-DCN, United States District Court, District of Idaho, Order dated Aug. 23, 2022