

Colleen R. Smith (ISB No. 10023)
Stris & Maher LLP
American Civil Liberties Union of
Idaho Foundation Cooperating Attorney
1717 K Street NW, Suite 900
Washington, DC 20006
T: 202-800-5749
csmith@stris.com

Katherine V. Mackey*
Wilmer Cutler Pickering
Hale and Dorr LLP
60 State Street
Boston, MA 02109
T: 617-526-6993
F: 617-526-5000
katherine.mackey@wilmerhale.com

Peter G. Neiman*
Alan E. Schoenfeld*
Michelle Nicole Diamond*
Rachel E. Craft*
Wilmer Cutler Pickering
Hale and Dorr LLP
7 World Trade Center
New York, NY 10007
T: 212-230-8800
F: 212-230-8888
peter.neiman@wilmerhale.com
alan.schoenfeld@wilmerhale.com
michelle.diamond@wilmerhale.com
rachel.craft@wilmerhale.com

Attorneys for Plaintiffs

*Additional counsel for Plaintiffs
identified on following page*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
SOUTHERN DIVISION**

**PLANNED PARENTHOOD GREAT
NORTHWEST, HAWAII, ALASKA, INDIANA,
KENTUCKY**, on behalf of itself, its staff, physicians
and patients, **CAITLIN GUSTAFSON, M.D.**, on
behalf of herself and her patients, and **DARIN L.
WEYHRICH, M.D.**, on behalf of himself and his
patients,

Plaintiffs,

v.

RAÚL LABRADOR, in his official capacity as
Attorney General of the State of Idaho; **MEMBERS
OF THE IDAHO STATE BOARD OF MEDICINE**
and **IDAHO STATE BOARD OF NURSING**, in their
official capacities, **COUNTY PROSECUTING
ATTORNEYS**, in their official capacities,

Defendants.

Case No. 1:23-cv-00142-BLW

**MOTION TO STRIKE
DEFENDANTS' NOTICES
OF SUPPLEMENTAL
DECLARATIONS**

Jennifer R. Sandman*
Catherine Peyton Humphreville*
Planned Parenthood Federation of America
123 William Street
New York, NY 10038
212-965-7000
jennifer.sandman@ppfa.org
catherine.humphreville@ppfa.org

Michael J. Bartlett (ISB No. 5496)
Bartlett & French LLP
1002 W Franklin St.
Boise, Idaho 83702
T: 208-629-2311
F: 208-629-2460 (fax)
Michael@BartlettFrench.com

*Attorneys for Plaintiff Planned Parenthood
Great Northwest, Hawaii, Alaska, Indiana,
Kentucky*

Dina Flores-Brewer (ISB No. 6141)
American Civil Liberties Union of
Idaho Foundation
P.O. Box 1897
Boise, ID 83701
T: 208-344-9750
DFloresBrewer@acluidaho.org

Andrew Beck*
Meagan Burrows*
Ryan Mendías*
Scarlet Kim*
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
T: 212-549-2633
F: 212-549-2649
abeck@aclu.org
mburrows@aclu.org
rmendias@aclu.org
scarletk@aclu.org

Attorneys for Physician Plaintiffs

** Admitted pro hac vice*

Plaintiffs' Motion to Strike Defendants' Notices of Supplemental Declarations

Plaintiffs move to strike Defendants' First Notice of Supplemental Declarations Regarding Subject Matter Jurisdiction (Dkt. 116) and all Declarations appended thereto (Dkts. 116-1, 116-2, 116-3, and 116-4), Defendants' Second Notice of Supplemental Declarations Regarding Subject Matter Jurisdiction (Dkt. 117) and all Declarations appended thereto (Dkts. 117-1, 117-2, 117-3, 117-4, 117-5, 117-6, 117-7, and 117-8), and Defendants' Third Notice of Supplemental Declarations Regarding Subject Matter Jurisdiction (Dkt. 121) and all Declarations appended thereto (Dkts. 121-1, 121-2, and 121-3), for lack of compliance with the Local Rules. Because the Local Rules do not authorize the filing of supplemental materials, leave of court is required before a party can file any supplemental materials. *See, e.g., Medina v. Valdez*, No. 08-cv-456, 2009 WL 2848659, at *7 (D. Idaho Aug. 28, 2009) (Winmill, D.J.) (“Neither party shall file supplemental responses, replies, affidavits, or other filings not authorized by the Local Rules without prior leave of Court.”); *Holmes v. Idaho Power Co. Sec. Plan for Senior Mgmt. Emps.*, No. CV03-514-S-EJL, 2005 WL 1863180, at *1 (D. Idaho Aug. 4, 2005) (“Rule 7.1 of the Local Rules . . . required [plaintiff] to seek leave of the Court prior to filing a supplemental affidavit.”). Leave of court was not sought here. Moreover, these supplemental declarations are untimely; just as the Court noted in its order denying Defendants' motion for supplemental briefing, these declarations could have been made “on the original briefing schedule.” Dkt. 114 at 2. Finally, these supplemental declarations are irrelevant, because—like the Attorney General's April 7 letter—they do not repudiate the substance of the Attorney General's interpretation of Idaho Code § 18-622. Plaintiffs respectfully request that Defendants' noncompliant filings be stricken from the record.

Jennifer R. Sandman*
Catherine Peyton Humphreville*
Planned Parenthood Federation of
America
123 William Street
New York, NY 10038
T: 212-965-7000
jennifer.sandman@ppfa.org
catherine.humphreville@ppfa.org

Michael J. Bartlett (ISB No. 5496)
Bartlett & French LLP
1002 W Franklin St.
Boise, Idaho 83702
T: 208-629-2311
F: 208-629-2460 (fax)
Michael@BartlettFrench.com

*Attorneys for Plaintiff Planned
Parenthood Great Northwest, Hawaii,
Alaska, Indiana, Kentucky*

Andrew Beck*
Meagan Burrows*
Ryan Mendías*
Scarlet Kim*
American Civil Liberties
Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
T: 212-549-2633
F: 212-549-2649
abeck@aclu.org
mburrows@aclu.org
rmendias@aclu.org
scarletk@aclu.org

Dina Flores-Brewer (ISB No. 6141)
American Civil Liberties Union of
Idaho Foundation
P.O. Box 1897
Boise, ID 83701
T: 208-344-9750
DFloresBrewer@acluidaho.org

Attorneys for Physician Plaintiffs

Respectfully submitted,

/s/ Colleen R. Smith
Colleen R. Smith (ISB No. 10023)
Stris & Maher LLP
American Civil Liberties Union of
Idaho Foundation Cooperating
Attorney
1717 K Street NW, Suite 900
Washington, DC 20006
T: 202-800-5749
csmith@stris.com

Katherine V. Mackey*
Wilmer Cutler Pickering
Hale and Dorr LLP
60 State Street
Boston, MA 02109
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New York, NY 10007
T: 212-230-8800
F: 212-230-8888
peter.neiman@wilmerhale.com
alan.schoenfeld@wilmerhale.com
michelle.diamond@wilmerhale.com
rachel.craft@wilmerhale.com

Attorneys for Plaintiffs

** Admitted Pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Raul R. Labrador
Office of the Attorney General State of Idaho
700 W. Jefferson Street
P.O. Box 83720
Boise, ID 83720-0010

Members of the Idaho State Board of Medicine
Idaho State Board of Medicine
11341 W. Chinden Blvd.
Boise, ID 83714

Members of the Idaho State Board of Nursing
Idaho State Board of Nursing
11341 W. Chinden Blvd.
Boise, ID 83714

Jan M. Bennetts
Ada County Prosecuting Attorney
Adan County Prosecutor's Office
200 West Front Street, Room 3191
Boise, ID 83702

Christopher D. Boyd.
Adams County Prosecuting Attorney
201 Industrial Ave. Council, ID 83612
P.O. Box 604
Council, ID 83612

Alex Gross
Boise County Appointed Prosecuting Attorney
406 Montgomery Street
P.O. Box 186
Idaho City, Idaho 83631

Andrakay J. Pluid
Boundary County Prosecuting Attorney
6452 Kootenai Street, Room 12
P.O. Box 1148
Bonners Ferry, ID 83805

Steve Stephens
Butte County Prosecuting Attorney
P.O. Box 736
Arco, ID 83327

Jim Thomas
Camas County Prosecuting Attorney
501 Soldier Road
P.O. Box 160
Fairfield, ID 83327

McCord Larsen
Cassia County Prosecuting Attorney
1459 Overland Ave. 3rd Floor
P.O. Box 7
Burley, ID 83318

E. Clayne Tyler
Clearwater County Prosecuting Attorney
106 Michigan Ave.
Orofino, ID 83544

Trevor Misseldine
Gooding County Prosecuting Attorney
624 Main Street
Gooding, ID 83330

Mark Taylor
Jefferson County Prosecuting Attorney
Jefferson County Courthouse
210 Courthouse Way
Suite 220
Rigby, ID 83442

Rob Wood
Madison County Prosecuting Attorney
Madison County Clerk's Office
134 E Main Street
Rexburg, ID 83440

Lance Stevenson
Minidoka County Prosecuting Attorney
P.O. Box 368
Rupert, ID 83350

Cody L. Brower
Oneida County Prosecuting Attorney
10 W. Court Street

Malad, ID 83252

Ben Allen
Shoshone County Prosecuting Attorney
Shoshone County Courthouse
700 Bank Street, Suite 200
Wallace, ID 83873

Grant P. Loebs
Twin Falls County Prosecuting Attorney
425 Shoshone Street North
Third Floor
P. O. Box 126
Twin Falls, ID 83303-0126

Brian Naugle
Valley County Prosecuting Attorney
Valley County Courthouse
219 N. Main Street
Cascade, ID 83611

Stephen F. Herzog
Bannock County Prosecuting Attorney
624 E Center Street, Room 204
Pocatello, ID 83201

Adam McKenzie
Bear Lake County Prosecuting Attorney
Bear Lake County Courthouse
30 N Main Street
P.O. Box 190
Paris, ID 83261

Mariah R. Dunham
Benewah County Prosecuting Attorney
701 W College Ave., Suite 201
St. Maries, Idaho 83861

Paul Rogers
Bingham County Prosecuting Attorney
501 N Maple Street
Blackfoot, Idaho

Matt Fredback
Blaine County Prosecuting Attorney
219 South 1st Ave.
Suite 201
Hailey, ID 83333

Louis Marshall
Bonner County Prosecuting Attorney
1500 Highway 2
Sandpoint, ID 83864

Randy Neal
Bonneville County Prosecuting Attorney
605 N Capital Ave.
Idaho Falls, Idaho 83402

Shondi Lott
Elmore County Prosecuting Attorney
Elmore County Courthouse Annex
190 South 4th East Street
Mountain Home Idaho 83647

Lindsey Blake
Fremont County Prosecuting Attorney
22 W. 1st North, Street
St. Anthony, ID 83445

Kirk A MacGregor
Idaho County Prosecutor
416 West Main Street
PO Box 463
Grangeville, Idaho 83530

Brad Calbo
Jerome County Prosecuting Attorney
Jerome County Judicial Annex
233 W Main Street
Jerome, ID 83338

Stanley Mortensen
Kootenai County Prosecuting Attorney
501 Government Way
Coeur d'Alene, ID 83814

Bill Thompson
Latah County Prosecuting Attorney
Latah County Courthouse
522 S Adams Street
Moscow, ID 83843

Zachary Pall
Lewis County Prosecutor
Lewis County Courthouse

510 Oak Street #2
Nezperce, ID 83543

Christopher Topmiller
Owyhee County Prosecuting Attorney
P.O. Box 128
Murphy, ID 83650

Mike Duke
Payette County Prosecuting Attorney
1115 1st. Ave. N.
Payette, ID 83661

Delton L. Walker
Washington County Prosecuting Attorney
Walker Law Office
232 E Main Street
Weiser, ID 83672

Janna Birch
Clark County Prosecuting Attorney
P.O. Box 2869
Idaho Falls, ID

Richard Roats
Lincoln County Prosecuting Attorney
111 West B Street
P.O. Box 860
Shoshone, ID 83352

And I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF registered participants via U.S. first class mail, postage prepaid addressed as follows:

Bryan Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, ID 83605

S. Doug Wood
Caribou County Prosecuting Attorney
159 South Main Street
Soda Springs, ID 83276

Justin Oleson
Custer County Prosecuting Attorney
521 E. Main Ave.
PO Box 630

Challis, ID 83226-0630

Vic A. Pearson
Franklin County Prosecuting Attorney
Franklin County Prosecuting Attorney's Office
39 West Oneida
Preston, ID 83263

Erick Thomson
Gem County Prosecuting Attorney
306 E. Main Street
Emmett, ID 83617

Paul Withers
Lemhi County Prosecutor
1301 Main Street, Suite 6
Salmon, ID 83467

Justin Coleman
Nez Perce County Prosecuting Attorney
1113 F Street
Lewiston, ID 83501

Jason E. "Mack" Mackrill
Power County Prosecuting Attorney
Power County Courthouse
543 Bannock Ave.
American Falls, ID 83211

Bailey A. Smith
Teton County Prosecuting Attorney
Law Enforcement Center
230 N Main Street, Suite 125
Driggs, ID 83422

/s/ Colleen R. Smith
Colleen R. Smith (ISB No. 10023)