

CASE NO. CR29-22-2805  
BY *[Signature]* DEPUTY

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*Attorneys for Intervenors*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,

Plaintiff,

v.

BRYAN C. KOHBERGER,

Defendant.

Case No. CR29-22-2805

**Motion to Reconsider Order Dated May  
4, 2023**

THE ASSOCIATED PRESS; RADIO  
TELEVISION DIGITAL NEWS  
ASSOCIATION; SINCLAIR MEDIA OF  
BOISE, LLC/KBOI-TV (BOISE); STATES  
NEWSROOM DBA IDAHO CAPITAL SUN;  
TEGNA INC./KREM (SPOKANE), KTVB  
(BOISE) AND KING (SEATTLE);  
EASTIDAHONEWS.COM; THE LEWISTON  
TRIBUNE; WASHINGTON STATE  
ASSOCIATION OF BROADCASTERS;  
IDAHO PRESS CLUB; IDAHO EDUCATION  
NEWS; KXLY-TV/4 NEWS NOW AND  
KAPP/KVEW-TV—MORGAN MURPHY  
MEDIA KXLY-TV/4 NEWS NOW; SCRIPPS  
MEDIA, INC., DBA KIVI-TV, A DELAWARE

CORPORATION; THE SPOKESMAN-REVIEW/COWLES COMPANY; THE NEW YORK TIMES COMPANY; LAWNEWZ, INC.; ABC, INC.; WP COMPANY LLC, DBA THE WASHINGTON POST; SOCIETY OF PROFESSIONAL JOURNALISTS; THE MCCLATCHY COMPANY, LLC; and THE SEATTLE TIMES,

Intervenors.

With each passing day, the Amended Nondissemnation Order dated January 18, 2023 (“Gag Order”) causes irreparable harm. At every step, Intervenors have acted quickly to vindicate their constitutional rights and to stop that irreparable harm: they formed a nearly 30-person coalition, retained counsel, and filed a challenge in the Idaho Supreme Court in 19 day from when the Gag Order was issued and they filed a motion to vacate in 7 days from when the Idaho Supreme Court directed them to seek a plain, speedy, and adequate remedy in this Court. The Idaho Supreme Court similarly acted quickly, setting an expedited briefing schedule 3 days after Intervenors filed an amended petition and granting two motions to intervene, without full briefing, while maintaining the expedited merits briefing schedule. Respectfully, this Court’s decision to wait 3 weeks to hold a scheduling conference to then set the briefing schedule—instead of providing the next available hearing date to trigger the briefing schedule set in Idaho Rule of Civil Procedure 7(b)(3) and Idaho Criminal Rule 45(c)—prolongs the irreparable harm caused by the Gag Order.

Accordingly, Intervenors move the Court to reconsider its order dated May 4, 2023 and either (1) stay enforcement of the Gag Order pending a decision on Intervenors’ Motion to Intervene and Motion to Vacate the Amended Nondissemnation Order to avoid any additional irreparable harm while the motions are briefed, or (2) set a hearing on Intervenors’ Motion to Intervene and Motion to Vacate the Amended Nondissemnation Order on the next available date

on the Court's calendar to trigger the briefing schedule in Idaho Rule of Civil Procedure 7(b)(3) and Idaho Criminal Rule 45(c).

DATED: May 9, 2023.

STOEL RIVES LLP

/s/ Wendy J. Olson \_\_\_\_\_

Wendy J. Olson

Cory M. Carone

*Attorneys for Intervenors*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 9th day of May 2023, I served a true and correct copy of the foregoing upon the following named parties by the method indicated below, and addressed to the following:

Latah County Prosecutor's Office  
William W. Thompson, Jr.  
Prosecuting Attorney  
Latah County Courthouse  
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/s/ Wendy J. Olson

Wendy J. Olson