

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

TRACY TUCKER, JASON SHARP, NAOMI  
MORLEY, and BILLY CHAPPELL, on behalf  
of themselves and all others similarly situated,

Plaintiffs-Appellants,

vs.

STATE OF IDAHO; and DARRELL BOLZ,  
ANGELA BARKELL, ERIC LEHTINEN,  
REP. DAVID CANNON, HON. LINDA  
COPPLE TROUT, DAN DINNING, SEN.  
MELISSA WINTROW, and BEN  
ANDERSEN, in their official capacities as  
members of the Idaho State Public Defense  
Commission,

Defendants-Respondents.

Supreme Court Docket No. 51631-2024

District Court No. CV-OC-2015-10240

Appeal from the District Court of the  
Fourth Judicial District

The Honorable Samuel A. Hoagland,  
District Judge, Presiding

**APPELLANTS' OPPOSITION TO RESPONDENTS' MOTION TO EXTEND TIME**

Given the extraordinary and emergent nature of Appellants' Motion to Modify Injunction and for an Order to Show Cause Why Further Relief on Decree Should Not be Granted, Appellants oppose the State's Motion to Extend Time. As Appellants' Motion discusses at length, there is an ongoing and dramatic increase in actual and constructive denials of counsel occurring across Idaho due to the State's ongoing failure to comply with its constitutional obligations, and this Court is well-situated to address those failures now.

The State's Motion to Extend Time also raises a number of errors that warrant correction. *First*, Appellants are not raising a new lawsuit—they have consistently sought the same relief in connection with the same claims on behalf of the same certified class. Nothing in the Motion to Modify Injunction changes that. *Second*, Appellants' evidence relates to members of their certified class—hardly new parties that need to be added to this case. *Third*, Appellants' Motion

to Modify Injunction does not request a process for engaging in or obtaining new discovery, nor is any additional discovery required to resolve Appellants' motion or this appeal in an expedited manner.

Appellants have submitted significant evidence—including on-the-record statements by the State's own employees and members of the judiciary—that shows there is a true and worsening crisis in courtrooms across Idaho, right now. After years of arguing that overwhelming evidence of past deficiencies does not matter because it does not prove that the situation at any given time is as bad, the State now asks for more time to refute the overwhelming evidence that the crisis on the ground now is as bad and worsening. Because the judiciary has a special responsibility to protect the integrity and fairness of these criminal proceedings, and for all the additional reasons raised in Appellants' Motion to Modify Injunction, Appellants respectfully request that this Court deny the State's Motion to Extend Time, and set oral argument on Appellants' Motion to Modify Injunction as soon as possible.

Dated: January 2, 2025

Respectfully submitted,

/s/ Robert B. Duncan

Robert B. Duncan\*

Joe Cavanaugh\*

Jimmy McEntee\*

Devin Urness\*

Alessandra Carozza\*

**HOGAN LOVELLS US LLP**

robert.duncan@hoganlovells.com

joe.cavanaugh@hoganlovells.com

jimmy.mcentee@hoganlovells.com

devin.urness@hoganlovells.com

alessandra.carozza@hoganlovells.com

555 Thirteenth Street NW

Washington, D.C. 20004

(202) 637-5600

Richard Eppink (ISB No. 7503)  
Emily Croston (ISB No. 12389)  
reppink@acluidaho.org

**ACLU OF IDAHO**

P.O. Box 1897  
Boise, Idaho 83701  
(208) 742-6789

Elizabeth C. Lockwood\*

**ALI & LOCKWOOD LLP**

liz.lockwood@alilockwood.com  
300 New Jersey Ave, N.W., Suite 900  
Washington, D.C. 20001  
(202) 651-2475

Emma Andersson\*

Ashika Verriest\*

eandersson@aclu.org  
averriest@aclu.org

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION**

125 Broad Street 18th Fl.  
New York, New York 10004  
(347) 931-6337

*Attorneys for Plaintiffs-Appellants*

*\*Admitted Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 2, 2025, a true and correct copy of the foregoing document was filed using the E-File system, which sent a Notice of Electronic Filing to the following:

Joseph M. Aldridge  
jma@sgaidaho.com  
Keegan C. Hahn  
kch@sgaidaho.com  
Scanlan Griffiths + Aldridge  
913 W. River Street, Suite 310  
Boise, Idaho 83702

James E. M. Craig  
Civil Litigation Division  
Office of the Attorney General  
700 W. Jefferson Street, Suite 210  
PO Box 83720  
Boise, Idaho 83720

Slade D. Sokol  
ssokol@parsonsbehle.com  
Parsons Behle & Latimer  
800 W. Main Street, Suite 1300  
Boise, Idaho 83702

By: /s/ Richard Eppink  
Richard Eppink