

In the Supreme Court of the State of Idaho

BRANDEN JOHN DURST, a qualified elector of the State of Idaho,

Petitioner,

v.

IDAHO COMMISSION FOR REAPPORTIONMENT, and LAWRENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondents,

ADA COUNTY, a duly formed and existing county pursuant to the laws and Constitution of the State of Idaho,

Petitioner,

v.

IDAHO COMMISSION FOR REAPPORTIONMENT, and LAWRENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondents.

SPENCER STUCKI, registered voter pursuant to the laws and Constitution of the State of Idaho,

Petitioner,

v.

IDAHO COMMISSION FOR REAPPORTIONMENT, and LAWRENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondents.

Order Granting Petition to Intervene

Supreme Court Docket No. 49261-2021

Consolidated Case No(s):
49267-2021; 49295-2021; 49353-2021

CHIEF J. ALLAN, a registered voter of the State of Idaho and Chairman of the Coeur d'Alene, Tribe, and DEVON BOYER, a registered voter of the State of Idaho and Chairman of the Shoshone-Bannock Tribes,

Petitioners,

v.

IDAHO COMMISSION FOR REAPPORTIONMENT, and LAWRENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondents.

A VERIFIED PETITION TO INTERVENE or in the alternative CHALLENGING REAPPORTIONMENT PLAN L03 AND REQUEST FOR WRIT OF PROHIBITION AND REMAND was filed by counsel for Canyon County on December 17, 2021, requesting that this Court grant Canyon County leave to intervene in this proceeding as a party, or in the alternative, that this Court issue a Writ of Prohibition restraining the Secretary of State from transmitting a copy of the Idaho Commission for Reapportionment's Final Report and Map L03. Therefore, after due consideration,

IT IS ORDERED that the VERIFIED PETITION TO INTERVENE is GRANTED and Intervenor Canyon County shall appear in this matter for all purposes as Intervenor-Petitioner. Intervenor-Petitioner requested to file a "Reply brief once Respondents Idaho Commission for Reapportionment and Secretary of State Denney file their Response brief." Although Intervenor-Petitioner has similar interests to the other named plaintiffs in this action, Intervenor-Petitioner must still file an opening brief in support of its arguments. This Court's jurisprudence requires that petitioners raise issues in their initial briefing in order to give respondents an opportunity to respond to those arguments. New arguments are not permitted in reply briefing for this reason. *See Shepherd v. Shepherd*, 161 Idaho 14, 20, 383 P.3d 693, 699 (2016). Therefore, Intervenor-Petitioner's request to only file a Reply Brief is DENIED. Failure to timely file an opening brief by Canyon County in the schedule set out in this Order will be deemed a waiver by Canyon County to presenting additional argument.

IT IS FURTHER ORDERED that Intervenor-Petitioners' Opening Brief shall be filed on or before December 27, 2021, at 5:00 p.m. M.S.T. Respondents' Brief shall be filed on or before January 3, 2022, at 5:00 p.m. M.S.T. Intervenor-Petitioners may file a Reply Brief no later than January 7, 2022, at 5:00 p.m. M.S.T.

IT IS FURTHER ORDERED that the caption in the above-entitled proceeding shall be AMENDED as follows:

BRANDEN JOHN DURST, a qualified elector of the State of Idaho,

Petitioner,

and

CANYON COUNTY, a duly formed and existing county pursuant to the laws and Constitution of the State of Idaho,

Intervenor-Petitioner,

v.

IDAHO COMMISSION FOR REAPPORTIONMENT, and LAWRENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondents,

ADA COUNTY, a duly formed and existing county pursuant to the laws and Constitution of the State of Idaho,

Petitioner,

v.

IDAHO COMMISSION FOR REAPPORTIONMENT, and LAWRENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondents.

