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Attorneys for Respondent

IN THE SUPREME COURT OF THE STATE OF IDAHO

PLANNED PARENTHOOD OF THE GREAT
NORTHWEST, HAWAII, ALASKA,
INDIANA, KENTUCKY, on behalf of itself, its
staff, physicians and patients, and Caitlin
Gustafson, M.D., on behalf of herself and her
patients,

Petitioners,

v.

STATE OF IDAHO,

Respondent.

and

SCOTT BEDKE, in his official capacity as
Speaker of the House of Representatives of the
State of Idaho; CHUCK WINDER, in his
official capacity as President Pro Tempore of
the Idaho State Senate; and the SIXTY-SIXTH
IDAHO LEGISLATURE,

Intervenors-Respondents.

Docket No. 49615-2022

MOTION TO VACATE STAY

The State of Idaho hereby asks the Court to vacate the stay of the “implementation of Senate Bill 1309” issued on April 8, 2022 in the Court’s Order Granting Motion to Reconsider. Neither Idaho Appellate Rules 13(g) nor 5(d) allow the Court to stay “the implementation” of the Senate Bill 1309 and its trailer bill (collectively “the Heartbeat Act”) when the State of Idaho has been sued in an original action, particularly when there has been no direct request for the Court to take such action. The Court’s stay order should be vacated as procedurally improper, as well as based upon a fundamental misconception of the parties’ positions before the Court. This motion is supported by the accompanying Memorandum in Support of Respondent’s Motion to Vacate Stay filed herewith.

DATED: April 28, 2022.

OFFICE OF THE ATTORNEY GENERAL

By: /s/ Megan A. Larrondo
MEGAN A. LARRONDO,
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2022, I electronically filed the foregoing with the Clerk of the Court using the iCourt e-file system which sent a Notice of Electronic Filing to the following persons:

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