

IN THE SUPREME COURT OF THE STATE OF IDAHO

PLANNED PARENTHOOD 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; BRAD LITTLE, in his
official capacity as Governor of the State of Idaho;
LAWRENCE WASDEN, in his official capacity as
Attorney General of the State of Idaho; JAN M.
BENNETTS, in her official capacity as Ada County
Prosecuting Attorney; GRANT P. LOEBS, in his
official capacity as Twin Falls County Prosecuting
Attorney; IDAHO STATE BOARD OF
MEDICINE; IDAHO STATE BOARD OF
NURSING; and IDAHO STATE BOARD OF
PHARMACY,

Respondents.

Supreme Court Docket No. 49817-2022

PETITION FOR LEAVE TO INTERVENE BY IDAHO LEGISLATURE

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PETITION FOR LEAVE TO INTERVENE BY IDAHO LEGISLATURE

The Speaker of the House of Representatives for the State of Idaho, Scott Bedke, Senate President Pro Tempore Chuck Winder, and the Sixty-Sixth Idaho Legislature (collectively the “Legislature”) seek to intervene in this action to defend the constitutionality of Idaho Code 18-622. The Legislature seeks intervention as a matter of right pursuant to Idaho Code § 67-465 and consistent with Idaho Appellate Rule 7. Idaho Code § 67-465 provides:

When a party to an action challenges in state or federal court the constitutionality of an Idaho statute, facially or as applied, challenges an Idaho statute as violating or being preempted by federal law, or otherwise challenges the construction or validity of an Idaho statute, either or both houses of the legislature may intervene in the action as a matter of right by serving a motion upon the parties as provided in state or federal rules of civil procedure, whichever is applicable.

See Idaho Code § 67-465. Here, where Petitioners are challenging the constitutionality of an Idaho Statute, the Legislature is merely asserting its right to intervene per Idaho law.

The Legislature is prepared to comply with all timeframes and deadlines currently at issue in this case (referred to as the “Second Petition”). And, where the Legislature is already a party to Idaho Supreme Court Docket No. 49615-2002 (referred to in other briefing as the “First Petition”) a participant in the August 3, 2022 hearing involving both the First Petition and the Second Petition, the Legislature will be informed and prepared to comply with all rulings or directives received from the Court regarding the disposition of the case. Thus, granting leave to intervene will not cause any delay in the resolution of the matter.

The Legislature respectfully requests that leave to intervene be granted.

Dated this 28th day of July, 2022.

MORRIS BOWER & HAWS PLLC

/s/ Daniel W. Bower

Daniel W. Bower

/s/ Monte Neil Stewart

Monte Neil Stewart

Attorneys for Proposed Intervenors-Respondents

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2022, I filed and served the foregoing via the Odyssey File and Serve system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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