

**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,

and

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

Intervenors-Respondents.

Docket No. 49817-2022

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THE IDAHO LEGISLATURE'S VERIFIED ANSWER TO JUNE 27, 2022  
VERIFIED PETITION FOR WRIT OF PROHIBITION  
AND APPLICATION FOR DECLARATORY JUDGMENT

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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 (collectively the “Legislature”), hereby answer and respond to the Verified Petition for Writ of Prohibition and Application for Declaratory Judgment (“Petition”) filed on June 27, 2022.

GENERAL RESPONSE

Unless specifically admitted herein, the Legislature denies each and every allegation, claim, and request for relief in the Petition.

SPECIFIC RESPONSES

In response to the specific allegations, claims, and requests for relief contained in the specific paragraphs in the Petition, the Legislature responds as follows:

1. The Legislature admits this Court has original jurisdiction to issue writs of mandamus, certiorari, prohibition, habeas corpus, and all writs necessary or proper to the complete exercise of its appellate jurisdiction. Accordingly, the Legislature admits the allegation contained in Paragraph 1 of the Petition.

2. With regard to paragraph 2 of the Petition, the Legislature does not dispute the restatement of Idaho Appellate Rule 5(a) and, accordingly, admits the allegation contained in Paragraph 2.

3. With regard to paragraph 3 of the Petition, the Legislature admits only that Petitioners assert that this Court has original jurisdiction.

4. With regard to paragraph 4 of the Petition, the Legislature admits only that Petitioners are asserting that Idaho Code § 18-622 (the 622 Statute) is unconstitutional.

5. With regard to paragraph 5 of the Petition, the Legislature admits that the 622 Statute is effective as of the filing of this pleading. The Legislature denies all other allegations contained therein.

6. With regard to paragraph 6 of the Petition, the Legislature admits only that Planned Parenthood provides various services relating to reproduction and sexual health. The Legislature lacks information sufficient to form a belief as to the truth of many of the specific allegations regarding Planned Parenthood's corporate status. The Legislature denies that Planned Parenthood's medical professionals will be faced with imprisonment and ruinous penalties if they perform abortions in Idaho that are consistent with the law. While the Legislature appreciates that Planned Parenthood states that it "brings this lawsuit" on behalf of itself, its medical professionals, and its current and future patients, the Legislature denies that Planned Parenthood has standing to make certain specific claims regarding individual informational privacy as to those individuals.

7. With regard to paragraph 7 of the Petition, the Legislature lacks information sufficient to form a belief as to the truth of the allegations regarding Dr. Gustafson's practice other than to admit that Dr. Gustafson is licensed in the State of Idaho, practicing in Idaho, and therefore, subject to the laws of the State of Idaho, including the 622 Statute. The Legislature denies that Dr. Gustafson has standing to bring claims on behalf of her current and future patients or other physicians.

8. With regard to paragraph 8 of the Petition, the Legislature denies the allegations.

9. With regard to paragraph 9 of the Petition, the Legislature denies the allegations that the 622 Statute is unconstitutional.

10. With regard to paragraph 10 of the Petition, the Legislature denies the allegations that the 622 Statute is unconstitutional.

11. With regard to paragraph 11 of the Petition, the Legislature does not dispute that the language cited comes from Idaho Code § 18-622(2).

12. With regard to paragraph 12 of the Petition, the Legislature does not dispute that the language cited comes from Idaho Code § 18-604(1).

13. With regard to paragraph 13 of the Petition, the Legislature does not dispute that the language cited comes from Idaho Code § 18-622(2).

14. With regard to paragraph 14 of the Petition, the Legislature does not dispute that the language cited comes from Idaho Code § 18-622(2).

15. With regard to paragraph 15 of the Petition, the Legislature admits that the language cited comes from the provisions found in Idaho Code § 18-622(3).

16. With regard to paragraph 16 of the Petition, the Legislature denies the allegations.

17. With regard to paragraph 17 of the Petition, the Legislature admits the allegations.

18. With regard to paragraph 18 of the Petition, the Legislature denies the allegations.

19. With regard to paragraph 19 of the Petition, the Legislature denies the allegations.

20. With regard to paragraph 20 of the Petition, the Legislature denies the allegations.

21. With regard to paragraph 21 of the Petition, the Legislature denies the allegations.

22. With regard to paragraph 22 of the Petition, the Legislature denies the allegations.

23. With regard to paragraph 23 of the Petition, the Legislature denies the allegations.

24. With regard to paragraph 24 of the Petition, the Legislature denies the allegations.

25. With regard to paragraph 25 of the Petition, the Legislature denies the allegations.
26. With regard to paragraph 26 of the Petition, the Legislature denies the allegations.
27. With regard to paragraph 27 of the Petition, the Legislature denies the allegations.
28. With regard to paragraph 28 of the Petition, the Legislature denies the allegations.
29. With regard to paragraph 29 of the Petition, the Legislature denies the allegations.
30. With regard to paragraph 30 of the Petition, the Legislature denies the allegations.
31. With regard to paragraph 31 of the Petition, the Legislature denies the allegations.
32. With regard to paragraph 32 of the Petition, the Legislature incorporates its

responses to the referenced preceding paragraphs.

33. With regard to paragraph 33 of the Petition, the Legislature denies the allegations.
34. With regard to paragraph 34 of the Petition, the Legislature denies the allegations.
35. With regard to paragraph 35 of the Petition, the Legislature denies the allegations.
36. With regard to paragraph 36 of the Petition, the Legislature denies the allegations.
37. With regard to paragraph 37 of the Petition, the Legislature denies the allegations.
38. With regard to paragraph 38 of the Petition, the Legislature denies the allegations.
39. With regard to paragraph 39 of the Petition, the Legislature incorporates its

responses to the referenced preceding paragraphs.

40. With regard to paragraph 40 of the Petition, the Legislature denies the allegations.
41. With regard to paragraph 41 of the Petition, the Legislature denies the allegations.
42. With regard to paragraph 42 of the Petition, the Legislature denies the allegations.
43. With regard to paragraph 43 of the Petition, the Legislature denies the allegations.
44. With regard to paragraph 44 of the Petition, the Legislature denies the allegations.

45. With regard to paragraph 45 of the Petition, the Legislature incorporates its responses to the referenced preceding paragraphs.

46. With regard to paragraph 46 of the Petition, the Legislature denies the allegations.

47. With regard to paragraph 47 of the Petition, the Legislature denies the allegations.

48. With regard to paragraph 48 of the Petition, the Legislature denies the allegations.

49. With regard to paragraph 49 of the Petition, the Legislature denies the allegations.

50. With regard to paragraph 50 of the Petition, the Legislature denies the allegations.

51. With regard to paragraph 51 of the Petition, the Legislature denies the allegations.

### **PRAYER FOR RELIEF**

52. As to Petitioners' Prayer for Relief, the Legislature denies that Petitioners are entitled to the relief requested in paragraphs (a)-(f) and further denies that Petitioners are entitled to emergency relief.

### **ADDITIONAL DEFENSES**

1. The Petition fails to state a claim upon which relief may be granted.
2. Petitioners do not have standing to assert any claims related to individuals not named in the Petition.
3. Petitioners' claims for relief are inconsistent with and unsupported by Idaho law.

Date: September 2, 2022.

*/s/ Daniel W. Bower*

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Daniel W. Bower  
MORRIS BOWER & HAWS, PLLC

*/s/ Monte Neil Stewart*

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Monte Neil Stewart

*Attorneys for Intervenors-Respondents*

**VERIFICATIONS**

Scott Bedke, in his official capacity as Speaker of the House of Representatives of the State of Idaho, being first duly sworn, deposes and says under penalty of perjury pursuant to the laws of the state of Idaho:

I have read the foregoing THE IDAHO LEGISLATURE’S VERIFIED ANSWER TO JUNE 27, 2022 VERIFIED PETITION FOR WRIT OF PROHIBITION AND APPLICATION FOR DECLARATORY JUDGMENT and know the contents thereof, and the same is true to the best of my knowledge and belief.

Executed this 2nd day of September, 2022.

  
\_\_\_\_\_  
Scott Bedke, *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; being first duly sworn, deposes and says under penalty of perjury pursuant to the laws of the state of Idaho:

I have read the foregoing THE IDAHO LEGISLATURE’S VERIFIED ANSWER TO JUNE 27, 2022 VERIFIED PETITION FOR WRIT OF PROHIBITION AND APPLICATION FOR DECLARATORY JUDGMENT and know the contents thereof, and the same is true to the best of my knowledge and belief.

Executed this 2nd day of September, 2022.

  
\_\_\_\_\_  
Chuck Winder, *President Pro Tempore  
Idaho State Senate*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 2, 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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