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*Attorneys for Respondents*

**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; 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,

Docket No. 49899-2022

**AFFIDAVIT OF RESPONDENTS'  
COUNSEL IN SUPPORT OF  
MOTION FOR EXTENSION OF  
TIME TO FILE BRIEFS AND  
ANSWERS**



if they could have 14 days in which to respond and if the proposed change in briefing schedule would not change the oral argument date the Court has set for September 29, 2022. I have incorporated in footnote one of the motion for extension of time language proposed by Petitioners.

7. Intervenor-Respondents have indicated they are also agreeable to this new proposed schedule.

8. Under the proposed schedule, Respondents and Respondent Intervenors would file their briefs and answers in the 49817 and 49899 proceedings, on or before September 2, 2022, and Petitioners will file reply briefs on or before September 16, 2022.

9. Good cause supports this request. The deputy attorney general who is lead in the three original proceedings pending before the Court, Megan Larrondo, has been out of the office since before the Court's order was issued, returning on Tuesday, August 23. She is unavailable to prepare briefing in this case before that date. She is also unavailable August 24-25 due to previously scheduled commitments. Her preparation of the briefs and answers requested by the Court is essential. Likewise, Dayton Reed, who has been assisting Ms. Larrondo in these proceedings, has been out of the office since before the Court's order was issued, returning on Monday, August 22. He is unavailable to assist in the preparation of the briefs and the answers until his return.

10. In addition, other attorneys in the Civil Litigation Division have been unavailable due to work in pressing matters, namely the currently pending federal lawsuit, *United States v. Idaho*, No. 1:22-cv-329-BLW (D. Idaho), challenging whether Idaho Code § 18-622 is preempted. A preliminary injunction was requested in that case on August 8, and the Court required Idaho to file its response brief and declarations by August 16, in advance

of a hearing on August 22. Brian Church, who provided some assistance in these original proceedings, has significant responsibility in the *United States* matter, and has only limited availability to assist this week in the 49817 and 49899 proceedings. Four other attorneys in my division, and two private attorneys retained to assist my division, have been working on the *United States* matter, and these six attorneys have been unavailable to assist in the 49817 and 49899 proceedings.


11. Because of the unavailability of attorneys to work on the 49817 and 49899 proceedings, the respondents need an additional 14 days from August 19 to ensure sufficient attorney resources are available to prepare the answers and briefs in the 49817 and 49899 proceedings.

12. I am confident that with the additional 14 days, my office will have sufficient attorney resources to prepare and file the answers and briefs in the 49817 and 49899 proceedings.


13. I have been advised by Respondent Intervenors that advise they have the same constraints on their ability to meet the August 19 deadline; that they are the only lawyers representing the Legislature in the pending Idaho Supreme Court cases and in the pending federal district court case referenced above; that all their time since last Friday has been consumed in preparing and filing numerous documents, including motions, briefs, and declarations, in the federal case; and that all their time from now through Monday, August 22, 2022, will be consumed in preparing for and participating in Monday's hearing in federal district court on the United States' pending motion for a preliminary injunction directed against Idaho Code § 18-622.

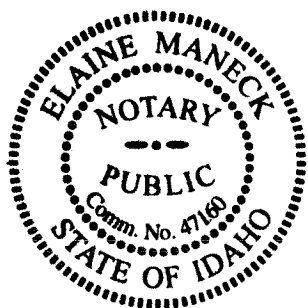
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DATED this 18th day of August, 2022.

By:   
STEVEN L. OLSEN  
Deputy Attorney General

SUBSCRIBED AND SWORN TO before me this 18th day of August, 2022.

  
Elaine Maneck  
Notary Public for Idaho  
My Commission Expires: June 21, 2024



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of August, 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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*/s/ Steven L. Olsen*

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