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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,

and

Docket No. 49899-2022

**MOTION FOR EXTENSION OF  
TIME TO FILE BRIEFS AND  
ANSWERS**

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.

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Respondents respectfully request an extension of time to file their answers and response briefs, which are currently due Friday, August 19. Late last Friday, this Court issued a decision and entered in an order in the three pending original proceedings before it. That order required the cases be consolidated for oral argument and for decision, but that the parties continue to prepare separate documents for each of the cases. Order (8/12/2022), ¶ 3. The Court also ordered that the Respondents and Intervenor-Respondents file answers and supporting briefs in both this case, Docket No. 49817-2022, and the case docketed at Docket No. 49899-2022, on August 19, 2022, and that Petitioners file reply briefs in the respective cases on August 26, 2022. *Id.*, ¶ 4.

Respondents respectfully request an additional 14 days to submit the briefs and answers in the 49817 and 49899 proceedings. Respondents have contacted the Intervenor-Respondents and have been advised that they too need an additional 14 days to prepare their answers and briefing in this matter.

Respondents have contacted Petitioners who have indicated they would agree to Respondents' request for a 14-day extension, provided that (1) Petitioners would also have

14 days to file their reply, (2) and the argument date of September 29 not be moved as the result of the proposed schedule extension.<sup>1</sup>

Respondents respectfully suggest this Court can grant their requested 14-day extension, provide an extension to Petitioners, and maintain the September 29 hearing. Under this proposal, Respondents would file their answers and briefs on Friday, September 2, and Petitioners would file their reply briefs on Friday, September 16. The Court would then have 13 days to prepare before the September 29 argument.

Good cause supports Respondents' requested 14-day extension. 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 and will not return until Tuesday, August 23, and is unavailable to prepare briefing in this case until her return. She is also unavailable August 24-25 due to previously scheduled commitments, and so under Petitioners' proposal she would have only a day to work on the briefs and answers before the August 26, noon filing date. 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 and will not return until Monday, August 22, and is unavailable to assist in the preparation of the briefs and the answers until his return.

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<sup>1</sup> Petitioners are prepared to abide by the schedule set by the Court in its August 19 order but are happy to oblige Respondents' request for an extension. Petitioners' highest scheduling priority is maintaining the September 29 date for oral argument. Petitioners only request a two-week—rather than one-week—period to file their reply brief in order to accommodate schedules around the Labor Day holiday, which would have been avoided under the Court's original schedule.

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 and next 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.

Further, counsel for the Intervenor-Respondent Idaho Legislature, Mr. Bower and Mr. Stewart, advise 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.

Because of the unavailability of attorneys to work on the 49817 and 49899 proceedings, the Respondents need an additional 14 days beyond the current deadline of August 19, 2022 to ensure sufficient attorney resources are available to prepare the answers and briefs in the 49817 and 49899 proceedings. Intervenor-Respondents' counsel have been

representing the Idaho Legislature in the *United States* matter and advise they have the same constraints on their ability to meet the August 19 deadline. The Court has already recognized the need to move quickly, and the Respondents' request for a brief extension does not seek to undo the Court's previous findings that expedition is warranted.

The affidavit of Deputy Attorney General Steven L. Olsen, Chief of Civil Litigation, accompanies this motion. *See* Idaho App. R. 34(d).

DATED this 18th day of August, 2022.

OFFICE OF THE ATTORNEY GENERAL

By: /s/ Steven L. Olsen  
STEVEN L. OLSEN  
Deputy Attorney General

