

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. 49899-2022

THE IDAHO LEGISLATURE'S VERIFIED ANSWER TO JULY 25, 2022
VERIFIED PETITION FOR WRIT OF PROHIBITION AND
APPLICATION FOR DECLARATORY JUDGMENT

Monte Neil Stewart, ISB No. 8129
11000 Cherwell Court
Las Vegas, Nevada 89144
Telephone: (208)514-6360
monteneilstewart@gmail.com

Daniel W. Bower, ISB No. 7204
MORRIS BOWER & HAWS PLLC
1305 12th Ave. Rd.
Nampa, Idaho 83686
Telephone: (208) 345-3333
Fax No.: (208) 345-4461
dbower@morrisbowerhaws.com

Attorneys for Intervenors-Respondents

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 July 25, 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 incorporates its responses to paragraph 1 by referencing this Court to its responses to the Verified Petition filed in *Planned Parenthood Great Northwest v. State*, No. 49817-2002 (Idaho June 27, 2022) (“Second Petition”), paragraphs 1 through 5.
2. The Legislature incorporates its responses to paragraphs 6–10 of the Second Petition, in response to Petitioners’ incorporation of the allegations in those paragraphs.

3. 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.

4. With regard to paragraph 3 of the Petition, the Legislature does not dispute that the language cited comes from Idaho Code §§ 18-8804, 18-8805.

5. With regard to paragraph 4 of the Petition, the Legislature does not dispute that the language cited comes from Idaho Code § 18-8801(1).

6. With regard to paragraph 5 of the Petition, the Legislature does not dispute that the language cited comes from Idaho Code § 18-8801(2).

7. With regard to paragraph 6 of the Petition, the Legislature admits only that the Heartbeat Act bans certain abortions and denies the remaining allegations.

8. With regard to paragraph 7 of the Petition, the Legislature admits only that the language cited comes from Idaho Code § 18-8803.

9. With regard to paragraph 8 of the Petition, the Legislature admits there is a stated consequence associated with a violation of the Heartbeat Act and that the consequence is contained at least in part in Idaho Code § 18-8805(2).

10. With regard to paragraph 9 of the Petition, the Legislature admits only that the language quoted comes from Idaho Code § 18-8805(3).

11. With regard to paragraph 10 of the Petition, the Legislature admits only that the Heartbeat Act contains a “medical emergency” and a “rape or incest” exception as provided in Section 18-8804.

12. With regard to paragraph 11 of the Petition, the Legislature admits only that the language quoted comes from Idaho Code §§ 18-8804(1) and 18-8801(5).

13. With regard to paragraph 12 of the Petition, the Legislature admits only that the language quoted from Section 18-8804(1) is quoted accurately.

14. With regard to paragraph 13 of the Petition, the Legislature denies allegations contained therein regarding what the Legislature knew or intended. The Legislature admits that the language quoted comes from Idaho Code § 18-8805(1) related to when the Heartbeat Act would go into effect and that that code section is accurately quoted.

15. With regard to paragraph 14 of the Petition, again, the Legislature admits allegations therein related to the United States Court of Appeals, Eleventh Circuit.

16. With regard to paragraph 15 of the Petition, the Legislature admits that the Heartbeat Act is effective.

17. With regard to paragraph 16 of the Petition, the Legislature admits only that the Heartbeat Act is effective.

18. The Legislature denies the allegations in paragraph 17 of the Petition.

19. The Legislature denies the allegations in paragraph 18 of the Petition.

20. With regard to paragraph 19 of the Petition, the Legislature admits only that the Heartbeat Act and Idaho Code § 18-622 regulate abortions in Idaho, the Legislature denies all remaining allegations contained therein.

21. With regard to paragraph 20 of the Petition, the Legislature incorporates its responses to the referenced paragraphs.

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

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

24. With regard to paragraph 23 of the Petition, the Legislature incorporates its responses to the referenced paragraphs.

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

26. With regard to paragraph 25 of the Petition, the Legislature denies the allegations.

27. With regard to paragraph 26 of the Petition, the Legislature incorporates its responses to the referenced paragraphs.

28. With regard to paragraph 27 of the Petition, the Legislature denies the allegations.

29. With regard to paragraph 28 of the Petition, the Legislature denies the allegations.

30. With regard to paragraph 29 of the Petition, the Legislature denies the allegations.

PRAYER FOR RELIEF

31. As to Petitioners' Prayer for Relief, the Legislature denies that Petitioners are entitled to the relief requested in paragraphs (a)-(g) 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.

Dated this 2nd day of September, 2022.

/s/ Daniel W. Bower

Daniel W. Bower
MORRIS BOWER & HAWS PLLC

/s/ Monte Neil Stewart

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 JULY 25, 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 JULY 25, 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:

Michael J. Barlett	<input type="checkbox"/>	U.S. Mail
BARTLETT & FRENCH LLP	<input type="checkbox"/>	Hand Delivered
1002 W. Franklin St.	<input type="checkbox"/>	Facsimile: 208-629-2460
Boise, ID 83702	<input checked="" type="checkbox"/>	iCourt: michael@bartlettfrench.com

Attorneys for Petitioners

Alan E. Schoenfeld	<input type="checkbox"/>	U.S. Mail
Rachel E. Craft	<input type="checkbox"/>	Hand Delivered
WILMER CUTLER PICKERING HALE AND	<input type="checkbox"/>	Facsimile: 212-230-8888
DORR LLP	<input checked="" type="checkbox"/>	iCourt: alan.schoenfeld@wilmerhale.com
New York, NY Office		rachel.craft@wilmerhale.com

Attorneys for Petitioners

Sofia C. Brooks	<input type="checkbox"/>	U.S. Mail
WILMER CUTLER PICKERING HALE AND	<input type="checkbox"/>	Hand Delivered
DORR LLP	<input type="checkbox"/>	Facsimile: 617-526-5000
Boston, MA Office	<input checked="" type="checkbox"/>	iCourt: sofie.brooks@wilmerhale.com

Attorneys for Petitioners

Steven L. Olsen	<input type="checkbox"/>	U.S. Mail
Megan A. Larrondo	<input type="checkbox"/>	Hand Delivered
Dayton P. Reed	<input type="checkbox"/>	Facsimile: 202-854-8073
STATE OF IDAHO ATTORNEY GENERAL	<input checked="" type="checkbox"/>	iCourt: megan.larrondo@ag.idaho.gov
954 W. Jefferson Street, 2nd Floor		dayton.reed@ag.idaho.gov
PO Box 83720		
Boise, ID 83720-0010		

Attorneys for Respondents

/s/ Daniel W. Bower
Daniel W. Bower