

IN THE SUPREME COURT OF THE STATE OF IDAHO

IDAHO SUPERINTENDENT OF PUBLIC
INSTRUCTION SHERRI YBARRA, in her official
capacity,

Petitioner,

v.

THE LEGISLATURE OF THE STATE OF IDAHO,
BY REPRESENTATIVE SCOTT BEDKE, in his
official and representative capacity as SPEAKER OF
THE HOUSE OF REPRESENTATIVES, SENATOR
BRENT HILL, in his official and representative
capacity as SENATE PRESIDENT PRO TEM, and
THE IDAHO STATE BOARD OF EDUCATION by
DEBBIE CRITCHFIELD, in her official and
representative capacity as PRESIDENT OF THE
BOARD,

Respondents.

Docket No. 47991-2020

**IDAHO STATE LEGISLATURE
BY HOUSE SPEAKER BEDKE AND SENATE PRESIDENT PRO TEM HILL
MOTION TO STRIKE**

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The Legislature of the State of Idaho, by Speaker of the House of Representatives Scott Bedke and President Pro Tempore of the Idaho Senate Brent Hill (the “Legislature”) hereby submits this Motion to Strike the Expert Report of Russell Joki (“Joki Expert Report”) and Exhibit 1 of both the Declaration of Marilyn Whitney (“Whitney Declaration”) and the Declaration of Sherri Ybarra (“Ybarra Declaration”). The grounds for the Motion, which are more fully set forth in the accompanying Memorandum, are: (1) The Joki Expert Report is improper within the current proceedings and was not requested by the Court; (2) The Joki Expert Report asserts impermissible legal opinions that are the province of the Court; and (3) Exhibit 1 of the Whitney and Ybarra Declarations are properly stricken because they contain impermissible hearsay. Accordingly, the Legislature respectfully requests the Court grant its Motion and exclude the impermissible portions of Petitioner’s submittals.

Respectfully submitted this 28th day of May, 2020.

HOLLAND & HART LLP

By /s/ William G. Myers III

William G. Myers III, of the firm
Mary V. York, of the firm
Alison C. Hunter, for the firm

*Attorneys for Respondents, the Legislature of
the State of Idaho, by Speaker of the House of
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2020, I filed the foregoing electronically via iCourt, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notification of Service:

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