

RECEIVED  
IDAHO SUPREME COURT  
COURT OF APPEALS

2021 MAY -7 AM 9:02

Michael Stephen Gilmore, ISB #1625  
An attorney on Senior Status  
204 West Village Lane  
(208) 949-4120  
[mgilmore@cableone.net](mailto:mgilmore@cableone.net)

BEFORE THE SUPREME COURT OF IDAHO

MICHAEL STEPHEN GILMORE, a	)	Docket No. 48760-2021
Qualified Elector of Ada County,	)	
Petitioner,	)	STATEMENT REGARDING LACK OF
v.	)	OPPOSITION TO PETITION TO
LAWRENCE DENNEY, Idaho Secretary of	)	INTERVENE
State, in his official capacity,	)	MOTION TO FILE ONLY ONE REPLY
Respondent.	)	BRIEF

I, the Petitioner Michael Stephen Gilmore, file this (1) Statement Regarding Lack to Opposition to Petition to Intervene, and (2) Motion to File Only One Reply Brief.

**STATEMENT REGARDING LACK OF OPPOSITION TO PETITION TO INTERVENE**

The Court has received a Petition to Intervene from the Legislature, Speaker of the House of Representatives Scott Bedke, and President Pro Tempore of the Senate Chuck Winder. In my Petition for Issuance of a Writ, ¶ 16, I committed that “I will not object to the Legislature as a whole, or either the Senate or House of Representatives as a body, intervening as a Respondent or Respondents who are real parties in interest in this Original Proceeding.”

Counsel for the Legislature, Speaker Bedke, and President Pro Tem Winder checked with me by e-mail to ask whether I would “oppose intervention by the Legislature, the Speaker and the Pro Tem.” I told counsel that I would not. I am not sure whether officers of the House or of the Senate, as opposed to the House as a body or the Senate as a body, can represent the Legislature or the House or the Senate in court. Further, I am not sure whether the proper officer to rep-

resent the Senate would be the Lieutenant Governor, who under Article IV, § 13, is the President of the Senate, rather than the President Pro Tempore. These are interesting questions, but they can wait for another day because so long as one of the Intervenors — the Legislature — is properly before this Court, that is all that is necessary for them to present whatever issues the Legislature may present. *Cf. Gibbons v. Cenarrusa*, 140 Idaho 316, 318, 92 P.3d 1063, 1065 (2002). Thus, I do not object to their Intervention.

**MOTION TO FILE ONE REPLY BRIEF IN RESPONSE TO  
RESPONDENT'S AND INTERVENORS' BRIEFS**

I hereby move to file only one Reply Brief, which would reply to both the Secretary of State's Respondent's Brief and to the Legislature, Speaker and President Pro Tempore's Intervenor's Brief, and that the Reply Brief be due no earlier than seven days after the Respondent's Brief and/or the Intervenors' Brief, whichever is filed later.

DATED THIS 6th day of May, 2021.

/s/ Michael Stephen Gilmore  
Petitioner

-----  
**CERTIFICATE OF SERVICE**

I today e-mailed this document to the following counsel for the Respondent:

Chief Deputy Brian Kane, [brian.kane@ag.idaho.gov](mailto:brian.kane@ag.idaho.gov)  
Division Chief Steven Olsen, [steven.olsen@ag.idaho.gov](mailto:steven.olsen@ag.idaho.gov)

and to counsel for the Intervenors:

William Myers, III, [wmyers@hollandhart.com](mailto:wmyers@hollandhart.com)  
Alison C. Hunter, [achunter@hollandhart.com](mailto:achunter@hollandhart.com)  
Chris C. McCurdy, [ccmccurdy@hollandhart.com](mailto:ccmccurdy@hollandhart.com)

DATED THIS 6th day of May, 2021.