

IN THE SUPREME COURT OF THE STATE OF IDAHO

In Re: Petition for Writ of Prohibition.

Docket No. 48784-2021

RECLAIM IDAHO and the COMMITTEE TO
PROTECT AND DEFEND THE IDAHO
CONSTITUTION, INC.

Petitioners,

vs.

LAWERENCE DENNEY, in his official capacity as the
Idaho Secretary of State, and the STATE OF IDAHO,

Respondents.

and

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; SIXTY-SIXTH
IDAHO LEGISLATURE,

Intervenor-Respondents.

**JOINT MOTION TO STRIKE DECLARATION OF JOE CHAMPION AND SUPPLEMENTAL
DECLARATION OF GARY MONCRIEF**

Deborah A. Ferguson
Craig H. Durham
FERGUSON DURHAM, PLLC
223 N. 6th Street, Suite 325
Boise, ID 83702
daf@fergusondurham.com
chd@fergusondurham.com

Attorneys for Petitioners

William G. Myers III (ISB #5598)
Alison C. Hunter (ISB #8997)
Christopher C. McCurdy (ISB #8552)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974
wmyers@hollandhart.com
achunter@hollandhart.com
ccmcurdy@hollandhart.com

Attorneys for Intervenor-Respondents

Megan A. Larrondo, ISB #10597
Robert A. Berry, ISB # 7742
Cory M. Carone, ISB #11422
Deputy Attorneys General
954 W Jefferson, 2nd Floor
Boise, ID 83720-0010
megan.larrondo@ag.idaho.gov
robert.berry@ag.idaho.gov
cory.carone@ag.idaho.gov

Attorneys for Respondents

Respondents and Intervenor-Respondents hereby submit this Joint Motion and supporting Memorandum to Strike the declaration of Joe Champion and the supplemental declaration of Gary Moncrief that Reclaim Idaho and the Committee to Protect and Defend the Idaho Constitution, Inc. (collectively, “Reclaim Idaho”) submitted in support of their reply brief. Neither this Court’s Order nor the applicable rules of appellate procedure provide for the filing of declarations with Reclaim Idaho’s reply brief. Basic principles of fairness compel that Reclaim Idaho not be allowed to submit new and unrebuttable information into the record in reply. Additionally, the Champion declaration lacks any basis for the assumptions on which it is based and is therefore not relevant to these proceedings.

For the reasons stated herein and in the supporting memorandum, Respondents and Intervenor-Respondents request the Court to strike and not consider the Champion declaration and the Moncrief supplemental declaration when deciding the merits of the Petition.

Dated this 14th day of June, 2021

HOLLAND & HART LLP

By /s/ William G. Myers III
William G. Myers III
Alison C. Hunter
Chris C. McCurdy

Counsel for Intervenor-Respondents

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By /s/ Megan A. Larrondo
Megan A. Larrondo
Deputy Attorney General

Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2021, I caused to be filed and served, via iCourt, a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Deborah A. Ferguson
Craig H. Durham
daf@fergusondurham.com
chd@fergusondurham.com

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe

/s/ William G. Myers III
William G. Myers III
of HOLLAND & HART LLP