Electronically Filed
5/7/2021 10:30 AM
Idaho Supreme Court
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IN THE SUPREME COURT OF THE STATE OF IDAHO

RECLAIM IDAHO, and the **COMMITTEE TO PROTECT AND PRESERVE THE IDAHO CONSTITUTION, INC.**, Petitioners, v. **LAWERENCE DENNEY**, in his official capacity as the Idaho Secretary of State, and the **STATE OF IDAHO**, Respondents.	**Case No. 48784-2021** **VERIFIED PETITION FOR WRIT OF PROHIBITION AND APPLICATION FOR DECLARATORY JUDGMENT**

INTRODUCTION

Reclaim Idaho and the Committee to Protect and Preserve the Idaho Constitution bring this original action seeking a declaration that provisions of Idaho Code § 34-

1805(2) and Idaho Code § 34-1813(2)(a), pertaining to initiatives and referendums, violate Article III, § 1 of the Idaho Constitution. They further seek a peremptory writ of prohibition from this Court prohibiting the Secretary of State or any other state official from enforcing these unconstitutional provisions.

JURISDICTION

1. The Court has "original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all writs necessary or proper to the complete exercise of its appellate jurisdiction." Idaho Const., art. V, § 9; Idaho Code § 1-203; Idaho Code § 7-402.

2. The Court exercises its original jurisdiction when petitioners have alleged sufficient facts concerning a possible constitutional violation of an urgent nature.

3. This Petition challenges the constitutionality of two Idaho statutory provisions that infringe on the people's constitutional right to initiate or repeal legislation, set out in Article III, § 1 of the Idaho Constitution.

4. The issue is one of statewide importance. Petitioners have no other adequate remedy at law, and the people need clarity from this Court as to the constitutionality of these statutory provisions. The matter is urgent and calls for the Court's review.

PARTIES

5. Petitioner Reclaim Idaho is an Idaho based political action committee, registered with the Idaho Secretary of State. Reclaim Idaho is a grassroots organization designed to protect and improve the lives of working Idahoans. It advocates for candidates and initiatives that strengthen public schools, protect public lands, and extend healthcare to working families. Reclaim Idaho alleges a distinct and palpable injury that is fairly traceable to the new requirements in Idaho Code § 34-1805(2) and § 34-1813(2). It successfully qualified an initiative for the ballot in 2018 and is actively pursuing two initiatives for the 2022 election cycle. These new provisions unreasonably burden its ability to exercise its constitutional right under Article III, § 1. Reclaim Idaho is also pursuing this case on behalf of the people statewide to protect their fundamental constitutional right to the initiative and the referendum.

6. Petitioner Committee to Protect and Preserve the Idaho Constitution, Inc., is an Idaho non-profit corporation registered with the Idaho Secretary of State. The Committee's President is a former attorney general of Idaho, and its membership includes a former Secretary of State, and other distinguished Idaho jurists and lawyers, who have formed to protect the Idaho Constitution from the legislature's attempts to weaken it. The Committee alleges a distinct and palpable injury that is fairly traceable to the requirements of Idaho Code § 34-1805(2). It is actively pursuing a referendum for the 2022 election cycle. The new statutory requirements unreasonably burden its ability

to exercise its constitutional right under Article III, § 1. The Committee is also pursuing this case on behalf of the people statewide to protect their fundamental constitutional right to the initiative and the referendum.

7. Respondent Lawerence Denney is named is his official capacity as the duly elected Secretary of State of Idaho. Secretary Denney is the Chief Elections Officer in the state as set forth in Idaho Code § 34-201. It is his responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws. *Id*. Initiative or referendum petitions must be filed with the Secretary of State for his compliance review after county clerks have reviewed and verified signatures. Idaho Code §§ 34-1802, 1803. Pursuant to Idaho Code § 34-1807 county clerks prepare certificates for the Secretary of State indicating the number of signatures from each legislative district they have verified. Before placing them on the ballot, the Secretary of State has a duty to ensure that signatures supporting the petitions comply with the percentage and geographical distribution requirements set by Idaho Code in § 34-1805(2), now set at 6% of registered voters in each of Idaho's 35 legislative districts.

8. The state of Idaho is a separate sovereign and one of the fifty United States. It has an obligation to ensure that the people's rights in the Idaho Constitution are enforced.

FACTS COMMON TO ALL CLAIMS

History of the People's Right to Initiate and Repeal Laws

9. The people are the source of all political power in Idaho: "[a]ll political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature." Idaho Const., art. I, § 2.

10. In 1912, the people amended the Idaho Constitution to reserve for themselves the right to make law (the initiative) or to repeal law (the referendum). Idaho Const. art. III, § 1. This right is "independent of the legislature." *Id*.

11. The people conferred on the legislature a duty to enact reasonable "conditions" and a "manner" by which the right would be exercised without infringing upon it. *Id*.

12. This Court has held that the people's and the legislature's right to enact or repeal legislation stand on "equal footing." *Westerberg v. Andrus*, 114 Idaho 401, 404, 757 P.2d 664, 667 (1988) (citing *Luker v. Curtis*, 64 Idaho 703, 136 P.2d 978 (1943)).

13. Yet, almost immediately after the people reserved this right, the legislature attempted to use its limited power to enact procedures as a pretext to restrict the people's core right to make and repeal law.

14. In 1915, the legislature passed a bill that set the signature threshold at 15%, required signatures from each of all the counties in the State, and made it a crime for volunteers to carry petitions for signatures. The bill further required that petitions remain in the offices of state officials and be signed in the presence of a judge or other state official. *See* Exhibit 1, Declaration of Ben Ysursa, ¶ 15.

15. Governor Alexander vetoed the bill, stating that it would have been fatal to the people's constitutional right to use the initiative or referendum. He noted that no other state had such harsh restrictions. Ysursa Decl., ¶ 15.

16. For nearly two decades, the legislature simply chose not to enact any procedure by which the people could exercise their right, so it lay dormant.

17. In 1933, the legislature finally passed enabling legislation. The legislation required petitioners to get valid signatures of 10% of the number of voters in the preceding gubernatorial election. There was no requirement of geographical distribution of the signatures. Ysursa Decl., ¶ 16.

18. This remained the law for 64 years, from 1933 to 1997.

19. In 1984, the legislature tried again to make it harder to qualify petitions for the ballot. It passed a bill increasing the signature threshold from 10% to 20%. Governor Evans vetoed that bill, noting that if he had signed it, the initiative and referendum would be a "dead letter" in Idaho. Ysursa Decl., ¶ 17.

20. In 1994, the people approved an initiative setting term limits for legislators. The legislature responded by repealing the law and, in 1997, increasing the number of signatures needed. It did so through a sleight of hand: it decreased the percentage from 10% to 6%, but it pegged that percentage to the number of *registered* voters rather than based on the number of voters in the last general election. The total number of registered voters far exceeds the number of voters in the prior election. Exhibit 3, Declaration of Dr. Gary Moncrief, ¶ 6. Also, proponents must gather far more signatures than the bare 6%, as 30% or more of raw signatures collected might be rejected as invalid by the county clerks. Exhibit 2, Declaration of Luke Mayville, ¶ 14.

21. For the first time, the legislature also enacted a geographical distribution requirement. To qualify for the ballot, proponents now needed also to get the signatures of 6% of the registered voters in at least 22 of Idaho's 44 counties. 1997 Session Laws, ch. 266, sec. 5, p. 759.

22. The federal courts struck down the geographical distribution requirement on equal protection grounds because, as the population of the counties varied widely, it diluted the vote in the more populous counties. *Idaho Coalition United for Bears v. Cenarrusa*, 342 F.3d 1073 (9th Cir. 2003).

23. For the next ten years, there was no geographical distribution requirement.

24. But in 2013, in response to successful referendums the previous year that had repealed education legislation (the "Luna Laws"), the legislature enacted a requirement that proponents must obtain valid signatures of 6% of the registered voters in at least 18 legislative districts. 2013 Idaho Session Laws, ch. 214, sec. 3, p. 504. That was in addition to receiving valid signatures totaling more than 6% of the registered voters statewide.

Reclaim Idaho's Difficult Yet Successful Initiative Campaign to Expand Medicaid in 2018, and the Legislature's Response

25. It was under that state of the law that Reclaim Idaho mounted what was possibility the largest grassroots campaign in Idaho's history to qualify an initiative expanding Medicaid coverage in Idaho. The initiative qualified for the ballot in 2018 and passed by a wide margin, enjoying urban, rural, conservative, and liberal support. Mayville Decl., ¶ 61.

26. Reclaim Idaho relied on passionate volunteers to canvass for the initiative. Those volunteers worked tirelessly, evenings and weekends, even in depths of winter. *See*, *e.g.*, Exhibit 6, Declaration of Karen Lansing, ¶ 6; Exhibit 7, Declaration of Linda Larson, ¶¶ 4-5; Exhibit 8, Declaration of Jessica Mahuron, ¶ 4.

27. Still, it was exceedingly difficult to comply with the requirement to get valid signatures from 6% of the registered voters in 18 legislative districts. Mayville Decl., ¶¶ 22, 39; Mahuron Decl., ¶¶ 4-5.

28. Grassroots groups like the petitioners in this case typically have limited funds at their disposal. Mayville Decl., ¶ 21. The success of their campaigns will rise or fall on their ability to organize volunteers in enough legislative districts to meet the geographical distribution requirement by the deadlines in the statute. *Id*. at ¶ 17.

29. During the Medicaid expansion campaign, the leaders of Reclaim Idaho understood that they needed to prioritize their resources based on the organizational potential of the legislative districts. Mayville Decl., ¶ 17. The districts with the highest potential were those where Reclaim Idaho's founders and core volunteers lived or had a strong network of contacts from which they could recruit. *Id*. at ¶¶ 25-26. The districts with the lowest organizational potential were those in which contacts were limited. *Id*. at ¶ 42.

30. Reclaim Idaho had success in the districts that had high organizational potential. Mayville Decl., ¶¶ 26-28. Middle tier districts were harder. *Id*. at ¶ 36. And it needed to flood volunteers into a few districts with lower organizational potential in the waning weeks before the deadline. *Id*. at ¶ 44. There was no time to spare.

31. Successfully qualifying an initiative or a referendum, then, is not necessarily a reflection of voter support in a district. It is instead a function of the organizational *potential* and organizational *strength* of the proponents in each district so that the support that otherwise may be latent there can be captured. Mayville Decl., ¶¶ 17-44.

32. After the Medicaid expansion became law, the legislature tried to tighten the screws yet again. In the 2019 session, it passed a bill that shortened the time in which to gather signatures and increased both the total percentage of signatures and the number of districts that were needed. Ysursa Decl., ¶ 18.

33. Governor Little vetoed the bill, expressing serious concern about its constitutionality. Ysursa Decl., ¶ 18.

34. In 2020, the legislature quietly amended Idaho Code § 34-1813(2)(a). That provision now prohibits any citizens' initiative from taking effect sooner than July 1 of the year following the general election. This gives the legislature an opportunity to repeal any initiated statute before the law has taken effect.

35. In 2021, the legislature passed Senate Bill 1110, which now requires signature gatherers to get valid signatures from at least 6% of registered voters in each of Idaho's 35 legislative districts.

36. It is the Secretary of State's obligation to enforce the statewide geographical distribution requirement after the county clerks have verified the signatures in support of a petition.

37. Governor Little signed Senate Bill 1110 into law, amending Idaho Code § 18-1805(2). In his signing statement, he invited the "Idaho judiciary" to address its constitutionality. *See* April 17, 2021 Letter from Bradley Little to Honorable Janice McGeachin, at https://tinyurl.com/ymkcbz6y.

38. Idaho now has the most restrictive conditions for proponents to qualify initiatives and referendums in the nation. Moncrief Decl., ¶ 7; Exhibit 4, Declaration of David Daley, ¶ 9.

An Excessive and Unreasonable Burden on the Right

39. Reclaim Idaho has begun two initiative drives for the 2022 election cycle. It filed one on April 7, 2021, called the "Initiative Rights Act," in which it seeks to put to the voters whether to eliminate the geographical distribution requirement in Idaho Code § 18-1805(2). Mayville Decl., ¶ 6. It filed the second initiative on April 28, 2021, called the "Quality Education Act," in which it seeks to place on the ballot an initiative that would increase funding for K-12 education in Idaho. *Id*. at ¶ 7.

40. It is actively pursuing these initiatives and is moving forward with a signature drive and campaign. The office of the Idaho Attorney General informed Reclaim Idaho on April 29th, 2021 that the Initiative Rights Act will not be "grandfathered in" under the old signature requirements, and that it will be required to collect valid signatures from 6% of registered voters in all 35 legislative districts in order to qualify the Initiative Rights Act for the ballot. Mayville Decl., ¶ 6.

41. The Committee to Protect and Preserve the Idaho Constitution has filed a referendum to repeal SB1110 and is waiting for the Attorney General's certificate of review.

42. If the law stands, neither Reclaim Idaho nor the Committee will be able to qualify their petitions for the ballot, even with extraordinary effort, because it is not possible for grassroots organizations like theirs to meet the current geographical distribution requirement. Mayville Decl., ¶¶ 45, 51.

43. With volunteer-driven campaigns, each additional district is progressively more difficult to qualify because districts vary widely as to their potential for acquiring organizational strength over the course of a signature drive. Mayville Decl., ¶ 18.

44. If Senate Bill 1110 had been in effect in 2018, Reclaim Idaho would not have been able to qualify Medicaid expansion, despite that initiative eventually passing with approximately 60% of the popular vote statewide. Mayville Decl., ¶ 45.

45. It could not have met the geographical distribution requirement because it would have needed to qualify 15 additional districts where it lacked the organizational strength to canvass and get the signatures needed. Mayville Decl., ¶ 44. This would be true even though its initiative likely had the requisite voter support in those districts.

46. Therefore, even when an initiative or referendum will have broad popular support across the state, volunteer and grassroots groups, like the petitioners before the Court, simply cannot muster the organizational strength needed in every single legislative district to meet the 6% percent threshold.

47. This burden is particularly acute on proponents of referendums, like the Committee to Protect and Preserve the Idaho Constitution, which must acquire all valid

signatures within 60 *days* rather than the 18 *months* that initiative proponents have. Compare Idaho Code § 34-1802(1) and § 34-1803.

48. It is impossible to comply with a 35-district requirement within 60 days.

49. The only referendums to qualify for the ballot in the last 19 years were the propositions that repealed the "Luna Laws," and there was *no* geographical distribution requirement at that time. Ysursa Decl., ¶ 12.

50. One of the leaders of that immensely popular referendum drive offers testimony here that if the current law were in effect, the all-district requirement would have been "overly burdensome" and it would not have been possible to qualify the Luna Laws referendums for the ballot. Exhibit 5, Declaration of Robin Nettinga, ¶ 31.

51. By requiring the unanimity of districts, the legislature has burdened the people's right in yet another way. It has created an opportunity for voters in any one legislative district to hold a veto over petitions that are otherwise popularly supported throughout the state. Daley Decl., ¶ 17.

52. A tiny sliver of voters are empowered to thwart the will of a majority in contradiction of basic republican principles of majority rule.

53. It further creates an opportunity for well-financed opponents to focus their anti-petition campaigns in one legislative district while proponents must compete in all 35 districts. Ysursa Decl., ¶23; Daley Decl., 17.

54. The legislature has also made it easier to remove signatures by empowering voters who have signed a petition to remove their signatures through a simple email to the county clerk. Idaho Code § 34-1803B(2); Daley Decl., ¶ 16. Electronic signature gathering, however, is explicitly prohibited. Idaho Code § 34-1807(5). All signatories in support of a petition must physically sign a petition in the presence of a collector and their signatures must be verified by a county clerk. Idaho Code § 34-1807.

55. Based on Luke Mayville's experience in organizing a successful initiative drive under the previous standard, he testifies that "[i]t is beyond unreasonable to expect a volunteer-driven signature drive with limited financial resources to collect valid signatures from at least registered voters in each of 35 districts, including those districts with very little organizational potential." Mayville Decl., ¶ 51

56. According to Professor Moncrief, "Senate Bill 1110 destroys an essential right of the citizens of Idaho," and it "will make the popular referendum virtually obsolete because it will make it almost impossible to qualify for the ballot." Moncrief Decl., ¶¶ 8, 12.

57. Former Secretary of State Ben Ysursa testifies that Senate Bill 1110 "makes the likelihood that voters will consider, discuss and vote on initiatives and referendums very remote, as these near impossible requirements will prevent any initiatives or referendums from qualifying for the ballot." Ysursa Decl., ¶ 21.

CLAIMS FOR RELIEF

I.

The requirement in Idaho Code § 34-1805(2) that initiative and referendum proponents must first get valid signatures of 6% of registered voters in all 35 of Idaho's legislative districts to qualify a petition for the ballot violates Article III, § 1 of the Idaho Constitution.

58. Petitioners incorporate the preceding paragraphs.

59. The legislature has exceeded its limited procedural power to enact reasonable conditions and the manner by which the people can exercise their fundamental right to make or repeal law enshrined in Article III, § 1.

60. By passing Senate Bill 1110, now codified as Idaho Code § 34-1805(2), the legislature has effectively taken away the people's right to make or repeal law.

61. Demanding that petitioners qualify all 35 legislative districts is not necessary to serve a purported state interest in requiring a modicum of diverse geographical support.

62. Demanding petitioners to qualify all 35 legislative districts is not narrowly tailored to serve a purported state interest in requiring a modicum of diverse geographical support.

63. The all-district requirement imposes an excessive burden on the people's right to make or repeal law under Article III, § 1.

64. The all-district requirement is unreasonable.

65. The all-district requirement renders the people's right to make and repeal law unworkable.

66. The chapter in the Idaho Code governing initiatives and referendums contains a severability clause: "In the event that any part of chapter 18, title 34, Idaho Code, shall for any reason be determined void or unenforceable in any part thereof, the remainder thereof shall remain in full force and effect." Idaho Code § 34-1823.

67. As a remedy, the Court should declare that the following phrase in Idaho Code § 34-1805(2) is unconstitutional and cannot be enforced: "in each of the thirty-five (35) legislative districts."

68. The Court should declare that Idaho Code 34-1805(2) is otherwise constitutional and enforceable when read with the unconstitutional portion stricken, as follows: "Before such petitions shall be entitled to final filing and consideration by the secretary of state, there shall be affixed thereto the signatures of legal voters equal in number to not less than six percent (6%) of the qualified electors at the time of the last general election."

II.

The requirement in Idaho Code § 34-1813(2)(a) that no initiative may take effect before July 1 of the year following its passage violates Article III, § 1 of the Idaho Constitution.

69. Petitioners incorporate the preceding paragraphs.

70. The people's right to make law by initiative is "independent of the legislature." Idaho Const., art. III, § 1.

71. The right of the legislature and the people to make law stands on "equal footing."

72. The legislature has no authority to restrict when the people may choose an initiative that has become law to take effect.

73. The people retain the right to determine the urgency of the laws passed by initiative.

74. By dictating an effective date for any law passed by initiative, the legislature has exceeded its limited procedural power to enact reasonable conditions and the manner by which the people can exercise their Article III, § 1 constitutional right.

75. The Court should declare Idaho Code § 34-1813(2) unconstitutional and unenforceable.

PRAYER FOR RELIEF

Petitioners respectfully request that this Court:

(a) Declare that the requirement of Idaho Code § 34-1805(2) that initiative and referendum petitions must be supported by the valid signatures of 6% of the registered voters in each of Idaho's 35 legislative districts is an unconstitutional restriction on the people's right under Article III, § 1.

(b) Declare that Idaho Code § 34-1805(2) is constitutional and enforceable only to the extent that it reads: "Before such petitions shall be entitled to final filing and consideration by the secretary of state, there shall be affixed thereto the signatures of legal voters equal in number to not less than six percent (6%) of the qualified electors at the time of the last general election."

(c) Declare that the prohibition in Idaho Code § 34-1813(2) on an effective date for legislation passed by initiative before July 1 of the year following its passage is an unconstitutional restriction on the people's right under Article III, § 1.

(d) Issue a peremptory writ of prohibition to the Idaho Secretary of State permanently and absolutely prohibiting him from enforcing the requirement in Idaho Code § 34-1805(2) that initiative and referendum petitions be supported by 6% of the registered voters in each of Idaho's 35 legislative districts.

(e) For a show cause or other hearing as the Court may require pursuant to Idaho Appellate Rule 5(d).

(f) For an award of attorney fees and costs of this action pursuant the private attorney general doctrine, Idaho Code § 12-117, § 12-121, or as otherwise provided by law.

(g) Any other relief that the Court deems just and equitable under the circumstances.

Filed on this 7th day of May, 2021.

/s/Deborah A. Ferguson
Deborah A. Ferguson
/s/Craig H. Durham
Craig H. Durham

FERGUSON DURHAM, PLLC
Attorneys for Petitioners

VERIFICATION

STATE OF IDAHO)
)
) ss.
)
COUNTY OF ADA)

I, Luke Mayville, co-founder of Reclaim Idaho, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing petition; that I know the contents thereof; and that the matters and allegations therein set forth are true to be best of my knowledge and belief.

____
Signature of Petitioner

SUBSCRIBED and SWORN to before me this 6th day of May 2021.

Notary Public: Deborah A. Ferguson

Residing at Boise, Idaho

My commission expires:

DEBORAH A FERGUSON
Comm. 2018-1092
Exp. 06/12/2024

VERIFICATION

STATE OF IDAHO)
)
) ss.
)
COUNTY OF ADA)

I, Anthony Park, an Officer of the Committee to Protect and Preserve the Idaho Constitution, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing petition; that I know the contents thereof; and that the matters and allegations therein set forth are true to be best of my knowledge and belief.

W. Anthony Park
Signature of Petitioner

SUBSCRIBED and SWORN to before me this 6th day of May 2021.

DEBORAH A FERGUSON
Comm. 2018-1092
Exp. 06/12/2024

Notary Public: Deborah A. Ferguson
Residing at Boise, Idaho

My commission expires:

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SUMMARY OF EXHIBITS IN SUPPORT OF THE VERIFIED PETITION

1. Ben Ysursa, a former three term Idaho Secretary of State, testifies to the institutional bias of the Idaho legislature against direct democracy.
2. Luke Mayville, the co-founder of Reclaim Idaho, testifies to the extraordinary effort to place the Medicaid initiative on Idaho's 2018 ballot and the impossible standard created by Senate Bill 1110 on a volunteer group such as Reclaim Idaho.
3. Gary Moncrief, a Boise State University professor of political science, testifies that Senate Bill 1110 destroys initiative and referendum rights in Idaho.
4. David Daley, a national journalist and author, testifies that Senate Bill 1110 imposes the most difficult standard in America for initiatives and referendums.
5. Robin Nettinga, an organizer of the successful repeal of the "Luna Laws", testifies that repeal would not have been possible with Senate Bill 1110's all-district rule.
6. Karen Lansing, a former Idaho appellate judge, testifies to the extraordinary effort to qualify an initiative under the former 18-district requirement.

7. Linda Larson, a dedicated Reclaim Idaho volunteer, testifies to the demoralizing impact Senate Bill 1110 has on their participation in future initiatives and other citizens who want to exercise this constitutional right.

8. Jessica Mahuron, Kootenai County volunteer leader for Reclaim Idaho's the Medicaid signature drive, offers similar testimony.

EXHIBIT 1

DECLARATION OF BEN YSURSA

EXHIBIT A TO YSURSA DECLARATION

EXHIBIT B TO YSURSA DECLARATION

EXHIBIT C TO YSURSA DECLARATION

EXHIBIT D TO YSURSA DECLARATION

EXHIBIT X@

DECLARATION OF LUKE MAYVILLE

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IN THE SUPREME COURT FOR THE STATE OF IDAHO

RECLAIM IDAHO, and the **COMMITTEE TO PROTECT AND PRESERVE THE IDAHO CONSTITUTION, INC.**, Petitioners, v. **LAWERENCE DENNEY**, in his official capacity as Idaho Secretary of State, and the **STATE OF IDAHO**, Respondents.	Case No. **DECLARATION OF LUKE MAYVILLE IN SUPPORT OF PETITION FOR A WRIT OF PROHIBITION**

I, Luke Mayville, having first been duly sworn upon oath, declare as follows:

1. My name is Luke Mayville, and I am a Co-founder of Reclaim Idaho, a Petitioner in this case.

2. I have served as a volunteer leader and organizer for Reclaim Idaho since spring 2017, when I co-founded the organization in my hometown of Sandpoint. My role with Reclaim Idaho includes setting strategic priorities for the organization, fundraising, communicating with media, writing opinion columns, drafting initiative proposals, and traveling the state to recruit volunteers and leaders.

3. I attended North Idaho College and graduated summa cum laude with a bachelor's degree from the University of Oregon in 2008. I received the McNair Scholarship and I studied at Middle East Technical University in Ankara, Turkey, as a recipient of the U.S. Department of State's Gilman Scholarship. I earned my Ph.D. in political science from Yale University in 2014.

4. I am an academic by training and was most recently employed in an adjunct faculty member at Boise State University Honors College, teaching a seminar entitled Democracy and Its Critics. I have also held teaching and research positions at Yale University, American University, and Columbia University. In 2016, I published a book on the political thought of President John Adams.

5. Reclaim Idaho is a grassroots organization designed to protect and improve the quality of life of working Idahoans. Reclaim Idaho organizes to pass citizens' initiatives and engage in advocacy efforts to build an Idaho where all have access to affordable healthcare, protected public lands, and strong public schools.

6. Reclaim Idaho recently filed two initiatives with the Idaho Secretary of State. On April 7th, 2021, we filed the Initiative Rights Act. This initiative would eliminate the 35-district distribution requirement for the qualification of initiatives and referendums. If the initiative were to pass, future initiatives and referendums could qualify for the ballot by collecting valid signatures from 6% of registered voters statewide. The office of the Idaho Attorney General informed Reclaim Idaho on April 29th, 2021 that the Initiative Rights Act will not be "grandfathered in" under the old signature requirements, and that we will be required to collect valid signatures from 6% of registered voters in all 35 legislative districts in order to qualify the Initiative Rights Act for the ballot.

7. On April 28th, 2021, we filed the Quality Education Act. This is an initiative that would increase funding for Idaho K-12 education by modestly increasing the income tax rate for corporations and Idahoans earning over $250,000 per year. This initiative is nearly identical in form to the initiative we attempted to qualify for the ballot in 2020, prior to our signature drive being cut short by the outbreak of COVID-19.

8. This lawsuit is creating a significant financial burden for Reclaim Idaho, as we are fundraising and directing resources towards legal fees that we would much rather direct towards the mission of our organization. We are bringing this lawsuit with the Committee to Protect and Preserve the Idaho Constitution nonetheless because we

believe it is necessary for the protection of the initiative and referendum rights of all the people of Idaho, and we do not believe that any government agency or public entity is willing to mount this legal challenge.

9. Proponents of Senate Bill 1110 (SB 1110) have argued that the new legislation does not make qualifying an initiative unreasonably difficult. A key assumption undergirding their argument is that *the ability of a signature drive to collect valid signatures from at least 6% of registered voters in a given district is a function of voter support in that district*.

10. In the following paragraphs I will demonstrate this assumption is false, and I will ground my argument in facts from our 2017-2018 Medicaid Expansion signature drive.

11. It is important to note that several important arguments made by proponents of SB 1110 flow directly from the assumption I have laid out above. Proponents of SB 1110 insist that if a future initiative fails to collect the required signatures from all 35 districts, this will not be due to unreasonably restrictive rules. They argue that it will be due, instead, to the fact that the initiative in question does not enjoy even a modicum of voter support in each of Idaho's 35 districts.

12. And according to proponents, the 35-district requirement is not substantially more difficult than the previous signature rules that required signatures from 6% of

registered voters in each of at least 18 districts and 6% of registered voters statewide. Proponents emphasize that the new rules require the same number of total signatures as the old rules, and assert that qualifying an initiative under the new rules does not require a great deal more work on behalf of signature gatherers; it merely requires that the work of signature gatherers be distributed more evenly across the state. This is not correct.

13. This entire line of reasoning by proponents of SB 1110 rests on a false assumption that a signature drive's success or failure in a given district is a function of voter support in that district. The experience of our Medicaid Expansion signature drive provides ample evidence that the key factor determining whether a volunteer-driven campaign will succeed in qualifying a district is *not* the number of voters in that district who support the initiative or who are willing to sign. Instead, the key factor determining whether a volunteer-driven signature drive qualifies a district is what I will call *organizational strength*.

14. It is important to keep in mind the difficulties that signature drives face in meeting the requirement to collect valid signatures from 6% of registered voters. A successful signature drive requires that "raw," unverified signatures be collected from *far more* than 6% of registered voters. This is because a large portion of signatures are inevitably deemed invalid during the verification process for a host of reasons,

including that signers are not always registered to vote; signers might be registered at a different address than the one provided; a signer's name or other information might not be written legibly, etc. Of the total number of signatures collected for the Medicaid Expansion initiative, for example, only 66% were deemed valid by county clerks. The rest were deemed invalid. With a 66% validity rate, the Medicaid Expansion initiative needed raw signatures from over 9% of registered voters in order to qualify for the ballot.

15. One thing the proponents of SB 1110 overlook when they speak of voter support for a ballot measure is that a petition is a public document. This means that people can discover the identity of signers. It is quite possible, for example, that many people expressed support for Medicaid expansion but did not want to publicly say so by signing an initiative. This is likely to be especially common in tight-knit communities. Voting for a measure in the secrecy of the voting booth is more secure than publicly expressing support that may invite disapproval from friends and neighbors.

16. Reclaim Idaho's volunteer-driven signature drive collected the vast majority of the signatures needed to meet the statewide total and also collected valid signatures from at least 6% of registered voters in 20 of Idaho's 35 districts. The Medicaid Expansion signature drive was placed on the ballot almost entirely due to the hard work and dedication of its volunteers. Other groups and individuals who supported

the Medicaid initiative joined in the effort and also gathered signatures independently of Reclaim Idaho, especially during the final weeks of the signature drive.

17. For volunteer-driven signature drives, the key factor determining whether a district qualifies for the ballot is not voter support in that district but instead the presence of *organizational strength* among volunteers in that district. The main work of the leaders of a statewide volunteer-driven signature drive is to build organizational strength in localities across the state. My extensive experience as a leader of such signature drives tells me there are three key features that contribute to the organizational strength of a locality: 1. Volunteers must be *motivated* to spend the time and energy required, 2. They must be *well-trained* so that their time and energy is spent effectively, and 3. They must be *well-networked***.** They must have strong working relationships with one another and with leaders of the statewide signature drive.

18. As I will convey below with detailed reference to the facts of our 2017-2018 Medicaid Expansion signature drive, the concept of organizational strength helps explain why the 35-district rule will make it virtually impossible for volunteer-driven initiatives to qualify for the ballot, even in cases when those initiatives enjoy broad and deep support from voters in all 35 districts. The key point is this: For volunteer-driven campaigns, each additional district is progressively more difficult to qualify because districts vary widely in what I will call their *organizational potential*, by which I mean

their built-in potential for acquiring organizational strength over the course of a signature drive.

19. In what follows, I will describe different districts in accordance with the following tiers of organizational potential:

Tier 1: high organizational potential

Tier 2: significant organizational potential

Tier 3: low organizational potential

20. Importantly, our experience revealed that the less organizational potential in a district, the more difficult that district is to qualify. This is because a district with relatively little organizational potential requires relatively more of what I will call *organizing hours*, or time spent by leaders recruiting, motivating, and training volunteers and local leaders; and also time spent strengthening relationships with those volunteers and local leaders. To put it differently, *organizing hours* refers to time spent building organizational strength in districts.

21. For volunteer-driven campaigns with very limited funds, organizing hours are a strictly limited resource. For the duration of the signature drive, Reclaim Idaho was only able to hire a single full-time organizer. This meant our signature drive had one paid organizer in addition to the three original leaders of the signature drive (including myself) who worked as volunteers. Of the four of us who put in extensive organizing

hours, two of us (including myself) had day jobs apart from our volunteer leadership and one was a full-time student in medical school. With these constraints, and without the funds to hire more organizers, the organizing hours at our disposal were strictly limited.

22. Reclaim Idaho just barely had the organizing hours at our disposal to surpass the 18-district requirement. In the end we were able to qualify just 20 districts. There is simply no way our volunteer-driven signature drive could have qualified 35 districts. Likewise, I think this is true of any volunteer-driven campaign in Idaho.

23. An example of a locality with *high organizational potential* in the context of our Medicaid Expansion signature drive is Bonner County, where our organization was founded and where our signature drive began.

24. It is relevant to note here that Bonner County is hardly a large urban metropolis. The county's largest city is Sandpoint, and the population of the entire county is about 45,000. The proponents of SB 1110 appear to assume that the organizational potential of a locality is simply a function of urban density. But the fact that a great number of voters are packed into a given locality is of little value if there is not a well-trained and well-motivated team of volunteers to collect valid signatures from those voters.

25. Well-funded signature drives that use only paid signature gatherers can choose to hire and deploy signature gatherers wherever they wish, and so they will most often

choose to focus on densely populated urban centers. But volunteer-driven signature drives face very different strategic imperatives. When signature drives are driven by volunteer signature gatherers, the organizational potential of a locality is not a function of urban density but is instead a function of those features of organizational strength that I have mentioned above. Are there large numbers of people in the locality who are willing and able to volunteer? Is there a pre-existing network of relationships among those volunteers? Do volunteers have working relationships with the statewide organization?

26. Bonner County exhibited a great deal of organizational potential from day one. First and foremost, the county was where our organization's founding leaders—including myself—had grown up. This meant that from the outset, our organization had a rich network of pre-existing relationships with members of the community. For example, many of our first volunteers were our retired former teachers and retired parents of our childhood friends. Our volunteer co-leader for Bonner County, Linda Larson, had lived upstairs from me in the fourplex apartment where I lived as a child.

27. In addition to being well-networked, those volunteers had some degree of training in the type of voter engagement that is necessary for a successful signature drive. Before we formed the Reclaim Idaho organization in the summer of 2017, our first foray into local organizing was a local door-knocking campaign to help pass a property-

tax levy for the local school district. Many of the first volunteers for our Medicaid Expansion signature drive had been involved with our school levy campaign and had begun to gain important voter-engagement skills.

28. Finally, there were a large number of people in Bonner County who were uniquely well-motivated to join the Medicaid Expansion campaign. In the two months prior to the official launch of our organization, we held local meetings in living rooms, backyards, and cafes all across the county in an effort to inspire people to join our organization. All of these efforts culminated in an event attended by several hundred people in downtown Sandpoint. The event included an inspirational speech by Marilynne Robinson, a Pulitzer Prize-winning novelist who herself grew up in Bonner County and who flew back to Idaho on her own dime to help launch the organization. It was at that event that I first introduced our intention to tour around the state in an old RV motorhome to advocate for Medicaid Expansion.

29. The high organizational potential in Bonner County gave us a unique opportunity to build organizational strength in Legislative District 1, Idaho's northernmost district. By the end of our signature drive, we would have over 150 active volunteer signature gatherers in that district alone.

30. As we moved beyond Bonner County and started building a statewide organization, we found that there were about 6 other legislative districts in the state with a comparably high level of organizational potential. These were:

District 4 (Coeur d’Alene)

District 5 (Latah & Benewah Counties)

District 16 (Garden City)

District 17 (Boise Bench)

District 18 (East Boise)

District 19 (Downtown Boise & North Boise)

31. I do not mean to say that these districts are the ones with the highest organizational potential for *any* signature drive. My assumption, drawn from experience and observation of several statewide signature drives, is that the group of districts with the highest organizational potential will vary depending on the issue and the organization.

32. The reason why these six additional districts had the highest organizational potential for our Medicaid Expansion drive was that the key factors of organizational strength that I have identified above were already latent in these districts. Most notably, these were the six districts outside of Bonner County where I and other campaign leaders had strong relationships with local residents. Drawing on these relationships,

we were able to motivate local residents to participate in our signature drive early on. For example, in the lead-up to the kick-off event in Sandpoint that I mentioned above, I made several visits to friends and friends-of-friends in Coeur d'Alene and was able to get the word out about the event. This led to several Coeur d'Alene residents attending the Sandpoint event. One of those CDA residents was Jessica Mahuron, who would become an indispensable volunteer leader for our Kootenai County signature drive.

33. In both Moscow and Boise, I and other campaign leaders had strong relationships with Sandpoint-area natives who had since moved to those places. Drawing on those relationships, we were able to set up early events in Moscow and Boise with the goal of motivating local residents to join our organization.

34. Notably, we found relatively little organizational potential in most of the Treasure Valley beyond those districts of Boise where we had pre-existing relationships. Proponents of SB 1110 appear to assume that signature drives will prioritize the 13 districts contained within Ada and Canyon counties. This may indeed be true for money-driven signature drives that rely exclusively on paid signature gatherers. For such drives, it may be the most efficient use of funds to prioritize Idaho's two most populous counties. But to repeat, volunteer-driven campaigns have an incentive to prioritize districts with the most organizational potential, regardless of population density. Our campaign found high organizational potential in only 3 of the 13 districts

in Ada and Canyon counties. We found least significant organizational potential in six additional districts in Ada and Canyon counties and we eventually qualified 9 districts total in those counties. But when the deadline arrived to turn in signatures, 4 of the 13 districts in Ada and Canyon counties remained unqualified, even though we'd qualified eleven districts outside of those high-population counties.

35. A similar dynamic took place in Kootenai County, one of Idaho's fastest growing counties and a county where the that is growing increasingly urban. In spite of the fact that we had a strong volunteer team in Coeur d'Alene, we ultimately only had the organizational strength in the county to qualify 1 only of the county's 3 districts. Meanwhile, we were able to qualify 3 districts surrounding Kootenai County that are much more rural.

36. In addition to the seven districts listed above where we discovered high organizational potential, there was a second group of districts that proved to have less organizational potential than the first group but still had significant potential. These were the following:

District 7 (Shoshone, Clearwater, Idaho counties and part of Bonner county)

District 15 (West Boise)

District 26 (Blaine, Lincoln, Gooding, and Camas counties)

District 28 (Bannock and Power counties)

District 29 (Pocatello)

District 30 (Bonneville County)

District 33 (Bonneville County)

District 32 (Teton, Bear Lake, Franklin, Caribou, and Oneida counties; and part of Bonneville County)

37. In all of these districts, we were able to quickly identify volunteers and volunteer leaders who were willing and able to spend their time collecting signatures in their communities. However, an important factor that led to these districts having significantly less organizational potential than the Tier 1 districts listed above was that our organization did not have pre-existing relationships or bonds of trust within any of these districts. As native North Idahoans, we had very little knowledge or experience of Eastern Idaho or Central Idaho when we launched our organization. This meant that we needed to build relationships from scratch. Even though we were able to quickly identify enthusiastic and capable volunteers in these districts, the numbers of volunteers tended to be much smaller.

38. The relative disadvantage we faced in these districts was evident at the very outset of our signature drive, when I and other leaders visited districts across the state and held "kick-off" events that we had planned in coordination with local teams of volunteers. Our Boise kick-off event was the best attended with over 200 people. But it

is important here to highlight that events in Sandpoint and Coeur d'Alene—areas where we found high organizational potential—our kick-off events were also very well attended, each with well over 100 attendees. In contrast, events in Hailey, Pocatello, Idaho Falls, and Driggs each were attended by 20-30 people. We considered these events to be great successes, especially so early on in our signature drive, but the relatively low attendance was a sign that we did not have quite as much organizational potential in those districts, and that building organizational strength in those districts would require a great deal more organizing work.

39. All eight of these districts eventually succeeded in qualifying for the ballot. But notably, limited organizational strength meant that qualifying these districts required extraordinary efforts on the part of a relatively small number of volunteers. Attached as Exhibit A is a *Post Register* article about the volunteer work of Amy Pratt, who was a core member of our relatively small but very committed team of volunteers in Idaho Falls. Amy was a school bus driver in Idaho Falls who spent every weekend for nearly four months straight walking door-to-door collecting signatures. In my experience, volunteers who are willing and able to put in the sheer number of hours that Amy expended are extremely rare. But when organizational strength in a district is limited, it takes such extraordinary exertions by individuals to collect the required number of valid signatures.

40. So far, I have listed seven districts with high organizational potential and eight more districts with less but still significant organizational potential. In addition to these 15 districts, there were another five districts that we eventually qualified with valid signatures from over 6% of registered voters, but that proved to have only very low organizational potential**.** These were:

District 6 (Nez Perce County)

District 10 (Caldwell)

District 12 (Nampa)

Districts 20 and 21 (Meridian)

41. We would eventually surpass the 6% threshold in each of these districts, but not without great difficulty. In all five, we weren't able to confirm that we'd collected the required signatures until the final weeks before the signature turn-in deadline.

42. In each of these districts, there were important factors—observable early on—that led them to have significantly less organizational potential than the Tier 1 and Tier 2 districts listed above. Like the Eastern and Central Idaho districts where we organized, these districts were places where our organization did not have pre-existing relationships or strong bonds of trust with local residents. But there was a further disadvantage we encountered in this third tier of districts that we did not encounter in districts with greater organizational potential. In these Tier 3 districts, unlike in such

places as Bonneville, Bannock, and Teton counties, we were not successful in our early efforts to recruit committed volunteer *leaders*. All of my experience leading volunteer signature drives has led me to believe that strong local leadership is the single most important factor of organizational strength in a district. This is especially true for districts that do not have strong pre-existing relationships and bonds of trust with the statewide organization. Where there is no local "face" of the signature drive and the statewide organization is almost completely unknown in the community, it is extremely difficult to recruit committed local volunteers.

43. An illustrative case is that of Canyon County, Idaho's second most populous county. We made extensive efforts there to recruit volunteer leaders but had very limited success. On at least four occasions that I can recall, different local residents committed to help us build a local team but then had to back out due to personal issues related to work, family, or health. In one case, a local resident was highly committed to the cause and continued to help when she could, but simply had too many demands on her time to expend significant volunteer hours on the signature drive. Our lack of success solidifying a volunteer local leader meant that we struggled to recruit new volunteers. In spite of multiple visits to different localities in the county and many hours spent on the phone talking with potential recruits, we were unable to build organizational strength in the county.

44. In the final stretch, we lacked significant organizational strength in Canyon County and also in Meridian. In order to qualify four districts in these areas, we resorted to a tactic of last resort: During the six weeks of our signature drive, a large portion of our organizing hours were spent mobilizing volunteers from the Boise area to drive to Meridian and Canyon County in order to collect signatures and qualify districts 10, 12, 20, and 21. Similarly, in the final stretch we mobilized volunteers from the Moscow area to travel to Lewiston in order to qualify district 6. Over the course of our campaign, this tactic proved very limited in its usefulness. It was generally very difficult to recruit volunteers to travel and collect signatures from a community outside of their own. An exception to this rule was during the final stretch, when a heightened sense of urgency motivated large numbers of volunteers to travel to neighboring districts. But ultimately this tactic only enabled us to qualify five districts: 6, 10, 12, 20, and 21. Had we needed to qualify many additional districts where we lacked organizational strength, we would not have been able to mobilize the volunteer hours needed to succeed.

45. If SB 1110 had been in place in 2018, our Medicaid Expansion campaign would have needed to build organizational strength in approximately 15 districts with low organizational potential. With the limited organizing hours at our disposal, this feat would have been impossible.

46. Proponents of SB 1110 asserted that the 35-district requirement does not significantly increase the difficulty of qualifying an initiative, at least not to an unreasonable degree, because the new legislation does not require more total signatures. Proponents stress that the total signatures required are the same as before, and that the legislation merely requires that the same total number be distributed evenly across 35 districts.

47. Senator Jim Rice made this argument in his debate in favor of SB 1110 on the Senate Floor. In response to debate against SB 1110 by Senator Michelle Stennett, who pointed out that the Medicaid Expansion signature drive did not qualify anywhere close to all 35 legislative districts, Senator Rice said:

> "It is…not particularly applicable to look at the number of districts that the Medicaid Expansion initiative had 6% of the signatures of registered voters in…because those were the rules. If you change the rules, you're going to do it a little differently. That's not a big change. Six percent is a very small number, but you show that you have at least some support across the entire state. That's the principle."

48. Proponents of SB 1110 insist that if there are future initiative attempts that would have qualified under the old rules but fail to qualify under the new rules, this is not due to an unreasonable burden but is instead due to inadequate statewide support for those initiatives.

49. However facially reasonable this line of reasoning may appear in the abstract, it collapses under the weight of the empirical evidence. The argument clearly fails to take seriously the organizational dynamics of volunteer-driven signature drives. In the case of volunteer drives, organizational potential will vary widely across districts. The critical task of building organizational strength will therefore be much, much harder in some districts than in others.

50. In the case of Medicaid Expansion, we were able to qualify over 18 districts by prioritizing those districts where we found at least a significant amount of organizational potential. In those districts, we were able to build some degree of organizational strength. In districts where we succeeded in building organizational strength, it was much less challenging not only to qualify those districts, but to contribute to the statewide total by collecting signatures over and above the 6% required in that district. The experience of our Medicaid Expansion signature drive provides ample evidence that it is much, much less challenging for a volunteer-signature drive to collect a large statewide total if those signatures can be disproportionately collected in districts with higher organizational potential.

51. It is beyond unreasonable to expect a volunteer-driven signature drive with limited financial resources to collect valid signatures from at least 6% of registered

voters in each of 35 districts, including those districts with very little organizational potential.

52. In the paragraphs that follow, I will place SB 1110 within the context of the efforts of the Idaho Legislature over the past quarter-century to clamp down on the initiative and referendum rights of the Idaho citizen.

53. SB1110 has the following stated purpose: “to increase voter involvement and inclusivity in the voter initiative/referendum process.” In public statements, the legislation’s co-sponsor Senator Steve Vick made clear that those at risk of exclusion from the process are rural Idahoans of conversative political leanings, and that there is a serious danger of the process being dominated by liberal voters in large cities.

54. “The last thing we want is for Idaho to turn into another California, Oregon or Washington, where a few populous liberal cities effectively dictate policy to the rest of the state,” wrote Senator Vick in a column published by *Idaho Dispatch*.[1]

55. Proponents of the legislation suggest that the Idaho Legislature has merely carried out its responsibility to protect rural Idahoans from being put upon by liberal voters in Idaho’s largest cities. However, a review of legislative behavior over the past quarter-century demonstrates that a different dynamic is in play. Each time the Idaho

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[1] Steve Vick, “Let’s Make Sure Idaho’s Initiative Process Is Inclusive and Doesn’t Favor Special Interests,” *Idaho Dispatch*, February 27, 2021.

Legislature has attempted to restrict the initiative process, it has done so in the wake of successful initiative/referendum campaigns that enjoyed the broad, bi-partisan support of Idahoans in both rural and urban communities.

56. The first time in Idaho history that the Legislature successfully added significant restrictions to the initiative process was in 1997, in the wake of the success of the 1994 term limits initiative. The term limits initiative won resoundingly in urban and rural communities alike, carrying a majority of the vote in 36 of Idaho's 44 counties and 59% of the vote statewide. Term limits was hardly a cause embraced solely by liberal voters. Indeed, it was most common in the 1990s for term-limit campaigns to be spearheaded by conservative organizations and conservative donors.[2]

57. Following the success of the term limits initiative, the Idaho Legislature enacted a law in 1997 requiring that campaigns collect signatures not just from 6% of registered voters statewide, but also from 6% of registered voters in each of 22 Idaho counties. This law remained in place until 2001, when the federal court for the District of Idaho found the 22-county rule unconstitutional and struck it down.

58. In 2013, the Idaho Legislature once again added significant restrictions to the initiative and referendum process in the wake of a successful use of that process by the people of Idaho. In 2012, Idaho voters used the referendum process to vote down three

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[2] Scott W. Reed, "How and Why Idaho Terminated Term Limits," *Idaho Law Review* 50, no. 3 (2014): 6-7.

education laws popularly known as the "Luna Laws." All three propositions were voted down by large margins. The biggest landslide was for Proposition 3, which voters defeated by a 34-point margin. All three propositions carried the majority of the vote in the vast majority of Idaho counties—urban and rural alike. Proposition 1 was defeated with the smallest margin, with 57% voting "no" and 43% voting "yes." But even Prop. 1 was defeated in 36 of Idaho's 44 counties.

59. In the wake of the Idaho citizenry's successful use of the referendum process to defeat the Luna Laws, the Idaho Legislature enacted a law requiring that signatures must be collected from 6% of voters in each of 18 legislative districts. In spite of the fact that the Luna Laws were defeated by a broad coalition of urban and rural voters spanning every region of the state, proponents of the new initiative restrictions argued that the process must be made more inclusive in order to protect the interests of rural voters. Signing the legislation into law, Governor Otter said he didn't want the initiative and referendum process to be driven by "the great state of Ada."[3] This is a false narrative.

60. In 2021, the Idaho Legislature successfully enacted further restrictions that require initiative and referendum campaigns to collect signatures from 6% of registered voters in all 35 of Idaho's legislative districts. The legislative push to enact this

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[3] Betsy Z. Russell, "Idaho Governor Signs Bill Tightening Initiative Rules," *Spokesman-Review*, April 3, 2013.

restriction came after the failed attempt to enact similar restrictions in 2019, just after the people of Idaho successfully used the initiative process to enact Medicaid Expansion.

61. Much like the term limits initiative and the anti-Luna Laws referendums, Medicaid Expansion succeeded with a broad coalition of voters in urban and rural communities across the state.

62. As I have discussed above in detail, the Medicaid Expansion signature drive began in rural Bonner County eventually succeeded in part due to the incredibly hard work of passionate volunteer teams in rural communities across the state. The initiative won 61% of the statewide vote and it won a majority of the vote in 35 of Idaho's 44 counties and 29 of Idaho's 35 legislative districts. These voters were quite obviously not all urban, and nor were they all liberal in political orientation. To give just one example, the majority of voters in Bear Lake County voted in favor of the initiative. In the 2016 presidential election, just 9% of voters in that county voted for Democratic candidate Hillary Clinton.

63. The legislative history makes clear that for the past quarter-century, the Idaho Legislature has not protected rural Idahoans from the overreach of big-city liberals. Instead, the Idaho Legislature has sought to restrict the citizen and referendum process

in reaction to the successful use of that process by broad coalitions of urban and rural Idahoans of all political persuasions.

64. In response to a public records request, Governor Little's office indicated it had received over 4,000 citizen comments on SB 1110 after it was sent to his desk, with over 97% of Idahoans requesting that Governor Little veto the bill.

65. A coalition of organizations including Reclaim Idaho and the Committee to Protect and Preserve the Idaho Constitution presented to the Governor's Office thousands of signatures calling on the Governor to veto SB 1110. This included signatures from Idahoans in all 44 counties and over 200 towns.

66. As SB 1110 moved through the Idaho Legislature, the bill's proponents circulated a map of Idaho that shaded over Idaho's 4 most populous counties: Ada, Canyon, Kootenai, and Bonneville. A copy of the map is attached as Exhibit B. The point of the map was to highlight that over 18 districts can be found in these counties alone, which together make up only 5.83% of Idaho's land area. The suggestion was that signature drives for initiatives under the 18-district rule have tended to concentrate their signature-gathering efforts in just 4 counties, and that this tendency would continue in the future if SB 1110 were not enacted.

67. Prior to the floor debate in the House, Representative Colin Nash—who opposed SB 1110—circulated a map showing broad urban and rural support for recent initiatives

and referendums among Idaho voters in the general election. In response, Representative Ron Nate—a proponent of the bill—said on the floor of the House that he would prefer to see a map not of where the votes came from but of where the signatures came from:

> "What would be…interesting is to see a handout showing where the signatures came from…we would see the signatures coming predominately from a few big counties and the other counties all left out."

68. In the case of Medicaid Expansion, at least, Representative Nate and other proponents of SB 1110 were grossly incorrect in their assumptions about where signatures have come from. I am including as Exhibits the following three maps:

- First, the map of Idaho counties circulated by proponents of SB 1110. This map shades just those 4 Idaho counties that are falsely assumed to be the counties where signature drives have narrowly focused their efforts. (Exhibit B)
- Second, a map of Idaho that shades those legislative districts where over 6% of registered voters signed the Medicaid Expansion initiative. These districts overlap with 26 of Idaho's 44 counties. (Exhibit C).
- Third, a map of Idaho that shades those legislative districts where at least 2% of registered voters signed the Medicaid Expansion initiative. (Exhibit D). These districts cover nearly the entire map and overlap with 37 of Idaho's 44 counties.

Considering that an incessantly repeated goal of proponents of SB 1110 was to ensure that initiatives enjoy at least "a modicum of statewide support," it is relevant to highlight that a substantial number of voters (2%) in nearly every Idaho district signed the Medicaid Expansion initiative.

69. In my view, the fact-based analysis I have provided in paragraphs 9 through 49 demonstrates that even a 24-district requirement (such as the one included in HB 296, passed by the Idaho Legislature in 2019 as a "trailer bill" to SB 1159 and then vetoed by Governor Little) would impose an unreasonable burden on volunteer-driven signature drives. Indeed, any significant increase above the 18-district requirement that existed prior to the enactment of SB 1110 would make volunteer-driven initiatives virtually impossible to qualify for the ballot by requiring initiative campaigns to qualify a large number of districts with low organizational potential.

70. But there is a uniquely severe harm to initiative and referendum rights brought about by the all-districts requirement contained in SB 1110.

71. Let us assume that, by some miracle, a volunteer-driven signature drive is well on its way to collecting valid signatures from 6% of registered voters in each of Idaho's 35 districts. In such a scenario, the all-districts requirement grants enormous power to any opposition group (even those motivated by the narrowest special interest) to

prevent an initiative from making the ballot and thereby to negate the will of the majority.

72. As we have witnessed in states across the country, opposition groups have engaged in signature-blocking campaigns by hiring paid "blockers." These blockers might attempt to distract signature gatherers by starting verbal disputes, or they might physically stand in between signature gatherers and potential signers. In addition to blocking efforts, opposition groups have engaged in signature-removal campaigns by contacting signers and persuading them to remove their signature.

73. Under Idaho's new 35-district requirement, a well-funded opposition campaign can start by identifying the 10-15 districts where the initiative campaign has exhibited the least organizational strength. The opposition campaign can then deploy paid signature blockers and fund a concerted signature-removal removal campaign in those districts. Even if, in any randomly selected district, the probability were low that these tactics would block that district from qualifying, the probability would increase dramatically if the opposition campaign were to have 15-20 attempts. With an all-districts requirement, the opposition only needs to block one district in order to block the entire statewide initiative.

74. To summarize, Idaho's 35-district requirement empowers the most determined and well-funded minority interests to frustrate and subvert the right of the majority to propose and reject legislation.

75. Apart from my work organizing initiative campaigns, I am a scholar of the constitutional thought of founding-era America. In this capacity, I wish to highlight that majority rule is a core principle of our country's constitutional tradition.

76. When James Madison warned of the tyrannical power that majorities could wield, the danger he identified did not emanate so much from a tyrannical majority of voters as from a tyrannical majority of elected officials. Indeed, when Madison referred to real-world examples of tyrannical majorities, his primary references were to unchecked majorities of elected officials in state legislatures.

77. Debating on the Senate floor in favor of Senate Bill 1110, 1SFTJEFOU1SP5FN Chuck Winder put forth a truncated view of our constitutional heritage when he said, "I believe constitutions are set up to protect the minority from the majority." If this were all constitutions were for, the evisceration of citizen power brought about by SB 1110 would not be a constitutional issue. But this is not all that constitutions are for.

78. As much as our constitutional system exists to protect the rights of the minority, it also exists to institutionalize the power of the majority. The checks and balances in our federal and state constitutions exist to moderate the will of the majority, not to

negate it. As Madison famously wrote, “the vital principle of republican government is the *lex majoris partis*, the will of the majority.”

79. I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

EXECUTED ON this 5th day of May 2021.

/s/Luke Mayville

Luke Mayville

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B-C33! / . -L4F!D- . 9 !3A4! , 456++6+5! . D!PC+EC-#!>? ; Q!E+36G!3A4!265+C3E-4R5C3A4-6+5!F4CFG6+4!C3!3A4!4+F! . D!
%1-6G!3AC3!#4C-7!NA4!ACF!A4CG3A!6+2E-C+84!C3!3A4!36 9 4=!AC : 6+5!-484+3G#!5 . 334+!C!S . , !C2!C! , E2!F-6 : 4-!D . -!
HFCA . !TCGG2!N8A . . G!U623-683!@ ; 7! " E3!2A4!L+4 / ! / AC3!63! / C2!G6L4!+ . 3!3 . !AC : 4!637!T . -! ; ; !#4C-2! , 4D . -4=!2A4!ACF!
/ . -L4F!C2!3A4!L638A4+! 9 C+C54-!C3! ' . G#! (. 2C-#!VC3A . G68!N8A . . G=!C!S . , !F6F+I3! . DD4-!8 . : 4-C547!

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B-C33!L+ . 8L4F! . +!F . . -2!6+!HFCA . !TCGG2!CGG!FC#!4 : 4-#! / 44L4+F=!C+F!2 . 9 436 9 42! . +! / 44LFC#2! / A4+!2A4!
8 . EGF=! / 4C-6+5!A4-!5-44+!MHFCA . C+2!D . -! ' 4CG3A8C-4O!2A6-3!C+F! , -C : 6+5!3A4! . D34+! , 6334-!8 . GF! . D!C+!
4C234-+!HFCA . ! / 6+34-7!

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MH! / C2!2A . 8L4F!C3!A . / ! 9 C+#!14 . 1G4! , 4G64 : 4F!6+!63=! / A . !L+4 / !2 . 9 4 , . F#! / A . !W+44F4FX!A4G1=O!2A4!2C6F7!

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J C+#! . D!3A4!14 . 1G4!2A4!3CGL4F!3 . =!2A4!2C6F=!ACF!8G . 24!DC 9 6G#! 9 4 9 , 4-2! / A . !D4GG!6+3 . !3A4!M J 4F68C6F!5C1=O!
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8-4F632!3 . ! , E#!6+2E-C+84! . +!3A4!23C34!4K8AC+547!&A424!23 . -642=!2A4!2C6F=!6+216-4F!A4-!3 . !L441! / . -L6+57!

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B-C33!2C6F! . +!A4-! . / +! , G . 8L=!2A4!ACF!SE23! . +4!14-2 . +! / A . !-4DE24F!3 . !265+!3A4!143636 . +7! J C+#! . D!A4-!
+465A , . -2=!4 : 4+!6D!3A4#! / 4-4!14-2 . +CGG#!E+2E-4!C , . E3! J 4F68C6F!4K1C+26 . +=!C3!G4C23!3A . E5A3!63!2A . EGF! , 4!
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* 63A6+! 9 . +3A2! . D!3A4!4+F! . D!265+C3E-4R5C3A4-6+5=!B-C33!23C-34F!3 . !D44G!E+ / 4GG7!%3!D6-23=!2A4!3A . E5A3!2A4!
ACF!C!1- . , G4 9 ! / 63A!A4-!A617!NA4!23 . 114F!F-6 : 6+5!3A4!28A . . G! , E2=!D4C-6+5!2A4! / C2+I3! / 4GG!4+ . E5A!3 . !F . !
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, . 33 . 9 ! . D!A4-!DC84!F- . . 16+5!C+F! / . --64F!2A4! / C2!AC : 6+5!C!23- . L47!B-C33! / 4+3!3 . !3A4!A . 2163CG!C+F!D . E+F!
. E3!2A4!AC2!C+!6+ . 14-C , G4! , -C6+!3E 9 . -7!

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B-C33!ACF!3.!G4C:4!A4-!S.,!FE4!3.!3A4!8C+84-!C+F!62!+./!8.:4-4F!,#!J4F68C6F!A4-24GD7!WNA4!/.EGF!AC:4!
YECG6D64F!D.-!J4F68C6F!/63A.E3!4K1C+26.+!FE4!3.!A4-!6GG+4227X!NA4!62!6+!C!/A44G8AC6-=!C+F!.+4!26F4!.D!A4-!
,.F#!62!1C-CG#[4F7!&A4!3E9.-!AC2!CDD4834F!A4-!21448A!2.94/AC3=!,E3!2A4!G65A32!E1!C+F!214CL2!C2!
4G.YE4+3G#!C2!4:4-!/A4+!J4F68C6F!4K1C+26.+!8.942!E17!

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AC:4!CG-4CF#!265+4F!E17!%+!42369C34F!@;=???!HFCA.C+2!C-4!4K14834F!3.!,4!4G656,G4!D.-!J4F68C6F!
4K1C+26.+!8.:4-C547!)+4!.D!3A49!62!B-C33I2!26234-=!/A.!G6:42!6+!".6247!

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D.-!2.!9C+#!#4C-27O!

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9C+#!(41E,G68C+!GC/9CL4-2!ACF!.11.24F!4K1C+26.+=!3A4#!C11-.:4F!DE+F6+5!D.-!63!3A62!#4C-!/A6G4!CG2.!

1C226+5!C!,6GG!3AC3!(48GC69!HFCA.!.11.24F!C2L6+5!D4F4-CG!14-96226.+!3.!9CL4!24:4-CG!8AC+542!3.!3A4!
1-.5-C9!2E8A!C2!CFF6+5!/ .-L!-4YE6-494+327!

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* AC34:4-!AC114+2!3.!B-C33!6+!3A4!DE3E-4=!2A4!62!5GCF!2A4!/6GG!244!J4F68C6F!4K1C+26.+!691G494+34F!.+!
PC+7!;=!>?>?7!

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EXHIBIT 3

DECLARATION OF DR. GARY MONCRIEF

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Attorneys for Petitioners

IN THE SUPREME COURT FOR THE STATE OF IDAHO

RECLAIM IDAHO, and the **COMMITTEE TO PROTECT AND PRESERVE THE IDAHO CONSTITUTION, INC.**, Petitioners, v. **LAWERENCE DENNEY**, in his official capacity as Idaho Secretary of State, and the **STATE OF IDAHO**, Respondents.	Case No. **DECLARATION OF GARY MONCRIEF IN SUPPORT OF PETITION FOR A WRIT OF PROHIBITION**

I, Dr. Gary Moncrief, having first been duly sworn upon oath, declare as follows:

1. My name is Dr. Gary Moncrief and I write in support of this Writ.

2. I hold a Ph.D. in Political Science from the University of Kentucky (1977). Until my retirement, I was a Professor at Boise State University for over forty years, specializing in comparative state politics and policymaking. I also taught courses in electoral systems and voting behavior.

3. I am editor or co-author of six books, including WHY STATES MATTER, now in its 3rd edition (2020), STATE LEGISLATURES TODAY (3rd edition, 2019) and REAPPORTIONMENT AND REDISTRICTING IN THE WEST (2011). For twenty years, I served on the training faculty at the Council of State Governments, conducting workshops for state legislators. I have also served as a consultant to the National Conference of State Legislatures and the State Legislative Leaders Foundation.

4. Senate Bill 1110 creates an extraordinarily difficult standard for any citizen-initiated measure to attain ballot status. In fact, the standard is so high as to effectively eliminate citizens' rights in this regard. There are 24 states that permit some form of citizen-initiated policymaking. The rules vary by state. For our purposes, the most important variables pertain to the following questions:

(i) can the popular initiative be used to put forth on the ballot a proposed statute, a proposed constitutional amendment, or both?

(ii) What is the standard for the number of signatures that must be gathered to achieve ballot status?

(iii) Are there geographic distribution requirements for signatures?

5. Most initiative states permit its use by the public to enact both statute and constitutional amendment. Idaho only permits statutory changes through the initiative process, so it is already a limited right in Idaho.

6. States differ in the total petition signature requirements to qualify the initiative for the ballot. Most states require a certain percentage of votes cast in the previous gubernatorial election. Idaho is one of only six states that require a percentage of "qualified electors", or registered voters. Since the number of registered voters/qualified electors is always greater than the number of actual voters, a rule that requires 6 percent of qualified electors is a more difficult standard than 6 percent of gubernatorial voters. In other words, the total signature requirement in Idaho is more stringent than the requirements in most other initiative states. In most instances, 6 percent of registered voters (qualified electors) is a number greater than 10 percent of gubernatorial votes, which was the number required in Idaho from 1933 to 1997.

7. Of the 24 initiative states, 14 require some measure of geographic distribution of the signatures, across some portion of electoral units. For example, Alaska requires

signatures from 3/4 of house districts, Arkansas from 15 different counties and Florida from one-half of the congressional districts in the state. Senate Bill 1110 requires signatures equal to 6% of qualified electors in ALL 35 legislative districts. This rule would make Idaho's the most stringent geographic requirement in the U.S. for statutory initiatives. **No state requires a specified percentage of signatures from all districts in the state for statutory initiatives**. During the Senate State Affairs Committee hearing on Senate Bill 1110 it was stated that Colorado requires signatures from all districts. That is not entirely accurate; the current Colorado law applies only to constitutional amendment initiatives. For statutory initiatives there is no geographic distribution requirement. Idaho's is a statutory initiative, so the Colorado analogy is not applicable. Moreover, the Colorado law as it applies to constitutional initiatives is currently under litigation.

8. To summarize, Idaho limits the citizen right to policymaking by excluding the right to propose constitutional amendments; citizens can only bring initiative statutory proposals. Even with this limited initiative power, citizens are further hampered by a more difficult standard for total signatures required than is the case in most initiative states. Finally, the geographic distribution requirement in Senate Bill 1110 would be the most onerous of any statutory initiative standard in the U.S. For these reasons, I believe Senate Bill 1110 destroys an essential right of the citizens of Idaho.

9. An important point about Senate Bill 1110 is that the standards it imposes apply to the statutory initiative process and to the popular referendum process. The popular referendum process (also known as the "public veto") is an essential protection for the citizens of Idaho. As one text states, "Granting the right of approval or rejection through a referendum vote is an important form of direct democracy that does not exist at the federal level. In this sense, state governments afford their citizens the opportunity to exert a direct impact on public policy in a way the national government does not." [1]

10. The popular veto is especially important at the state level because legislative supermajorities are common. The nature of our American electoral system is such that it often over-represents the majority party. In other words, the American electoral system often results in a higher percentage of seats for the majority party than they 'deserve.' In California, for example, the "normal" statewide vote for Democrats is about 60%, but Democrats usually control about 75% of the legislative seats. In Idaho, the average Republican vote in a contested statewide race (governor, secretary of state, etc.) is about 60-62%. But the Republicans control at least 80% of the legislative seats.

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[1] Gary Moncrief and Peverill Squire, WHY STATES MATTER, 3rd edition (Lanham, MD: Rowman & Littlefield, 2021), p.206

In essence, the American electoral system often creates "manufactured supermajorities."

11. Such supermajorities occasionally overreach in terms of policymaking. For whatever reason—a sense of mandate, groupthink, an inability to recognize legitimate alternative points of view—it does occasionally lead to a misreading of public preferences. And when this happens, the citizens **must** have a recourse to clearly express their policy preferences. The popular referendum provides that recourse. It is an essential instrument to counter what we might call, in the Madisonian sense, "the occasional tyranny of the supermajority."

12. Senate Bill 1110 will make the popular referendum virtually obsolete because it will make it almost impossible to qualify for the ballot.

13. I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

EXECUTED ON this 4th day of May 2021.

/s/Dr. Gary Moncrief

Dr. Gary Moncrief

EXHIBIT 4

DECLARATION OF DAVID DALEY

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R&V1B&U.<(&/F("/&RB1/,(R&3V&1,/(P1/&/R"(%"P$%3*(E/(?IXG<(.1aB""/(.B&B".(P&R"F(#&UU$B(

b-".B1$/.($/(F"3$R%&RS(%"P$%3(B$V1R.c(XC($P(B ' "3(W$/<(3$.B(W1B ' (B ' "([1/F($P(

.-V"%3&Y$%1BS(.-VV$%B(B ' &B`.($/US(V$..1#U"(W ' "/(T$B"%.(W ' $(&%"(5"V-#U1R&/.<(

! "3$R%&B.(&/F(1/F"V"/F"/B.(&UU(R$3"(B$,"B ' "%($/(&/(1..-"*(E/(?IXH(&/F(?IXG<(T$B"%.(1/(

P$-%(.B&B".<(; &1/"<(: "#%&.[&<(EF&' $(&/F(7B&'<(-."F(B ' "(#&UU$B(1/1B1&B1T"(B$("aV&/F(

; "F1R&1F*(O1B1Z"/.(1/(9[U& ' $3&(&/F(; 1..$-%1(PUUW"F(1/(?I?I*((

A* J ' "."(T1RB$%1".<(' $W"T"%<(' &T"($PB"/(#""/(3"B(W1B ' (#&R[U&.' ".(#S(.B&B"

U",1.U&B-%".*(E/(+U$%1F&<(F".V1B"(3$%"(B ' &/(A?(V"%R"/B($P(T$B"%.(#&R[1/,(P"U$/S(

%"1/P%&/R'1."3"/B<(B'"(U",1.U&B-%"(F"R1F"F(B$(&FF(&/(&FF1B1$/&U(V%"OR$/F1B1$/K(J'"(

V&S3"/B($P(&UU(P1/".(&/F(P"".(%"U&B"F(B$(&(."/B"/R"<(&(/-3#"%(B'&B(B'"(.B&B"(W&.($PB"/(

-/&#U"(B$(V%$T1F"<(&/F(W'1R'($/"(/$/V&%B1.&/(%"."&%R'(,%$-V(.-,,".B"F(R$-UF(&3$-/B(

B$('-/F%"F.($P(B'$-.&/F.($P(F$UU&%.(V"%(V"%.$/*(+U$%1F&(T$B"%.(&U.$(.-VV$%B"F(%&1.1/,(

B'"(.B&B"`.(31/13-3(W&,"c(B'"(U",1.U&B-%"(%".B%1RB"F(W'$(R$-UF(%"R"1T"(1B*(EF&'$`.(

U",1.U&B-%"(&FF"F(&FF1B1$/&U(W$%[(%"b-1%"3"/B.($/B$(B'"(V&..&,"($P(;"F1R&1F(

"aV&/.1$/*(;1..$-%1(U&W3&["%.(W&1B"F($/US(3"%"(W""[.(#"P$%"(B'"S(#",&/(W$%[1/,(B$(

-/%&T"U(&(V&R[&,"($P(%"P$%3.(B'&B(1/RU-F"F(%".B%1RB1$/.($/(,1PB.(P%$3(U$##S1.B.(&/F(

1/F"V"/F"/B(%"F1.B%1RB1/,*(^'"/(R1B1Z"/.(B'"%"(&U.$(B$UF(B'"(U",1.U&B-%"(B$("aV&/F(

;"F1R&1F<(B'"(V"$VU"`.($W/(%"V%"."/B&B1T".(%"P-."F(B$(P-/F(1B*(;1R'1,&/(U&W3&["%.(

W$%["F(B$(F"/S(P-/F1/,(B$(B'"(.B&B"`.(/"W(1/F"V"/F"/B(R$33 31..1$/<(B'"/(P1U"F(

U1B1,&B1$/(&,&1/.B(1B(1/(R$-%B*((

H*	J'"/<(&PB"%(W$%[1/,(B$(-/F"%R-B(B'"(.-RR"..P-U(1/1B1&B1T".<(U&W3&["%.(1/(3&/S($P

B'"."(.B&B".<(&/F($B'"%.<('&T"("/F"&T$%"F(B$(3&["(P-B-%"(1/1B1&B1T".(3$%"($/"%$-.*(E/(

EF&'$<(;1..$-%1<(+U$%1F&(&/F()%1Z$/&(d(&UU(.B&B".(W'"%"(R1B1Z"/.('&T"(.-RR"..P-UUS(-."F(

#&UU$B(1/1B1&B1T".(B$(V&..(V$V-U&%(%"P$%3.(d(U",1.U&B-%".('&T"(&FT&/R"F(V%V.&U.(B'&B(

W$-UF(VU&R"(3-UB1VU"(/"W(%$&F#U$R[.(#"P$%"(1/1B1&B1T".(&B(/"&%US("T"%S(V$1/B(1/(B'"(

V%$R"..*(E/(B$B&U<(B'%$-,'$-B(B'"(P1%.B(B'%""(3$/B'.($P(?I?X(&U$/"<(U&W3&["%.(1/(?N(.B&B".(

'&T"(1/B%$F-R"F(#1UU.(B'&B(W$-UF(3&["(1B(B$-,'"%(P$%(R1B1Z"/.(B$(V-.'(1/1B1&B1T".(B$(B'"(

#&UU$B<(&RR$%F1/,(B$(B'"(D&UU$B(E/1B1&B1T"(8B%&B",S(O"/B"%*((

H* J'"."(/"W(%".B%1RB1$/.(B&["(3&/S(P$%3.<(#-B(PUUW(B'"(.&3"(,"/"%&U(&VV%$&R'*

J'"S(1/R%"&."(B'"(/-3#"%($P(.1,/&B-%".(/"R"..&%S(B$(b-&U1PS(&/(1/1B1&B1T"<($%(B'"(/-3#"%(

$P(R$-/B1".($%(R$/,%"..1$/&U(F1.B%1RB.(1/(W'1R'(/&3".(3-.B(#"(,&B'"%"F*(J'"/<(B'"S(

%"b-1%"(3&Y$%1B1".(,%"&B"%(B'&/(A I e<("T"/(BW$OB'1%F.<(B$(V&..(d(&/F("T"/(&PB"%(B'&B<(

.$3"B13".(%"b-1%"(P1/&U(&VV%$T&U(#S(B'"(U",1.U&B-%"*(8$3"B13".<(B'"S(F"3&/F(B'&B(&(

W1//1/,(1/1B1&B1T"('&T"(.-VV$%B(P%$3(&(3&Y$%1BS($P(%",1.B"%"F(T$B"%.<(/$B(.13VUS(&(

3&Y$%1BS($P(B'$."(R&.B1/,(&(#&UU$B(1/(&/S(,1T"/("U"RB1$/*((

G* +U$%1F&(U&W3&["%.(&%"(U$$[1/,(B$(%&1."(B'"(.B&B"`.(&U%"&FS('1,'(#&%(P$%(V&..&,"($P

&/(1/1B1&B1T"*(51,'B(/$W<(&(A I(V"%R"/B(.-V"%3&Y$%1BS(1.(/"R"..&%S(B$(W1/<(/$("&.S(P"&B(1/(

B'1.(.B&B"($P(/&1UO#1B"%.*(>",1.U&B$%.<('$W"T"%<('&T"(P&.BOB%&R["F(&/("PP$%B(B$(1/R%"&."(B'&B(

/-3#"%(B$(AH e*()%1Z$/&(5"V-#U1R&/.(W&/B(B$(1/R%"&."(B'"(&VV%$T&U(B'%".'$UF(P%$3(&(

.13VU"(3&Y$%1BS(-V(B$(&(A I e(.-V"%3&Y$%1BS<(&.(F$(5"V-#U1R&/(U&W3&["%.(1/(:$%B'(

!&[$B&<(8$-B'(!&[$B&(&/F()%[&/.&.*(813 1U&%("PP$%B.(&%"(-/F"%(W&S(1/(;1..$-%1<(W'"%"(

R1B1Z"/.(W$/(T1RB$%1".(P$%(1/F"V"/F"/B(%"F1.B%1RB1/,(&/F(3"F1R&U(3&%1Y-&/&(1/(?IXG<(&/F(

"aV&/F"F(;"F1R&1F(1/(?I?I*(51,'B(/$W<(R1B1Z"/.(/""F(B$(R$UU"RB(.1,/&B-%".(P%$3(Ge($P(

T$B"%.(1/(.1a($P(B'"(.B&B"`.("1,'B(R$/,%"..1$/&U(F1.B%1RB.*(D1UU.(V-.'"F(#S(2$-."(

5"V-#U1R&/.(W$-UF(1/R%"&."(B'&B(B'%".'$UF(B$("1B'"%(X I($%(XC e<(&/F(1/(&UU($P(B'"("1,'B(

R$/,%"..1$/&U(F1.B%1RB.*(; 1..$-%1(1/1B1&B1T".(R-%%"/BUS(W1/(W1B'(&(.13VU"(3&Y$%1BS*(

f&%1$-.(V%$V$.&U.(W$-UF(R'&/,"(B'&B(B$("1B'"%(AI($%(AHe(&VV%$T&U(B$(V&..<($%(3&/F&B"(&(

/-3#"%("b-&U(B$(CIe($P(&UU(%",1.B"%"F(T$B"%.<(%&B'"%(B'&/(&(3&Y$%1BS($P(T$B"%.(W'$(R&.B(

#&UU$B.*()%[&/.&.(B%1"F(&/("T"/(3$%"(13&,1/&B1T"(&VV%$&R'(B$(F"%&1U(R1B1Z"/(1/1B1&B1T".(

&.(."T"%&U(,&1/"F(B%&RB1$/(B'"%"*(J'"(U",1.U&B-%"(V&.."F(&(.B&B-B"(%"b-1%1/,(B'&B(

.1,/&B-%"O,&B'"%"%.(V&..(&(.B&B"(&/F(/&B1$/&U(#&R[,%$-/F(R'"R[<(&.(V"%P$%3"F(#S(B'"(

)%[&/.&.(.B&B"(V$U1R"*(J'"()%[&/.&.(.B&B"(V$U1R"<('$W"T"%<(1.(/$B(&-B'$%1Z"F(B$(V"%P$%3(

/&B1$/&U(R'"R[.(-/F"%(.B&B"($%(P"F"%&U(U&W*(J'&B(B"R'/1R&U1BS(W&.("/$-,'(P$%(B'"(.B&B"(

.-V%"3"(R$-%B<('$W"T"%<(B$([/$R[(BW$(V$U1B1R&U(%"P$%3(1/1B1&B1T".('&T1/,(B$(F$(W1B'(

%"F1.B%1RB1/,(&/F($V"/(V%13&%1".($PP(B'"(?I?I(#&UU$B*(

g* 4T"/(1/(B'1.(/&B1$/&U(RU13&B"<('$W"T"%<(B'"(/"W(U&W("/&RB"F(1/(EF&'$(R%"&B"(B'"

3$.B(%".B%1RB1T"(1/1B1&B1T"(U&W.(1/()3"%1R&*(EB(W$-UF(%"b-1%"(B'&B(&/S(1/1B1&B1T"(P1%.B(

%"R"1T"(.1,/&B-%".(P%$3(A(V"%R"/B($P(%",1.B"%"F(T$B"%.(1/(&UU(@C($P(EF&'$`.(U",1.U&B1T"(

F1.B%1RB.*(J'"%"(1./`B(&/$B'"%(.B&B"(1/(B'"(/&B1$/(B'&B(R-%%"/BUS(%"b-1%".(&(31/13-3(

/-3#"%($P(.1,/&B-%".(1/("T"%S(.B&B"OU",1.U&B1T"(F1.B%1RB*(

XI* EF&'$`.(U",1.U&B-%"('&.(&('1.B$%S($P(3&[1/,(1/1B1&B1T".(3$%"(F1PP1R-UB(&PB"%(R1B1Z"/.

-."(B'"3(.-RR"..P-UUS*(^ ' "/(U&W3&["%.(U&.B(&UB"%"F(B'"(V%$R"..<(1/(?IX@<(&U.$(1/R%"&.1/,(

B'"(/-3#"%($P(.1,/&B-%".(&/F(B'"(/-3#"%($P(F1.B%1RB.<(1B(P$UU$W"F(B'"(-."($P(B'"(

SFGFSFOEVN(UPSFQFBMUISFFTDIPPMSFGPSNMBXTUIBUXFSFBQSJPSJUZPGUIFMFHJTMBUVSFCVU

EFDJTJWFMZOPUCBDLFECZUIFQFPQMFPGUIFTUBUF

XX* EF&'$`.(U&W 3&["%.(.-,,".B(BW$(%"&.$/.(P$%(B'1.(R'&/,"*(J'"S(F1F(/$B(W&/B(& R-UB-%"(1/(W'1R'(B'"(#&UU$B(W&.($T"%%-/(#S(1/1B1&B1T".*(J'"S(&U.$(W&/B"F(B$(V%$B"RB(%-%&U(1/B"%".B.(&/F("/.-%"(B'&B(&UU(V&%B.($P(B'"(.B&B"('&F("b-&U(T$1R"(1/(V-BB1/,(&/(1/1B1&B1T"($/(B'"(#&UU$B*(: "1B'"%(.B&B"F(V-%V$."(.B&/F.(-V(B$(.R%-B1/S($P(B'"(P&RB.*(E/F""F<(B'"."(/"W(%-U".(&%"(.$(%".B%1RB1T"(B'&B(B'"S(&UU0#-B(%"U",&B"(B'"(1/1B1&B1T"(00("/.'%1/"F(1/(B'"(.B&B"`.( R$/.B1B-B1$/(00(B$(&( 3"%"(%1, 'B(\$/(V&V"%](B'&B(R&//$B(&RB-&UUS(#"(-."F(1/(%"&U1BS*(J'1.(1.( &/("aB%" 3"(&/F(F""VUS(#-%F"/.$3"(."B($P(%".B%1RB1$/.(B'&B(W1UU( 3&["(1B(/"&%US( 1 3 V$..1#U"(P$%(EF&'$(T$B"%.(B$<(1/(5$$."T"UB`.(W$%F.<(\V%$T1F"(&(R'"R[](W'"/(B'"(,$T"%/ 3"/B(#"R$3".(\ 3 1.%"V%"."/B&B1T"*](J'&B(."" 3.(B$(#"(B'"(&RB-&U(V-%V$."*(

X?* +1%.B<(EF&'$`.(V%"T1$-.(%-U".(W"%"(&U%"&FS(& 3$/,(B'"(3$.B(%".B%1RB1T"(1/(B'" /&B1$/*(EB(W&.(/$B("&.S(B$(3&["(B'"(#&UU$B<(&/F(B'"%"(W&.(/$B(&/("aR"..1T"(& 3$-/B($P(1/1B1&B1T".*(E/F""F<(-/F"%(B'$."(P$% 3"%(%",-U&B1$/.<($/US(BW$($P(XC(&BB" 3VB"F(1/1B1&B1T".(.-RR""F"F(1/(3&[1/,(B'"(#&UU$B*((

X@* J'"(; "F1R&1F("aV&/.1$/(1/1B1&B1T"<(3"&/W'1U"<(F1F('&T"(F""V(.-VV$%B B'%$-,'$-B(%-%&U(EF&'$*(J'"(V%"T1$-.(1/1B1&B1T"(U&W.(%"b-1%"F(.1,/&B-%".(B$(#"(,&B'"%"F(1/(&UU(R$%/"%.($P(B'"(.B&B"*(; "F1R&1F("aV&/.1$/(/$B($/US("&%/"F(.1,/&B-%".(P%$3(T$B"%.(1/(

"&R'($P(EF&'$`.(NN(R$-/B1".<(#-B(1B(W$/(1/(:$T"3#"%(?I?I(W1B'(3&Y$%1B1".(1/(@C($P(B'$."(NN(R$-/B1".<(1/RU-F1/,(F$Z"/.($P(%-%&U(R$-/B1".*((

XN* EF&'$`.(/"W(1/1B1&B1T"(%",-U&B1$/.(,$(.$(P&%(&.(B$(#"(B'"(3$.B(.B%1/,"/B(1/(B'" /&B1$/*(7B&'`.(#&UU$B(&RR"..(V%$T1.1$/.(W$-UF(#"(B'"(RU$.".B(R$3V&%1.$/*(7B&'(."B.(&('1,'(#&%(B$(b-&U1PSK() /S(1/1B1&B1T"(/""F.(B$("&%/(G(V"%R"/B($P(B'"(T$B".(R&.B(1/(B'"(3$.B(%"R"/B("U"RB1$/(P%$3(?A($P(B'"(.B&B"`.(?g(F1.B%1RB.*(EF&'$<('$W"T"%<(/$W(%"b-1%".( .1,/&B-%".(B$(#"(,&B'"%"F(1/(XII(V"%R"/B($P(F1.B%1RB.*() /F(W'1U"(B'"(%"b-1%"3"/B(1.($/US(A( V"%R"/B<(1B`.(A(V"%R"/B($P(*100$'"8*,/"'"6$=&/"',*(OO(B'&B`.(&U3$.B(R"%B&1/US(&(3-R'('1,'"%(/-3#"%(B'&/(G(V"%R"/B($P(&RB1T"(T$B"%.*(

XC* J'&B(3"&/.(EF&'$(%"b-1%".(3$%"(.1,/&B-%".(V"%(R&V1B&<(&/F(P%$3(&('1,'"% V"%R"/B&,"($P(F1.B%1RB.<(B'&/(7B&'<(B'"(.B&B"(B'&B(R$3".(RU$.".B(W1B'(B'"(3$.B(F1PP1R-UB(U&W.(P$%(b-&U1PS1/,(&/(1/1B1&B1T"*(

XA* 9/R"(.1,/&B-%".('&T"(#""/(R$UU"RB"F<(B'"((EF&'$(U&W(&U.$(V%$T1F".(&/(VV%B-/1BS P$%(T$B"%.(B$(%"3$T"(B'"1%(/&3"("U"RB%$/1R&UUS(P%$3(B'"(V"B1B1$/.(&/S(B13"(#"P$%"(T"%1P1R&B1$/*((

XH* J'"(R$3#1/&B1$/($P(B'1.(.1,/1P1R&/B(V"%1$F($P(/&3"(%"3$T&U<(&U$/,(W1B'(B'" %"b-1%"3"/B(P$%("T"%S(F1.B%1RB(B$(%"&R'(R'&UU"/,1/,(B$B&U(/-3#"%.($P(.1,/&B-%".<(R%"&B".(&/(&FF1B1$/&U(#-%F"/(B'&B(,1T".(W"UUOP-/F"F(1/1B1&B1T"(VV/"/B.(U&%,"(&FT&/B&,".*()(.V"R1&U(1/B"%".B(,%$-V(R$-UF(.13VUS(V$-%(31UU1$/.($P(F$UU&%.(1/B$(&(.3&UU(/-3#"%($P(

F1.B%1RB.(1/(&/(&,,%"..1T"(R&3V&1,/(B$(R$/P-."(T$B"%.(&/F(%"U"/BU"..US(-%,"(B'"3(B$(B&["(

B'"1%(/&3".($PP(B'"(U1.B*(J'"S(W$-UF($/US('&T"(B$(PU1V($/"(F1.B%1RB(1/(B'1.(W&S<(W1B'(B'"(

-."($P(F&%[(3$/"S<(B$(.-#T"%B(B'"("/B1%"(R1B1Z"/("PP$%B(&/F(B'"(W1UU($P("T"%S($B'"%(F1.B%1RB(

1/(B'"(.B&B"*(J'1.<(B$$<(1.(B%-US(-/R'&%B"F(B"%%1B$%S(P$%(1/1B1&B1T".*((

XG* 0U%&F$(F$".(%"b-1%"(V%V/"/B.($P(&(R$/.B1B-B1$/&U(&3"/F3"/B(B$(,"/"%&B"

.1,/&B-%".(1/("T"%S(F1.B%1RB*(D-B(U"B`.(#"(RU"&%*(EF&'$`.(1/1B1&B1T"('&.(B$(F$(W1B'(.B&B-B".*(EB(

1.(/$B(&/(&3"/F3"/B(B$(B'"(.B&B"(R$/.B1B-B1$/*(EB(1.(R"%B&1/US(3$%"(%"&.$/&#U"(B$("aV"RB(&(

R$/.B1B-B1$/&U(&3"/F3"/B(B$(V&..(&('1,'"%(B'%".'$UF*(:"T"%B'"U"..K(0U%&F$($/US(

%"b-1%".(B'&B(?(V"%R"/B($P(%",1.B"%"F(T$B"%.(.1,/(B'"(V"B1B1$/<(/$B(B'"(A(V"%R"/B(%"b-1%"F(

#S(B'"(/"W(EF&'$(V%$T1.1$/*(5"b-1%1/,(Y-.B(?(V"%R"/B(1/(&UU(F1.B%1RB.(1.(&(.1,/(B'&B(

U&W3&["%.(1/(0U%&F$(-/F"%.B$$F(Y-.B('$W(F1PP1R-UB(1B(1.(B$(%"&R'(B'&B(B'%".'$UF(1/(

"T"%S(F1.B%1RB(1/(B'"(.B&B"*()/F(B'&B`.(.B1UU(&(U$W"%(#&%(P$%(&(R$/.B1B-B1$/&U(&3"/F3"/B(

B'&/(W'&B(EF&'$(/$W(%"b-1%".(P$%(V&..&,"($P(&(.B&B-B"(T1&(1/1B1&B1T"*((

Xg* ^'"/(0'1"P(h-.B1R"(h$'/(5$#"%B.(R&UU"F(V&%B1.&/(,"%%S3&/F"%1/,(&(/$/Y-.B1R1&#U"

V$U1B1R&U(1..-"(1/(@&++&2$@15,"$=$A53-&<(CGG(7*8*(000(L?IXgM('"(V$1/B"F(B$(B'"(.-RR"..($P(

R1B1Z"/(%"P$%3"%.(1/(3&/S(.B&B".(W'$(-."F(B'"(1/1B1&B1T"(B$(,"/"%&B"("PP"RB1T"(%"P$%3.*(

J'"(F&/,"%(/$W(1.(B'&B(B'"(.-RR"..($P(B'"."(1/1B1&B1T".('&.(.V-%%"F(&(#&R[U&.'(P%$3(

U",1.U&B-%".(F"B"%31/"F(B$(#U$R[(&/S(R'"R[($/(B'"1%(V$W"%*(E/(B'"(?N(.B&B".(B'&B(&UU$W(

B'"(V$V-U&%(1/1B1&B1T"<(R1B1Z"/.('&T"(B'"(3"&/.(B$(R%"&B"(R'&/,"*(D-B(EF&'$(1.(/$W(&B(B'"(

T&/,-&%F($P(.B&B".(B'&B(&%"(W$%[1/,('&%F(B$("/.-%"(B'&B(R1B1Z"/.('&T"(&(3 -R'('&%F"%(

V&B'(OO(&/F(.$3"B13".($/US(B'"(3$.B(-/U1["US(V&B'(OO(B$(3&["(B'"1%(T$1R".('"&%F(&/F(

"/.-%"(B'&B(U&W3&["%.(%"V%"."/B(B'"3(P&1%US(&/F(P-UUS*((

?I* J'"."(F"R1.1$/.(V$%B"/F(&(,%13(P-B-%"(1/(3&/S(.B&B".K(9/"(W'"%"(T$B"%.(&%"

-/&#U"(B$(3&["(B'"3."UT".('"&%F(&B(&UU<(&/F(B'"1%(\%"V%"."/B&B1T".](%-U"(-/R'"R["F(&/F(

-/%"P$%3"F*(

?X* E(F"RU&%"(-/F"%(V"/&UBS($P(V"%Y-%S(V-%.-&/B(B$(B'"(U&W($P(B'"(8B&B"($P(EF&'$(B'&B

B'"(P$%",$1/,(1.(B%-"(&/F(R$%%"RB*(

4i407J4!(9:(B'1.(5th(F&S($P(;&S(?I?X*(

&&eN5

David Daley

EXHIBIT 5

DECLARATION OF ROBIN NETTINGA

! "#$%&'()*(+"%, -.$/(
0%&1,(2*(! -%'&3(
+456789 :(! 752) ;<(=>>0(
??@(: *(A!"(8B%""B<(8-1B"(@?C(
D$1."<(EF&'$(G@HI?(
JK(L?IGM(NGN0??C@(
F&PQP"%, -.$/F-%'&3*R$3(
R'FQP"%, -.$/F-%'&3*R$3(

)BB$%/"S.(P$%(="B1B1$/"%.(

! "#$%&#' ( ) *&+&#, - (*$#. - *#$%&#'$/$&#-.#!0 /%-#

*&,1/!+#!0 /%-<(&/F(B'"(
, - + +!$$&&#$-#) * -$&,$#/ " 0#
)*&'&*2&#$%&#!0 /%-#
, - " '$!$ ($!- "3#!" ,4<(

="B1B1$/"%.<(

T*(

1/ 5&*&" ,&#0&" "&6<(1/('1.($PP1R1&U(
R&V&R1BS(&.(EF&'$(8"R%"B&%S($P(8B&B"<(&/F(
B'"(('$/$&#-.#!0 /%-<(

5".V$/F"/B.*(

0&."(: $*(

0&,1/ * /$!- "#-.#* - 7!"#
"&$$!" 8 /#!"#' ( )) - *$#
-.#)&$!$!- "#. - *#/#5 *!$#
-.#) * -%!7!$!- "#

E<(<('&T1/,(P1%.B(#""/(F-US(.W$%/(-V$/($&B'<(F"RU&%"(&.(P$UU$W.K(

E<(5$#1/(: "BB1/,&<('&T1/,(P1%.B(#""/(F-US(.W$%/(-V$/($&B'<(F"RU&%"(&.(P$UU$W.K(

X* ; S(/&3"(1.(5$#1/(: "BB1/,&<(&/F(E(&3(&(%"B1%"F(R1B1Y"/($P(B'"(.B&B"($P(EF&'$*

! "#$%&%'() *+) ,+&) -(*+*"''(* .%/+(*+0122)&'+) ,+2"'('() *+,)&+%+3&('+) ,+
2&) 4(-('() *5+6+

?*! E(P$%3"%US('"UF(/-3"%$-.(V$.1B1$/.(W1B'(B'"(EF&'$(4F-R&B1$/() ..$R1&B1$/(LE4) M(
P%$3(XZZH(B$(?IXH*(

@*! E(W&.("U"RB"F(&/F(."%T"F(&.(E4) (=%".1F"/B(P%$3(XZZH0?IIX*(! -%1/,(B'$."(P$-%(
S"&%.<(E(."%T"F(&.($/"($P(B'"(BW$(R'1"P(U",1.U&B1T"(U$##S1.B.(P$%(B'"($%,&/1Y&B1$/*(

N*! E(W&.('1%"F(#S(B'"(E4) (&/F(."%T"F(&.(B'"(! 1%"RB$%($P(8R'$$U(E//$T&B1$/(P%$3(
?IIX0?II@*(

C*! +UUW1/,(&(%"$%,&/1Y&B1$/($P(T&%1$-.(.B&PP(V$.1B1$/.<(E(."%T"F(&.(B'"(! 1%"RB$%($P(
=-#U1R(=$U1RS*(E('"UF(B'1.(V$.1B1$/(P%$3(?II@0?IIG*(; S(R'1"P(%".V$/.1#1U1B1".(1/RU-F"F(
F&1US(U$##S1/,($P(B'"(U",1.U&B-%"<(W'"/(B'"S(W"%"(1/(."..1$/(&/F($T"%.""1/,(B'"(
$%,&/1Y&B1$/($P(T&%1$-.(R&3V&1,/.(&B(B'"(U$R&U(&/F(.B&B"(U"T"U.*(

A*! E(."%T"F(&.(B'"(E4) (4["R-B1T"(! 1%"RB$%(P%$3(?IIG(&/F(-/B1U(3S(%"B1%"3"/B(1/(?IXH*(
; S(R'1"P(%".V$/.1#1U1B1".(1/RU-F"F($T"%.""1/,(B'"('1%1/,($P(V"%3&/"/B(&/F($RR&.1$/&U(
.B&PP(P$%(B'"($%,&/1Y&B1$/(&/F(P$%(T&%1$-.(&FF1B1$/&U(V%$,%&3.(&/F(&RB1T1B1".<(1/RU-F1/,(
1/B"%/&U(&/F("[B"%/&U(R&3V&1,/.*(E(&U.$(W&.(B'"(R'1"P(U$##S1.B(P$%(B'"(E4) (&/F(
%".V$/.1#U"(P$%(&UU(U",&U(V&V"%W$%\(%"U&B"F(B$(R&3V&1,/(P1/&/R"(%"V$%B1/,(B$(B'"(
8"R%"B&%S($P(8B&B"*((

H*! E(W&.(."%T1/,(&.(B'"(E4) (4["R-B1T"(! 1%"RB$%(F-%1/,(B'"(?IXX(U",1.U&B1T"(."..1$/<(
&/F(W&.(F1%"RBUS(1/T$UT"F(1/(&UU(&.V"RB.($P(U$##S1/,(&/F(B".B13$/S($/(&UU(V1"R".($P(
"F-R&B1$/0%"U&B"F(U",1.U&B1$/(B'&B(F1%"RBUS(&PP"RB"F(B'"(E4) (&/F(1B.(3"3#"%.*(

G*! ! -%1/,(B'"(?IXX(."..1$/<(B'"/08B&B"(8-V"%1/B"/F"/B($P(=-#U1R(E/.B%-RB1$/(J$3(
>-/&<(1/B%$F-R"F(&(V1"R"($P($3/1#-.(]"F-R&B1$/(%"P$%3^(U",1.U&B1$/(B'&B(W&.(-UB13&B"US(
#%$\"/(1/B$(B'%""(V1"R".(&/F("/B1BU"F(]8B-F"/B.(0$3"(+1%.B*^((

Z*! J'"(B'%""(.V"R1P1R(#1UU.(W"%"K((

&*! 8D(XXIG*(J'"(P1%.B(V1"R"($P(U",1.U&B1$/("T1.R"%&B"F(B"&R'"%(R$UU"RB1T"(
#&%,&1/1/,(%1,'B.(&/F("U131/&B"F(R$/B1/-1/,(R$/B%&RB(.B&B-._((

! "#$%&%'() *+) ,+&) -(*+*"''(* .%/+(*+0122)&'+) ,+2"'('() *+,)&+%+3&('+) ,+
2&) 4(-('() *5+7+

!
!

#*! 8D(XXXI*J ' "(. "R$ / F(V1"R"($P(U" , 1. U&B1$ / (" . B&#U1. ' "F(&(R$ 3 VU1R&B"F<(
- / V%$T" / (& / F(- / P - / F"F(#$ / - . (V&S(. R ' " 3 "(#&. "F(R ' 1"PUS($ / (. B - F" / B(B" . B(
. R$%" . _(& / F((

R*! 8D(XXGN*(J ' "(B ' 1%F(V1"R"($P(U" , 1. U&B1$ / (3 & / F&B"F(B ' &B(' 1 , ' (. R ' $$U(. B - F" / B. (
#"(V%$T1F"F(W1B ' ( ]1 / F1T1F - &U(3 $#1U"(R$ 3 V - B1 / , (F"T1R" . ^(& / F(&U. $(
" . B&#U1. ' "F($ / U1 / "(R$ - %. "(%" ` - 1%" 3 " / B. (P$%(, %&F - &B1$ / *((

XI*! J ' %$ - , ' $ - B(B ' "(?IXX(. " . . 1$ / <(- / F"%(E4) a. (F1%"RB1$ / <(3 " 3 #"%. (& / F(R1B1Y" / . (&R%$. . (
B ' "(. B&B"(' "UF(V%$B" . B. (& / F(T1 , 1U. (&UU(F" . 1 , / "F(B$(F%&W(&BB" / B1$ / (B$(B ' "(V$$%USOR%&PB"F(
U" , 1. U&B1$ / (& / F(" / R$ - %& , "(R1B1Y" / . (B$(- % , "(B ' "1%(U&W 3 & \ "%. (B$($VV$. "(B ' "(B ' %" "(#1UU. *(

XX*! 7UB1 3 &B"US<(B ' "(2 $ - . "(& / F(8" / &B"(V&. . "F(B ' "(U" , 1. U&B1$ / <(& / F(6 $T"% / $%(9 BB"%(
. 1 , / "F("&R ' ($P(B ' " 3 (1 / B$(U&W*((

X?*!) . (&(%" . - UB($P($ - %("PP$%B. (B$(RU$. "US(3 $ / 1B$%(&UU(&RB1T1BS(%" , &%F1 / , (B ' "(#1UU. <(W"(
\ / "W(1B(W&. (' 1 , ' US(- / U1 \ "US(B ' &B(W"(W$ - UF(#"(&#U"(B$(. B$V(B ' "(U" , 1. U&B1$ / (P%$ 3 (#"1 / , (
V&. . "F(& / F(. 1 , / "F(1 / B$(U&W*( ) B(B ' "(. & 3 "(B1 3 "(&. ($ - %(U$##S1 / , (& / F(R$ 3 3 - / 1BS(
$% , & / 1Y1 / , ("PP$%B. (W"%"(B& \ 1 / , (VU&R"<(W"(&U. $(- / F"%B$$ \ (B ' "(F"T"U$V 3 " / B($P(&(R& 3 V&1 , / (
B$(% - / (B ' %" "(%"P"%" / F&(B$($T"%B - % / (B ' "(U&W. *((

X@*! b "(\ / "W(W"(W"%"(" / B"%1 / , (1 / B$(&(%&%"US(- . "F<(& / F(P%" ` - " / BUS(- / . - RR" . . P - U<(
V%$R" . . (1 / (EF& ' $*(9 - %(%" . "&%R ' (1 / B$(B ' "(%"P"%" / F - 3 (V%$R" . . (1 / F1R&B"F(B ' &B(EF& ' $(' &F(
$ / US(- . "F(B ' "(%"P"%" / F - 3 (V%$R" . . (P$ - %(B1 3 " . K(E / (XZ@A<(& / ("PP$%B(B$(R$ / P1% 3 (EF& ' $a. (? c (
. &U" . (B& [(P&1U"F*(E / (XZAA<(&(%"P"%" / F - 3 (B$(. "B(EF& ' $a. (. &U" . (B& [(&B(@ c (V&. . "F*(E / (XZGA<(&(
R ' &UU" / , "(B$(EF& ' $a. (51 , ' B(B$(b $% \ (U&W(P&1U"F<(& / F(1 / (?II@<(& / (&BB" 3 VB(B$(%"1 / . B&B"(B"% 3 (
U1 3 1B. (P$%(R"%B&1 / ("U"RB"F($PP1R1&U. _(' $W"T"%<(B ' &B(T$B"%OU"F(%"P"%" / F - 3 (W&. (U&B"%(
$T"%B - % / "F(#S(B ' "(EF& ' $(U" , 1. U&B - %"*((

XN*! 5" . "&%R ' (& / F(F1. R - . . 1$ / . (W1B ' (B ' "(EF& ' $( ) BB$% / "S(6 " / "%&Ua. ($PP1R"(& / F(B ' "(
8"R%"B&%S($P(8B&B"a. ($PP1R"(T"%1P1"F(B ' &B(W"(W$ - UF(' &T"(AI(F&S. (P%$ 3 (B ' "(&Fd$ - % / 3 " / B($P(

! "#$%&%'( ) *+) ,+&) -(*+*"''(* .%/+(*+0122)&'+) ,+2"'('( ) *+,)&+%+3&('+) ,+
2&) 4(-('( ) *5+8+

!
!

B'"(U",1.U&B-%"(B$(R$UU"RB<(T"%1PS(W1B'(R$-/BS(RU"%\.<(&/F(F"U1T"%($/(.B&B"O&VV%$T"F(
V"B1B1$/.<(B'"(.1,/&B-%".($P(NH<N@?(`-&U1P1"F(EF&'$("U"RB$%.(B$(B'"(8"R%"B&%S($P(8B&B"a.(
$PP1R"(P$%("&R'(1/F1T1F-&U(U&W*(J'"%"(W"%"(/$(,"$,%&V'1R&U(%"`-1%"3"/B.*(

XC*! D"R&-."(B'"(E4)('&F(V%"T1$-.US(%-/(&/(1/1B1&B1T"(V%$R"..(1/(?IIA<(W"(\/"W('$W(
13V$%B&/B(1B(W&.(B$(R%"&B"(&('1,'US0$%,&/1Y"F(R&3V&1,/(VU&/<(1P(W"('$V"F(B$("PP"RB1T"US(
`-&U1PS(B'"(B'%""(`-".B1$/.(P$%(B'"(#&UU$B*((

XA*! 4T"/(B'$-,'(1B(&VV"&%"F(B'&B(V-#U1R($V1/1$/(&B(B'"(B13"(W&.($/($-%(.1F"<(W"(&U.$(
\/"W(B'&B(1B(W$-UF(%"`-1%"(&('-,"(&3$-/B($P("PP$%B<(3$3"/B-3<(&/F(V-#U1R(.-VV$%B(B$(
#"(.-RR"..P-U*(+-%B'"%<(EF&'$(U&W(%"`-1%"F(B'&B(W"(`-&U1PS("&R'(1/F1T1F-&U(V1"R"($P(
U",1.U&B1$/(B'%$-,'(B'"(%"P"%"/F-3(V%$R"..($-BU1/"F(1/(EF&'$(0$F"(&.(&(."V&%&B"(
%"P"%"/F-3*((

XH*! b"('&F(B'$-.&/F.($P(.V"R1&UUS0/-3#"%"F(#&UU$B.(V%1/B"F*(

XG*! b"(#-1UB(&(.V"R1&U("U"RB%$/1R(.S.B"3(B$(B%&R\(B'"(PUUW1/,K(B'"(/-3#"%($P(
.1,/&B-%".($/("&R'(V"B1B1$/<(B'"(R$-/BS(P%$3(W'1R'(B'"(.1,/&B-%".(W"%"(,&B'"%"F<(&/F(
B'"(/-3#"%($P(.1,/&B-%".($/(B'"(V"B1B1$/(B'&B(W"%"(-UB13&B"US(T"%1P1"F(#S(B'"(R$-/BS(
RU"%*(

XZ*! E/(V%"V&%&B1$/(P$%($-%(W$%\<(W"(%",1.B"%"F(&UU(E4)(&..$R1&B"(LRU"%1R&UM(.B&PP(
3"3#"%.(&/F("T"%S(1/B"%".B"F(V%$P"..1$/&U(.B&PP(3"3#"%(&.(/$B&%1".<(.$(B'&B(W"(R$-UF(
`-1R\US(&/F("&.1US(/$B&%1Y"(V"B1B1$/.(&.(B'"S(W"%"(%"B-%/"F(B$($/"($P($-%(%",1$/&U($PP1R".(
$%(W"%"(R$UU"RB"F(1/(B'"(P1"UF(#S(E4)(.B&PP(3"3#"%.*(

?I*! b"(W$%\"F(W1B'(B'"(E4)(.B&PP(1/($-%(T&%1$-.($PP1R".(L0$"-%(Fa)U"/"<(>"W1.B$/<(
D$1."<(JW1/(+&UU.<(=$R&B"UU$<(EF&'$(+&UU.M<($-%("U"RB"F(U"&F"%.($P($-%(/"&%US(XII(U$R&U(
&..$R1&B1$/.(B'%$-,'$-B("T"%S(EF&'$(V-#U1R(.R'$$U(F1.B%1RB<(&/F($-%(/"&%US(X@<III(
3"3#"%.(&B(B'"(B13"<(B$(1F"/B1PS(&.(3&/S(V-#U1R("T"/B.(&.(V$..1#U"(B'&B(W$-UF(#"(
$RR-%%1/,(B'%$-,'$-B(B'"1%(R$33-/1B1".(#"BW""/()V%1U(H<(B'"(F&S(B'"(U",1.U&B-%"(

!
!

&Fd$-%/"F(.1/"(F1"(&/F(e-/"(A<(B'"(AI!"<(&/F(P1/&U<(F&S(B$(.-#3 1B(V"B1B1$/.(1/($%F"%(B$(

`-&U1PS(B'"(3"&.-%".(P$%(B'"(#&UU$B*((

?X*! b "(R$/B1/-$-.US('"UF(V'$/"(#&/\.(&B(E4) (%",1$/&U($PP1R".(B'%$-,'$-B(B'"(.B&B"(

F-%1/,(B'"(AI0F&S(B1 3 "P%& 3 "*( ) B(B'"."(V'$/"(#&/\.<(3 " 3 #"%.(T$U-/B""%"F(B$(R&UU($B'"%(

3 " 3 #"%.(B$("/R$-%&,"(B'" 3 (B$(T$U-/B""%(B$(R$UU"RB(.1,/&B-%".($/(V"B1B1$/.(&B($/"($%(

3 $%"($P(B'"(V%"T1$-.US01F"/B1P1"F(V-#U1R("T"/B.*(

??*! J'%$-,'$-B(B'"(AI0F&S(.1,/&B-%"0,&B'"%1/,(W1/F$W<(W"(."B(-V(%",-U&%US0

.R'"F-U"F(V"B1B1$/(R$UU"RB1$/.(&/F("/.-%"F(B'"%"(W&.(&(/$B&%S(&T&1U&#U"(&B(B'$."("T"/B.*(

?@*! 9/R"(V"B1B1$/.(W"%"(/$B&%1Y"F<(B'"S(W"%"(%"B-%/"F(B$($/"($P(B'"(E4) (%",1$/&U(

$PP1R".(&/F(1/P$% 3 &B1$/(P%$ 3 (B'"(V"B1B1$/.(W&.(V-B(1/B$(B'"("U"RB%$/1R(V"B1B1$/(B%&R\1/,(

.S.B" 3 *(

?N*! 9/R"(B%&R\"F<(V"B1B1$/.(W"%"(F"U1T"%"F(B$(B'"(&VV%$V%1&B"(R$-/BS(RU"%\(P$%(

T"%1P1R&B1$/*( ) B(U"&.B($/R"(W""\US<(T"%1P1"F(V"B1B1$/.(W"%"(R$UU"RB"F(P%$ 3 (B'"(R$-/BS(

RU"%\.*(

?C*! 7V$/(%"R"1VB($P(B'"(T"%1P1"F(V"B1B1$/.<(&/(E4) (.B&PP(V"%.$/(W&.(%".V$/.1#U"(B$(

-VF&B"(1/P$% 3 &B1$/(1/(B'"("U"RB%$/1R(V"B1B1$/(B%&R\1/,(.S.B" 3 (B$("/.-%"(&RR-%&B"(R$-/B.(

$P(T"%1P1"F(.1,/&B-%".*(

?A*!) UU(T"%1P1"F(V"B1B1$/.(W"%"(#$["F(#S(R$-/BS(&/F(E4) (.B&PP(3 " 3 #"%.(W"%"(

1F"/B1P1"F(&/F(R'&%,"F(W1B'(B'"(.&P"(&/F(."R-%"(F"U1T"%S($P(&UU(T"%1P1"F(V"B1B1$/.(B$(B'"(

E4) ('"&F`-&%B"%.(1/(D$1."*(

?H*! 9/R"(T"%1P1"F(V"B1B1$/.(W"%"(F"U1T"%"F(B$(D$1."<(B'"S(W"%"(."R-%"F(1/(&(.&P"(

.B$%&,"(%$$ 3 (B$(&W&1B(F"U1T"%S(B$(B'"(8"R%"B&%S($P(8B&B"a.($PP1R"*((

?G*! b 1B'(B'"('"UV($P(N<N@Z(1/F1T1F-&U(T$U-/B""%.<(R$/.1.B1/,($P("F-R&B$%.<(V&%"/B.<(

&/F(V-#U1R0"F-R&B1$/(.-VV$%B"%.(P%$ 3 (&R%$..(B'"(.B&B"<(W"(W"%"(&#U"(B$(R$UU"RB(B'"(NH<N@?(

! "#$%&%'() *+) ,+&) -(*+*"''(* .%/+(*+0122)&'+) ,+2"'('() *+,)&+%+ 3 &('+) ,+
2&) 4(-('() *5+:+

!
!

.1, /&B-%".(/""F"F(P$%("&R'($P(B'"(B'%""(3"&.-%".*(b "('&F(.1, /1P1R&/B(V-#U1R(.-VV$%B<(
"T"/(1/(%-%&U(&%"&.*(

?Z* J'"(E4) (F"U1T"%"F(X?C(#$["'.($P(T"%1P1"F(V"B1B1$/.(B$(B'"(8"R%"B&%S($P(8B&B"(1/(B13"
B$("/.-%"(B'"(3"&.-%".(&VV"&%"F($/(B'"(?IX?(6"/"%&U(4U"RB1$/(#&UU$B*(

@I* J'"(%"P"%"/F-3(V%$R"..(1.("["R""F1/,US(F1PP1R-UB(1/(EF&'$*(D"R&-."($P(B'"(T"%S
.'$%B(B13"U1/"(&/F(.1,/&B-%"(%"`-1%"3"/B($P(A c ($P(B'"(`-&U1P1"F(EF&'$("U"RB$%.<(B'"(W$%\(
1.(&UUOR$/.-31/,(&/F('1,'US(.B%"..P-U*() FF1B1$/&UUS<("/.-%1/,(B'"(,%"&B".B(V$..1#1U1BS($P(
.-RR"..(1.("[V"/.1T"*((

@X* 2&F(W"(/""F"F(B$(3""B(B'"(,"$,%&V'1R&U(%"`-1%"3"/B(1/(8"/&B"(D1UU(XXXI
%"`-1%1/,(B'&B(A c ($P(.1,/&B-%".(3-.B(R$3"(P%$3("T"%S(.1/,U"($/"($P(EF&'$a.(@C(
U",1.U&B1T"(F1.B%1RB.<(1B(W$-UF('&T"(#""/($T"%US(#-%F"/.$3"(&/F($-%(V&B'(B$(.-RR"..(
W$-UF('&T"(R"%B&1/US(#""/(T&.BUS(3$%"(F1PP1R-UB*() /F("T"/(W1B'(B'"('1,'US($%,&/1Y"F(
.S.B"3($P($-%(R&3V&1,/(W'1R'(W&.(&#U"(B$(&RB1T&B"(&/("[1.B1/,($%,&/1Y&B1$/&U(.B%-RB-%"<(
"PP"RB1T"(-."($P(B"R'/$U$,S(&/F(&/(&%3S($P(T$U-/B""%.(&/F(.B&PP<(#&."F(-V$/(3S(
V"%.$/&U("["V"%1"/R"<(E(F$(/$B(B'1/\(1B(W$-UF('&T"(#""/(V$..1#U"*(

@?*)UU(B'%""($P(B'"("[B%"3"US(-/V$V-U&%(]>-/&(>&W.^(W"%"(%"V"&U"F(#S(B'"(R1B1Y"/.
$P(EF&'$(1/(B'"((?IX?(6"/"%&U(4U"RB1$/*(4T"%S(T$B"%(1/(B'"(8B&B"(W'$(V&%B1R1V&B"F(1/(B'"(
"U"RB1$/('&F(B'"(&#1U1BS(B$(T$B"($/(B'"."(3"&.-%".*(

@@* E(F"RU&%"(-/F"%(V"/&UBS($P(V"%d-%S(V-%.-&/B(B$(B'"(U&W($P(B'"(8B&B"($P(EF&'$(B'&B
B'"(P$%",$1/,(1.(B%-"(&/F(R$%%"RB*(

4f407J4!(9 :(B'1.(5th(F&S($P(; &S(?I?X*(

Robin Nettinga

!"#$%&%'() *+) ,+&) -(*+*"''(* .%/+(*+0122)&'+) ,+2"'('() *+,)&+%+3&('+) ,+
2&)4(-('() *5+;+

EXHIBIT 6

DECLARATION OF KAREN LANSING

"89:;<=!&>!,8;?@A:B!
$;<C?!4>!"@;=<D!
,#' / 1. * +!" 1 ' 4 & E0!2%%$!
FFG!+>!H!"!.I;88I0!.@CI8!GFJ!
5:CA80!)K<=:!LGMNF!
(0!PFNLQ!RLR6FFJG!
K<STS8;?@A:BK@;=<D>U:D!
U=KTS8;?@A:BK@;=<D>U:D!

&II:;B8VA!S:;!28ICIC:B8;A!

!

!"#$%&#' ( ) *&+&#, - (*$#. - *#$%&#'$ / $&# - .#! 0 / % - #

!

*&,1 / ! +#! 0 / % - 0!<BK!I=8!
, - + +!$$&&#$ - #) * - $&, $# / " 0#
) *&'&* 2&#$%&#! 0 / % - #
, - " '$!$ ($! - " 3#! " , 40!

!

28ICIC:B8;A0!

!

W>!

!

1 / 5&*&" , &#0&" " &60!CB!=CA!:SSCUC<X!
U<Y<UCIV!<A!)K<=:!.8U;8I<;V!:S!.I<I80!<BK!
I=8!!'$ / $&# - .#! 0 / % - 0!

'8AY:BK8BIA>!

!

!

$<A8!+:>!!

!

#

0&,1 / * / $! - "# - .#7 / *&"#
1 / " '!" 8#! "#' ( )) - *$# - .#
)&$!$! - "#. - *# / #5 *!$# - .#
) * - %!9!$! - "#

#

#

#

!

! !

)0! - <;8B!%<BACB?0!=<WCB?!SC;AI!988B!K@XV!AZ:;B!@Y:B!:<I=0!K8UX<;8!<A!S:XX:ZA0!

!

"#$%&'&()*+!*,!-&'#+!%&+.)+/0!)+!.122*'(!*,!2#()()*+!,*'!&!3')(!*,!
2'*4)5)()*+6!7!

!

7>!! EV!B<D8!CA! - <;8B!%<BACB?0!<BK!)!<D!<B!<UICW8!W:X@BI88;!:S! ' 8UX<CD!)K<=:0!<!
28ICIC:B8;!CB!I=CA!U<A8>!

F>!!)!S:;D8;XV!A<I!<A!<![@K?8!:B!)K<=:!$:@;I!:S!&YY8<XA!S;:D!7\\G!I:!FN7J>!

G>!!)!98U<D8!<AA:UC<I8K!ZCI=! ' 8UX<CD!)K<=:!CB!]<B@<;V!FN7L!Z=8B!)!W:X@BI88;8K!I:!
?<I=8;!AC?B<I@;8A!:B!I=8!CBCIC<ICW8!Y8ICIC:B!I:!8^Y<BK!E8KCU<CK!CB!)K<=:>!! 3 =8B!I=8!
:;?<BC_<IC:B!X<@BU=8K!CIA!A8U:BK!CBCIC<ICW8!Y8ICIC:B!8SS:;I!CB! * UI:98;!FN7\!I:!CBU;8<A8!
AI<I8!S@BKCB?!S:;!Y@9XCU!AU=::XA0!)!<?<CB!Y<;ICUCY<I8K>!!)!ACD@XI<B8:@AXV!?<I=8;8K!
AC?B<I@;8A!S:;!<!A8Y<;<I80!@B;8X<I8K!CBCIC<ICW8!I:!;<CA8!I=8!DCBCD@D!Z<?8!CB!)K<=:>!

R>!!)!?<I=8;8K!Y8ICIC:B!AC?B<I@;8A!CB!<!B@D98;!:S!Z<VA>!! (=8A8!CBUX@K8K!?:CB?!K::;6
I:6K::;!CB!;8ACK8BIC<X!B8C?=9:;=::KA!CB!5:CA80!+<DY<0!$<XKZ8XX0!<BK!#<?X8`!AI<BKCB?!CB!
I=8!WCUCBCIV!:S!Y:XXCB?!YX<U8A!:B!8X8UIC:B!K<VA!CB!+:W8D98;!FN7\!<BK!E<;U=!FNFN!I:!
A:XCUCI!AC?B<I@;8A!S;:D!W:I8;A0!<YY;:<U=CB?!Y8:YX8!<II8BKCB?!;<XXC8A!<BK!:I=8;!Y:XCICU<X!
8W8BIA`!AI<BKCB?!B8<;!8BI;<BU8A!I:!Y@9XCU!XC9;<;C8A!<BK!:I=8;!Y@9XCU!9@CXKCB?A!CB!5:CA8!
<BK!+<DY<`!<BK!;8a@8AICB?!AC?B<I@;8A!:S!Y<AA8;A69V!:B!Y@9XCU!ACK8Z<XbA>!

J>!! 5<A8K!:B!I=CA!8^Y8;C8BU80!)!U<B!A<V!ZCI=!U:BWCUIC:B!I=<I!:9I<CBCB?!X<;?8!B@D98;A!
:S!AC?B<I@;8A!:B!<B!CBCIC<ICW8!Y8ICIC:B!CA!B:!ACDYX8!I<Ab>!! (:!I=8!U:BI;<;V0!CI!CA!8^I;8D8XV!
KCSSCU@XI!<BK!ICD86U:BA@DCB?>!

!

"#$%&'&()*+!*,!-&'#+!%&+.)+/0!)+!.122*'(!*,!2#()()*+!,*'!&!3')(!*,!
2'*4)5)()*+6!F!

!

H>!!)!S : @BK!I=<I!I=8!9C??8AI!KCSSCU@XIV!CB!A : XCUCICB?!AC?B<I@;8A!<I!;8ACK8BU8A! Z <A!CB!

SCBKCB?!Y8 : YX8!<I!= : D8>!!58U<@A8!D : AI!Y8 : YX8! Z : ;b!K@;CB?!I=8! Z 88bK<VA0!)!KCK!B8<;XV!

<XX! : S! DV!K : : ;6I : 6K : : ;!AC?B<I@;8!?<I=8;CB?! : B! Z 88b8BKA! : ;!<SI8;!J0GN!Y>D>! : B! Z 88bK<VA!

K@;CB?!K<VXC?=I!= : @;A>!! " 8AYCI8!S : U@ACB?! : B!I= : A8!ICD8!S;<D8A! Z =8B!Y8 : YX8! Z 8;8! D : AI!

XCb8XV!I : !98!<I!= : D80!)!8AICD<I8!I=<I!I=8;8! Z 8;8!<BA Z 8;A!I : ! DV!bB : Ub!<I! : BXV!<9 : @I! : B8!

: @I! : S!8W8;V!SCW8!= : D8A!I=<I!)!<YY; : <U=8K>!!!

M>!! (: ! D<^CDC_8!I=8!8SSCUC8BUV! : S!K : : ;6I : 6K : : ;!AC?B<I@;8!?<I=8;CB?0! ' 8UX<CD!)K<= : !

A@YYXC8K!XCAIA! : S!<KK;8AA8A! Z =8;8!CI! Z <A!98XC8W8K! : B8! : ;! D : ;8!;8ACK8BIA! Z 8;8!;8?CAI8;8K!

W : I8;A! Z = : ! Z : @XK!98! Z CXXCB?!I : !AC?B!I=8!Y8ICIC : B>!! (=@A0!CBAI8<K! : S!ACDYXV!bB : UbCB?! : B!

8W8;V!K : : ;! : B!<!Y<;ICU@X<;!AI;88I0!W : X@BI88;A! Z 8;8!<AAC?B8K!cI@;SAd! Z CI=!I=8!K8AC?B<I8K!

<KK;8AA8A0!<BK! D<YA! : S!I=8C;!X : U<IC : B0!CB! : ;K8;!I : !<W : CK!AY8BKCB?!@BY; : K@UICW8!ICD8!<I!

;8ACK8BU8A! Z =8;8! : UU@Y<BIA! Z 8;8!X8AA!XCb8XV!I : !AC?B! : ;!I : !98!;8?CAI8;8K!W : I8;A>!!#W8B!

Z CI=!I=8!<CK! : S!I=CA!AVAI8D0!)!8AICD<I8!I=<I!)! Z <A!<9X8!I : ! : 9I<CB!<!AC?B<I@;8!S; : D! : BXV!

<9 : @I! : B8! : @I! : S!8W8;V!I=;88!= : @A8A! Z =8;8!A : D8 : B8!<BA Z 8;8K!I=8!K : : ;>!!28 : YX8! : SI8B!

A<CK!I=8V! Z : @XK!K8UXCB8!I : !AC?B!I=8!Y8ICIC : B!98U<@A8!I=8V! Z 8;8!B : I!A@SSCUC8BIXV!

bB : Z X8K?8<9X8!<9 : @I!I=8!A@9[8UI! D<II8;>! (=@A0!98U<@A8!Y8 : YX8! Z 8;8! : SI8B!B : I!= : D80! : ;!

<I!X8<AI!B : I!<BA Z 8;CB?!I=8!K : : ;0!<BK!98U<@A8!I= : A8! Z = : !KCK!<BA Z 8;! : SI8B!KCK!B : I!AC?B0!)!

U : D D : BXV! Z : @XK!bB : Ub! : B!8C?=I!I : !I8B!K : : ;A!I : ! : 9I<CB!<!ACB?X8!AC?B<I@;8>!!)B!A@9@;9<B!

!

"#$%&'&()*+!*,!-&'#+!%&+.)+/0!)+!.122*'(!*,!2#()()*+!,*'!&!3')(!*,! 2'*4)5)()*+6!G!

!

A@9KCWCAC:BA!ZCI=!X<;?8!X:IA!<BK!CB!D:;8!;@;<X!<;8<A0!I=8!<KK;8AA8A!:B!I=8!XCAI!Z8;8!:SI8B!

S<;!<Y<;I0!A:!)!A:D8ICD8A!Z:@XK!Z<Xb!<!DCX8!:;!D:;8!I:!?<CB!I=<I!:B8!AC?B<I@;8>!

L>!! "@;CB?!I=8!ZCBI8;0!:9I<CBCB?!AC?B<I@;8A!CA!8AY8UC<XXV!U=<XX8B?CB?!98U<@A8!:S!I=8!

Z8<I=8;>!! * Y8;<ICB?!CB!;<CB!:;!AB:Z!CABeI!Y;<UICU<X!98U<@A8!I=8!Y8ICIC:BA!ZCXX!?8I!Z8I>!!

3 =8B!I=8;8!CA!B:!Y;8UCYCI<IC:B0!CI!CA!B8W8;I=8X8AA!KCSSCU@XI!K@8!I:!I=8!I8DY8;<I@;8>!!

3 8<;CB?!?X:W8A!CA!B:I!<B!:YIC:B!Z=8B!V:@!B88K!I:!D<BCY@X<I8!Y8BA0!SXCY!Y<?8A!:S!

Y8ICIC:BA!<BK!D<YA0!<BK!;8U:;K!<UIC:BA!:B!<!U8XX!Y=:B8!<YY>!!)!S:@BK!I=<I!K@;CB?!I=8!

ZCBI8;!)!:SI8B!U:@XK!AI<V!:@IACK8!B:!X:B?8;!I=<B!<9:@I!<B!=:@;!98S:;8!)!DV!=<BKA!

98U<D8!I::!U:XK!I:!U:BICB@8>!!!

>!! ,;:D!I=8!AI<BKY:CBI!:S!I=8!;<IC:!98IZ88B!ICD8!AY8BI!<BK!I=8!B@D98;!:S!

AC?B<I@;8A!:9I<CB8K0!CI!CA!:9WC:@AXV!AC?BCSCU<BIXV!D:;8!ICD86CBI8BACW8!I:!<Ua@C;8!

AC?B<I@;8A!CB!;@;<X!<;8<A!I=<B!CB!UCIC8A!S:;!<I!X8<AI!I=;88!;8<A:BA>!!,C;AI0!CI!I<b8A!X8AA!ICD8!

I:!bB:Ub!:B!D<BV!K::;A!CB!;8X<ICW8XV!U:DY<UI!@;9<B!;8ACK8BIC<X!B8C?=9:;=::KA!I=<B!CB!

D:;8!;@;<X!<;8<A!Z=8;8!:B8!D@AI!K;CW8!S;:D!=:@A8!I:!=:@A8!I:!=:@A8>!!4<WCB?!AY8BI!<!

?;8<I!K8<X!:S!ICD8!CB!W8;V!;@;<X!$X8<;Z<I8;!$:@BIV0!Z=8;8!)!?;8Z!@Y0!)!U<B!<KK!I=<I!CB!

;@;<X!<;8<A!I=8;8!CA!:SI8B!I=8!<KK8K!:9AI<UX8!:S!;8ACK8BI!K:?A!KCAU:@;<?CB?!WCACI::;A!S;:D!

8W8B!8^CICB?!I=8C;!W8=CUX8f!!.8U:BK0!CB!@;9<B!U:DD@BCIC8A!I=8;8!<;8!S<;!D:;8!X<;?8!Y@9XCU!

?<I=8;CB?A0!A@U=!<A!Y:XCICU<X!;<XXC8A0!U:BU8;IA0!:;!AI;88I!S<C;A0!Z=8;8!:B8!U<B!:9I<CB!

!

"#$%&'&()*+!*,!-&'#+!%&+.)+/0!)+!.122*'(!*,!2#()()*+!,*'!&!3')(!*,!
2'*4)5)()*+6!R!

!

AC?B<I@;8A!D:;8!a@CUbXV>!!(=C;K0!CB!@;9<B!<;8<A!Y8:YX8!AI;8<D!CBI:!Y@9XCU!S<UCXCIC8A0!XCb8!

XC9;<;C8A!<BK!U:@BIV!D:I:;!W8=CUX8A!:SSCU8A0!Z=8;8!:B8!U<B!a@CUbXV!U:BI<UI!D<BV!Y8:YX80!

Z=8;8<A!;@;<X!U:@BIC8Ae!Y@9XCU!:SSCU8A!?8B8;<I8!W8;V!XCIIX8!I;<SSCU>!!!

7N> $:BACK8;CB?!I=8!KCSSCU@XIV!:S!U:XX8UICB?!X<;?8!B@D98;A!:S!AC?B<I@;8A!CB!;@;<X

<;8<A0!)!SCBK!CI!I;@XV!;8D<;b<9X8!I=<I!'8UX<CD!)K<=:gA!E8KCU<CK!#^Y<BAC:B!AC?B<I@;8!

K;CW8!Z<A!<9X8!I:!U:XX8UI!AC?B<I@;8A!S;:D!:W8;!H h!:S!;8?CAI8;8K!W:I8;A!CB!;@;<X!KCAI;CUIA!

A@U=!<A!KCAI;CUIA!7!<BK!M!CB!B:;I=8;B!)K<=:!<BK!KCAI;CUI!GF!CB!A:@I=8<AI8;B!)K<=:>!(=CA!

@BK:@9I8KXV!;8a@C;8K!<B!8B:;D:@A!<D:@BI!:S!Z:;b!:B!I=8!Y<;I!:S!8^I;<:;KCB<;CXV!

K8KCU<I8K!W:X@BI88;A>!)B!DV!WC8Z0!CI!Z:@XK!98!Y;<UICU<XXV!CDY:AAC9X8!S:;!W:X@BI88;A!I:!

U:XX8UI!AC?B<I@;8A!S;:D!H h!:S!;8?CAI8;8K!W:I8;A!CB!<XX!:S!)K<=:gA!GJ!AI<I86X8?CAX<ICW8!

KCAI;CUIA>!

77>)!K8UX<;8!@BK8;!Y8B<XIV!:S!Y8;[@;V!Y@;A@<BI!I:!I=8!X<Z!:S!I=8!.I<I8!:S!)K<=:

I=<I!I=8!S:;8?:CB?!CA!I;@8!<BK!U:;;8UI>!

#i#$1(#"!*+!I=CA!5th!K<V!:S!E<V!FNF7>!

&&e1Š– Ěe

Karen Lansing

"#$%&'&()*+!*,!-&'#+!%&+.)+/0!)+!.122*'(!*,!2#()()*+!,*'!&!3')(!*,!
2'*4)5)()*+6!J!

EXHIBIT 7

DECLARATION OF LINDA LARSON

!"#$%&'()*(+"%,-.$/(
0%&1,(2*(!-%'&3(
+456789:(!752) ;<(=>>0(
??@(:*(A!"(8B%""B<(8-1B"(@?C(
D$1."<(EF&'$(G@HI?(
JK(L?IGM(NGN0??C@(
F&PQP"%,-.$/F-%'&3*R$3(
R'FQP"%,-.$/F-%'&3*R$3(

)BB$%/"S.(P$%(="B1B1$/"%.(

(

!"#$%&#'()*&+&#,-(*$#.-*#$%&#'$/$&#-.#!0/%-#

+

*&,1/!+#!0/%-<(&/F(B'"(
,-++!$$&&#$-#)*-$&,$#/"0#
)*&'&*2&#$%&#!0/%-#
,-"'$!$($!-"3#!",4<(

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="B1B1$/"%.<(

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1/5&*&",&#0&""&6<(1/('1.($PP1R1&U(
R&V&R1BS(&.(EF&'$(8"R%"B&%S($P(8B&B"<(&/F(
B'"(('$/$&#-.#!0/%-<(

5".V$/F"/B.*(

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0&."(:$*((

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0&,1/*/$!-"#-.#1!"0/#
1/*'-"#!"#'())-*$#-.#
)&$!$!-"#.-*#/#5*!$#-.#
)*-%!7!$!-"#

#

#

#

(

(E<(>1/F&(>&%.$/<('&T1/,(P1%.B(#""/(F-US(.W$%/(-V$/($&B'<(F"RU&%"(&.(P$UU$W.K(

!"#$%&%'()*+),+$(*!%+$%&-)*.+(*+-/00)&'+),+0"'('()*+,)&+%+1&('+),+
0&)2(3('()*4+5+

!

!

X*! ; S(/&3"(1.(>1/F&(>&%.$/<(&/F(E(&3(B'"(Y$U-/B""%(>"&F"%(P$%(D$//"%(O$-/BS($P(

5"RU&13(EF&'$<(&(="B1B1$/"%(1/(B'1.(R&."*((

?*! E(W&.(B'"(D$//"%(O$-/BS(O$0>"&F"%(P$%(B'"(?IXH0?IXG(.1,/&B-%"(F%1T"(B$(Z-&U1PS(

; "F1R&1F(4[V&/.1$/(P$%(B'"(#&UU$B*(E/(B'1.(T$U-/B""%(%$U"<(E(%"R%-1B"F(T$U-/B""%.<(

P&R1U1B&B"F(&B("T"/B.<(\"VB(.V%"&F.'""B.(W1B'(B'"(F&B&(P%$3("T"%S(.1/,U"(V"B1B1$/<('"UV"F(

$%,&/1]"(&/F(F".1,/(&FT"%B1."3"/B.(P$%(U$R&U(V&V"%.<($%,&/1]"F(T$U-/B""%.(B$(W%1B"(

U"BB"%.(B$(B'"("F1B$%<(&/F($%,&/1]"F(T$U-/B""%.(.$(B'&B(W"(R$-UF(R$T"%("T"/B.(W1B'(

"/$-,'(V"$VU"(B$(R$UU"RB(&.(3&/S(.1,/&B-%".(&.(V$..1#U"(&B("&R'("T"/B*(E(#"R&3"(&(/$B&%S(

.$(B'&B(E(R$-UF(/$B&%1]"(V"B1B1$/.<(&/F(E($%,&/1]"(B'"('&/FU1/,($P(B'"(V"B1B1$/.(B$(B'"(

R$-/BS("U"RB1$/.($PP1R"(&/F(#&R*((

@*! E(R$UU"RB"F(.1,/&B-%".(3$.BUS(1/(8&/FV$1/B<(EF&'$(W'1R'(1.(1/(D$//"%(O$-/BS(&/F(

>",1.U&B1T"(!1.B%1RB(X*(

N*! ^'"/(E(R$UU"RB"F(.1,/&B-%".<(E(W$-UF(,$(B$("T"/B.(.-R'(&.(3$T1".($%(VU&S.(&/F(

.'$W(-V("&%US(B$(R$UU"RB(P%$3(V"$VU"(&.(B'"S(.B$$F(1/(U1/"*(E(&U.$(R$UU"RB"F(.1,/&B-%".(

,$1/,(F$$%(B$(F$$%*(J'&B(W&.(B'"('&%F".B(P$%(3"(&.(E('&T"(3$#1U1BS(1..-".*(

C*! O$UU"RB1/,(.1,/&B-%".(P%$3(A_($P(%",1.B"%"F(T$B"%.(1/(3S(F1.B%1RB(%"Z-1%"F(&('-,"(

"PP$%B*(EB(B$$\(&VV%$[13&B"US(XCI(T$U-/B""%.(W$%\1/,(C(B$(?I('$-%.(&(W""\(P$%($T"%(C(

3$/B'.*(^"(.B$$F(1/(./$W.B$%3.(&/F(\/$R\"F($/('-/F%"F.($P(F$$%.*(="$VU"(B$$\(B13"(

!

!

$PP(W$%*(E(V"%.$/&UUS(W$%\"F(?I(B$(NI('$-%.(&(W""\(&.(E(&3(%"B1%"F*(D-B(3&/S(W$%\1/,(

V"$VU"(W1B'(P&31U1".(B$$\(B13"($-B($P(B'"1%(F&S("T"%S(W""\(B$('"UV($-B*(

A*! E(W&.(3$B1T&B"F(B$(W$%\($/(B'"(; "F1R&1F(4[V&/.1$/(1/1B1&B1T"(#"R&-."(E(W&/B"F(

B$('"UV(&UU($P(B'"(V"$VU"(1/(EF&'$(W'$(F1F(/$B('&T"(&/S(&RR"..(B$('"&UB'R&%"*(E(.&W(.$(

3&/S(V"$VU"(.-PP"%(/""FU"..US(#"R&-."($-%(U",1.U&B$%.(%"P-."F(B$(&RR"VB(B'"(P"F"%&U(

P-/F.*(E(F1F/`B(\/$W(1B(&B(B'"(B13"(#-B(1B(B-%/"F($-B(B'&B(3S(/1"R"(&/F(/"V'"W(#$B'(

Z-&U1P1"F(P$%(" [V&/F"F(; "F1R&1F*(J$F&S(B'"S(&%"(#"/"P1BB1/,(,%"&BUS(P%$3(1B(&.('&T"(.$(

3&/S($B'"%.(1/(EF&'$*(

H*! E`3(."%1$-.US(/$B(.-%"(1P(E('&T"(B'"("/"%,S(B$(R$UU"RB(.1,/&B-%".(P$%(&(P-B-%"(

1/1B1&B1T"<(\/$W1/,(B'&B(W"`UU(/""F(B$(R$UU"RB(.1,/&B-%".(P%$3(A_($P(%",1.B"%"F(T$B"%.(&UU(

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.$3"B'1/,(&/F(B'"/('&T"(B'"(1/1B1&B1T"(P&1U(B$(Z-&U1PS(P$%(B'"(#&UU$B*(9-%(T$U-/B""%.(-V(

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Linda Larson

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EXHIBIT 8

DECLARATION OF JESSICA MAHURON

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: LM>G9CEG!N>BBE?!CGC?C>?C< : !9CKG>?F; : !=;C< : 0! (@C9! P >9!?@ : !HC;9?!>G=!EGBJ!K;>99;EE?9!N>BBE?!CGC?C>?C< : !

E;!MEBC?CA>B!A> DM>CKG!)!@>< : ! : < : ;!M>;?CACM>? : =!CG0!!

@*! / J!;EB : ! PC?@CG!EF;!BEA>B!<EBFG? : : ;!? : > D! P >9!?E! : G9F; : ! P : ! D : ?!?@ : !N>; : ! DCGCDFD!

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DEG?@92!>G=! DE9?!EH!C?!EAAF; : : =!=F;CGK!>G! : 9M : AC>BBJ!AEB=!>G=! P : >?@ : ;6H;>FK@?! PCG? : ;0!

N*! &9!?@ : !BEA>B!AEE;=CG>?E;2!)!CG< : 9? : =!>!;>GK : !EH!XU6VU!@EF;9!M : ;! P : : Y!?E!; : >A@!A> DM>CKG!

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DJ!@EG : J DEEG!E;! : < : G!?>Y : !?CD : !?E!; : 9?!FG?CB! P : !; : >A@ : =!EF;!KE>B0! / J!@F9N>G=!>B9E!CD D : ;9 : =!

@CD9 : BH!CG!?@ : !A> DM>CKG2!>BEGK! PC?@! D>GJ!<EBFG? : : ;9! P @E!AEBB : A?C< : BJ!9>A;CHCA : =!>G! : GE; DEF9!

> DEFG?!EH!?CD : !>G=! : G : ;KJ!?E! PCG!>!A@>GA : !EH!9 : AF;CGK!N>9CA!@ : >B?@A>; : !>AA : 99!HE;!?@ : C;!

G : CK@NE;92!M>?C : G?9!>G=!BE< : =!EG : 90!!

C*! (@ : !>A?CEG9!G : : = : =!?E!A>; ;J!EF?!?@C9!?>9Y! P : ; : Z!AEG9?>G?!<EBFG? : : ;!; : A;FC? D : G?!>G=!N : CGK!

>AA : 99CNB : !HE;!9FMME;?[!EF?; : >A@!>G=!AEBB>NE;>?CEG! PC?@!AC?C\ : G!K;EFM92!>99EAC>?CEG9!>G=!

@ : >B?@A>; : ! P E;Y : ;9[!A; : >?CGK!EGKECGK!AE D DFGCA>?CEG9!EG! DFB?CMB : !MB>?HE; D9[!M;E<C=CGK!

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GFD : ;EF9!G : CK@NE ; @EE=92!C= : G?CHJCGK!>G=!C DMB : D : G?CGK!9CKG>?F ; : !AEBB : A?CEG!>?!BEA>B! : < : G?9! >G=!EF?9C= : !MFNBCA!NFCB=CGK9[!GE?> ; C\CGK!>G=!AEBB : A?CGK!M : ?C?CEG9[!AEE ; =CG>?CEG! P C?@!?@ : !BEA>B! : B : A?CEG9!EHHCA : [! D E?C<>?CGK!>G=!CG9MC ; CGK!M : EMB : !CG!9MC? : !EH!A@>BB : GK : 9!>G=!9 : ?N>AY9[!? ; >AYCGK! M ; EK ; : 99!>G=! : G9F ; CGK!>BB!N>BBE?!9CKG>?F ; : !AEBB : A?CGK! ; FB : 9! P : ; : !9? ; CA?BJ!>=@ : ; : =!?E0!&G=!>BB!EH! ?@C9! P >9!=EG : !EG!>!<EBFG? : : ; !N>9C90!!

A*   (@ : ! : LM : ; C : GA : ! P >9!NE?@!M ; EHEFG=BJ!CG9MC ; CGK!>G=!F?? : ; BJ! : L@>F9?CGK0!&G=!C?! ; : M ; : 9 : G?9]F9?!>!H ; >A?CEG!EH!?@ : !9?>? : P C= : ! : HHE ; ?!EH!@FG= ; : =9!EH!<EBFG? : : ; 9! P E ; YCGK!HE ; !?@ : !AE D DEG!KEE=! CG!?@ : C ; !E P G!AE D D FGC?C : 9!>G=!?@ : !BEGK2!B>NE ; CEF9!]EF ; G : J!C?! ; : QFC ; : 9!HE ; !)=>@E!AC?C\ : G9!?E!M>99!>! B> P 0!!

H*   (@ : ! D E?C<>?CEG!HE ; !=ECGK!>BB!EH!?@C9! P >9! ; EE? : =!CG!?@ : != : 9C ; : !?E!C D M ; E< : !?@ : ! P : BB6N : CGK!EH)=>@E>G9! ^ !?@ : C ; !AE D D FGC?C : 92!>BEGK! P C?@! ; : 9EB<CGK!>G!CG]F9?CA : !?@ ; EFK@!>!A@ : ; C9@ : =! = : DEA ; >?CA!M ; EA : 99!>AA : 99CNB : !?E!E ; =CG> ; J!M : EMB : 0!)?! P >9!>!@F D >G! ; CK@?9! D C99CEG!?E!>BB : <C>? : ! 9FHH : ; CGK!>G=!M ; E<C= : !M : >A : !EH! D CG=!HE ; !?@EF9>G=9!EH!)=>@E>G9!G : : =B : 99BJ!BEAY : =!EF?!EH!EF ; ! @ : >B?@A> ; : !9J9? : D0!)?! P >9!>G!EMME ; ?FGC?J!HE ; !AC?C\ : G9!>G=!AE D D FGC?J!M> ; ?G : ; 9!?E!N>G=!?EK : ?@ : ; ! ?E!9EB< : !>!BCH : 6E ; 6= : >?@!M ; ENB : D !?@ ; EFK@!HC9A>BBJ! ; : 9MEG9CNB : ! D : >G92!>G=!EGBJ!N : A>F9 : !?@ : !)=>@E! % : KC9B>?F ; : ! ; : HF9 : =!?E!BC9? : G!>G=!>A?!J : > ; !>H? : ; !J : > ; 0!!

G*   0 ><CGK! : LM : ; C : GA : =!?@ : !@>G=96EG!BEKC9?CA9!>G=!CG? : G9C?J!EH!>!K ; >99 ; EE?9!AC?C\ : G!CGC?C>?C< : 2)!YGE P !CG! D J!NEG : 9!?@>?! ; : QFC ; CGK!9CKG>?F ; : !AEBB : A?CEG!EH!R S !EH! ; : KC9? : ; : =!<E? : ; 9!H ; E D !>BB!XV! B : KC9B>?C< : !=C9? ; CA?9!C9!>G!FG9F ; DEFG?>NB : ! P >BB!?E!ABC D N2! : < : G!HE ; !?@ : ! D E9?!M>99CEG>? : 0!)?! P EFB=!

= : ? : ;!)=>@E!AC?C\ : G!CGC?C>?C< : !E;K>GC\ : ;9!H;ED!9>A;CHCACGK!<>BF>NB : !?CD : 2! : G : ;KJ2!<EBFG? : : ;!

AEDDC?D : G?2!>G=!HCG>GAC>B!; : 9EF;A : 9!PC?@!?@ : !CGA; : >9 : =2!CH!GE?!?E?>B2!;C9Y!EH!H>CBF; : 0!!

[*　　(@ : !; : 9?;CA?CEG9!N;EFK@?!HE;?@!NJ!?@ : !)=>@E!% : KC9B>?F; : !PCBB!@><: !?@ : !9>D : != : <>9?>?CGK

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9?CHB : !HF?F; : !CGC?C>?C< : 9!N;EY : !DJ!EPG!@ : >;?!>G=!= : 9C; : !?E! : GK>K : !CG!?@ : !M;EA : 99!>K>CG0!!

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?@;EFK@! : G=B : 99!@EEM9!?E!>==; : 99!>G!CG]F9?CA : !>G=!?; : >? : =!PC?@!9FA@!CG?EB : ;>GA : !NJ!?@ : C;!EPG!

; : M; : 9 : G?>?C< : 9`!)!@EM : !?@ : !AEF;?9!A>G!; : < : ;9 : !?@C9!B>P!>G=!; : 9?E; : !?@ : !;EB : !P : !>9!AC?C\ : G9!@>< : !CG!

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