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**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>LORI NORENE VALLOW AKA LORI NORENE DAYBELL,</p> <p>Defendants.</p>	<p>CASE NO. CR22-21-1624</p> <p>MOTION TO CLARIFY OR IN THE ALTERNATIVE TO EXTEND THE COURT’S PROTECTIVE ORDER OF PURSUANT TO IDAHO RULES OF CRIMINAL PROCEDURE RULE 16 AND IDAHO RULE OF PROFESSIONAL CONDUCT 1.9</p>
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Pursuant to Idaho Rules of Criminal Procedure Rule 16(l) and Idaho Rules of Professional Conduct 1.9, the State of Idaho respectfully requests that the Court amend the Court’s existing protective order in the above-referenced cause, which restricted the public dissemination of discovery by defendant Lori Vallow Daybell and Attorney Mark Means. Specifically, the State requests that the Court clarify its current protective order prohibits the dissemination of discovery and public commentary by Defendant and her now former counsel as required by Idaho Rule of Professional Conduct 1.9 or in the alternative extend the existing protective order to prohibit the same. The reasons for the request are outlined below:

- 1) There is an ongoing concern that privileged information and documents could be disclosed to third parties and/or the public as outlined in the State’s original motion and as ordered by the Court;

- 2) The discovery in this matter remains voluminous and contains many confidential, sensitive documents and information that a reasonable person would find to be an invasion of privacy if disclosed;
- 3) There is also a concern that improper disclosure of witnesses' personal information could result in safety concerns for witnesses or potential witnesses;
- 4) The public discussion of discovery, the Defense theory of the matter or the statements of the Defendant can cause irreparable harm to both parties when done outside the Rules of Professional Conduct or without permission from Co-Counsel or the Court;
- 5) Idaho Rules of Professional Conduct Rule 1.9 (c) states:

A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

- 6) Former Counsel Mark Means, without discussion with Co-Counsel Jim Archibald, filed motions publicly discussing confidential information related to Lori Vallow, her case and ostensibly her communications with him;

Wherefore, the State respectfully requests for good cause shown that this Court clarify that its existing protective order prohibits the disclosure of the discovery and public comment on Lori Vallow Daybell or her case by former counsel Mark Means without prior authorization from the Court or Defendant's Counsel Jim Archibald or in the alternative extend the existing protective order to prohibit outlined conduct by former counsel Mark Means.

DATED this 29th day of December, 2021.

/s/ Lindsey A. Blake

Lindsey A. Blake
Fremont County Prosecuting Attorney

/s/ Rob H. Wood

Rob H. Wood
Madison County Prosecuting Attorney

CERTIFICATE

I HEREBY CERTIFY that on this 29th day of December, 2021, that a copy of the foregoing Motion was served as follows:

Jim Archibald
jimarchibald@gmail.com

- Overnight Mail
- Hand Delivered
- Courthouse Box
- Facsimile:
- File & serve
- Email

By: /s/ Jodi L. Thurber