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**UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
THE STATE OF IDAHO,  
  
Defendant.

Case No. 1:22-cv-00329-BLW

**STATE OF IDAHO'S  
MOTION TO STAY  
ISSUANCE OF A DECISION**

The State of Idaho respectfully requests that the Court stay issuance of a decision on the State's previously filed motion for reconsideration, Dkt. 101, until the Court has disposed of the concomitantly filed request for permission to file supplemental briefing. If the Court permits supplemental briefing, the State requests that the Court continue to stay issuance of the decision on reconsideration until the supplemental briefing has completed.

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DATED: January 13, 2023.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By /s/ Steven L. Olsen  
STEVEN L. OLSEN  
Deputy Attorney General

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of January, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,

Plaintiff,

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THE STATE OF IDAHO,

Defendant.

Case No. 1:22-cv-00329-BLW

**MEMORANDUM IN SUPPORT OF  
STATE OF IDAHO’S MOTION TO  
STAY ISSUANCE OF A DECISION**

The State of Idaho respectfully requests that the Court stay issuance of a decision on the State’s previously filed motion for reconsideration, Dkt. 101, until the Court has disposed of the concomitantly filed request for permission to file supplemental briefing.<sup>1</sup> If the Court permits supplemental briefing, the State requests that the Court stay issuance of its decision until supplemental briefing has completed. As noted in the State’s request, no party’s counsel has had the opportunity to weigh in on the decision—including the State’s recently sworn-in Attorney

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<sup>1</sup> This memorandum is filed in accordance with Loc. Civ. R. 7.1(b)(1), which requires each motion “other than a routine or uncontested matter” be accompanied by a brief.

General, the Honorable Raúl R. Labrador. The State, through Attorney General Labrador, respectfully asks the Court to grant it an opportunity to provide supplemental briefing addressing the major implications that the *Planned Parenthood* decision has on this case and the preliminary injunction this Court entered.

Here, the State of Idaho suggests that supplemental briefing will allow the Court to be more completely advised of the state of the law as it now exists, which will promote judicial efficiency and economy. There is a good reason, then, to stay issuance of a decision on the previously filed motion for reconsideration until the Court has decided whether to grant supplemental briefing, and if it does then to hold issuance of a decision until after supplemental briefing is complete. *See Clinton v. Jones*, 520 U.S. 681, 706 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”)

DATED: January 13, 2023.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By /s/ Steven L. Olsen  
STEVEN L. OLSEN  
Deputy Attorney General

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