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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF IDAHO,

Defendant.

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

**THE LEGISLATURE’S JOINDER IN  
THE STATE OF IDAHO’S  
EMERGENCY MOTION TO MODIFY  
PRELIMINARY INJUNCTION [DKT.  
166]**

The Speaker of the Idaho House of Representatives Mike Moyle, Idaho Senate President Pro Tempore Chuck Winder, and the Sixty-Sixth Idaho Legislature (collectively “Legislature”) hereby join “State of Idaho’s Emergency Motion to Modify Preliminary Injunction” [Dkt. 166], filed on July 12, 2024. The preliminary injunction should be narrowed substantially, consistent with the U.S. Solicitor General’s arguments before the U.S. Supreme Court, while litigation continues. There is no basis for a sweeping preliminary injunction when it is not even clear what constitutional authority there is for Spending Clause legislation to preempt state law—an issue that

should be central to further litigation. Congress has no Spending Clause power to compel Medicare-participating hospitals to furnish abortion care that would be in violation of state law, and EMTALA is best read to avoid that constitutional question altogether.

Dated this 15<sup>th</sup> day of July 2024.

HILTY, BOWER, HAWS & SEABLE, PLLC



By: \_\_\_\_\_

Daniel W. Bower

*Attorneys for Proposed Intervenor-Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of July 2024, I electronically filed the foregoing with the Clerk of the Court via the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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