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

LOURDES MATSUMOTO, NORTHWEST  
ABORTION ACCESS FUND, and  
INDIGENOUS IDAHO ALLIANCE,

*Plaintiff,*

v.

RAÚL LABRADOR, in his capacity as the  
Attorney General of the State of Idaho,

*Defendant.*

Case No. 1:23-cv-00323-DKG

**ATTORNEY GENERAL  
LABRADOR'S MOTION FOR  
SUMMARY JUDGMENT**

Defendant moves for summary judgment against all claims and Plaintiffs pursuant to Federal Rule of Civil Procedure 56. The motion is supported by the attached statement of facts and memorandum of points and authorities.

Defendant will separately move for certification of a question to the Idaho Supreme Court to assist in resolution of the questions raised at summary judgment.

DATED: April 16, 2026

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

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**MEMORANDUM IN SUPPORT OF  
ATTORNEY GENERAL  
LABRADOR'S MOTION FOR  
SUMMARY JUDGMENT**

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## INTRODUCTION

Idaho protects the rights of parents and guardians to determine whether their child can receive an abortion. It does so by, among other things, criminalizing the acts of strangers and aliens to the parent-child relationship who, meddling in that relationship with the specific intent of hiding an abortion from the parents or guardians of a minor, procure an abortion or abortion inducing drug for that minor. Idaho Code § 18-623. Idaho Code § 18-623 is a law that protects the parent-child relationship from interlopers, wherever they are from, and wherever an abortion or abortion-inducing drug is ultimately procured. If Idaho can criminalize the enticement of a minor regardless of where the minor ends up being taken, it can criminalize the interference with parental rights *in Idaho* regardless of where a minor is taken for an abortion. Idaho's criminalization of pure conduct, or speech incident to that unlawful interference in the parent-child relationship, violates no person's fundamental rights.

Plaintiffs lack standing and lack persuasive arguments on the merits. Plaintiffs have disclaimed *any* intent to violate the specific intent provision of the statute they challenge. Additionally, Plaintiffs lack standing because, contrary to earlier assertions, they (by and large) do not actually interact with pregnant minors, they do not procure abortions, and they do not have any real intent to violate the provisions of the act. To the extent they profess a vague desire to do so in the future, these are mere "someday intentions"—albeit bleak ones. If the Court finds, contrary to their testimony under oath, that Plaintiffs do have standing, Plaintiffs would then lack clean hands.

On the merits, Plaintiffs' constitutional claims fail. The statute is not vague—the Ninth Circuit has already held as a matter of law that the statute proscribes an intelligible crime. Prohibitions on harboring and transportation regulate conduct, not speech, and so those challenges are barred as a matter of law under the Ninth Circuit's panel decision in this case. As for "recruiting" this Court should certify the question of its meaning to the Idaho Supreme Court to

avoid conflict between federal and state methods of interpreting state law. Plaintiffs' interstate travel claim fails because the statute doesn't restrict travel; it only criminalizes interference in a parent-child relationship that exists in Idaho. Even if legislative intent could be considered, the available history makes plain that the statute is an aid to support parents and does not penalize travel.

Parents, not Plaintiffs, have the right to decide whether a pregnant minor can travel to receive an abortion, whether authorized under Idaho law or the law of another State. *See Mirabelli v. Bonta*, 607 U.S. \_\_\_, 146 S. Ct. 797, 803 (2026) (per curiam) (holding California law which required keeping information about gender transition from parents violated their parental rights); *Parham v. J.R.*, 442 U.S. 584, 602–04 (1979) (holding that parents have the fundamental right to make medical decisions for their children). Plaintiffs have absolutely no right under any circumstance to usurp the parental right to make medical decisions for someone else's child. The Court should grant the motion in favor of the Attorney General as to all claims and all Plaintiffs.

#### FACTUAL AND PROCEDURAL HISTORY

The Idaho Legislature enacted Idaho Code § 18-623 in 2023. The statute makes it illegal for a person to, with the specific intent of concealing an abortion from the parents or guardian of a pregnant unemancipated minor, procure such an abortion or obtain an abortion inducing drug by recruiting, harboring or transporting the minor within Idaho. This bill was about protecting the rights of parents to make decisions about their children against the efforts of busybodies, strangers, and aliens to the parent-child relationship to usurp that role. *E.g.*, Stmt. of Rep. Ehardt, House State Affairs Comm. (Mar. 3, 2023) [56:21]<sup>1</sup>.

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<sup>1</sup> A more fulsome review of statements made in the legislative process appears at Section V.A.2.b., *infra*. Bracketed numbers are time stamps to when statements are made in the recording of each hearing. Recordings of the Idaho Legislature cited in this motion are available at: <https://iso.legislature.idaho.gov/MediaArchive/MainMenu.do>

Plaintiffs—a lawyer, an abortion fund, and an Idaho 501(c)(3)—sued to enjoin the Attorney General from enforcing the statute on July 11, 2023, bringing four claims regarding: vagueness (I), the right to interstate travel (II), a supposed right to *intrastate* travel (III), and the First Amendment (IV). Dkt. 1 at 27–32. Plaintiffs later sought a preliminary injunction based on Counts I and IV. Dkt. 12-1 at 16–24. Defendant opposed and also moved to dismiss the Complaint. Dkts. 35-1; 37. This Court dismissed Count III, but allowed the remaining claims to proceed, and the Court granted Plaintiffs’ requested injunction. Dkts. 40, 41.

Defendant appealed to the Ninth Circuit, which reversed this Court in part and remanded. *Matsumoto v. Labrador*, 122 F.4th 787 (9th Cir. 2024). It held that Plaintiffs had successfully pled standing and a proper defendant,<sup>2</sup> but that this Court erred by finding a likelihood of success on the vagueness challenge to Idaho Code § 18-623 and further erred by finding a likelihood of success as to the First Amendment challenge to the harboring and transporting prohibitions in the statute. The Ninth Circuit remanded for entry of a limited injunction. Following contested proceedings, the Court entered a revised injunction. Dkt. 58.

Discovery then commenced. Both sides engaged in document discovery and took depositions. Discovery closed on March 16, 2026. This motion for summary judgment against Plaintiffs’ remaining causes of action follows.

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<sup>2</sup> As the Attorney General has asserted from the beginning of this case, the Attorney General has no authority to prosecute violations of Idaho Code § 18-623 under the facts of this case. *See generally* Dkt. 35-1 at 18-23; Idaho Code § 18-623(4). Given the Ninth Circuit’s decision in this case disagreeing with the Attorney General’s Eleventh Amendment immunity argument, *Matsumoto*, 122 F. 4th at 802-03, the Attorney General does not restate the argument in this motion, having already raised and preserved it in prior briefing.

## LEGAL STANDARD

Federal Rule of Civil Procedure 56(a) permits a party to seek summary judgment “identifying each claim or defense . . . on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Entry of summary judgment is mandatory “after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). Once the moving party meets its burden of “informing the district court of the basis for its motion,” *id.* at 323, the non-moving party may not rely upon the allegations or denials of the non-moving party’s pleading. Fed. R. Civ. P. 56(e). Where, as here, the nonmoving party bears the burden of proof at trial, “the moving party need only point out ‘that there is an absence of evidence to support the nonmoving party’s case.’” *Devereaux v. Abbey*, 263 F.3d 1070, 1076 (9th Cir. 2001) (quoting *Celotex*, 477 U.S. at 325). “[O]nce the moving party carries its initial burden of production, ‘the nonmoving parties [are] obligated to produce evidence in response.’” *Id.* (quoting in parenthetical *Nissan Fire & Marine Ins. Co. v. Fritz Cos.*, 210 F.3d 1099, 1107 (9th Cir. 2000)).

## ARGUMENT

### I. Plaintiffs lack standing to bring their claims.

The threshold question for Plaintiffs is whether they have pre-enforcement standing to bring their claims. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 157–60 (2014). Plaintiffs “must demonstrate standing ‘with the manner and degree of evidence required at the successive stages of the litigation.’” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 431 (2021) (citation omitted). “[A]t the summary judgment stage, a plaintiff must offer evidence and specific facts demonstrating

each element” of Article III standing. *Ctr. for Biological Diversity v. Exp.-Imp. Bank of the U.S.*, 894 F.3d 1005, 1012 (9th Cir. 2018).

Plaintiffs bear the burden of showing standing with respect to every claim they bring and the extent of the injunction that they seek. *Friends of the Earth, Inc. v. Laidlaw Env't Serv. (TOC), Inc.*, 528 U.S. 167, 185 (2000); *American Encore v. Fontes*, 152 F.4th 1097, 1111 (9th Cir. 2025). “To establish standing . . . a plaintiff must demonstrate (i) that she has suffered or likely will suffer an injury in fact, (ii) that the injury likely was caused or will be caused by the defendant, and (iii) that the injury likely would be redressed by the requested judicial relief.” *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 378–86 (2024) (citations omitted).

On a pre-enforcement challenge, an injury in fact that is both “actual or imminent” and “concrete and particularized” is still required. *Driehaus*, 573 U.S. at 158. A “future injury may suffice if the threatened injury is ‘certainly impending,’ or there is a ‘substantial risk that the harm will occur.’” *Id.* (citation omitted). Thus, each Plaintiff needs to demonstrate “a realistic danger of sustaining a direct injury as a result of the statute’s operation or enforcement” by proving “an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed” and “a credible threat of prosecution thereunder.” *Lopez v. Candaele*, 630 F.3d 775, 785 (9th Cir. 2010) (citation omitted).

“[P]re-enforcement plaintiffs who fail[] to allege a concrete intent to violate the challenged law [cannot] establish a credible threat of enforcement.” *Id.* at 787. This is because the “Constitution requires something more than a hypothetical intent to violate the law.” *Id.* Without specific details about the future conduct, including details such as the “when, to whom, where, or under what circumstances,” a court is left with only “mere some day intentions, which do not support a finding of the actual or imminent injury that our cases require.” *Id.* 787–88 (cleaned up).

Here, each Plaintiff fails to show standing.

**A. Plaintiff Matsumoto lacks standing.**

This Court previously found that Plaintiff Matsumoto had standing because she “works as an attorney, advocate, and trusted resource for advocates and survivors of sexual and gender violence and abuse” and “would like to *continue* providing support and assistance to pregnant minors seeking to obtain an abortion, without the consent of the parents.” Dkt. 40 at 21 (emphasis added); *id.* at 22 (“Matsumoto alleges that but for the statute’s lack of clarity and her fear of imminent prosecution, she would assist minors in traveling to other states to get a lawful abortion.”); *see also Matsumoto*, 122 F.4th at 797 (“Challengers claim that, in arguable violation of the statute, they have provided guidance and material support to minors in Idaho to access legal abortion care and intend to do so in the future.”). And based on the allegations in the Complaint (Dkt. 1), including paragraphs 1, 40, and 43, the Court’s ruling is understandable. However, discovery demonstrated these allegations lack evidentiary support, and she therefore lacks standing.

Her deposition shows that she holds nothing more than mere “some day intentions” to engage in conduct proscribed by the statute. Despite pleading that she works with pregnant minors, she testified she has *never* worked with pregnant minors—as a result, she has no more credible interest in the controversy than any other member of the public. SOF ¶ 1.

Injury sufficient for Article III standing must affect “the plaintiff in a personal and individual way”—and a “legal, moral, ideological, [or] policy” objection will not suffice. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 n.1 (1992); *see also All. for Hippocratic Med.*, 602 U.S. at 378–86. On a pre-enforcement challenge, an injury in fact that is both “actual or imminent” and “concrete and particularized” is still required. *Driehaus*, 573 U.S. at 158 (citation omitted). In the pre-enforcement context, “future injury may suffice if the threatened injury is ‘certainly

impending,’ or there is a ‘substantial risk that the harm will occur.’” *Id.* (citation omitted). This requires “information about the ‘when, to whom, where, or under what circumstances’ [Plaintiffs] would [engage in proscribed conduct] but for the challenged policies,” or else the Court is left with “mere some day intentions which do not support a finding of the actual or imminent injury” required. *Unified Data Servs., LLC v. Federal Trade Comm’n*, 39 F.4th 1200, 1211 (9th Cir. 2022) (citation and internal quotation marks omitted).

It is not realistic that Plaintiff Matsumoto will sustain a direct injury as a result of Idaho Code § 18-623. She has never worked with pregnant minors and does not have concrete plans to work with pregnant minors, other than expressing a general desire to do so someday. Consider the allegations in the Complaint that Matsumoto:

- “routinely works with victims of domestic and sexual violence, including minors,” and her work includes working “with minors who become pregnant.” Dkt. 1 ¶ 1.
- has a “long histor[y] of serving as [a] trusted adult[] for minors who find themselves pregnant,” and that she “associate[s] with pregnant minors as a show of solidarity.” *Id.* ¶ 40.
- is an attorney who works with minor survivors who are victims of domestic and sexual violence, including some minors who “have become pregnant.” *Id.* ¶ 43.
- provides “support and aid [to] pregnant minors at a difficult time in their lives,” and that this “assistance” is provided “at moments when time is of the essence.” *Id.* ¶ 57.

Contrast those clear allegations from the Complaint with her equally clear, but clearly contradictory, testimony from her deposition, that she:

- cannot recall ever working “with minors who became pregnant.” SOF ¶ 1.
- has not, to her knowledge, worked with any pregnant minor. SOF ¶ 1.

Contrary to the Complaint, the actual facts show that she has never worked with a pregnant minor.<sup>3</sup> She has no concrete future plans—she simply “envision[s]” expanding her current

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<sup>3</sup> It bears noting that Matsumoto also denied any previous recruiting, harboring, transporting or procuring, or seeking to conceal an abortion as individual elements. SOF ¶¶ 2–6.

expertise to “serve survivors of [domestic violence and sexual assault],” and has expressed a “willingness to” work with “minors who need legal representation.” SOF ¶ 7. This is not only disconnected from the conduct proscribed by Idaho Code § 18-623, it lacks the kind of “details necessary to show that any such plans” to violate the law “are concrete.” *Pinkert v. Schwab Charitable Fund*, 48 F.4th 1051, 1055 (9th Cir. 2022) (citations omitted); *see also Satanic Temple v. Labrador*, 149 F.4th 1047, 1052–53 (9th Cir. 2025).

“The Constitution requires something more than a hypothetical intent to violate the law.” *Thomas v. Anchorage Equal Rts. Comm’n*, 220 F.3d 1134, 1139 (9th Cir. 2000). The mere intent to engage in possibly unlawful conduct does not constitute an injury in fact for those “without any description of concrete plans” or “any specification of *when* the some day [plans] will be.” *Lujan*, 504 U.S. at 564 (emphasis in original). This describes Matsumoto; she has offered only speculation.

**B. Plaintiff IIA lacks standing.**

IIA also lacks standing for the injunctive relief that it seeks and has a similar history of misrepresenting its history of aiding minors.

IIA alleged in the Complaint that it:

- had “*long histories of serving as trusted adults for minors who find themselves pregnant [and] associate[s] with pregnant minors* as a show of solidarity, communicating a message to minors who find themselves pregnant.” Dkt. 1 ¶ 40 (emphasis added).
- “. . . provided *direct assistance* or *financial assistance* for pregnant minors seeking abortion care, *with awareness* that the pregnant minor’s parents do not know about the minor’s intent to seek abortion care.” *Id.* ¶ 55 (emphasis added).
- “support[s] and aid[s] pregnant minors at a difficult time in their lives” and “lend[s] [its] support, time, and money, so that young people can make informed decisions . . . [IIA] provide[s] this assistance at moments when time is of the essence, and when young people might feel they have nowhere to turn for a host of complicated and deeply personal reasons.” *Id.* ¶ 57.

As with Plaintiff Matsumoto, the Court relied on these statements in finding standing for a preliminary injunction, Dkt. 40 at 18, 31, and in finding standing sufficient for their claims to survive a motion to dismiss, Dkt. 41 at 7 n.5 (incorporating preliminary injunction arguments). The Ninth Circuit relied on these false representations as well, collectively finding that each had “provided guidance and material support to minors inside and outside of Idaho to access legal abortion care in the past and want to continue to do so.” *Matsumoto*, 122 F.4th at 796.

But these allegations were, as with Plaintiff Matsumoto, false. IIA, at its 30(b)(6) deposition:

- directly responded to the question, “Are there any circumstances IIA has known in advance that the money it is providing is going to support an abortion for a minor?” with “No, not with certainty at the time.” SOF ¶ 13.
- further clarified that it does not provide direct assistance to minors, but rather to “trusted community members.” SOF ¶ 18.
- even for the one time where IIA believed financial aid it previously provided had gone towards an abortion, IIA *inferred* that the aid had gone to an abortion for a minor through a follow-up conversation with the adult who received the aid *after* the aid was already provided. SOF ¶ 17.

IIA lacks standing of any sort. IIA does not provide direct assistance to minors. It does not procure abortions for pregnant minors. SOF ¶ 8. It does not have plans to do so. SOF ¶ 9. The only circumstance in which IIA is aware that its support *might* have gone to an abortion for an underage girl, it could only *infer* the purpose *after* IIA had already provided the support to a trusted community member—so there was never any requisite intent to conceal. SOF ¶¶ 11–13; 17. IIA does not consider its advocacy to be assistance. SOF ¶ 14. IIA does not harbor or transport minors. SOF ¶¶ 15–16. Thus, were it not enough that IIA’s allegations in support of standing were false, IIA’s testimony that it hasn’t done anything that is arguably proscribed by the statute shows that IIA is not injured by Idaho Code § 18-623. IIA lacks Article III standing, and must be dismissed.

**C. Plaintiff NWAAF lacks standing.**

NWAAF also lacks standing because it, like IIA, has simply disclaimed acting with respect to nearly every element of the statute over the course of discovery. At its deposition, NWAAF testified that it:

- does not procure abortions, including for minors. SOF ¶ 19.
- does not have any plans to procure abortions for minors. SOF ¶ 20.
- has never intended and has no plans to conceal an abortion from the parents or guardian of a minor. SOF ¶¶ 21–22.
- does not procure abortions by recruiting minors and disclaimed any plans to do so. SOF ¶¶ 23–24.
- does not procure abortions by harboring minors. SOF ¶ 25.

The single instance in which NWAAF could point to transporting an Idaho minor to get an abortion occurred three years before the statute at issue was passed, in 2020, and NWAAF testified that it has no plans to transport Idaho minors in the future. SOF ¶¶ 26–27. *See Bain v. California Tchrs. Ass’n*, 891 F.3d 1206, 1214 (9th Cir. 2018) (finding that hypothetical possibility that plaintiff could “conceivably” return to a previous job without more was just a “speculative some day intention”). Under these facts, NWAAF cannot show that it has standing—NWAAF has testified itself out of the ambit of the abortion trafficking law.

**D. Even if Plaintiffs do have standing, they lack clean hands.**

If the Court goes so far as to find Plaintiffs have stated an injury, they lack clean hands for two reasons. Under the unclean hands doctrine, “plaintiffs seeking equitable relief must have acted fairly and without fraud or deceit as to the controversy in issue.” *Adler v. Fed. Republic of Nigeria*, 219 F.3d 869, 877 (9th Cir. 2000) (internal quotation marks and citations omitted). “[W]here a suit in equity concerns the public interest as well as the private interests of the litigants this doctrine assumes even wider and more significant proportions.” *Precision Instrument Mfg. Co. v. Auto Maint. Mach. Co.*, 324 U.S. 806, 815 (1945). “The [doctrine] requires only that a defendant who

asserts unclean hands prove inequitable conduct by the plaintiff and that the plaintiff's conduct directly relates to the claim which it has asserted against the defendant." *Intamin, Ltd. v. Magnetar Techs. Corp.*, 623 F. Supp. 2d 1055, 1075–76 (C.D. Cal. 2009) (citing *Keystone Driller Co. v. Gen. Excavator Co.*, 290 U.S. 240, 245 (1933)). "[T]he extent of actual harm caused by the conduct in question, either to the defendant *or to the public interest*, is a highly relevant consideration." *Republic Molding Corp. v. B.W. Photo Utilities*, 319 F.2d 347, 349–50 (9th Cir. 1963) (emphasis added). "A court of equity acts only when and as conscience commands; and, if the conduct of the plaintiff be offensive to the dictates of natural justice, then, whatever may be the rights he possesses, and whatever use he may make of them in a court of law, he will be held remediless in a court of equity." *Keystone*, 290 U.S. at 245 (citation omitted).

*First*, as discussed above, Plaintiffs Matsumoto and IIA did not accurately represent to the Court the nature of their connection with pregnant Idaho minors—an issue which was key to standing at the preliminary injunction stage and controlled the scope of the Court's modified injunction on remand.

Whatever the source of the misrepresentations, these misstatements materially altered the course of litigation—this Court specifically relied on these representations, as did the Ninth Circuit, in finding standing. Dkt. 40 at 31; Dkt. 41 at 7 n.5 (incorporating Dkt. 40 standing discussion); *Matsumoto*, 122 F.4th at 796. "The equitable powers of this court can never be exerted in behalf of one who has acted fraudulently, or who by deceit or any unfair means has gained an advantage." *Keystone*, 290 U.S. at 245 (citation omitted). The Court cannot assist Plaintiffs who obtained a preliminary injunction through false statements to the Court.

*Second*, in the event the Court finds that Plaintiffs somehow have standing, the very conduct Plaintiffs wish to engage in as a result of the equitable relief they seek *is itself inequitable*.

If it is true that Plaintiffs seek to intentionally conceal an abortion from the parents or guardian of a minor, *see Driehaus*, 573 U.S. at 159 (citing *Babbitt v. Farm Workers*, 442 U.S. 289, 306 (1979)), this is purposefully deceitful conduct that cuts directly at the heart of the parent-child relationship and therefore the public interest. *See Stanley v. Illinois*, 405 U.S. 645, 651–52 (1972). This interest is at issue in the instant litigation—the suit against the Attorney General in his official capacity is a suit against the State, which has its own interest in protecting the rights of parents, including by passage of the instant statute. “The government’s interest in the welfare of children embraces not only protecting children from physical abuse, but also protecting children’s interest in the privacy and dignity of their homes and in the lawfully exercised authority of their parents.” *Calabretta v. Floyd*, 189 F.3d 808, 820 (9th Cir. 1999); *see also Stanley*, 405 U.S. at 651 (holding that the interest of a parent in his child “undeniably warrants deference and, absent a powerful countervailing interest, protection”). Because that interest is at the heart of this litigation, if Plaintiffs are allowed to secrete children away from their parents through their chosen injunctive remedy, that is an outrageously inequitable usage of federal injunctive power and is barred by the unclean hands doctrine.

The Court should not permit its equitable relief to be used as a cudgel against parents who would otherwise exercise their rights of care, custody, control and medical decision making over their children. This already violates Idaho law, *per se*, in many circumstances by constituting enticing a minor or kidnapping, *see Idaho Code* §§ 18-1509, -1510, -4501(2), and -4506. To the extent that Plaintiffs purport to justify such actions in outlier<sup>4</sup> cases—i.e., where there is child

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<sup>4</sup> “[T]here is a presumption that fit parents act in the best interests of their children.” *Troxel v. Granville*, 530 U.S. 57, 68 (2000) (plur. op.) (discussing *Parham*, 442 U.S. 602). Absent specific facts, a court cannot “assume . . . that the interests of the child and the natural parents . . . diverge.” *Santosky v. Kramer*, 455 U.S. 745, 760 (1982).

abuse—Plaintiffs are obligated to report such circumstances to law enforcement or the Idaho Department of Health and Welfare, instead of taking matters into their own hands to coverup the criminal act of sexual abuse by procuring an abortion for the pregnant underage girl. An injunction enabling Plaintiffs or others to practice deceit by concealing abortions from parents and guardians of underage pregnant girls is patently “offensive to the dictates of natural justice.” *Deweese v. Reinhard*, 165 U.S. 386, 390 (1897).

**II. Idaho’s prohibition on abortion trafficking is not unconstitutionally void for vagueness, as the Ninth Circuit has already held. (Count I)**

Because the Ninth Circuit has already answered whether Idaho Code Section 18-623 is unconstitutionally vague, summary judgment against Plaintiff on Count I is proper. The Ninth Circuit held as a matter of law that Idaho Code § 18-623 is not unconstitutionally vague, *Matsumoto*, 122 F.4th at 805–06, and instead describes, “an intelligible crime that reaches the problems the legislature sought to rectify.” *Id.* at 815. This Court is bound by the preliminary injunction phase determination. *Ranchers Cattlemen Action Legal Fund United Stockgrowers of Am. v. U.S. Dep’t of Agriculture*, 499 F.3d 1108, 1114 (9th Cir. 2007); *see also United States v. Ninety-Five Firearms*, 28 F.3d 940, 941 (9th Cir. 1994) (a statute’s vagueness is a question of law).

**III. Idaho prohibition on abortion trafficking does not violate the First Amendment. (Count IV).**

No portion of Idaho Code § 18-623 violates the First Amendment, and to the extent the Court is inclined to hold otherwise, it should certify a question to the Idaho Supreme Court to clarify the scope of the statute.

**A. Plaintiffs’ rights of association are not implicated.**

Plaintiff’s Count IV must be dismissed insofar as it alleges a freedom of association claim. The Ninth Circuit has already held Idaho Code § 18-623 does not burden associational rights. *Matsumoto*, 122 F.4th at 806. This point is law of the case. *Cattlemen*, 499 F.3d at 1114.

**B. “Harbor” and “Transport” describe conduct, not speech.**

Additionally, Plaintiff’s Count IV must be dismissed insofar as it challenges the statute’s prohibition on “harboring” or “transporting.” The Ninth Circuit has already concluded that neither of these words criminalizes First Amendment protected speech. *Matsumoto*, 122 F.4th at 806–08 . These legal holdings are law of the case. *Cattlemen*, 499 F.3d at 1114.

**C. “Recruit” is not overbroad when properly interpreted; alternatively this Court should certify a question of state law construction to the Idaho Supreme Court.<sup>5</sup>**

Recruitment under the statute is not overbroad, nor does it capture all the conduct described in Plaintiffs’ Complaint. The Ninth Circuit was incorrect to describe the “recruiting” prong of the statute as facially overbroad, not only as a matter of federal law, but also because as a matter of *Idaho* law—which the Ninth Circuit did not attempt to apply—the Idaho Supreme Court would construe the statute to avoid facial overbreadth. Certification on this state question of law to the Idaho Supreme Court to determine the proper interpretation of the recruiting prong is the correct course because the Ninth Circuit did not apply Idaho canons of construction or consider the lengths that the Idaho Supreme Court will go through to save an Idaho statute.

**1. “Recruiting” is not facially overbroad.**

A plain text reading of the “recruitment” provision is not facially overbroad.<sup>6</sup> “Because it destroys some good along with the bad, [i]nvalidation for overbreadth is ‘strong medicine’ that is

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<sup>5</sup> Because the Idaho Supreme Court requires certification to come “upon . . . motion” of the parties or the Court, a motion seeking certification is filed herewith. *See* Idaho Appellate Rule 12.3. Defendant will not offer additional substantive argument in that separate motion.

<sup>6</sup> Defendant recognizes that the Ninth Circuit decision binds this Court on this point as to the interpretation of “recruiting” under *federal* law. Defendant raises these issues in Section IV.C.1 for purposes of issue preservation. However, as discussed *infra*, certification to the Idaho Supreme Court remains open because the Ninth Circuit did not purport to address issues of state construction of state law, and the Idaho Supreme Court would construe the statute to achieve a “constitutional result.” *Bradbury v. Idaho Jud. Council*, 136 Idaho 63, 68, 28 P.3d 1006, 1011 (2001); *see also Reinkemeyer v. SAFECO Ins. Co. of Am.*, 166 F.3d 982, 984 (9th Cir. 1999) (per curiam) (the Ninth

not to be ‘casually employed.’” *United States v. Hansen*, 599 U.S. 762, 770 (2023) (citation omitted). “To justify facial invalidation, a law’s unconstitutional applications must be realistic, not fanciful, and their number must be substantially disproportionate to the statute’s lawful sweep.” *Id.* (collecting cases).

Recruiting is not overbroad because the scope of the word is narrow. The prohibition on recruiting only applies if the criminal defendant procures an abortion for the pregnant minor or obtains an abortion inducing drug for the pregnant minor *and* does so with the specific intent to conceal the abortion from the parents or guardian of the minor. The statute sweeps in only conduct, i.e., procuring an abortion or obtaining an abortion inducing drug. *See Virginia v. Hicks*, 539 U.S. 113, 123–24 (2003). And, as the specific intent element requires, only such conceivable recruiting conduct done “not simply [with] the general intent to do the immediate act with no particular, clear, or undifferentiated end in mind, but the additional deliberate and conscious purpose or design of accomplishing a very specific and more remote result.” 21 Am. Jur. 2d Criminal Law § 114 (Feb. 2026). This is a narrow slice of conduct.

Speech incident to that narrow slice of conduct—conduct that must be done with the direct and specific intent to conceal the abortion from the pregnant minor’s parents or guardian—directly interferes in the parent-child relationship in Idaho and subverts parental medical decision making. Even if it is speech, it is speech done with the specific intent to conceal the abortion from the parents or guardian of a minor—which is not protected under the First Amendment because it is deceptive and specifically intended to impair the uncontestable interest that parents have in care, custody and control of their children. *E.g. Donaldson v. Read Magazine, Inc.*, 333 U.S. 178, 190

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Circuit is “bound by the answers of state supreme courts to certified questions just as we are bound by state supreme court interpretations of state law in other contexts.”).

(1948) (holding “governmental power” “to protect people against fraud” “has always been recognized in this country and is firmly established”).

Moreover, recruitment is not nearly as broad as the Ninth Circuit suggested. Recruitment requires inducement to do something, even under the definition adopted by the Ninth Circuit. *Matsumoto*, 122 F.4th at 808. What recruiting covers in the context of abortion trafficking is, at its broadest, a direct enticement to go imminently get an abortion or take an abortion inducing drug *and* then actually procuring that abortion. This is a reasonable construction of the text that should have governed the overbreadth analysis and does not result in substantial abridgement of speech. But the Ninth Circuit suggested it covered situations involving no inducement. To tick down each item on the list of potential items that the Court believed could theoretically constitute recruiting: emotional support cannot be recruitment because to communicate care and concern and acceptance for someone does not persuade the person to *do* anything (*id.* at 809). Nor does talking about abortion generally, or what the Ninth Circuit called “persuasive encouragement.” *Id.* at 810.

Providing information about abortion does not violate the statute either because, again, the criminal act is to *procure* an abortion or obtain an abortion inducing drug by recruitment and to do so with the requisite intent. To simply convey information does not procure anything.<sup>7</sup> *Id.* As for the “attempt” examples, *id.* at 810–11, the panel was simply wrong—attempt liability in Idaho requires the State to prove a specific intent to commit the crime attempted, *State v. Pratt*, 125 Idaho 546, 558, 873 P.2d 800, 812 (1993), and requires “a step of preparation in ‘dangerous proximity to the commission of the offense planned.’” *State v. Allen*, 149 Idaho 545, 547, 237 P.3d 14, 16 (Ct. App. 2010) (citation omitted). None of the examples the panel gives (pamphleteering or displaying

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<sup>7</sup> It’s notable that the Ninth Circuit recognized it was adopting a definition that was both contestable and not the only reasonable construction of the statute. *Matsumoto*, 122 F.4th at 809 (“could *arguably* satisfy the plain meaning . . .”).

a bumper sticker) could possibly come in “dangerous proximity” to actually procuring a specific abortion for a specific minor, let alone with the specific intent to do so.

Some of what the Ninth Circuit read to be recruitment is simply conduct, not speech, so even if it is included, it fails to show overbreadth. Giving payment to someone for a service or doing so on behalf of someone else, providing food or bus tickets, or any of the other interactions that are essentially commercial transactions on behalf of another party are conduct, not speech. *Compare Matsumoto*, 122 F.4th at 810, with *B & L Prods, Inc. v. Newsom*, 104 F.4th 108, 114 (9th Cir. 2024) (holding that the act of “consummating a business transaction is non-expressive conduct unprotected by the First Amendment”) (collecting cases). Because providing services to another party is not speech, but conduct, such examples cannot suffice to show overbreadth.

**2. *Certification to the Idaho Supreme Court to interpret “recruiting” under Idaho state law is appropriate.***

Certification of the “recruiting” prong’s scope to the Idaho Supreme Court is appropriate before any final determination of its constitutionality as the Ninth Circuit did not apply Idaho canons of statutory construction in its interpretation of the recruiting prong. Here, there is good reason to think that the Idaho Supreme Court would not construe the recruiting prong with the breadth that the Ninth Circuit did.

“The highest court of each State, of course [is] ‘the final arbiter of what is state law.’” *Montana v. Wyoming*, 563 U.S. 368, 377 n.5 (2011) (citation omitted). “Certification provides a means to obtain authoritative answers to unclear questions of state law.” *Toner for Toner v. Lederle Labs., Div. of Am. Cyanamid Co.*, 779 F.2d 1429, 1432 (9th Cir. 1986) (Kennedy, J.) (certifying question where Idaho Supreme Court’s cases did not provide guidance on specific application of doctrine of negligence or address applicable Restatement provision). “[Certification] saves time, energy, and resources and helps build a cooperative judicial federalism.” *Id.* (quoting *Lehman Bros.*

*v. Schein*, 416 U.S. 386, 391 (1974) (cleaned up)). In cases of constitutional challenges to state law, certification plays a role similar to the “time-honored” doctrine of constitutional avoidance. *Spector Motor Serv. v. McLaughlin*, 323 U.S. 101, 105 (1944).

By allowing the Court whose interpretation is controlling a chance to weigh in, this Court can avoid guesswork and obtain a definitive interpretation of the statute. *Id.* And, by resolving a case on state *statutory* interpretation grounds, rather than federal *constitutional* grounds, the Court correctly “avoid[s] ‘pass[ing] on questions of constitutionality unless such adjudication is unavoidable.’” *City and Cnty. of San Francisco v. Garland*, 42 F.4th 1078, 1089 (9th Cir. 2022) (quoting *Spector*, 323 U.S. at 105). If instead, a Court guesses at a statute’s meaning, the Court risks a “friction-generating error” that results in an avoidable clash between sovereigns. *Arizonans for Off. Engl. v. Arizona*, 520 U.S. 43, 79 (1997).

“[E]ven in cases involving First Amendment challenges to a state statute, [certification] may be required ‘in order to avoid unnecessary friction in federal-state relations, interference with important state functions, tentative decisions on questions of state law, and premature constitutional adjudication.’” *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 510 (O’Connor, J., concurring) (quoting *Babbitt*, 442 U.S. at 306). “Where a state statute has never been construed or applied, it seems rather obvious that interpretation of the statute by a state court could substantially alter the resolution of any claim that the statute is facially invalid under the Federal Constitution.” *Id.* at 509.

Here, Idaho caselaw shows the Idaho Supreme Court likely would take a different approach to construing the word “recruiting” than the Ninth Circuit panel did in this case. Certification is proper under both the Ninth Circuit case law and the relevant Idaho Appellate Rule.

*a. The Idaho Supreme Court would take a different view of “recruiting” under Idaho law than the Ninth Circuit did under federal law.*

The Idaho Supreme Court takes pains to avoid the facial invalidity of criminal statutes, including, if necessary, adopting saving constructions that cabin the reach of the text. Idaho courts “whenever possible, construe a statute so as to achieve a constitutional result.” *Bradbury*, 136 Idaho at 68, 28 P.3d at 1011. “[I]t is the province of [the Idaho Supreme] Court, where possible, to apply a reasonable limiting construction to legislative measures in order to avoid facial unconstitutionality.” *State v. Doe*, 148 Idaho 919, 933, 231 P.3d 1016, 1030 (2010) (citation omitted).

An on-point example of such a construction is *State v. Manzanares*, 152 Idaho 410, 272 P.3d 382, (2012). *Manzanares* concerned a criminal statute that prohibited gang “recruiting” by among other things “[k]nowingly soliciting, inviting, encouraging or otherwise causing a person to actively participate in a criminal gang.” *Id.* at 422, 272 P.3d at 394 (citing Idaho Code § 18-8504). The Idaho Supreme Court considered whether the statute, which defined recruitment by causing “active[] participat[ion]” and lacked a specific intent requirement in that definition, was facially overbroad. The Court rejected the argument. *Id.* at 423–26, 272 P.3d at 395–98. In doing so, the Court did not rely on a plain text analysis of the word “recruiting” or its components taken to their broadest extent (i.e., defining recruiting as “encouraging or otherwise causing”), but instead construed the statute in its context, including a mens rea requirement elsewhere in that statutory scheme, and a sensible construction of “actively participate” to cabin its reach. *Id.* at 425, 272 P.3d at 397.

But here, the Ninth Circuit, while noting the presence of an express mens rea requirement, *Matsumoto*, 122 F.4th at 811, expressly declined to apply it to the whole statute to narrow its construction of “recruiting” in the manner of the Idaho Supreme Court in *Manzanares*, and failed

to take the word in its context by asking whether the Ninth Circuit’s examples of “recruiting” would also be considered “procuring.” Thus, the Ninth Circuit, instead of construing the recruiting prong in Idaho Code § 18-623 in a manner to achieve a constitutional result, adopted the broadest possible interpretation and then found the recruiting prong unconstitutional. This is not how the majority of the Idaho Supreme Court interprets statutes. *Compare Manzanares*, majority op. with dissenting op. of Horton, J (critiquing majority saving construction).

*State v. Doe*, 148 Idaho 919, 231 P.3d 1016 (2010), is similarly instructive. There, the Court construed the constitutionality of a curfew statute that a juvenile was accused of violating. In considering whether the statute was unconstitutionally vague, the Court did two things that the Ninth Circuit did not do on appeal in this case. First, unlike the Ninth Circuit, the Idaho Supreme Court considered the context of the language in construing the text of the statute, which lead to it *rejecting* the Ninth Circuit’s interpretation of the words “loiter, idle, wander, stroll, or play” *in an analogous statute*. *Id.* at 932, 231 P.3d at 1029. Second, in determining whether exceptions to the curfew requirement were vague, the Court did not stop at plain meaning but “construed together” the exceptions with the rest of the statute and applied a construction of the text to avoid facial unconstitutionality. *Id.* at 933, 231 P.3d at 1030. As in *Doe*, here, the Idaho Supreme Court would likely look to the specific intent element of the abortion trafficking statute, and the requirement that an abortion (or drug) actually be procured, in determining whether conduct is properly considered “recruiting” under Idaho Code § 18-623.

The Ninth Circuit did not apply the methodology in *Manzanares* or *Doe*, or even more generally attempt to predict how the Idaho Supreme Court would rule in defining “recruiting.” The Ninth Circuit did recognize that the “first step in the proper facial analysis is to assess the state laws’ scope.” *Matsumoto*, 122 F.4th at 806 (cleaned up). But rather than read the statute as a

composite whole, as the Idaho Supreme Court instructs, or say that it was predicting how the Idaho Supreme Court would rule on this question of state law,<sup>8</sup> the Ninth Circuit instead 1) applied “*standard*” methods of construction under *federal* law (*Matsumoto*, 122 F.4th at 807; quotation at 808), 2) searched *federal* case law and *statutory* definitions (*Matsumoto*, 122 F.4th at 808), and 3) ultimately stopped at a plain meaning analysis of the single word “recruit” and gave it an overbroad interpretation. *Id.* at 808–11. Because the Idaho Supreme Court is likely to adopt a different interpretation of the recruiting prong, certification before summary judgment is the appropriate course.

***b. Certification is appropriate under the Ninth Circuit standard governing certification to state supreme courts.***

Courts in the Ninth Circuit undertake a four-part inquiry to determine if certification is appropriate, asking “(1) whether the question presents ‘important public policy ramifications’ yet unresolved by the state court; (2) whether the issue is new, substantial, and of broad application; (3) the state court’s caseload; and (4) ‘the spirit of comity and federalism.’” *High Cntry. Paving, Inc. v. United Fire & Cas. Co.*, 14 F.4th 976, 978 (9th Cir. 2021) (quoting *Kremen v. Cohen*, 325 F.3d 1035, 1037–38 (9th Cir. 2003)). Three factors weigh in favor of certification, and one is neutral.

*First*, the scope of the “recruiting” prong of Idaho Code § 18-623 under Idaho law and Idaho canons of construction presents a question with important public policy ramifications yet unresolved by the Idaho Supreme Court. It has never interpreted Idaho Code § 18-623. The constitutionality of a state criminal statute is, *per se*, a question with important public policy

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<sup>8</sup> Compare *Northwest Ass’n. of Indep. Schs. v. Labrador*, 166 F.4th 1148, 1157 (9th Cir. 2026) (expressly noting panel’s analysis was “guided by the Idaho Supreme Court’s approach to statutory interpretation” in interpreting scope of state law and applying limiting constructions) (citations omitted).

ramifications. *Cf. Trump v. CASA, Inc.*, 606 U.S. 831, 861 (2025) (quoting in parenthetical *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers)) (noting on preliminary injunction that a state suffers irreparable injury “any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people”).

*Second*, the issue remains new, substantial, and of broad application. The issue of Idaho’s application of its canons of construction to the statute is new: the Ninth Circuit did not try to predict how the Idaho Supreme Court would interpret the “recruiting” prong. The constitutionality of a state statute is unquestionably substantial, and the application of a criminal statute to the entire state is broad. Further, while an injunction in this case would only bind the Attorney General, who is only able to enforce the statute in situations when a county prosecutor has disavowed prosecution of the statute as a whole, an interpretation from the Idaho Supreme Court will control whether a county prosecutor may bring a “recruiting” charge in the first place.

*Third*, the Idaho Supreme Court’s caseload does not weigh in either direction insofar as counsel is aware, and the Idaho Supreme Court may decline certification if its caseload cannot accommodate the question. I.A.R. 12.3.

*Fourth*, the “spirit of comity and federalism” heavily merits certification. Idaho courts, again, are obligated to construe statutes in a way to preserve their constitutionality under Idaho canons of construction—rather than the “standard” principles and broad construction that the Ninth Circuit applied in this case. *See Matsumoto*, 122 F.4th at 806–11. Given cases like *Manzanares* and *Poe*, the unique state interest in having its legislation preserved and enforced if the statute can be interpreted in a constitutional manner, and the interest in avoiding federal interruption in the development of Idaho state law, the Idaho Supreme Court deserves the opportunity to determine the proper scope of the recruiting prong under Idaho Code § 18-623.

As Justice O'Connor noted, it makes more sense to allow a state court to weigh in and interpret the statute under Idaho canons of statutory interpretation before federal courts weigh in and decide the question prematurely, potentially foreclosing opportunities for the state court to opine. *Brockett*, 472 U.S. at 510. And, again, resolution of a challenge to state law on a non-constitutional ground lessens any clash between sovereigns, and fulfills the Court's obligation to avoid constitutional questions if possible.

*c. Certification is proper under Idaho Appellate Rules.*

Under the applicable Idaho Appellate Rule, certification is proper. Idaho Appellate Rule 12.3 allows certification where the federal court finds “[t]he question of law certified is a controlling question of law in the pending action in the United States court as to which there is no controlling precedent in the decisions of the Idaho Supreme Court,” and “[a]n immediate determination of the Idaho law with regard to the certified question would materially advance the orderly resolution of the litigation in the United States court.” As the Idaho Supreme Court is the highest expositor of Idaho law, its interpretation of Idaho Code § 18-623 is controlling. The Idaho Supreme Court has not interpreted the statute before. Determination of the proper scope of the “recruiting” prong will also conclusively determine the scope of the statute for purposes of this litigation and avoid future adjudication in state courts that may reach different results.

Given the paramount importance of preserving valid acts of legislation, avoiding constitutional questions, avoiding conflict between sovereigns, and the harm that comes to the State from its inability to enforce its laws, this Court should certify the following proposed question to the Idaho Supreme Court for resolution by decree under Idaho Appellate Rule 12.3:

In this facial challenge under the First Amendment to Idaho Code § 18-623, this Court must first “assess the statute’s scope, because it is impossible to determine whether a statute reaches too far without knowing what the statute covers.” *Matsumoto v. Labrador*, 122 F.4th 787, 806 (2024).

What does “recruiting” mean within the context of Idaho Code § 18-623(1) under Idaho law, including applicable Idaho canons of construction? Put another way, what is criminalized by the statute’s prohibition on “procur[ing] an abortion . . . or obtain[ing] an abortion inducing drug for the pregnant minor to use for an abortion by recruiting . . . the pregnant minor within this state,” with the “intent to conceal an abortion from the parents or guardian of a pregnant, unemancipated minor”?

As this Court has previously done in other cases, it should certify the above controlling question seeking a decree on the scope of the recruiting prong to the Idaho Supreme Court. *E.g.*, *Blasch v. HP, Inc.*, No. 1:22-cv-00109-DKG, 2023 WL 10450307 at \*8–9 (D. Idaho Apr. 18, 2023); *Duffin v. Idaho State Univ.*, No. 4:16-cv-00209-BLW, 2017 WL 6543873 at \*7 (D. Idaho Dec. 21, 2017) (certifying question at summary judgment stage while granting and denying in part cross motions). A motion in compliance with Idaho Appellate Rule 12.3 is filed herewith.

#### **IV. Idaho’s prohibition on abortion trafficking does not violate the right to interstate travel (Count II).**

Idaho Code § 18-623 proscribes conduct taking place in Idaho—the interference in a parent’s fundamental right to the care, custody and control of his or her child (particularly decision making about the health and wellbeing of the minor)—regardless of where the minor ultimately ends up. Nothing about Idaho’s prohibition on abortion trafficking violates the right to interstate travel. To the contrary, the statute in question is a lawful aid to parents to assist in their exercise of authority over their children—authority that does not belong to busybodies and interlopers. Count II must be dismissed.

##### **A. Idaho’s abortion trafficking law does not implicate the right to interstate travel.**

The right to travel is the fundamental right “of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.” *Saenz v. Roe*, 526 U.S. 489, 500

(1999); accord *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 276–77 (1993). “In reality, right to travel analysis refers to little more than a particular application of equal protection analysis,” between in state and out-of-state persons. *Zobel v. Williams*, 457 U.S. 55, 60 n.6 (1982). Idaho Code § 18-623 does not implicate any of these rights and does not discriminate between in-state and out-of-state citizens, and so it does not implicate the right to travel.

***1. Idaho's prohibition on abortion trafficking is a constitutional aid to parents' right to custody over minors who lack an independent right to travel.***

Idaho's abortion trafficking statute plainly does not implicate the right to travel. *Saenz* first describes the right to come and go from one state to another. *Saenz*, 526 U.S. at 500 (citing *Edwards v. California*, 314 U.S. 160 (1941)). But under Idaho Code § 18-623, Plaintiffs are not prevented from entering or leaving the state, nor prevented from entering or leaving the state with anyone who has themselves the right to travel, including parents who themselves (or delegating their authority to someone else) can take their own children out of state for an abortion. Because the law “impose[s] no obstacle to [Plaintiffs'] entry into [Idaho]” the law does not “directly impair the exercise of the right to free interstate movement.” *Saenz*, 526 U.S. at 501.

Next, *Saenz* considered the “right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.” *Id.* at 500. Put another way, this is the same as the federal privileges and immunities guarantee of Article IV, Section 2 of the United States Constitution, ensuring that citizens of one state have the same privileges and immunities of the states in which they visit. The same laws that prohibit abortion trafficking apply equally to both in and out-of-state residents, so long as the recruiting, harboring, or transporting is done within the State of Idaho. Thus, this prong is not implicated. *See generally id.* at 502 (discussing applications).

Last, the final prong is “the right of the newly arrived citizen to the same privileges and immunities enjoyed by other citizens of the same State.” *Id.* at 502. Again, nothing about the statute prevents Plaintiffs—or anyone else—from moving to Idaho and enjoying the privileges and immunities of being Idahoan. No prong of the right to travel described by *Saenz* is at play.

Because the rights described in *Saenz* are not implicated, Count II fails. Laws that “evenhandedly disrupt[ ] both local and interstate travel” do not implicate the right to travel. *Bray*, 506 U.S. at 277 n.7 (quoting and addressing dissent of Stevens, J. at 337). Here, it does not matter whether the procedure is in Idaho or elsewhere, as long as the recruiting, harboring, or transporting occurs in Idaho. Because the prohibition on abortion trafficking impacts both in-state and out-of-state travel, it is even handed, and any impact on interstate travel, is at the very most incidental.

*Jones v. Helms*, 452 U.S. 412, 417–20 (1981) is instructive on both the question of whether a state may criminalize conduct—including conduct continuing into another state—and whether the right to travel can be bootstrapped onto otherwise criminal conduct to defeat a statute. In *Jones*, the Supreme Court considered a Georgia statute that turned a misdemeanor charge of child abandonment into a felony upon leaving the state. *Id.* at 413 n.1. As the Supreme Court held, this did not implicate the right to interstate travel for, among other reasons, the fact that the crime included underlying conduct that was otherwise punishable. *Id.* at 422. In such a case “the State may treat *the entire sequence of events*, from the initial offense to departure from the State, as more serious than its separate components.” *Id.* at 422–23.

As with the felony child abandonment in *Jones*, it is true that the act of abortion trafficking may not be complete until after the pregnant minor, in some—but surely not all—conceivable cases, leaves the state and obtains an abortion. But this does not preclude the state from attaching consequences to conduct that occurs within the State of Idaho so as to protect the parent-child

relationship that may continue beyond state lines, any more than Georgia was precluded from attaching consequences to conduct that continued past its state line. This makes sense: plenty of crimes can be contemplated that involve a sequence of actions that can occur in two or more states, *i.e.*, kidnapping or a high-speed chase, etc. Idaho Code § 18-4502; 49-1404(2)(d).

The context in which this challenge comes, a statute enacted to protect the right of parents over their children, makes the interstate travel challenge an especially poor fit. Parents have the fundamental right to make medical decisions for their children, including medical decisions about which a child might disagree. *Parham*, 442 U.S. at 602–04; *Mirabelli*, 607 U.S. at \_\_\_\_, 146 S. Ct. at 803 (citing *Parham*). While the State, with its own interest in protecting the wellbeing of children, may “interfere with the right if they ‘provide the parents with fundamentally fair procedure,’” *Keates v. Koile*, 883 F.3d 1228, 1236 (9th Cir. 2018) (quoting *Santosky v. Kramer*, 455 U.S. 745 (1982)), private parties have no right to make medical decisions for other people’s children, or the decision to provide a minor with access to an abortion procedure—even when they perceive a conflict between the wishes of the parent and child. *See Ginsberg v. New York*, 390 U.S. 629, 639 (1968) (noting states can legislate to aid parental authority).

Minors, in turn, do not have an unqualified right to interstate travel. In fact, minors have no fundamental right to travel without their parents, *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646, 654–55 (1995). Under common law, “unemancipated minors lack some of the most fundamental rights of self-determination—including even the right of liberty in its narrow sense, *i.e.*, *the right to come and go at will*. They are subject, even as to their physical freedom, to the control of their parents or guardians.” *Id.* at 654 (citation omitted) (emphasis added). Idaho is free to adopt regulations to assist parents in their ability to make decisions related to the care of their children, including the control of children who would otherwise choose to get an abortion.

*Nunez by Nunez v. City of San Diego*, 114 F.3d 935, 952 (9th Cir. 1997) (distinguishing between curfew law which constrained parents from parental consent law in *Bellotti v. Baird*, 443 U.S. 622, 638–39 and n.18 (1979) (plur. op) which was constitutional because it supported parents); *see also Parham*, 442 U.S. at 603–04 (“The fact that a child may balk at hospitalization or complain about a parental refusal to provide cosmetic surgery does not diminish the parents’ authority to decide what is best for the child.”). The right of parents to make medical decisions for their children free of improper interference by busybodies, and the absence of any right of children to travel freely, result in one logical conclusion: because minors themselves have no right to travel without the consent of parents, Plaintiffs have no right to take them.

The U.S. Supreme Court recently reiterated the importance of the parental right to be involved in important decisions regarding their children when third parties seek to interfere with that right. In *Mirabelli*, 607 U.S. \_\_\_\_, 146 S. Ct. at 803, the Court granted interim relief to parents challenging a state’s policy requiring schools to “shut out” parents from “participation in decisions regarding their children’s mental health.” The Court found that the parents had stated a substantive due process claim against the state, which, through its policy had improperly prioritized the right of privacy of the child over the medical decision-making authority of the parents. *See also op. below Mirabelli v. Olson*, \_\_\_ F. Supp. 3d \_\_\_\_, 3:23-cv-768-BEN-WVG, 2025 WL 3713588 at \*23 (S.D. Cal. Dec. 22, 2025).

\* \* \*

Statutory aids to parents in allowing them to make medical decisions for their children are plainly legitimate. *E.g.*, *Ginsberg*, 390 U.S. at 639; *Parham*, 442 U.S. at 603–04. The fact that Plaintiffs may disagree with some of those decisions about abortion, or that Plaintiffs would permit abortions when parents prohibit them is constitutionally irrelevant. Plaintiffs cannot bootstrap their

way into someone else’s parent-child relationship by claiming that their interference continues across state lines. The right to interstate travel does not extend so far as to intrude into the rights of other parents and guardians to their children. Plaintiffs’ claim fails.

**2. *Legislative history, to the extent it isn’t simply irrelevant, supports the statute’s valid purpose.***

Idaho’s abortion trafficking statute does not impair the right to interstate travel because it does not impair any of the rights described in *Saenz*. Plaintiffs nonetheless argue that the right to interstate travel includes a right against legislation passed with a bad motive, i.e., a mere intent to deter travel. *E.g.*, Dkt. 1 ¶¶ 69, 75; Dkt. 87 at 9. This is incorrect, but even if that proposition were a correct statement of the law, the statute here clearly passes muster.

**a. *Legislative intent is irrelevant—the statute’s text stands alone.***

Plaintiffs have asserted at various points that the right to interstate travel prohibits statutes whose primary objective is to impede travel. Their support for this proposition hinges on the plurality opinion in *Att’y Gen. of New York v. Soto-Lopez*, 476 U.S. 898, 903 (1986) (plurality opinion). In passing, the plurality opinion<sup>9</sup> outlined a theory that the right to travel is implicated by a state law “when impeding travel is its primary objective.” *Id.* This proposition is not the law, as a plurality opinion “[d]oes not represent the views of a majority of the [Supreme] Court.” *United States v. Brobst*, 558 F.3d 982, 991 (9th Cir. 2009) (citation omitted).

To be sure, Ninth Circuit cases have mentioned *Soto-Lopez*, but to the extent cases like *Miller v. Reed*, 176 F.3d 1202 (9th Cir. 1999) or *Matsuo v. United States*, 586 F.3d 1180 (9th Cir. 2009) have mentioned *Soto-Lopez*’s “primary objective” dicta, they have merely mentioned it in passing while pointing out that such an issue had not been raised in the case before the Court.

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<sup>9</sup> Chief Justice Burger and Justice White *expressly* rejected the necessity of the right to travel commentary, and joined on Equal Protection, *Soto-Lopez*, 476 U.S. at 912–13 (Burger, C.J. concurring), or failure to meet rational basis, *id.* at 916 (White, J., concurring) grounds.

*Miller*, 176 F.3d at 1205; *Matsuo*, 586 F.3d at 1182 n.2. Indeed, to the extent the Ninth Circuit *has* discussed the right to interstate travel in conjunction with *Soto-Lopez*, it has done so on grounds that are coterminous with the rights described by *Saenz*. Compare *Saenz*, 526 U.S. at 501, with *Miller*, 176 F.3d at 1205–06 (rejecting argument based on direct impairment theory through deprivation of driver’s license) and *Matsuo*, 586 F.3d at 1184–85 (rejecting disparate impact claim arguing differential treatment between recipients of federal benefits based on state of residents). In fact, *Matsuo* notes that unless a purported infringement *also* falls within the bounds of the right enunciated in *Saenz*, a state act does not burden the right to travel. *Matsuo*, 586 F.3d at 1184–85. No binding precedent allows the Court to speculate as to legislators’ motives in order to find a violation of the right to interstate travel.

Further, more recent decisions make *Soto-Lopez* anomalous in addition to being non-binding. Arguments based on legislative motives have been “long disfavored” and a “hazardous matter.” *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 253 (2022) (collecting cases) (first quote); *United States v. O’Brien*, 391 U.S. 367, 383 (1968) (second quote). Even when an argument about legislative motive is backed by statements made by legislators who voted for a law, [the Court has] been reluctant to attribute those motives to the legislative body as a whole.” *Dobbs*, 597 U.S. at 253–54. “What motivates one legislator to make a speech about a statute is not necessarily what motivates scores of others to enact it.” *Id.* at 254 (quoting *O’Brien*, 391 U.S. at 384); cf. *Epic Sys. Corp. v. Lewis*, 584 U.S. 497, 523 (2018) (“legislative history is not the law”).

Even more dubious are arguments attempting to impugn the motives behind a piece of legislation based on statements from non-legislator supporters of the legislation. *Dobbs*, 597 U.S. at 254 (rejecting such an argument). Such statements can’t even claim the imprimatur of a single actual decisionmaker who is democratically accountable for the legislation.

Plaintiffs effectively want to import an *Arlington Heights* style framework to the right to travel, despite the fact that no Supreme Court majority has ever commanded such a thing. *See Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977). In the absence of such a warrant, the kinds of legislative history material that Plaintiffs attempt to use here are exactly the kind of “excerpts from committee hearings and scattered floor statements by individual lawmakers” that are “among the least illuminating forms of legislative history.” *Advoc. Health Care Network v. Stapleton*, 581 U.S. 468, 481 (2017) (second quote quoting *NLRB v. SW Gen., Inc.*, 580 U.S. 288, 307 (2017)). There is no need to “‘muddy’ the meaning of ‘clear statutory language,’” with floor statements as the Supreme Court instructed in overruling a contrary D.C. circuit test applied to statutory interpretation. *Food Mktg. Inst. v. Argus Leader Media*, 588 U.S. 427, 436–37 (2019) (citation omitted). The statute applies to conduct that occurs in Idaho that results in the procurement of abortions for pregnant minors with the specific intent to conceal the abortions from the parents, and thereby harm the parent-child relationship—it isn’t aimed at interstate travel, let alone the travel of a person with the constitutional right to travel.

\* \* \*

Plaintiffs ask this Court to apply the harshest remedy—a declaration of facial unconstitutionality—against an act of representative government on the flimsiest of grounds, i.e., what *single representatives* and *non-legislators said in committee*. This is not the law, and the Court should decline the invitation.

***b. Evidence beyond the text of the statute supports Defendant.***

But supposing the Court is inclined to look to indicia of intent including *and* beyond the statute itself, Idaho’s abortion trafficking statute does not implicate the “primary objective” test of *Soto-Lopez*. Section 18-623’s “primary objective” is the protection of parental rights.

To the extent that committee hearings are any guide, they are pointed towards the statute’s true intent: to support the right of parents to make medical decisions without the interference of private interlopers and strangers. House Bill 98 did not receive a committee hearing. But each of the occasions on which House Bill 242 received a hearing, the consistent presentation of the floor sponsors<sup>10</sup> and supportive legislators was clear: “this is a parental rights bill” intended to regulate conduct in Idaho. Stmt. of Rep. Ehardt, House Chambers, Mar. 7, 2023 [1:02:32]

- “[W]e have before us another parental rights bill . . . because once is far too often in Idaho where a minor has been trafficked across our state lines . . . to essentially get an abortion without the consent of a parent. This legislation is only dealing with the fact that a parent would not give consent.” *Id.* [1:02:17 – 1:03:05]
- “Now let me just be very clear with this that this does not prohibit a parent who wants to give consent or a parent who takes their child across the border to receive an abortion. A parent can still do that and a parent can still give permission, say to an aunt or an uncle to do that. This is only dealing with those who would traffic minors without the consent of a parent.” *Id.* [1:03:50-1:04:22]
- “This would deal with the actions that we’re able to control within Idaho.” *Id.* [1:05:48-1:05:52]
- “The section itself again applies to those that attempt to conceal with the intent to conceal from the parent.” Stmt. of Sen. Lakey, Sen. State Affairs Comm. (Mar. 27, 2023) [33:01-33:09]
- “We’re talking about the recruiting, harboring or transporting for the attempt to procure, or in the furtherance of the procurement of an abortion, which is unlawful in Idaho. But it’s the activity that occurs within the state, not the transport across state lines. It says transporting the pregnant minor within the state commits the crime.” *Id.* [35:13-37]
- “Abortion trafficking . . . covers an adult who, with the intent to conceal an abortion from the parent or guardian, procures an abortion or an abortion inducing drug to be used in the abortion for a pregnant minor by recruiting, harboring or transporting that pregnant minor *within the state* . . . It focuses on an adult who acts to conceal this and then takes actions in furtherance of that while concealing it from the parent or guardian.” Stmt. of Sen. Lakey, Senate Chambers (Mar. 30, 2023) [1:16:25-1:16:55]

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<sup>10</sup> Sponsors of H.B. 242 were Representative Barbara Ehardt and Senator Todd Lakey.

To the extent that the statements of other supporters are legally relevant, they also made the meaning and intent plain: the bill was intended to protect the rights of parents to determine whether a minor can receive an abortion. As Megan Wold, a lobbyist on behalf of Idaho Right to Life, stated in the House State Affairs Committee, “the crime is performed by the individual who *within the state of Idaho* harbors, recruits or transports the minor for an abortion *wherever it would be.*” Stmt. of Megan Wold, House State Affairs Comm. (Mar. 3, 2023) [1:07:47-57]. She specifically noted that circumstances like human trafficking writ large, where pregnancy is an impediment to prostitution, and the impregnation of an underage girl by an adult male seeking to conceal the statutory rape from parents are circumstances in which abortion trafficking would come into play. *Id.* at [58:00-1:00:33]. She reiterated in the Senate State Affairs Committee, “*it’s really about the actions happening here in Idaho* to an underage individual.” Stmt. of Megan Wold, Senate State Affairs Comm. (Mar. 27, 2023) [4:58-5:13]. Indeed, she identified specific instances of abortion trafficking, with their attendant harms—physical harm to the minor, concealment of the abortion, and potential additional pregnancies as the hidden abuse continues. Stmt. of Megan Wold House State Affairs Comm (Mar. 3, 2023) [59:05-1:03:33]; Senate State Affairs Comm (Mar. 27, 2023) [11:25-11:55].

Other witnesses testified about the harms of potentially coerced abortions when a stranger to the parent child relationship commits abortion trafficking and the need to ensure parents are involved. *See* Stmt. of Samantha Doty (ph.), Sen. State Affairs Comm. (Mar. 27, 2023) (“This law is especially designed to protect young women who are being abused or trafficked.”) [14:34-38]; Stmt. of Dr. Katherine Aberle, Sen. State Affairs Comm. (Mar. 27, 2023) (“Human trafficking as well as statutory rape victims are also left out of the abortion discussion. These women are coerced into obtaining abortions to protect their traffickers and rapists. We know that human trafficking of

minors is happening in Idaho. House Bill 242 supports parental consent and protects vulnerable minors.”) [17:21-17:35]

In context, references to interstate travel are prosaic—minors don’t have the right to travel without their parents’ consent, and the interference in the parent-child relationship is taking place *in Idaho*:

“It’s all about parental permission. Taking a minor from Idaho and trafficking that minor to another state to receive an abortion. *Now let me be clear* that if a parent wants to take that minor to another state because unfortunately their child ended up pregnant, that parent can do this . . . [i]f that parent wanted to cede their rights . . . that parent can do it. But somebody unbeknownst to that parent cannot do that . . . And this gives us the tools to go after those *who would subvert [ ] a parent’s right to be able to make those decisions* in conjunction with their child.”

Stmt. of Rep. Ehardt, Senate State Affairs Comm. (Mar. 27, 2023) [2:04-2:46] And again, as Senator Lakey emphasized in Senate Chambers, the intended target of the legislature was conduct (recruiting, harboring, and transportation) undertaken *in Idaho*. Stmt. of Sen. Lakey, Senate Chambers (Mar. 30, 2023). [1:16:00-1:16:47]

\* \* \*

Ultimately, the aim of the law is clear from the text—but certainly emphasized by floor sponsors and committee speakers: whatever “misdirection” is attempted by opponents of the bill, “[t]his is a parental rights bill.” Stmt. of Rep. Ehardt, House Chambers (Mar. 7, 2023) [1:15:15-1:16:00]. As Representative Ehardt correctly noted, minor rights are “limited” and “when you talk about the rights of the children, you’re talking about who controls the rights of the children.” *Id.* [1:16:18-1:16:25]; *accord Vernonia*, 515 U.S. at 654. The bill protects the rights of parents, and as to persons who actually have a right to interstate travel, i.e., adults or emancipated minors, the statute and its sponsors have nothing to say. Even if the Court looks beyond the text to evidence of intent, the right to interstate travel is not implicated.

Thus, even under Plaintiffs' proposed standard, Count II fails.

**CONCLUSION**

For the foregoing reasons, the Court should grant the Attorney General's motion for summary judgment as to all claims and all Plaintiffs, and/or certify a question to the Idaho Supreme Court.

DATED: April 16, 2026

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

*/s/ Aaron M. Green* \_\_\_\_\_

AARON M. GREEN  
Deputy Attorney General

*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT on April 16, 2026, the foregoing was electronically filed 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  
FOR THE DISTRICT OF IDAHO**

LOURDES MATSUMOTO, NORTHWEST  
ABORTION ACCESS FUND, and  
INDIGENOUS IDAHO ALLIANCE,

*Plaintiff,*

v.

RAÚL LABRADOR, in his capacity as the  
Attorney General of the State of Idaho,

*Defendant.*

Case No. 1:23-cv-00323-DKG

**ATTORNEY GENERAL  
LABRADOR'S STATEMENT OF  
UNDISPUTED FACTS**

## **I. Plaintiff Matsumoto Standing**

1. Plaintiff Lourdes Matsumoto has never worked with pregnant minors, either in her work with the Idaho Coalition Against Sexual and Domestic Violence or in any other role. Deposition of Matsumoto: 29:16-30:12; 33:6-34:4 (with coalition); 34:5-8 (work outside coalition); e.g. 36:16-37:14; 50:5-8.
2. From January 1, 2021, to the date of her deposition, Plaintiff Matsumoto has never in any way helped any Idaho minor obtain an abortion or abortion inducing drug. Deposition of Matsumoto: 49:3-11.
3. From January 1, 2021, to the date of her deposition, Plaintiff Matsumoto does not know if any material she has disseminated concerning abortion has ever made its way to a pregnant minor to seek an abortion. Deposition of Matsumoto: 49:12-22.
4. Plaintiff Matsumoto has never knowingly spoken to a pregnant minor about abortion resources. Deposition of Matsumoto at 50:9-16.
5. From January 1, 2021, to the date of her deposition, Plaintiff Matsumoto did not harbor a minor in the State of Idaho to help the minor obtain an abortion. Deposition of Matsumoto at 50:17-22.
6. From January 1, 2021, to the date of her deposition, Plaintiff Matsumoto did not physically transport a minor in the State of Idaho to help the minor obtain an abortion. Deposition of Matsumoto at 50:23-51:3.
7. For future plans, Plaintiff Matsumoto envisions serving domestic violence and sexual assault survivors and is willing to work with minors who need legal representation. Deposition of Matsumoto at 56:21-57:20; 59:14-60:19.

## **II. Plaintiff Indigenous Idaho Alliance Standing**

8. Plaintiff Indigenous Idaho Alliance does not procure abortions. Deposition of IIA at 17:3-9.
9. Plaintiff Indigenous Idaho Alliance does not have plans to procure abortions. Deposition of IIA at 17:10-18:6.
10. Plaintiff Indigenous Idaho Alliance does not directly provide assistance to minors to obtain abortions, instead providing assistance to “trusted members” of the community. Deposition of IIA at 21:5-15; 25:23-26:2.
11. Plaintiff Indigenous Idaho Alliance has not received a request for assistance for an abortion from a minor. Deposition of IIA at 25:24-26:2.
12. Plaintiff Indigenous Idaho Alliance does not ask in advance how the assistance it provides in the form of direct cash or reimbursement is going to be used. Deposition of IIA at 22:11-23:8.
13. Plaintiff Indigenous Idaho Alliance has never known in advance that it was providing assistance for a minor to obtain an abortion. Deposition of IIA at 24:15-25:1.
14. Plaintiff Indigenous Idaho Alliance does not consider advocacy to be assistance. Deposition of IIA at 27:6-9.
15. Plaintiff Indigenous Idaho Alliance does not harbor minors. Deposition of IIA at 29:11-17.
16. Plaintiff Indigenous Idaho Alliance does not transport minors. Deposition of IIA at 29:18-20; 56:2-4.

Plaintiff Indigenous Idaho Alliance is only aware of one circumstance in which it provided aid that might have been used for an abortion and only inferred its purpose after the fact. Deposition of IIA at 38:21-40:2.

17. Plaintiff Indigenous Idaho Alliance provides assistance to “trusted community members” rather than minors directly. Deposition of IIA at 25:24-26:2.

### **III. Plaintiff Northwest Abortion Access Fund Standing**

18. NWAAF does not procure abortions, including for minors. Deposition of NWAAF at 27:14-16; 27:21-24.
19. NWAAF does not have any future plans to procure abortions. Deposition of NWAAF at 27:17-20.
20. NWAAF has never intended to conceal an abortion from the parents or guardian of a minor when it has assisted a minor. Deposition of NWAAF at 27:25-28:6; 31:3-9.
21. NWAAF has no plans to conceal an abortion from the parents or guardian of a minor. Deposition of 28:7-11.
22. NWAAF does not procure abortions by recruiting minors. Deposition of NWAAF at 28:14-29:11.
23. NWAAF has no plans to procure abortions by recruiting minors. Deposition of NWAAF at 29:12-19.
24. NWAAF does not procure abortions by harboring minors. Deposition of NWAAF at 33:6-17.
25. NWAAF is aware of one instance in 2020 in which it transported an Idaho minor, but is otherwise unaware of circumstances in which it has transported Idaho minors. Deposition of NWAAF at 33:24-34:18; Deposition of Iris Alatorre at 14:3-24.
26. NWAAF does not have plans to transport Idaho minors in the future. Deposition of NWAAF at 34:24-35:3.

DATED: April 16, 2026

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

/s/Aaron M. Green  
AARON M. GREEN  
Deputy Attorney General

*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT on April 16, 2026, the foregoing was electronically filed 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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*Attorneys for Defendant*

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

LOURDES MATSUMOTO, NORTHWEST  
ABORTION ACCESS FUND, and  
INDIGENOUS IDAHO ALLIANCE,

*Plaintiff,*

v.

RAÚL LABRADOR, in his capacity as the  
Attorney General of the State of Idaho,

*Defendant.*

Case No. 1:23-cv-00323-DKG

**DECLARATION OF AARON M.  
GREEN**

I, AARON M. GREEN, declare and state as follows:

1. I am a Deputy Attorney General for the State of Idaho Office of the Attorney General, serving in the Civil Litigation and Constitutional Defense Division. I am an attorney of record for Defendant Labrador in his official capacity.
2. Attached as **Exhibit A** is a true and correct copy of the transcript of the Deposition of Lourdes Matsumoto taken in this action.
3. Attached as **Exhibit B** is a true and correct copy of the transcript of the 30(b)(6) Deposition of Indigenous Idaho Alliance taken in this action.
4. Attached as **Exhibit C** is a true and correct copy of the transcript of the 30(b)(6) Deposition of Northwest Abortion Access Fund taken in this action.
5. Attached as **Exhibit D** is a true and correct copy of the transcript of the Deposition of Iris Alatorre taken in this action.

Under 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 16, 2026

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

/s/Aaron M. Green  
AARON M. GREEN  
Deputy Attorney General

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT on April 16, 2026, the foregoing was electronically filed 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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*/s/Aaron M. Green*

AARON M. GREEN

# Exhibit A

In The Matter of:

Lourdes Matsumoto, Northwest Abortion  
Access Fund, and Indigenous Idaho Alliance

v.

Raul Labrador, in his capacity as the  
Attorney General of the State of Idaho

**DEPOSITION OF  
LOURDES MATSUMOTO  
March 05, 2026**



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LOURDES MATSUMOTO vs RAUL LABRADOR  
MATSUMOTO, LOURDES 03/05/2026

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

<b>LOURDES MATSUMOTO, NORTHWEST</b>	)	
<b>ABORTION ACCESS FUND, and</b>	)	
<b>INDIGENOUS IDAHO ALLIANCE,</b>	)	<b>Case No.</b>
	)	<b>1:23-cv-00323-DKG</b>
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>RAUL LABRADOR, in his capacity as</b>	)	
<b>the Attorney General of the State</b>	)	
<b>of Idaho,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

---

**DEPOSITION OF LOURDES MATSUMOTO**

**March 5, 2026**

**Boise, Idaho**

**Reported by:**  
**Rebecca Martin, CSR #1108, RPR, CRR**

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**DEPOSITION OF LOURDES MATSUMOTO**

**BE IT REMEMBERED** that the deposition of  
LOURDES MATSUMOTO was taken by the Defendants at the  
OFFICE OF THE ATTORNEY GENERAL, located at 514 W.  
Jefferson Street, Boise, Idaho, before Treasure Valley  
Reporting, Rebecca Martin, Court Reporter and Notary  
Public in and for the State of Idaho, on Thursday, the  
5th day of March, 2026, commencing at the hour of  
10:00 a.m. in the above-entitled matter.

**APPEARANCES:**

**For the Defendants:**  
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1 **Appearances (Cont.)**

2 **For the Plaintiffs:**

**LEGAL VOICE**

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**For the Plaintiffs:**

9 **THE LAWYERING PROJECT**

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14

**Also Present: Candi Larsen**

15 **Rebecca Hulst (via Zoom)**

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**I N D E X**

**E X A M I N A T I O N**

<b>LOURDES MATSUMOTO</b>	<b>PAGE</b>
<b>By: MR. CRAIG.....</b>	<b>5</b>
<b>MS. O'NEILL.....</b>	<b>56</b>
<b>MR. CRAIG.....</b>	<b>64</b>

**E X H I B I T S**

<b>No.</b>	<b>Page</b>
<b>Exhibit 1</b>	<b>Complaint for Declaratory .....32</b>
	<b>Judgment (34 pages)</b>

1 P R O C E E D I N G S

2

3 LOURDES MATSUMOTO,

4 a witness having been first duly sworn to tell the  
5 truth, the whole truth and nothing but the truth,  
6 was examined and testified as follows:

7

8 EXAMINATION

9 BY MR. CRAIG:

10 Q. Good morning, Ms. Matsumoto. My name is  
11 Jim Craig. I'm a deputy attorney general with the  
12 Attorney General's Office. Appreciate you coming  
13 here today.

14 Have you ever done a deposition before?

15 A. I've never been deposed before.

16 Q. Have you conducted a deposition before?

17 A. I have.

18 Q. Okay. So you're well familiar with the  
19 rules, but I'll just go through them anyway.

20 Obviously, this is less formal than  
21 court, but you just took an oath to tell the truth,  
22 which is the same oath you would take in court.

23 Do you understand that?

24 A. Yes.

25 Q. My goal here is not to trick you, not to

1 ask any trick questions. Sometimes my questions  
2 will be garbled, though. If you do not understand  
3 a question, just please feel free to ask for  
4 clarification.

5 We can take breaks anytime you want. My  
6 only request is that you answer whatever question  
7 is posed before we take a break. Generally I take  
8 a break about every hour, give or take, depending  
9 on how things are going.

10 We are using a court reporter. She's  
11 typing everything you're saying, so we do need you  
12 to have audible answers, "yes" or "no." You know,  
13 shaking the head or nodding the head, you know,  
14 "uh-huh," "huh-uh," that comes across hard in a  
15 transcript. So we do need audible answers.

16 Have you taken any medicine recently  
17 that might impair your ability to give your best  
18 answers here today?

19 A. No.

20 Q. Is there any reason you can't give us  
21 your best answers today?

22 A. No.

23 Q. Great.

24 Let's start off with an easy question,  
25 your name. Can you please state your name and

1 spell your name for the record?

2 A. Yes. It's Lourdes Matsumoto; first name  
3 L-o-u-r-d-e-s, last name M-a-t-s-u-m-o-t-o.

4 Q. And you are a licensed attorney; is that  
5 correct?

6 A. Yes.

7 Q. When did you graduate from law school?

8 A. 2015.

9 Q. What law school did you go to?

10 A. I graduated from the University of  
11 Idaho. I began at Gonzaga and transferred.

12 Q. Were you at law school here in Boise or  
13 up in Moscow?

14 A. Here in Boise.

15 Q. Did you go to Gonzaga for one year or  
16 two years?

17 A. So I actually graduated a semester  
18 early. So I did a semester-and-a-half at Gonzaga  
19 and a semester-and-a-half at U of I.

20 Q. Okay.

21 A. I graduated in December and I took the  
22 February bar too.

23 Q. Took February bar in 2015?

24 A. '16.

25 Q. 2016.

1                   And did you pass the February bar 2016?

2           A.    I did, yes.

3           Q.    And that was Idaho's bar?

4           A.    Yes.

5           Q.    And so you are currently licensed to

6 practice law in Idaho?

7           A.    Correct.

8           Q.    Are you licensed in any other state?

9           A.    No.

10          Q.    Have you ever been disciplined as an

11 attorney?

12          A.    No.

13          Q.    Have you ever had charges filed against

14 you?

15          A.    No.

16          Q.    To your knowledge, have you ever been

17 investigated by the state bar?

18          A.    Not to my knowledge, no.

19          Q.    Where'd you go to school for your

20 undergraduate?

21          A.    The College of Idaho and then, again, I

22 actually began at Gonzaga, transferred, and

23 graduated College of Idaho because I graduated in

24 three years instead of four.

25          Q.    Okay. And what's your degree, your

1 undergraduate degree?

2 A. I have a dual degree in political  
3 economy and history.

4 Q. What year did you graduate?

5 A. 2007.

6 Q. Do you have any other college education  
7 other than what we've talked about?

8 A. No.

9 Q. So what did you do after you graduated  
10 from College of Idaho in 2007?

11 A. I did a lot of things. I worked for a  
12 bank. I worked for -- so that was a really bad  
13 time to be graduating. But I worked for a bank,  
14 which was also a really bad time to work for a  
15 bank, and then I worked for the Department of  
16 Labor, and then I worked for the City of Caldwell.

17 Q. Federal Department of Labor or Idaho  
18 Department --

19 A. The Idaho Department of Labor.

20 Q. And then City of Caldwell?

21 A. Yes.

22 Q. And what were you doing for the  
23 Department of Labor?

24 A. I was just a workforce consultant. I  
25 assisted people coming in at the time to either

1 apply for benefits or gain workforce training,  
2 resumes, stuff like that.

3 Q. How long did you work for them?

4 A. I did two stints with them. I worked  
5 with them for -- in totality maybe a year,  
6 year-and-a-half.

7 Q. And what were you doing for City of  
8 Caldwell?

9 A. I was the executive assistant to the  
10 mayor.

11 Q. For what years?

12 A. Oh, gosh. I believe, to the best of my  
13 memory, it was about 2010 to '11 or '12.

14 Q. So you were there for a couple years --  
15 year-and-a-half, couple years?

16 A. Yeah, a couple years, and then about  
17 that time that I decided to go to law school.

18 Q. When did you start law school?

19 A. 2013.

20 Q. And that was at Gonzaga up in Spokane?

21 A. Yes.

22 Q. And then transferred to Boise a  
23 year-and-a-half later, so end of 2014?

24 A. 2014, yeah.

25 Q. After you graduated from law school,

1 what was your first employment?

2 A. It was with the State Controller's  
3 Office.

4 Q. What were you doing for the State  
5 Controller's Office?

6 A. I was a deputy legal counsel, was my  
7 official title, I believe.

8 Q. And was that through the Attorney  
9 General's Office or were you employed by the state  
10 controller?

11 A. No, I was employed by the state  
12 controller.

13 Q. Okay. And when did you start working  
14 for them?

15 A. Sometime in 2016. It was the day I  
16 found out I passed the bar that I also got  
17 requested for an interview to be -- the school  
18 forwarded my name to the controller.

19 Q. How long did you work for the State  
20 Controller's Office?

21 A. For about a year-and-a-half, again.

22 Q. And where did you go after that?

23 A. I went to White Peterson for a very  
24 short stint and then to -- at the time it was  
25 called Strindberg & Scholnick. It's now Birch

1 Hallam Harstad & Johnson.

2 Q. Okay. How long were you at White  
3 Petersen? You said "a short period," so --

4 A. A year.

5 Q. A year?

6 What were you doing for them?

7 A. Associate attorney.

8 Q. What type of cases did you work on?

9 A. I did a little bit of everything. I had  
10 some municipal law matters and I did a little bit  
11 of estate planning, a little bit of criminal law,  
12 just kind of whatever they told me to do.

13 Q. And then you went to -- I'm sorry, I  
14 forgot the name already.

15 A. At the time I worked there it was  
16 Strindberg & Scholnick.

17 Q. That's right. Okay.

18 Also as an associate attorney?

19 A. Yes.

20 Q. How long did you work for them?

21 A. Two years.

22 Q. What type of cases did you work on  
23 there?

24 A. Employment law.

25 Q. Where did you go after that?

1           A.    After that, I went into self-employment,  
2 started my own firm.

3           Q.    About what year was that?

4           A.    2021.

5           Q.    Are you still self-employed with your  
6 own firm?

7           A.    I am.

8           Q.    Do you have any employees?

9           A.    I don't.

10          Q.    Do you have any other attorneys you work  
11 with?

12          A.    I do work with other attorneys, yes.

13          Q.    In your same firm or -- like, do you  
14 have any other partners with your firm?

15          A.    Oh, I don't have any partners. I just  
16 will co-counsel -- I just co-counseled a trial,  
17 just in February, with another attorney and other  
18 things like that.

19          Q.    What type of cases do you handle?

20          A.    I have kind of a little bit of  
21 everything, again, right now. So going back to  
22 2021, when I started my own firm, just to kind of  
23 clarify the timeline here, I also that year began  
24 contracting with the Idaho Coalition Against Sexual  
25 and Domestic Violence, and I did that under

1 contract through my firm for about a year, and then  
2 they offered me a position on staff as an employee.  
3 So I did work for them from 2022 until December of  
4 last year.

5 And so primarily for those years, the  
6 work I did was with survivors -- civil matters  
7 involving survivors of domestic violence and sexual  
8 assault.

9 Q. All right. So when you were working  
10 with the Idaho Coalition, you said you contracted  
11 with them. Was that to do legal work or was it to  
12 do other type of work?

13 A. It was to do legal work, yes.

14 Q. Who was your client?

15 A. The Idaho Coalition.

16 Q. Okay. So you were giving them legal  
17 work -- giving them legal advice?

18 A. Well, so there was a grant to provide  
19 legal services that the Coalition received, and  
20 they hired me to work under that grant to provide  
21 representation for survivors directly. So I had  
22 clients that were survivors directly that I  
23 provided legal advice to.

24 Q. So you represented the survivors?

25 A. Yes.

1 Q. And that started in about 2021?

2 A. I had a contract for the year from -- in  
3 2021 'til 2022, then I came on staff and became an  
4 employee of the Coalition from 2022 to 2025.

5 Q. What month in 2022?

6 A. I think it was July.

7 Q. Were you doing any other legal work  
8 during those time periods other than for the Idaho  
9 Coalition for [sic] Sexual and Domestic Violence?

10 A. Periodically, yes, I would do some work  
11 through my firm.

12 Q. And what types of cases were those?

13 A. I did a couple of employment law cases,  
14 and then towards the end of last year I did a  
15 couple of criminal law cases.

16 Q. Representing defendants?

17 A. Yes.

18 Q. Are you still doing work for the Idaho  
19 Coalition?

20 A. No, not at the moment.

21 Q. All right. Let's talk about that work.  
22 You said that you worked with survivors. Describe  
23 that in a little more detail, please.

24 A. I'm not sure what you mean. Like,  
25 broadly -- I --

1 Q. So I don't know if you could describe a  
2 typical client or typical situation, but tell me,  
3 how did you find your clients, the survivors that  
4 you worked with, what type of legal services did  
5 you provide for them, those types of things.

6 A. Okay. Sure.

7 MS. O'NEILL: Objection; form.

8 You can answer.

9 THE WITNESS: So when working, like I said,  
10 for the Coalition, they are -- the legal services  
11 were under a federal grant through the Office of  
12 Violence Against Women, which provided for legal  
13 assistance for civil matters -- not including tort  
14 claims -- civil matters in order to represent  
15 survivors of domestic violence or sexual violence,  
16 and primarily the focus was to be on the age groups  
17 of 11 to 24, so younger survivors.

18 So those are -- that's the typical  
19 demographic of people that would reach out or that  
20 I would assist or provide advice to client-wise.

21 Once on staff as the director of law and  
22 policy also was there to assist advocates and  
23 member -- members of the Coalition who needed --  
24 had a question. I wouldn't necessarily provide  
25 legal advice, but maybe give them information on

1 where to look or what to look out for or best  
2 practices or when they should seek to retain an  
3 attorney in order to address a matter.

4 Q. (BY MR. CRAIG) All right. Let me back  
5 up. I probably should have started with this  
6 question.

7 What is the Idaho Coalition Against  
8 Sexual and Domestic Violence?

9 A. It's a nonprofit organization that is  
10 made up of member organizations throughout the  
11 state that are part of the Coalition, work in  
12 concert with the State, and provide services and  
13 advice to survivors of -- in order to support  
14 survivors of domestic violence and sexual assault.

15 Q. And did they have, like, a formal  
16 mission statement?

17 A. They do. I don't know it off the top of  
18 my head. I can't remember --

19 Q. Are you able to tell me generally what  
20 it is? I'm not asking for a direct quote, but can  
21 you tell me generally what their mission is?

22 MS. O'NEILL: Objection; form.

23 You can answer if you can.

24 THE WITNESS: It's basically what I just  
25 said. It's to provide assistance and services to

1 support survivors of DVSA.

2 Q. (BY MR. CRAIG) Just for the record, what  
3 is DVSA?

4 A. Domestic violence or sexual assault.

5 Q. So then when you started as an employee  
6 with them in July of 2022, what was your title?

7 A. Director of law and policy.

8 Q. Did you keep that title until you left  
9 in December of 2025?

10 A. I did.

11 Q. And what were your duties as director of  
12 law and policy?

13 A. It was to oversee the grant, like I  
14 said, the grant that provided civil legal services  
15 to survivors, which meant in some cases,  
16 representing them; in other cases, finding an  
17 appropriate attorney for their specific need that  
18 we would contract with.

19 And then also it was to assist our  
20 member programs with education and helping them  
21 think through best practices and, like I said, if a  
22 particular situation came up to let them know when  
23 it was important that they retain their own legal  
24 counsel.

25 And then as the director of the policy

1 part was to follow policy updates statewide, follow  
2 the legislative process, and then provide updates  
3 to our members as to policy changes and how that  
4 would affect the work that we are doing. Also to  
5 advocate for policy positions that would most  
6 benefit survivors.

7 Q. When you said you would sometimes advise  
8 them on when to find their own legal counsel, the  
9 "they," is that referring to the Idaho Coalition or  
10 the survivors?

11 A. That's referring to the member programs  
12 that belong to the Idaho Coalition. So, like, all  
13 the -- there's several domestic violence programs  
14 throughout the state, statewide, who are members of  
15 the Coalition. So as part of that membership, they  
16 can seek some advice. It's not a well-resourced,  
17 well-funded area, so the nonprofit was there to try  
18 to provide some assistance, like I said, following  
19 policy updates, policy changes, letting them know  
20 how it may affect best practices, and then if there  
21 was a particular set of circumstances, they could  
22 reach out and ask for guidance on what to do.

23 And since I always represented to them  
24 that I was not their attorney, everything was  
25 educational, but if they did get to a situation

1 where I thought an attorney's advice would be the  
2 best course of action, I would let them know that  
3 they were probably in an area where they should  
4 seek legal counsel.

5 Q. So were you also, during that time  
6 period, an attorney for the Idaho Coalition?

7 A. I was never an attorney for them. The  
8 Coalition was not my client. So I guess if I said  
9 that earlier, I misspoke. The organization  
10 themselves was not my client.

11 Q. So you mentioned that the target age for  
12 survivors that you helped were ages 11 through 24;  
13 is that correct?

14 A. Yes.

15 Q. And was there a geographical area of  
16 survivors that you helped?

17 A. Not specifically, but the focus was and  
18 the grant funder was looking for rural areas, where  
19 the need was in rural areas because they're harder  
20 to reach.

21 Q. Were your services limited to any  
22 specific state or counties?

23 A. The state of Idaho.

24 Q. Did you provide help to survivors  
25 outside the state of Idaho?

1           A.    No, not -- not legal assistance. I  
2 would sometimes get calls from people outside of  
3 the state of Idaho, and I would refer them back to  
4 their appropriate state resources, but that's the  
5 extent.

6           Q.    What city is the Idaho Coalition based  
7 out of?

8           A.    Boise.

9           Q.    And is that where you primarily did your  
10 work through them, out of Boise?

11          A.    I'm not sure I understand.

12                   Where was I physically located?

13          Q.    Yes, exactly. Thanks for the  
14 clarification.

15                   Where were you physically located?

16          A.    Most of my work was actually done  
17 remotely from my home office, and that is in  
18 Middleton.

19          Q.    Middleton, Idaho?

20          A.    Uh-huh. Yes. Sorry.

21          Q.    So then you said rural areas was kind of  
22 the focus.

23                   Were there specific counties that you  
24 focused on in Idaho?

25          A.    No. And it wasn't the focus. It's just

1 we were inclined to use the funding to reach rural  
2 counties specifically in our efforts because there  
3 is more of a lack of resources in those areas.

4 But actually it was probably the more  
5 populated areas of Idaho that most of our referrals  
6 came through, just because that's where more of our  
7 people lived, but I worked -- I performed work in a  
8 lot of different counties, provided services to a  
9 lot of different counties.

10 Q. Are you able to estimate how many  
11 counties in Idaho you performed work in?

12 A. I don't know. I can't estimate.

13 Q. Did you perform work in all 44 of  
14 Idaho's counties?

15 A. Probably not.

16 Q. More than half of those, more than 22?

17 A. I honestly don't know. I would be  
18 speculating to give you an answer to that.

19 Q. Are you able to say, like, most of them  
20 are in, like, the Treasure Valley or most are in  
21 eastern Idaho or anything like that?

22 A. No. Like, I can say, as I previously  
23 stated, that it -- primarily the more populated  
24 areas. So the Treasure Valley, Boise, there were a  
25 lot of cases that would come in through those

1 counties, but I had cases in several other  
2 counties, Washington County, Payette County,  
3 eastern Idaho, questions from up north that would  
4 come in.

5 I also don't know every county that  
6 every member program was in. So if the member  
7 program called me, I can't specifically, off the  
8 top of my head, know what county they're located  
9 in.

10 Q. So when you were helping survivors,  
11 would you meet directly with the survivor?

12 A. Sometimes.

13 Q. All right. And is that in your role as  
14 their attorney?

15 A. Sometimes. Sometimes it was a consult.  
16 It was -- there was a lot of things that needed to  
17 happen before I could become their attorney.

18 Q. Okay. Can you tell me a little more  
19 detail on, like, what type of legal services you  
20 would help them with?

21 You said no torts and no criminal stuff,  
22 so what things were you helping them with?

23 A. So civil legal services. A huge chunk  
24 of that was Title IX representation and Title IX  
25 actions -- not lawsuits, but, like, through the

1 schools. In 2020, the Title IX statutes were  
2 adjusted and it became necessary, especially for  
3 older students, to go through a live hearing  
4 process. So that's something I assisted with quite  
5 a bit.

6 And then, again, the process mandated  
7 for addressing sexual assault -- sexual harassment  
8 issues through the Title IX process also changed in  
9 elementary schools. And so it's not necessary for  
10 them to go through a live hearing, but there is  
11 still a process that I would assist students with  
12 to go through that, or clients.

13 Q. So most of your work, then, was  
14 representing the survivors in a Title IX process  
15 through their schools; is that accurate?

16 A. A good chunk of it, but I also did  
17 other, like, employment actions, and -- oh, gosh,  
18 what else? There was some immigration issues, U  
19 visa-type things.

20 Q. So what type of employment actions would  
21 you help them with?

22 A. Like, Human Right -- Idaho Human Rights  
23 Commission complaints, those processes.

24 Q. Did you ever, in your work through the  
25 Idaho Coalition, file lawsuits on their behalf?

1           A.    No.  It wasn't permitted.

2           Q.    But you would help them file the  
3  complaints with IHRC?

4           A.    Yes.  They're administrative complaints,  
5  so that was allowed.

6           Q.    Okay.  Did you help them with EEOC  
7  complaints as well?

8           A.    Yes.  It's the same process.

9           Q.    Same?

10          A.    And also with Title IX -- so it wasn't  
11  exclusively to a school.  That also included  
12  complaints to the -- to OCR under the Department of  
13  Education.

14          Q.    And during the live hearings, would you  
15  go with the survivor to the hearings and represent  
16  them in the hearings for the Title IX processes?

17          A.    I would appear with them, yes.  I will  
18  draw a line when you say "go with" because they  
19  were primarily remote, especially given that the  
20  rules changed in 2020 with COVID and everything.  
21  So most often these were remote processes.  But I  
22  would appear with them, yes.

23          Q.    And were those in colleges, high  
24  schools, elementary schools, all of the above?

25          A.    All of the above, yes.  I believe --

1     yeah, I've had every level of school.

2             Q.     All right. So you described Title IX  
3     representation, employment actions, some  
4     irrigation -- immigration -- I can't read my own  
5     notes. Sorry. Immigration.

6             What other types of civil work did you  
7     do for them?

8             A.     Civil protection order requests. Off  
9     the top of my head, that's all I can remember. I  
10    would have to refer to something, check files to  
11    give you anything else.

12            Q.     So civil protection orders, immigration,  
13    employment actions, and Title IX, that's what you  
14    can remember right now for the legal work you did?

15            A.     Yes.

16            Q.     So going back to the Title IX area, was  
17    that primarily students or did you also help  
18    employees with the Title IX issues?

19            A.     I did help both employees and students,  
20    yes.

21            Q.     Any other type of legal work that we  
22    have not talked about?

23            A.     Not that I can remember at the moment.

24            Q.     So your work with survivors, did you  
25    work, ever, with victims of human trafficking?

1 MS. O'NEILL: Objection; form.

2 You can answer.

3 THE WITNESS: Well, not as an attorney, I  
4 didn't represent anyone in a human trafficking  
5 case, no.

6 Q. (BY MR. CRAIG) Did you do any work in  
7 the human trafficking area at all through your work  
8 with the Idaho Coalition?

9 A. We certainly would get questions or  
10 people that would reach out, and I would refer them  
11 to our resource partners who have more specific  
12 human trafficking resources.

13 Q. And when you say "people would reach  
14 out," who do you mean by "people"? Like, what are  
15 your --

16 A. Members of the community, advocates that  
17 heard -- or had a question that somebody came to  
18 them regarding a human trafficking issue.  
19 Sometimes people would send messages through --  
20 like, social media for the Coalition would get  
21 forwarded to me.

22 There's, again, no individual person  
23 that I can recall I represented, but the subject  
24 did come up. The Anti-Trafficking Coalition is a  
25 member of the Idaho Coalition, and so they were

1 always a resource and we would work in concert with  
2 them as broader resource partners.

3 Q. Did you ever work with victims of sex  
4 trafficking?

5 MS. O'NEILL: Objection; form.

6 You can answer.

7 THE WITNESS: Again, it would be the same  
8 answer. It would be people that had questions, or  
9 the same type of information that came through  
10 concerning human trafficking was also questions of  
11 sex trafficking, and followed the same process.

12 Q. (BY MR. CRAIG) All right. Let's talk a  
13 little bit about your qualifications for doing this  
14 type of work.

15 Did you go to trainings on working with  
16 survivors of domestic violence and sexual assault?

17 A. Yes, I had multiple trainings. The  
18 Office of Violence Against Women requires that any  
19 attorneys that work on the grant -- or, actually,  
20 anyone that is going to work under the specific  
21 legal services grant attend or view, participate  
22 in, a number of trainings.

23 So I completed all of those before  
24 beginning my contract, and then throughout the  
25 contract would regularly attend or participate in

1 other trainings that came up either as required by  
2 the DOJ or just that our technical assistance  
3 partners nationwide would present.

4 Q. What was the nature of those trainings?

5 A. Representing survivors of DVSA at  
6 various levels. Some of them were specific to  
7 those with disabilities; some of them were specific  
8 to indigenous populations; some of them were  
9 specific types of abuse; some of them were about  
10 immigration, but they all involved representing  
11 survivors in some capacity.

12 Q. And did any of that training include  
13 training on human trafficking or sex trafficking?

14 A. Yes. I can't tell you specifically what  
15 the training was or when it was, but yes.

16 Q. All right. So let's talk specifically  
17 about your work with minors during that period of  
18 time.

19 Did you ever work with minors who became  
20 pregnant?

21 A. Not to my knowledge.

22 Q. Did you ever advise minors on resources  
23 for abortions?

24 A. Not that I can recall. Well, I guess I  
25 will say not that I can recall specifically. There

1 were educational materials that were created also  
2 as part of the grant that provided general resource  
3 -- resources and knowledge and referrals. So it  
4 would be like if you need assistance, here are  
5 various different resource providers that you could  
6 contact.

7 So generally, those education materials  
8 were made and distributed and discussed in  
9 presentations that would have been public or minors  
10 would have been receiving that information, but as  
11 a case-specific, clients specifically, I have not  
12 discussed that.

13 Q. I'm going to back up a little bit  
14 actually. I kind of got us off track. I want to  
15 talk more about your employment.

16 So you said you worked with Idaho  
17 Coalition until December of 2025.

18 What have you been doing since then?

19 A. I've been self-employed in my own firm.

20 Q. And why did you leave work with the  
21 Idaho Coalition?

22 A. There's just a number of factors.  
23 Primarily it was just a good time to move on to  
24 something different.

25 Q. Did you leave voluntarily?

1 A. Yes.

2 Q. Were you ever disciplined, from an  
3 employment standpoint, during your work with Idaho  
4 Coalition?

5 A. No.

6 Q. Ever have any complaints filed against  
7 you?

8 A. No.

9 Q. And what type of cases have you been  
10 working on since you left in December 2025?

11 A. I just did a three-week-long murder  
12 trial, so that took up most of January and  
13 February for me.

14 Q. Who was the defendant on that case?

15 MS. O'NEILL: Objection; form.

16 You can answer.

17 THE WITNESS: Brian Moreno.

18 Q. (BY MR. CRAIG) Since December of 2025,  
19 have you been representing victims of domestic  
20 violence or sexual assault?

21 A. I have not since December, no.

22 Q. And since December 2025, have you  
23 represented any minor children in any way?

24 A. No.

25 Q. I want to talk about some specific

1 things in your complaint, and I printed off copies  
2 of the complaint and left it in my office, so if we  
3 could take a five-minute break so I can go get that  
4 and then come back.

5 MS. O'NEILL: That's fine.

6 MR. CRAIG: Or ten minutes, if you guys need  
7 a little bit longer time.

8 THE WITNESS: Sure.

9 MS. O'NEILL: Let's do ten. We'll take a  
10 break.

11 (A recess was taken from 10:34 a.m. to 10:45 a.m.)

12 (Deposition Exhibit No. 1 was marked.)

13 Q. (BY MR. CRAIG) Ms. Matsumoto, you should  
14 have in front of you what's been marked as  
15 Exhibit 1.

16 Do you recognize that?

17 A. Yes.

18 Q. And what is that?

19 A. The complaint.

20 Q. The complaint in this case?

21 A. Yes.

22 Q. Can you look at paragraph 1 of the  
23 complaint and just read that to yourself and then  
24 let me know when you're done?

25 It's under "Parties." So the

1 introduction doesn't have paragraph numbers, but  
2 under "Parties," there's that paragraph. So just  
3 read it to yourself and let me know when you're  
4 done.

5 A. Finished.

6 Q. Okay. Here in paragraph 1, it describes  
7 that -- the third sentence says "In her work with  
8 minors who become pregnant."

9 So I want to talk about that. Describe  
10 specifically what your work is with minors who  
11 become pregnant.

12 MS. O'NEILL: Objection; form.

13 You can answer.

14 THE WITNESS: So at the time of the filing  
15 my work with minors would be, again, broadly minors  
16 who are survivors of sexual assault who would seek  
17 assistance or representation through that process.

18 It's foreseeable that somebody who  
19 suffers sexual violence could become pregnant, so  
20 that is something that is foreseeable that would  
21 happen to a minor that seeks my help for  
22 representation.

23 Q. (BY MR. CRAIG) So how many minors who  
24 are pregnant did you work with?

25 A. Again, I didn't have any, to my

1 knowledge. Again, not to say that any of the  
2 educational materials that I provided wouldn't have  
3 been viewed or received by a minor who became  
4 pregnant.

5 Q. Okay. And outside of your work with the  
6 Idaho Coalition, how many minors have you worked  
7 with who are pregnant?

8 A. None yet.

9 Q. I want you to turn to paragraph 43 of  
10 the complaint and just read it to yourself and then  
11 let me know when you're done reading it.

12 A. You said 43?

13 Q. 43, yes.

14 A. Okay.

15 Q. You write on paragraph 43, it says that  
16 you were "driven by your belief in bodily autonomy  
17 for every citizen."

18 What do you mean by that?

19 A. It seems self-explanatory. I believe  
20 that every person, every citizen, should have the  
21 right to make their own choices as to their bodily  
22 autonomy.

23 Q. What do you mean by "bodily autonomy"?  
24 What does that mean to you?

25 A. Choices that affect them personally and

1 their body.

2 Q. And by that, do you mean, like, medical  
3 decisions?

4 A. Healthcare would be a very big factor,  
5 yes.

6 Q. Are there other parts of bodily autonomy  
7 that you think -- yeah. Are there other parts of  
8 bodily autonomy other than healthcare?

9 A. Yes. Everything that affects the body  
10 of a person is bodily autonomy, dying my hair a  
11 certain color, piercing my ears.

12 Q. And then you write in there that your  
13 "words and actions seek to convey this belief."

14 How do your words and actions convey  
15 that belief?

16 A. I don't completely understand the  
17 question. I think, again, it's kind of  
18 self-explanatory. I supported my belief that  
19 everybody can see my actions by trying to support  
20 those who seek to make decisions for themselves.

21 Q. So specifically what actions have you  
22 taken to convey your belief in bodily autonomy for  
23 every citizen?

24 A. I've provided advice to the community,  
25 I've provided educational trainings, I've been

1 asked to speak on the matter, I've provided  
2 interviews to the media on how important it is,  
3 especially for survivors of DVSA, I've -- in my  
4 work as an attorney representing minors, I have  
5 made it a cornerstone that the minors are the  
6 clients and they get to determine, as any client  
7 would, the decisions that they make pertaining to  
8 their case.

9 Q. So when you work with minors, do you  
10 work with their parents or guardians as well?

11 MS. O'NEILL: Objection; form.

12 You can answer.

13 THE WITNESS: If the minor wishes to involve  
14 their parents and they give permission to, I do.  
15 Generally that has been the case.

16 Q. (BY MR. CRAIG) I want you to turn to  
17 paragraph 57 of the complaint. Again, read that to  
18 yourself and then let me know when you're done.

19 A. Okay.

20 Q. So what support and aid have you  
21 provided to pregnant minors?

22 A. Well, again, the information and  
23 resources that I have provided is general education  
24 or talks where I know minors are part of the  
25 audience, and my assumption is that some of them or

1 someone they know, the information would get back  
2 to them.

3 Q. Are you able to provide any information  
4 on specific pregnant minors that you've provided  
5 support and aid to?

6 A. No.

7 Q. Is that because you've not helped any  
8 specific minors who are pregnant?

9 A. I've not --

10 MS. O'NEILL: Objection; form.

11 You can answer.

12 THE WITNESS: I've not helped any specific  
13 minors where pregnancy or healthcare was a concern  
14 that they needed my advice on.

15 Q. (BY MR. CRAIG) You talked about  
16 materials that you -- that the Idaho Coalition  
17 would provide on various topics.

18 Did you help create those materials?

19 A. I did help create and I was in the  
20 process of recreating new information materials to  
21 be updated after Dobbs and after this law was  
22 passed, but because of the law and my -- my lack of  
23 clarity on definitionally what actions could be  
24 prohibited, I stopped my work, and I didn't proceed  
25 in disseminating the information.

1 Q. So is there any published material from  
2 the Idaho Coalition that you did help create?

3 A. Yeah. Yes, there's information. I  
4 don't know specifically where it is or -- I don't  
5 have access to it.

6 Q. And so what would that publication -- or  
7 what would those publications be, like, generally?  
8 Are they, like, pamphlets or, you know, legal  
9 rights questions or those types of things? What  
10 type of stuff did you work on creating?

11 A. There are pamphlets. Again, under the  
12 grant, there are specific requirements for  
13 completing the grant, and under the newest  
14 iteration of the legal services grant that I worked  
15 under, it was required as a grant condition that  
16 throughout the grant period at least two different  
17 publications would be created. So this would have  
18 been part of that.

19 There's also presentations, PowerPoint  
20 presentations, and other materials that I created  
21 and then presented to different groups of people.

22 Q. And what were the pamphlets discussing?

23 A. A broad range of legal services, letting  
24 people know about options to seek civil legal  
25 services, and then also providing resources and

1 information on various resources that are important  
2 for survivors to know and to understand where to  
3 access help.

4 Q. Did any of those publications or  
5 pamphlets or PowerPoint presentations discuss  
6 abortion?

7 A. Yes.

8 Q. And what was the nature of the ones  
9 talking about abortion?

10 A. It varied. Some -- as you can imagine,  
11 after Dobbs and then the following year with the  
12 different state legislation that came up during the  
13 state legislative session, there was a lot of  
14 confusion and there was a lot of fear and questions  
15 that occurred from the various different partners,  
16 advocates.

17 So specifically I do recall having  
18 created a presentation at one point in time to try  
19 and give updates to the newest status as to where  
20 everything was regarding abortion and what was  
21 legal and not legal and what information could be  
22 shared, should be shared, might be questionable,  
23 might be over the line now so that advocates and  
24 programs can understand where their liability was.

25 Q. And did you end up doing that

1 presentation?

2 A. Yes.

3 Q. And who was the audience for that  
4 presentation?

5 A. Primarily advocates, program staff,  
6 those who serve kind of the front-line triage of  
7 survivors seeking assistance.

8 Q. Do you know when you gave that  
9 presentation?

10 A. Approximately September of '22? Was '22  
11 right? Yeah. I think Dobbs was '22. So it would  
12 have been September.

13 Q. So you said that the audience was  
14 primarily advocates, program staff, those that are  
15 providing services.

16 Is there anyone other than those?

17 A. I don't know because, again, there was  
18 saved information that was disseminated to people  
19 who participated in that. We did ask that it  
20 wasn't shared widely or publicly at the time  
21 because of the ever-evolving situation with the law  
22 and that it could be outdated. But to the extent  
23 that somebody didn't honor that, I wouldn't know.

24 Q. Was that an online presentation or was  
25 it an in-person presentation?

1           A.    It was virtual.

2           Q.    Do you know how many people  
3 participated?

4           A.    I don't. I do know that during that  
5 presentation, there were three other attorneys  
6 involved, and we had discussions about the state of  
7 abortion rights and the legality of what actions  
8 could take place, and we did not have a consensus  
9 on every issue. There were some that were more  
10 risk-averse and some that thought that it was --  
11 some actions were more appropriate than others. It  
12 was a confusing -- it was probably confusing.

13          Q.    To your knowledge, were there any minors  
14 who participated in that presentation?

15          A.    Again, to my knowledge, I don't think so  
16 because during that presentation, I don't recall  
17 there being any minors. But to the extent that the  
18 information was maybe disseminated after the fact,  
19 I don't know, and a minor may have seen it. I have  
20 no way of knowing that.

21          Q.    How many times did you do that  
22 particular presentation?

23          A.    That one, once.

24          Q.    Were there any other pamphlets or  
25 presentations on abortion that you helped create or

1 presentation that you did?

2 A. No. Like I said, we were in the  
3 process -- I was in the process of redoing the  
4 brochures and pamphlets that are required for the  
5 grant, and my plan was to update the resources and  
6 the information in order to account for Dobbs and  
7 the trigger ban and everything that happened during  
8 that very short period of time.

9 The other thing to understand is that  
10 before all of this happened, abortion was not a  
11 legal question. It was strictly a healthcare  
12 question. So somebody who was seeking an abortion  
13 had no reason to seek my advice because there's --  
14 I'm not a medical professional. I can't give you  
15 healthcare advice on that situation.

16 So it didn't become a legal question  
17 until the law changed. So to the extent that we  
18 needed to update information that now did implicate  
19 maybe legal education where it was not previously  
20 required, that was something that I was thinking  
21 through and needed to account for but wasn't able  
22 to distribute those before.

23 Q. Now, you said you were in the process of  
24 updating the materials.

25 Did you ever complete those updates?

1           A.    No. Like I said, this law passed and  
2 I -- in the interest of safety and not putting  
3 myself or others at risk, I had to stop that  
4 process.

5           Q.    And you said that you had to create  
6 materials as part of the grant; is that correct?

7           A.    It's a grant requirement, yes.

8           Q.    And the grant was from the Department of  
9 Justice Violence Against Women program; is that  
10 right?

11          A.    Yes.

12          Q.    How much was the grant?

13          MS. O'NEILL: Objection; form.

14                    You can answer if you know.

15          THE WITNESS: I don't know. I know the  
16 newest was somewhere in the, like -- actually, I'm  
17 not going to guess. I don't know. I don't  
18 remember. I'm not going to guess.

19          Q.    (BY MR. CRAIG) Was the grant over a  
20 million dollars?

21          MS. O'NEILL: Objection; form.

22          THE WITNESS: No.

23          Q.    (BY MR. CRAIG) Over half a million?

24          MS. O'NEILL: Objection; form.

25          THE WITNESS: I don't know. I don't

1 remember. I couldn't speak with any certainty on  
2 that.

3 Q. (BY MR. CRAIG) And were you involved in  
4 applying for the grants?

5 A. I was involved with applying for the  
6 newest one that would start later this year. It  
7 would have started in the fall of last year, but we  
8 were -- we hadn't spent all the money down, so we  
9 were given a grant extension, which is, like, nine  
10 months.

11 So then at the end of that nine months,  
12 the new grant would begin, and I was involved in  
13 the writing of that grant.

14 Q. And were there specific topics that the  
15 grant said you had to cover or were not allowed to  
16 cover on these pamphlets that you were creating?

17 A. No. However, anything that was created  
18 or published, including PowerPoint presentations,  
19 had to first get approved by the OVW, the Office of  
20 Violence Against Women, prior to being able to  
21 disseminate that. So the brochures would have had  
22 to have OVW approval.

23 Q. Was that a Department of Justice office?

24 A. Yes.

25 Q. So you were in the process of creating

1 some pamphlets, but then you stopped.

2 Can you give me more details on the  
3 specific topics of the pamphlets that you were  
4 creating or the publications?

5 A. Well, I think I described them already.  
6 Like I said, they were educational materials that  
7 were primarily aimed at the different age groups.  
8 I believe the plan was one for the younger side of  
9 that group and then one towards the older side.

10 Q. What were the age groups?

11 A. 11 to 24. So it would be basically  
12 those who were probably before high school  
13 graduation and then those who were older, and just  
14 creating -- they were informational. They would be  
15 educational as to things that survivors should  
16 know, places they could contact, letting them know  
17 that they had legal rights, letting them know that  
18 there were various avenues they could pursue.

19 The thing that is difficult when it  
20 comes to survivors, oftentimes, is that there's  
21 very -- it gets narrowed down very much to the  
22 public and to whether you report or you don't  
23 report, and a lot of people's understanding of that  
24 is whether there is a criminal investigation or not  
25 a criminal investigation.

1                   The part that is lacking in knowledge  
2   that primarily these brochures and other  
3   information was trying to get out was that there  
4   are other avenues that are not strictly criminal or  
5   not criminal. You also have civil legal rights,  
6   like the Title IX process if something happened at  
7   school, or a CPOR or other things in order to  
8   educate the differences between legal -- or civil  
9   and criminal because some people are not ready to  
10  go through criminal representation or they're  
11  distrustful of the criminal justice system.

12           Q. All right. So these pamphlets were to  
13  describe their other legal rights.

14                   Like, if you're in school, you could go  
15  through the Title IX process or you could get a  
16  civil protection order or those types of things?

17           A. Right. And other resources. So even to  
18  the extent that you don't want to follow a legal  
19  process, but you still maybe are the victim of a  
20  sexual assault and you need mental health  
21  assistance or medical assistance or where you can  
22  go to get, like, a forensic exam or something like  
23  that, because, once again, the decision to pursue  
24  any legal recourse is not one that can be made in  
25  that strict amount of time.

1                   So things like having resources to  
2 programs or things like Faces of Hope or somewhere  
3 they can do, like, a rape kit where you can  
4 preserve that information and then decide later if  
5 you'd like to pursue it or not.

6                   So that's all important information that  
7 my plan was to disseminate. And I would still like  
8 to, not in concert with the Coalition necessarily,  
9 but that's still information I think is valid and  
10 important for everyone to have, and I would gladly  
11 participate and hope to have the opportunity to  
12 continue those education efforts.

13               Q.    And how much of the -- these pamphlets  
14 talked about abortion? Like, what kind of  
15 information would you include on abortion?

16               A.    Well, once again, I was in the process  
17 of redoing the pamphlets, so I don't know how to  
18 answer that, because I would have included  
19 information probably on abortion. But, once again,  
20 prior to late 2022, early 2023 -- actually, I think  
21 January 2023 the Idaho Supreme Court made their  
22 final determination on this issue.

23                   It wasn't a legal issue. That was  
24 strictly a medical issue. So providing resources  
25 in the past, like, here's where you can go for

1 medical advice, is just a matter of a one-liner  
2 providing a list of resources to go seek medical  
3 advice.

4 It then became a legal issue, and that's  
5 something that, foreseeably, a victim of sexual  
6 assault is going to have to encounter or could have  
7 to encounter, and so information on that was likely  
8 going to be -- there was going to be more.

9 Q. And these brochures that you were  
10 working on would have had to have gone to the  
11 Department of Justice and received approval from  
12 them before publishing; is that right?

13 A. Yes.

14 Q. Did any of the pamphlets that didn't  
15 exist or brochures or questions or anything like  
16 that talk about abortion?

17 A. Again, outside of the providing  
18 information and resources, which included medical  
19 resources like Planned Parenthood or other places  
20 to go for medical assistance, no, I don't believe  
21 so; because prior to this time, it was not a legal  
22 issue, so we had no business in going into abortion  
23 discussions.

24 We're not medical educators. I'm not a  
25 medical educator. I don't know anything about

1 medicine other than whatever the doctor tells me to  
2 do.

3 Q. From January 1st, 2021, through the  
4 present, have you in any way helped any Idaho minor  
5 obtain an abortion?

6 A. No.

7 Q. From January 1, 2021, through the  
8 present, have you in any way helped an Idaho minor  
9 obtain an abortion-inducing drug?

10 MS. O'NEILL: Objection; form.

11 THE WITNESS: No.

12 Q. (BY MR. CRAIG) From January 1, 2021,  
13 through the present, have you ever recruited a  
14 minor child within Idaho to obtain an abortion?

15 A. I have no idea how to answer that  
16 question. I don't understand the definition of  
17 "recruit." I have clearly disseminated  
18 information. To the extent that that has got  
19 around to a minor who has then used the information  
20 to seek an abortion, I don't know. If I would have  
21 been a part of that, I don't know. I don't know  
22 what the meaning of "recruit" is.

23 Q. Have you ever talked to a specific minor  
24 about a specific situation involving the minor's  
25 pregnancy and needing to get an abortion?

1 MS. O'NEILL: Objection; form.

2 THE WITNESS: Can you restate your --

3 Q. (BY MR. CRAIG) Yes. That was a bad  
4 question.

5 I believe you stated that, to your  
6 knowledge, you have never worked with a minor who  
7 is pregnant; is that correct?

8 A. Directly. Yes, that's correct.

9 Q. And so you have never talked to a minor  
10 about -- directly to a minor who is pregnant about  
11 abortion resources; is that correct?

12 A. I don't know. I will say I have never,  
13 to my knowledge, talked to a minor who is pregnant  
14 about abortion resources. I have talked to minors  
15 about abortion resources. Whether or not they are  
16 pregnant, I have no idea.

17 Q. From January 1, 2021, through the  
18 present, have you ever harbored a minor within the  
19 state of Idaho to help the minor obtain an  
20 abortion?

21 MS. O'NEILL: Objection; form.

22 THE WITNESS: No, not to my knowledge.

23 Q. (BY MR. CRAIG) From January 1, 2021,  
24 through the present, have you ever physically  
25 transported a minor girl within the state of Idaho

1 to help the minor obtain an abortion?

2 MS. O'NEILL: Objection; form.

3 THE WITNESS: No.

4 And going back to your harboring  
5 question, I just want to add that, like, I don't  
6 completely understand what that means either, but  
7 I'm going to stick with "not to my knowledge" as  
8 the answer.

9 Q. (BY MR. CRAIG) You're an attorney,  
10 right?

11 A. I am.

12 Q. And you've been licensed for almost  
13 10 years now, right?

14 A. Yes.

15 Q. And you know how to read statutes?

16 A. I do.

17 Q. You've represented criminal defendants  
18 who have been charged with very serious crimes?

19 A. Yes.

20 Q. Including murder?

21 A. Correct.

22 Q. And you know how to read appellate court  
23 opinions?

24 A. Yes.

25 Q. And you know how to interpret appellate

1 court opinions?

2 A. Broadly. I don't think it's my job to  
3 interpret anything. It's my job to absorb the  
4 information and --

5 Q. Well, it's your job to give your clients  
6 legal advice, correct?

7 A. Yes.

8 Q. And that includes legal advice on what  
9 they can or cannot do under statutes?

10 A. Correct.

11 Q. And that includes reading legal opinions  
12 that interpret those statutes?

13 A. Correct.

14 Q. Have you read the Ninth Circuit opinion  
15 in this case?

16 A. I have. It's been a while, but I have.

17 Q. And you know how to interpret the Ninth  
18 Circuit's opinion in this case?

19 A. Yes.

20 Q. And you know that they have found that  
21 the abortion trafficking statute is not vague?

22 MS. O'NEILL: Objection; form.

23 Answer if you understand the question.

24 THE WITNESS: Yeah, could you restate the  
25 question?

1 Q. (BY MR. CRAIG) You understand that the  
2 Ninth Circuit Court of Appeals has said that the  
3 abortion trafficking statute is not  
4 unconstitutionally vague?

5 A. I don't believe that they said that that  
6 broadly. I, again, would need to re-read, but it's  
7 not my understanding that it was as broad -- as  
8 it's not vague because, to my understanding, the  
9 preliminary injunction was renewed as to portions  
10 relating to, like, recruiting, so that, obviously,  
11 was unclear.

12 Q. And do you know the reason why they  
13 allowed the injunction to go forward on the  
14 recruiting part?

15 MS. O'NEILL: Objection; form.

16 THE WITNESS: I can't recall off the top of  
17 my head. I haven't read the decision in a while.

18 Q. (BY MR. CRAIG) Has any law enforcement  
19 officer threatened to enforce Idaho's abortion  
20 trafficking statute against you?

21 MS. O'NEILL: Objection; form.

22 THE WITNESS: No.

23 Q. (BY MR. CRAIG) Have you been charged  
24 with violating the abortion trafficking statute?

25 A. No.

1 Q. Have you ever been interviewed by any  
2 law enforcement officer related to the statute?

3 A. No.

4 Q. To your knowledge, are you under  
5 investigation or ever been under investigation by a  
6 law enforcement officer for an alleged violation of  
7 the statute?

8 A. Not to my knowledge.

9 Q. Are you aware of any investigations that  
10 any law enforcement officers have done anywhere  
11 across the state on investigating allegations of  
12 violations of the abortion trafficking statute?

13 A. Sorry, could you say that slower? I  
14 didn't completely understand.

15 Q. Yes, I can talk slower. I was talking  
16 fast. I'm surprised Becky didn't kick me under the  
17 table.

18 Are you aware of any investigation  
19 anywhere in the state of Idaho for an alleged  
20 violation of the abortion trafficking statute?

21 A. No, I'm not.

22 Q. Are you aware of any county prosecutor  
23 who has expressed a refusal to enforce Idaho Code  
24 18-623, the abortion trafficking statute, without  
25 regard to the facts or circumstances of a

1 particular case?

2 MS. O'NEILL: Objection; form.

3 THE WITNESS: I'm sorry, could you repeat  
4 that? That was a lot of information.

5 Q. (BY MR. CRAIG) Are you aware of any  
6 county prosecutor who has expressed a refusal to  
7 enforce the abortion trafficking statute?

8 A. No.

9 Q. Do you have any current plans to help  
10 any minors within Idaho obtain an abortion?

11 MS. O'NEILL: Objection; form.

12 THE WITNESS: Yes. In the future I would  
13 like to, as I stated. I would like to do that.  
14 That's my plan is to go forward and be able to  
15 provide minors with that assistance.

16 Q. (BY MR. CRAIG) Okay. And what are those  
17 specific plans?

18 A. Well, to continue in my advocacy as an  
19 individual, to continue in providing information,  
20 and to the extent that this all would be  
21 overturned, to continue to provide everything that  
22 I mentioned in the paragraphs that we read earlier  
23 about transportation or assistance.

24 MR. CRAIG: Let's take a short break. I'll  
25 probably be done, but I just want to review my

1 notes and then come back. So if we could take --  
2 you guys want 15 minutes so you can plan whatever?

3 MS. O'NEILL: Sure.

4 MR. CRAIG: Okay. So we'll come back at  
5 11:35.

6 (A recess was taken from 11:19 a.m. to 11:37 a.m.)

7 MR. CRAIG: So just one thing for the record  
8 before I rest, and that's just that: But for the  
9 Court's protective order prohibiting us from asking  
10 questions about our own clean hands defense, I  
11 would ask a whole bunch more questions on that.  
12 But I just want to preserve that for the record.

13 Other than that, we will rest.

14 MS. O'NEILL: If we could have five, ten  
15 minutes.

16 (A recess was taken from 11:37 a.m. to 11:42 a.m.)

17 EXAMINATION

18 BY MS. O'NEILL:

19 Q. Ms. Matsumoto, I just have a few  
20 questions for you.

21 What do you envision your current law  
22 practice doing or involving?

23 A. So I am obviously doing some criminal  
24 law right now, but I want to expand on my expertise  
25 as somebody who knows and understands and serves

1 survivors of DVSA. And I am doing that in my  
2 current practice. I've been involved in some cases  
3 in -- as an investigator in order to provide some  
4 mitigating information to the judge and prosecution  
5 as to defendants who are survivors of DVSA and how  
6 it impacts criminality and how punishment is  
7 appropriate or not because of mitigating factors.  
8 That's something that I intend to continue to do.

9 And then as a part of that, it makes it  
10 so that I have to continue my relationships with  
11 advocates; and through those relationships, I have  
12 and plan to continue to let them know that I'm  
13 available to serve survivors of DVSA.

14 I do know that right now at the  
15 Coalition there's not an attorney -- any attorney  
16 on staff that is providing that, so there's  
17 definitely a vacuum for services. As I said  
18 earlier, it was already an underserved area in the  
19 state, and so I'm happy to and plan to and would  
20 like to continue doing that type of work.

21 Q. When Mr. Craig was asking you about your  
22 prior legal work with the Coalition, when you were  
23 working with survivors of domestic violence, is it  
24 your practice to ask clients if they are pregnant?

25 A. No, absolutely not.

1 Q. If they were or were not pregnant, would  
2 you know?

3 A. No, not unless they disclose it to me or  
4 was physically --

5 Q. Okay. And you had also talked about  
6 when you'd work with other Coalition partners and  
7 advising them about certain issues.

8 Was there ever a situation where they  
9 would come to you with an example or a hypothetical  
10 situation?

11 A. Yeah. So --

12 MR. CRAIG: Object to form.

13 THE WITNESS: Sorry.

14 So because I was not representing them,  
15 and that is something I made clear, is that I was  
16 not their attorney, they understood that  
17 communications were not protected under  
18 attorney-client privilege, and so every question  
19 that had to do with a specific fact pattern was  
20 posed as hypotheticals, so there was -- but never  
21 any kind of identifying information.

22 But those hypotheticals were posed to me  
23 and did involve minors who were potentially human  
24 trafficked, sex trafficked, became pregnant, wanted  
25 to seek abortion resources, wanted to know those

1 types of things.

2 But again, they're presented as  
3 hypotheticals. That information isn't protected,  
4 and the advocates know that, so I would not have  
5 any specific details about specific individuals.

6 Q. (BY MS. O'NEILL) But do you have any  
7 reason to believe that they were asking about  
8 pregnant minors?

9 MR. CRAIG: Object to form.

10 THE WITNESS: Absolutely. I don't think  
11 they would waste the time calling me about a very  
12 specific hypothetical fact pattern if it wasn't  
13 something they were facing.

14 Q. (BY MS. O'NEILL) In your current  
15 practice, what kind of steps are you taking --  
16 granted it's only been a couple months -- to put  
17 yourself out there to show that you're willing to  
18 help pregnant minors navigate these laws?

19 A. So, again, in my practice so far, even  
20 doing, like, criminal defense, I've come on two  
21 defense teams specifically for my expertise with  
22 survivors. I have expressed a willingness to  
23 continue to do that type of work and that type of  
24 mitigation work, which would include minors who  
25 need legal representation, and then have discussed

1 my plans.

2 I've let a lot of people in my life that  
3 are advocates, other people know, that I'm no  
4 longer with the Coalition, but I do intend to keep  
5 doing this type of work.

6 I've contacted professionals inside and  
7 outside of the state as it pertains to mitigation  
8 work and DVSA expertise and let them know that I'm  
9 still very much planning to be in this realm, and  
10 really the shift is just away from being connected  
11 to the organization and doing it as -- as an  
12 individual through my practice, and then also just  
13 being able to expand the ways in which I  
14 represent the -- at the Coalition I wouldn't have  
15 been able to do the mitigation work as it involves  
16 criminal stuff, for example.

17 So that's something that is -- really my  
18 plan is to expand what I was already doing beyond  
19 the confines of whatever the grantor required.

20 Q. (BY MS. O'NEILL) How does this law,  
21 18-623, abortion trafficking law, impact your  
22 personal activities?

23 A. Well, personally, again, I hold myself  
24 out there. I talk to friends, neighbors, family  
25 members all the time, right? I've never tried to

1 hide the ball about my stance on this subject. And  
2 my ability to be able to put myself out there as a  
3 friend and advocate, a trusted individual who could  
4 help a minor who is -- finds themselves in this  
5 situation to help them to safely and legally access  
6 all their healthcare options, that's something that  
7 I am prevented from doing right now.

8 Q. Have you actually talked to minors in  
9 your life about abortion?

10 A. Yes, I have. I have lots of family  
11 members that are minors, and they have friends, and  
12 they come to me. They trust me, again, as an adult  
13 with information who is family but not necessarily  
14 their parents, so things that they can be -- ask  
15 questions about or be more forthcoming about, and  
16 I've always made clear to them that I'm a resource  
17 and I hope to be a resource and that they could  
18 come to me with anything. Because as an adult who  
19 is safe and trusted, their safety is going to be my  
20 primary function. I'm not worried about getting  
21 them in trouble or anything like that.

22 So, yeah, I've had lots of  
23 conversations.

24 Q. And part of your intent with those  
25 conversations is to show yourself that you could be

1 a resource to those minors in the future?

2 A. Correct.

3 MR. CRAIG: Object to form.

4 Q. (BY MS. O'NEILL) Last few questions  
5 here. Mr. Craig and you had talked extensively  
6 about the pamphlets you're in the process of  
7 creating.

8 Do you recall that?

9 A. Yes.

10 Q. And why, particularly, is a printed  
11 pamphlet important to get information out?

12 A. So, yeah, the reason why these -- these  
13 relationships with survivors directly or with  
14 minors in schools or in the community is important  
15 is because the rate of survivors at any age that  
16 actually report DV, or especially SA, sexual  
17 assault, is so low already. And in particular, in  
18 communities that are traditionally marginalized or  
19 have other -- there's a deep, deep distrust of the  
20 justice system, of authority, of themselves getting  
21 into trouble, and so just avoiding institutional  
22 authority figures in general is a practice that is  
23 common.

24 So the idea behind creating a written  
25 communication or educational pamphlet, brochure,

1 whatever it is, there's an intent behind that.  
2 These people are going to share -- particularly  
3 minors, particularly students, people with friends,  
4 they're going to share with their friends, with  
5 their community, with people who would not  
6 themselves go to the school counselor or to the  
7 police or to the doctor, even, and get this  
8 information because they have a personal fear of  
9 what could happen to them.

10 So it's a very common practice for them  
11 to disseminate information amongst each other, and  
12 to the extent that they're disseminating  
13 information, I want that to be correct, legal,  
14 safe, and healthy information that is going to have  
15 -- anyone whose hands touch it is going to have  
16 their best interests.

17 Q. When you said kind of a fear of these  
18 groups of institutional authority figures, could  
19 that also include law enforcement, in your  
20 experience?

21 A. Yes. Absolutely.

22 MR. CRAIG: Object to form.

23 MS. O'NEILL: I don't think I have anything  
24 further. Thank you.

25 ///

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**FURTHER EXAMINATION**

**BY MR. CRAIG:**

**Q. I think you said you talked to minors who were family members or friends of your kids.**

**Any of them pregnant when you're talking to them?**

**A. I don't know. Not to my knowledge, but I don't know.**

**MR. CRAIG: All right. Thank you. I don't have any other questions.**

**MS. O'NEILL: Nothing further.**

**(The deposition concluded at 11:52 a.m.)**

**\* \* \***

**(Signature was requested.)**

1 **REPORTER'S CERTIFICATE**

2

3 **STATE OF IDAHO )**  
4 **COUNTY OF ADA )** **SS.**

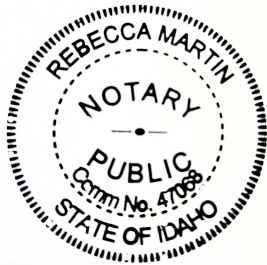
5 I, REBECCA MARTIN, Certified Shorthand Reporter and  
6 Notary Public in and for the State of Idaho, do hereby  
7 certify:

8 That prior to being examined, the witness named in  
9 the foregoing deposition was duly sworn by me to testify  
10 to the truth, the whole truth and nothing but the truth;

11 That said deposition was taken down by me in  
12 shorthand at the time and place therein named and  
13 thereafter reduced to text under my direction, and that  
14 the foregoing transcript contains a full, true  
15 and verbatim record of said deposition.

16 I further certify that I have no interest in the  
17 event of the action.

18 WITNESS my hand and seal this 17th day of March,  
19 2026.



20  
21 *Rebecca Martin*

22 **REBECCA MARTIN**  
23 **RPR and Notary**  
24 **Public in and for the**  
**State of Idaho**

25 **My Commission Expires: 08-27-2030**

LOURDES MATSUMOTO vs RAUL LABRADOR  
 MATSUMOTO, LOURDES 03/05/2026

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# Exhibit B

In The Matter of:

Lourdes Matsumoto, Northwest Abortion  
Access Fund, and Indigenous Idaho Alliance

v.

Raul Labrador, in his capacity as the  
Attorney General of the State of Idaho

**DEPOSITION OF  
IDAHO INDIGENOUS ALLILANCE  
January 13, 2026**



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LOURDES MATSUMOTO vs RAUL LABRADOR  
, IDAHO INDIGENOUS ALLIANCE 01/13/2026

30(b)(6)

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

<b>LOURDES MATSUMOTO, NORTHWEST</b>	)	
<b>ABORTION ACCESS FUND, and</b>	)	
<b>INDIGENOUS IDAHO ALLIANCE,</b>	)	<b>Case No.</b>
	)	<b>1:23-cv-00323-DKG</b>
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>RAUL LABRADOR, in his capacity as</b>	)	
<b>the Attorney General of the State</b>	)	
<b>of Idaho,</b>	)	
	)	
<b>Defendant.</b>	)	

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**DEPOSITION OF TAI SIMPSON,  
30(b)(6) DESIGNEE FOR INDIGENOUS IDAHO ALLIANCE  
January 13, 2026  
Boise, Idaho**

**Reported by:  
Rebecca Martin, CSR #1108, RPR, CRR**

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**DEPOSITION OF TAI SIMPSON,  
30(b)(6) DESIGNEE FOR INDIGENOUS IDAHO ALLIANCE**

**BE IT REMEMBERED** that the deposition of  
TAI SIMPSON was taken by the Defendants at the law  
offices of STOEL RIVES LLP, located at 101 S. Capitol  
Boulevard, Suite 1900, Boise, Idaho, before Treasure  
Valley Reporting, Rebecca Martin, Court Reporter and  
Notary Public in and for the State of Idaho, on Tuesday,  
the 13th day of January, 2026, commencing at the hour of  
11:30 a.m. in the above-entitled matter.

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1     **Appearances (Cont.)**

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I N D E X

E X A M I N A T I O N

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1 P R O C E E D I N G S

2

3 TAI SIMPSON,

4 30(b)(6) DESIGNEE FOR INDIGENOUS IDAHO ALLIANCE,

5 a witness having been first duly sworn to tell the

6 truth, the whole truth and nothing but the truth

7 was examined and testified as follows:

8

9 EXAMINATION

10 BY MR. GREEN:

11 Q. Hi, again.

12 A. Hello, again.

13 Q. So I'm going to skip some of the  
14 preliminaries.

15 You understand you're under oath, right?

16 A. I do understand.

17 Q. Okay. So for this part we're going to  
18 engage in a little bit of a legal fiction. When I  
19 ask you a question, I'm not asking you, tai  
20 simpson, to answer the question. I'm asking you to  
21 give your answer on behalf of Idaho Indigenous  
22 Alliance.

23 Do you understand that?

24 A. Indigenous Idaho Alliance? Yes.

25 Q. Thank you for the correction.

1 I may still slip into using "you" when  
2 I'm asking a question, but please understand I'm  
3 only asking for answers on behalf of the  
4 organization.

5 A. Okay. I understand.

6 Q. Okay. And do you understand that your  
7 answers will bind IIA in this matter?

8 A. I do understand.

9 MR. GREEN: Okay. Let's go ahead and mark  
10 Exhibit 2.

11 (Clarification by the court reporter.)

12 (Deposition Exhibit No. 1 was marked.)

13 Q. (BY MR. GREEN) If you could flip through  
14 it and just let me know when you've had a chance to  
15 understand what the document is.

16 A. I understand.

17 Q. What is the document?

18 A. This is the 30 -- we'll call it a 30  
19 something B, sorry, and it's the notice of  
20 disposition [sic] for the Indigenous Idaho Alliance  
21 to discuss our efforts to support our community,  
22 especially as it relates to abortion.

23 Q. Okay. And I'm going to ask you to turn  
24 to what's titled "Schedule A." That's the last  
25 page in the document.

1           A.    Uh-huh.

2           Q.    Do you see where it says "Matters for  
3 Testimony"?

4           A.    I do.

5           Q.    With the exception of the item numbered  
6 8, are there any matters for testimony about which  
7 you are not prepared to testify today?

8           MS. OLSON: I'm going to object and say  
9 that, as you may recall, with respect to topic  
10 number 9 we said we'd respond if that topic was  
11 sufficiently narrowed. I don't think you provided  
12 any other information, so there may be questions to  
13 which we will object. And so the questions that --  
14 there may be questions on topic number 9, depending  
15 on what they are, that there was no ability to  
16 prepare the witness because you did not narrow it,  
17 as we requested in our objection served on  
18 November the 25th.

19           MR. GREEN: So if I understand your  
20 objection, Counsel, you'll let me know for  
21 individual questions whether or not tai is  
22 responding in her individual capacity only as  
23 opposed to as a representative of IIA?

24           MS. OLSON: Whether she will respond at all,  
25 because you've closed her individual deposition.

1 And then also it goes to whether -- we can't  
2 prepare her on that topic in the same way we would  
3 prepare someone for a 30(b)(6) deposition because  
4 it was never sufficiently narrowed --

5 MR. GREEN: So --

6 MS. OLSON: -- as requested through our  
7 objection lodged on November the 25th.

8 MR. GREEN: Right. And Rule 30(b)(6) and  
9 Rule 30(c)(2) do not allow for categorical  
10 objections by themselves to preclude matters for  
11 testimony, and I'll point to 479 F.3rd 989, 995,  
12 District of Montana at 2020. I have a copy of the  
13 case.

14 MS. OLSON: Which, of course, is not binding  
15 in the District of Idaho. I understand, but we've  
16 made our position. You didn't respond at all to  
17 our objections. You declined to narrow it. The  
18 amendment to Rule 30(b)(6) requires the parties to  
19 meet and confer. You didn't ever respond.

20 So we have our position, you have yours,  
21 but also just to be clear, she cannot be prepared  
22 to testify on a topic that you didn't sufficiently  
23 narrow.

24 MR. GREEN: I'll just add one more thing.  
25 It's true that you never sought to meet and confer

1 with us on that issue either, correct, and there  
2 was no motion to quash filed?

3 MS. OLSON: We provided our objections. You  
4 had time to respond under the rule. So that's  
5 how -- that's where we are, Mr. Green.

6 MR. GREEN: Okay. I understand your  
7 position. Thank you, Counsel.

8 Well, we'll see how this goes. I want  
9 to briefly jump to topic number 9, and I'm going to  
10 mark what's going to be Exhibit 2.

11 (Deposition Exhibit No. 2 was marked.)

12 Q. (BY MR. GREEN) Okay. Just take a moment  
13 to read it over and let me know when you've had a  
14 chance to do so.

15 A. Okay.

16 Q. All right. Have you previously read  
17 Idaho Code 18-623?

18 A. I have.

19 Q. Okay. Does this appear to be a complete  
20 and true copy of Idaho Code 18-623, as best you can  
21 recall?

22 A. As best as I can recall.

23 Q. Is there any part of this statute, the  
24 meaning of which you don't understand?

25 MS. OLSON: Objection; outside topic

1 number 9.

2 MR. GREEN: The entire complaint is directed  
3 at determining the constitutionality of Idaho Code  
4 18-623 --

5 MR. CHURCH: Are you instructing your  
6 witness not to answer?

7 MS. OLSON: We need to take a break and go  
8 off the record.

9 MR. GREEN: Um --

10 MR. CHURCH: One second.

11 MS. OLSON: We need to take a break and go  
12 off the record.

13 MR. CHURCH: Well, there is a question  
14 that's posed --

15 MS. OLSON: We need to take a break and go  
16 off the record.

17 MR. CHURCH: Ms. Olson, I understand.  
18 There's a question that's been posed.

19 Are you instructing your witness not to  
20 answer?

21 MS. OLSON: We need to take a break and go  
22 off the record.

23 MR. GREEN: I think we'd rather have this  
24 conversation on the record.

25 Are you instructing --

1 MS. OLSON: We need to take a break and go  
2 off the record. I'm going to instruct my client  
3 not to answer on the record until we go off the  
4 record and we can have a discussion.

5 MR. GREEN: I'll register my objection that  
6 this is not appropriate, but without waiving that  
7 fact, we'll go off the record.

8 (A discussion was held off the record.)

9 MS. OLSON: We will take this on a  
10 question-by-question basis. I don't know how you  
11 can have topic number 9 and assume that it was  
12 sufficiently specific for anyone to prepare knowing  
13 that you were going to ask detailed questions about  
14 the statute, including a document that you provided  
15 that is not in the complaint, and ask her if it's  
16 full and complete.

17 So with that, we'll proceed, and if you  
18 get too far afield, we'll reach out to the Court.

19 And then I expect Mr. Church not to make  
20 any comment. He is not taking this deposition.

21 MR. GREEN: Okay. We appreciate that.  
22 Thank you, Counsel.

23 Q. (BY MR. GREEN) Turning back to what's  
24 been marked as Exhibit 1 or 2 --

25 A. I have both.

1 Q. Okay. If you have -- oh, 2. Excuse me.

2 Asking more broadly: You understand  
3 this case is about this statute, right, Idaho Code  
4 18-623?

5 MS. OLSON: Objection; form.

6 THE WITNESS: I am aware that the complaint  
7 involves 18-623.

8 Q. (BY MR. GREEN) Okay. Is there any part  
9 of the statute the meaning of which you don't  
10 understand?

11 MS. OLSON: Objection; form.

12 THE WITNESS: I do not have a clear  
13 understanding of the definition of "procure" as  
14 defined by the State.

15 Q. (BY MR. GREEN) Okay. When you  
16 say "clear understanding," what do you mean?

17 A. How is the State defining "procure"?  
18 What is the definition that would incite the  
19 attorney general to prosecute a person for criminal  
20 violation of the section?

21 Q. Are there any other aspects of the  
22 statute that you don't understand?

23 MS. OLSON: Objection; form and outside of  
24 the bounds of topic number 9.

25 THE WITNESS: I would also want a deeper

1 understanding, a shared definition for  
2 "trafficking."

3 Q. (BY MR. GREEN) Are there any others?

4 MS. OLSON: Objection; form and outside of  
5 topic number 9.

6 THE WITNESS: I will just say this because I  
7 think it's important: "Recruiting," "harboring,"  
8 and "transporting" have broad definitions as well.  
9 I understand what those words mean in relation to  
10 the complaint, and in relation to the statute, I  
11 think also are cause for the complaint itself.

12 Q. (BY MR. GREEN) Okay. Let's go back to  
13 another word.

14 Even if you understand the  
15 word "procures" to have a broad definition, do you  
16 still understand what "procures" means?

17 THE WITNESS: I understand --

18 MS. OLSON: Objection; form, outside of  
19 topic number 2, inappropriate for a 30(b)(6)  
20 deposition.

21 MR. GREEN: Okay.

22 Q. (BY MR. GREEN) So it looks like, based  
23 on realtime, the answer got cut off after "I  
24 understand."

25 Was there anything else?

1 MS. OLSON: Objection; outside the bounds of  
2 topic number 9, not appropriate for this Rule  
3 30(b)(6) deposition.

4 THE WITNESS: I did not finish the statement  
5 to make room for the objection.

6 Q. (BY MR. GREEN) Okay. So was there  
7 anything else other than the words "I understand"  
8 that you meant to say?

9 MS. OLSON: Objection; form.

10 THE WITNESS: I'm going to repeat back your  
11 question. You said: Do I otherwise understand the  
12 word "procures"?

13 Q. (BY MR. GREEN) I'll go ahead and read  
14 back my question.

15 A. Thank you.

16 Q. "Even if you understand the word  
17 'procures' to have a broad definition, do you  
18 understand what 'procures' means?"

19 MS. OLSON: Objection; form, outside the  
20 bounds of topic number 9.

21 THE WITNESS: I understand what the  
22 word "procures" means.

23 Q. (BY MR. GREEN) Okay. Let's turn to  
24 topic number 1. And let me establish at the  
25 outset, when I ask you a question about minors in

1 this deposition, I'm only talking about Idaho  
2 minors.

3 Does that make sense?

4 A. It does.

5 Q. Okay. Does IIA procure abortions?

6 MS. OLSON: Objection; form.

7 THE WITNESS: I don't understand what you  
8 mean by "procure" in relation to this statement.

9 Q. (BY MR. GREEN) You told me a moment ago  
10 you understand what the word "procures" means,  
11 correct?

12 A. Broadly.

13 MS. OLSON: Objection; form.

14 Q. (BY MR. GREEN) Okay. I would like you  
15 to apply the same definition --

16 MS. OLSON: Objection --

17 Q. (BY MR. GREEN) -- that you understand --  
18 sorry.

19 MS. OLSON: I thought you were done with  
20 your question.

21 MR. GREEN: Sorry, I wasn't. I pause  
22 occasionally.

23 Q. (BY MR. GREEN) I'm asking you to use the  
24 same definition that you understood the word  
25 "procures" to mean in your earlier answer.

1 MS. OLSON: Objection; form.

2 THE WITNESS: We didn't actually build a  
3 shared understanding for that definition.

4 Q. (BY MR. GREEN) You stated a moment ago  
5 that you understand what "procures" means, correct?

6 A. I do.

7 Q. Okay. So using that understanding, does  
8 IIA procure abortions?

9 MS. OLSON: Objection; form.

10 THE WITNESS: IIA supports providing  
11 services and care to the communities that reach out  
12 to us for support.

13 Q. (BY MR. GREEN) So I appreciate that.  
14 That's not what I asked.

15 My question was: Does IIA procure  
16 abortions?

17 MS. OLSON: Objection; form, asked and  
18 answered.

19 THE WITNESS: I can't give you a good answer  
20 to that question in the way that you're asking it.

21 Q. (BY MR. GREEN) Why?

22 A. Without a clear definition as it relates  
23 to the statute itself, "procure" is entirely too  
24 broad. I asked you for a definition that would  
25 incite the attorney general what "procure" means in

1 relation to the statute so I can better answer the  
2 question for you.

3 Q. So let me rephrase.

4 When you told me a moment ago that you  
5 understand what "procures" means, using that  
6 understanding, does IIA procure abortions?

7 MS. OLSON: Objection; form.

8 THE WITNESS: As you are asking this  
9 question, no.

10 Q. (BY MR. GREEN) Okay. Using that same  
11 understanding, does IIA have any future plans to  
12 procure abortions?

13 MS. OLSON: Objection; form.

14 THE WITNESS: As you have asked that  
15 question, our organization is set up and  
16 strengthened in a way to provide lawful abortion to  
17 the community members who request service and  
18 support from us.

19 Q. (BY MR. GREEN) So is that a yes?

20 A. That is we are set up to procure  
21 services and support, medically or otherwise, to  
22 support the families and communities that need us.

23 Q. Okay. In what ways does IIA plan to  
24 procure abortions?

25 MS. OLSON: Objection; form.

1 THE WITNESS: IIA does not have formalized  
2 plans to procure abortions.

3 Q. (BY MR. GREEN) Does it have informal  
4 plans?

5 A. IIA does not have plans to procure  
6 abortions.

7 MR. GREEN: Okay. Let's turn to topic 2.  
8 And I'm going to specifically take and mark Exhibit  
9 Number 3.

10 (Deposition Exhibit No. 3 was marked.)

11 Q. (BY MR. GREEN) And I'm just going to ask  
12 you to turn to page 5.

13 Does IIA provide information to minors  
14 about abortion?

15 A. Yes.

16 MS. OLSON: Hold on.

17 Just for the record, I'm going to object  
18 that use of the modified injunction is nowhere  
19 referred to anywhere within the matters for  
20 testimony. So I object to use of Exhibit Number 3,  
21 which has never been identified, but is the order  
22 modifying preliminary injunction, Docket 58 in this  
23 case. It's listed nowhere on your Schedule A  
24 matters for testimony.

25 MR. GREEN: Okay. I appreciate that.

1                   Are you instructing your client not to  
2 answer or --

3           MS. OLSON: I am going to object on a  
4 case-by-case basis, and right now -- I'm not sure  
5 there was a question pending, but to the extent  
6 you're asking her for her interpretation of a  
7 document that you never identified on your  
8 topics -- your 30(b)(6) topics, I'm going to  
9 instruct her not to answer.

10          MR. GREEN: I am not asking her for an  
11 interpretation of the document. None of my  
12 questions will call for that.

13          MS. OLSON: All right. Well, we'll see on a  
14 case-by-case basis. Just for the record, you would  
15 agree, Mr. Green, that this document, this legal  
16 document, is nowhere referenced in your 30(b)(6)  
17 topics?

18          MR. GREEN: I appreciate Counsel's position.  
19 I'm going to ask my next question.

20          MS. OLSON: Are you refusing to agree that  
21 you've not listed this on your 30(b)(6)?

22          MR. GREEN: I'm just going to go to my next  
23 question.

24          MS. OLSON: All right. Then I may instruct  
25 her not to answer.

1 MR. GREEN: Okay.

2 Q. (BY MR. GREEN) You stated a moment ago  
3 that IIA provides information to minors about  
4 abortion, correct?

5 A. IIA does exactly what number 2 says. We  
6 provide information, advice, education, support,  
7 assistance, resources, and instructions to  
8 organizations, entities, the public, and  
9 individuals, including minors, about abortion and  
10 other necessary medical care and resources,  
11 including the availability and access to abortion  
12 and procuring or obtaining abortion care.

13 That is what IIA does.

14 Q. Okay. In what ways does IIA provide  
15 information to minors about abortion?

16 A. It is very generalized in community  
17 events where we table, where there are hundreds of  
18 folks and individuals and the public being able to  
19 pick up information from our table regarding  
20 abortion and other necessary community care needs.

21 Q. So does it usually take the form of,  
22 like, a pamphlet or something?

23 A. Pamphlets, Post-its, condoms, and  
24 stickers. We've had stickers.

25 Q. Okay. Does IIA provide logistical,

1 practical, and financial assistance and resources  
2 to people, including minors, to access legal  
3 abortion?

4 A. We do, yes.

5 Q. Okay. How does it do that?

6 A. We rely on a cultural -- cultural  
7 practices of community advocacy. It is very often  
8 that we are approached by aunties or other trusted  
9 members of the community who are advocating on  
10 behalf of somebody to access medical care. And  
11 when those requests are made to us, whether through  
12 its interpersonal phone calls or social media --  
13 it's actually pretty rare on social media -- we  
14 have enough information to say yes to the requests  
15 and then provide the financial support.

16 Q. Okay. Does IIA provide any other  
17 financial support other than rapid response funds?

18 MS. OLSON: Objection; form.

19 THE WITNESS: Can you clarify that question?

20 Q. (BY MR. GREEN) Sure.

21 In the previous deposition, I asked a  
22 question about rapid response funds that take the  
23 form of pre-paid debit cards.

24 A. Correct.

25 Q. Okay. Is there any other way in which

1 IIA provides logistical, practical, and financial  
2 assistance and resources?

3 MS. OLSON: Objection; form.

4 THE WITNESS: Yes. Those forms could look a  
5 gamut of ways, from reimbursement with cash, paying  
6 for phone bills, paying for gasoline directly,  
7 paying for Internet, paying for -- we've purchased  
8 an auntie a set of tires. Any community ask that  
9 we have that feels inaccessible to our community,  
10 we support and serve.

11 Q. (BY MR. GREEN) Does IIA keep track of  
12 how that money is used?

13 MS. OLSON: Objection; form.

14 THE WITNESS: We keep accurate records based  
15 on the standards of nonprofit operation in the  
16 state of Idaho. We know where the money goes and  
17 who receives it. We account for it appropriately.  
18 We report it on our 1023.

19 With regards to the end use, we may or  
20 may not know.

21 Q. (BY MR. GREEN) Okay. Do you typically  
22 ask what the end use is going to be?

23 A. No. We are a trust-based community, and  
24 very often these needs arise as a result of  
25 socioeconomic oppression. So we will provide for

1 the need, and if we are trusted deeply to receive  
2 specifics about how and when and where, we're  
3 appreciative of that; but otherwise, no, we do not  
4 ask.

5 Q. Okay. In cases where IIA learns through  
6 one way or another what the end use is, is that  
7 ever recorded?

8 A. No, we do not record that.

9 Q. Okay. So when you say -- strike that.  
10 So with respect to abortion, how would  
11 IIA ever know that money it provides goes to access  
12 legal abortion?

13 A. This is the cultural context that I  
14 think the State fails to understand. We operate  
15 deeply on interpersonal informal connections with  
16 aunties and matriarchs and kinship models, and in  
17 those models, they are built over time and trust  
18 and support with things as easy as building trash  
19 cans and washing dishes to as deeply as taking  
20 somebody -- taking care of somebody's funeral  
21 arrangements.

22 These are casual conversations that take  
23 place at community events, like sweat lodge,  
24 longhouse, pow wow. Sometimes we receive feedback  
25 -- later on, we receive input on how we were able

1 to support community that happens later on in the  
2 aftermath.

3 In the moment, we address the human need  
4 first and then receive the feedback later.

5 Q. Okay. So I want to ask -- so does IIA  
6 only learn that it supports abortion access after  
7 the abortion has happened?

8 A. Not necessarily.

9 Q. Are there any circumstances in which it  
10 has learned in advance that it has supported an  
11 abortion?

12 MS. OLSON: Objection; form as to how one  
13 can learn in advance that they have supported  
14 something that has occurred.

15 Q. (BY MR. GREEN) Let me rephrase.

16 Are there any circumstances in which IIA  
17 has known in advance the money it is providing is  
18 going to support an abortion?

19 A. There have been several instances where  
20 we have received requests to fund reproductive  
21 healthcare. In those instances, those are adults.  
22 Those are direct requests.

23 Q. Okay. Are there any circumstances IIA  
24 has known in advance that the money it is providing  
25 is going to support an abortion for a minor?

1 A. No, not with certainty at the time.

2 Q. Does IIA have any plans to provide money  
3 to access legal abortion to a minor?

4 MS. OLSON: Objection; form.

5 THE WITNESS: IIA is strong in building a  
6 community connection where folks know that we are  
7 trusted in our ability to provide support and care  
8 to the community for whatever and by whatever  
9 lawful means are available to us.

10 Q. (BY MR. GREEN) Okay. Let me ask it  
11 another way.

12 Does IIA have any plans to ask -- strike  
13 that.

14 Apart from the means we've talked about,  
15 is there any other way in which IIA provides  
16 logistical, practical, and financial assistance to  
17 minors to access abortion?

18 A. Outside of what we spoke about, are  
19 there any other ways that we provide logistical,  
20 practical, or financial assistance to access legal  
21 abortion, that was your question?

22 Q. To minors.

23 A. To minors. Thank you for clarifying.

24 We provide the care and the support to  
25 the trusted community member who asks. We have not

1 received direct requests from a minor to procure an  
2 abortion.

3 Q. Have you received indirect requests?

4 MS. OLSON: Objection; asked and answered.

5 THE WITNESS: I'm unsure.

6 Q. (BY MR. GREEN) Okay. Does IIA provide  
7 legal advice, assistance -- strike that.

8 I'm actually just going to ask: Does  
9 IIA provide legal advice?

10 A. No.

11 Q. Is there any other way that we haven't  
12 already discussed in which IIA provides assistance  
13 to minors about abortion?

14 A. I think what's missing in our  
15 conversation is the intersection of why a minor  
16 would need to procure an abortion.

17 Q. I appreciate that. My question wasn't  
18 about why a minor would need to procure an  
19 abortion, however. My question is whether or not  
20 there's another way that we haven't discussed that  
21 IIA provides assistance.

22 A. If you allow me to finish, I would have  
23 given you that answer.

24 Advocacy is important to these  
25 individuals when they're minors or their trusted

1 relatives are seeking information on behalf of the  
2 minor. The advocacy also includes referrals to  
3 legal assistance, referrals to domestic violence or  
4 sexual assault centers, referrals to mental health  
5 or behavioral healthcare as well.

6 Q. Okay. So you would consider advocacy a  
7 part of assistance?

8 A. Absolutely -- actually, no. Assistance  
9 is separate from advocacy.

10 Q. Okay. Is there any way -- strike that.  
11 In what way is assistance separate,  
12 apart from ways we've already talked about?

13 MS. OLSON: Objection; form.

14 THE WITNESS: Assistance feels very  
15 tangible.

16 Q. (BY MR. GREEN) Okay. So are there any  
17 other tangible ways in which IIA provides  
18 assistance to minors to access abortion that we  
19 haven't already discussed?

20 A. No.

21 Q. Okay. Does IIA plan, in the future, to  
22 provide any additional kinds of assistance apart  
23 from those that we've already discussed to minors  
24 to access abortion?

25 A. We will continue to strengthen and

1 expand the services and care we provide to our  
2 community, including minors.

3 Q. In what way specifically to access  
4 abortion for minors?

5 MS. OLSON: Objection; form.

6 THE WITNESS: You've covered them all.

7 Q. (BY MR. GREEN) So no further plans?

8 A. No further plans.

9 MS. OLSON: Objection; form, misstates the  
10 witness's response.

11 Q. (BY MR. GREEN) Apart from what we've  
12 already discussed, is there any way that IIA  
13 provides encouragement, counseling, advice,  
14 information, emotional assistance, and support to  
15 minors seeking to obtain an abortion?

16 A. As part of our commitment to share  
17 information about healthcare and wellness and needs  
18 in our community includes counseling referrals, it  
19 includes information, it includes directing them to  
20 an appropriate trusted result -- adult, excuse me.  
21 Adult. IIA has that structure in place and will  
22 continue to do that work.

23 Q. Okay. And apart from what you just  
24 stated in your last answer, is there any other way  
25 in which IIA provides encouragement, counseling,

1 advice, information, emotional assistance, and  
2 support to minors seeking to obtain an abortion?

3 A. No.

4 MR. GREEN: Okay. It is 12:14. I may have  
5 another question on topic 2 later, but I think  
6 we're good to pause here for lunch.

7 MS. OLSON: That works.

8 MR. GREEN: All right. Let's go off the  
9 record.

10 (A recess was taken from 12:14 p.m. to 1:00 p.m.)

11 Q. (BY MR. GREEN) Turning to topic 3 on the  
12 notice, does IIA provide direct housing for minors?

13 A. No, we don't.

14 Q. Okay. Is there any other way that IIA  
15 harbors minors generally?

16 MS. OLSON: Objection; form.

17 THE WITNESS: No.

18 Q. (BY MR. GREEN) Okay. Turning to  
19 topic 4, does IIA drive minors across state lines?

20 A. No.

21 Q. Okay. Does IIA transport minors  
22 generally?

23 A. IIA provides support to trusted  
24 community members who are transporting both minors  
25 and elders to medical appointments.

1 Q. Okay. Are those IIA volunteers who are  
2 transporting?

3 A. Volunteers in a traditional sense, no.  
4 They are community advocates who are working on  
5 behalf of the community and have requested support  
6 from IIA.

7 Q. Okay. To double back to topic 3 for a  
8 second, are there any plans to harbor minors in the  
9 future that IIA has?

10 A. IIA will continue to provide support to  
11 the community and resources as folks need lodging  
12 for any number of reasons generally.

13 Q. Okay. But no specific plans?

14 A. The plans are to expand and enhance our  
15 current infrastructure as it is.

16 Q. Okay. How so?

17 A. We are recipients of several community  
18 support grants that allow us to continue to do the  
19 work and serve community as we have, so that --  
20 that actually looks like a couple of different  
21 things, building housing -- and just let me pause  
22 before I finish that answer.

23 You're speaking specifically to  
24 number 3?

25 Q. Yeah, specific to 3.

1           A.     And then your question was plans to  
2 harbor minors?

3           Q.     Correct.

4           A.     Okay. I'll leave my answer where it is.  
5 We will expand and enhance our current engagement  
6 with community.

7           Q.     Well, I had asked how so, and you  
8 mentioned a couple of different community support  
9 grants --

10          A.     Uh-huh.

11          Q.     -- and building housing.

12                 Do you have any specific plans to build  
13 housing?

14          A.     We have -- what do they call it? -- a  
15 scoping -- a scoping project currently with some  
16 housing folks in the state as partners.

17          Q.     Do those community support grants  
18 require compliance with Idaho law?

19          A.     Of course.

20          Q.     Okay. Was that housing -- strike that.  
21                 The scoping project you're talking  
22 about, is that the only specific plans you have to  
23 build housing?

24          A.     Currently, yes.

25          Q.     Okay. Does IIA have any specific plans

1 to transport minors?

2 A. IIA very often provides support to  
3 trusted community members who may or may not  
4 transport minors and IIA will continue to do so.  
5 We are not directly transporting minors.

6 MR. GREEN: Okay. And let's turn to  
7 topic 5. I'm going to mark a couple of exhibits  
8 for this topic.

9 Can we go off for just one second?

10 (A discussion was held off the record.)

11 (Deposition Exhibit No. 4 was marked.)

12 Q. (BY MR. GREEN) And I'm not going to ask  
13 you to read the whole thing. Just read enough to  
14 understand what the document is and just let me  
15 know when you've done that.

16 MS. OLSON: Are you asking her to look at  
17 the entire document so she knows what the entire  
18 document is?

19 MR. GREEN: I'm asking her to review enough  
20 of the document that she can identify what the  
21 document is.

22 THE WITNESS: I'm aware of what the document  
23 is.

24 Q. (BY MR. GREEN) Okay. What is it?

25 A. It's our Complaint for Declaratory

1 Judgment that includes how IIA provides support and  
2 services in the community.

3 Q. Okay. Can you turn to paragraph 55 for  
4 me?

5 A. Yes.

6 Q. I'll just go ahead and read the first  
7 sentence: IIA has provided direct assistance or  
8 financial assistance for pregnant minors seeking  
9 abortion care with awareness that the pregnant  
10 minor's parents do not know about the minor's  
11 intent to seek abortion care.

12 Did I read that right?

13 A. You did.

14 MR. GREEN: I'm going to mark Exhibit --  
15 there's a couple of them here.

16 (Deposition Exhibit Nos. 5 through 7 were marked.)

17 Q. (BY MR. GREEN)

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Q. Okay. I'm going to ask you, just briefly, to look over Exhibit 5, again, just enough for you to identify for me what the document is, and just let me know when you've done that.

A. I am familiar with the document. It is the -- sorry, I'll wait for you.

Q. No, go ahead.

A. It is the questions presented by y'all that I responded to -- we responded to as IIA.

Q. Okay. And Exhibit 7?

A. It is similar. The additional -- if I understand correctly, the 7 is where we made -- or added -- added in response to the questions.

1 Q. Okay.

2 MS. OLSON: Just for the record to be clear,  
3 **Exhibit 7** is actually supplemental responses to the  
4 first set and **Exhibit 5** is supplemental responses  
5 to the second set, correct?

6 THE WITNESS: 7 is the first --

7 MR. GREEN: Yes. And I introduced those in  
8 the wrong order, so y'all can be mad at me for that  
9 one.

10 THE WITNESS: Oh, okay. I was like -- okay:

11 MR. GREEN: Yes, I have **Exhibit 7** as  
12 responses to the first set of rogs. **Exhibit 5** is  
13 the second set.

14 Q. (BY MR. GREEN) This is on **Exhibit 5**,  
15 page 8. I want to ask you about a couple of these  
16 documents together.

17 With respect to direct assistance that's  
18 mentioned in paragraph 55, are the circumstance --

19 MR. GREEN: Counsel?

20 MS. OLSON: Go ahead. I'll let you finish  
21 your question. I'll make my objection. I thought  
22 you -- you paused.

23 MR. GREEN: Oh, sorry.

24 Q. (BY MR. GREEN) With respect to the  
25 direct assistance referred to in paragraph 55 of

1 the complaint, are the only examples of that direct  
2 assistance paragraph 55 is referring to the  
3 circumstances that are described in Supplemental  
4 Answer to Interrogatory Number 15?

5 MS. OLSON: Objection; form.

6 Q. (BY MR. GREEN) Take all the time you  
7 need to review the documents.

8 A. I will review, but can you make your  
9 question more concise for me, please?

10 Q. Sure.

11 Re-reading paragraph 55: IIA has  
12 provided direct assistance or financial assistance  
13 for pregnant minors seeking abortion care with  
14 awareness that the pregnant minor's parents do not  
15 know about the minor's intent to seek abortion  
16 care.

17 And so my question is: Supplemental  
18 Answer to Interrogatory Number 15 describes certain  
19 circumstances, and I'm wondering if those are all  
20 of the circumstances in which IIA has provided  
21 direct assistance or financial assistance for  
22 pregnant minors seeking abortion care with the  
23 awareness that the pregnant minor's parents do not  
24 know about the minor's intent to seek abortion  
25 care.

1 MS. OLSON: Objection; form.

2 THE WITNESS: As of right now, in my current  
3 awareness, yes, this is what I recall.

4 Q. (BY MR. GREEN) Okay. And there is a  
5 March 2023 circumstance described in Supplemental  
6 Answer to Interrogatory Number 15; is that right?

7 A. That's correct.

8 Q. Okay. Is Exhibit 6, the document that's  
9 marked "Confidential," the only written record of  
10 the March 2023 financial assistance?

11 MS. OLSON: Objection; form.

12 THE WITNESS: Yes, it is.

13 Q. (BY MR. GREEN) Okay. Are there written  
14 records of any of the other financial assistance  
15 that was provided -- strike that.

16 With respect to any of the other  
17 circumstances described in Interrogatory Number 15,  
18 does IIA have any additional written records?

19 A. No additional written records.

20 Q. Okay. Turning -- and this is, again, to  
21 **Exhibit 5**, the second set of interrogatories and  
22 the Supplemental Answer to Interrogatory Number 15,  
23 I'll read the first sentence: In addition to the  
24 incident Plaintiff referenced in response to  
25 Interrogatory 14 where Plaintiff provided

1 information on the circumstances relating to  
2 assistance IIA provided in March -- strike that.

3 A. I'm sorry to interrupt you because I  
4 couldn't follow where you were.

5 Q. That's totally fine. I'm going to ask a  
6 completely different question. I'm going to go  
7 back to page -- this is Exhibit 5.

8 Okay. Exhibit 5, page 7. It's the end  
9 of the answer to Interrogatory Number 15.

10 MS. OLSON: Objection --

11 MR. GREEN: I'm just pointing her to --  
12 there's no question pending. I'm just pointing her  
13 to the right spot.

14 MS. OLSON: Yeah, I'm confused about where  
15 you're pointing her to because the end of the  
16 response to Interrogatory Number 15 is on pages --

17 MR. GREEN: 14.

18 MS. OLSON: Okay.

19 MR. GREEN: Sorry.

20 THE WITNESS: Oh, okay. Thank you.

21 Q. (BY MR. GREEN) I'll read the last  
22 sentence: For instance -- second to last sentence:  
23 For instance, Plaintiff is aware of a request from  
24 a community member around March 18th, 2023. The  
25 following sentence: Plaintiff is aware that the

1 assistance went to support a pregnant minor and  
2 likely went to procuring an abortion.

3 Did I read those two sentences  
4 correctly?

5 A. You did.

6 Q. Okay. How do you know that the support  
7 likely went to procuring an abortion?

8 A. Inference.

9 Q. And on what do you base that inference?

10 A. The initial contact with me was  
11 regarding gender-based violence and occurrence of  
12 rape and the likelihood of this young person being  
13 pregnant was high because of symptoms that were  
14 mentioned in conversation at the person's request  
15 when they were asking us for assistance.

16 I am well-versed enough in pregnancy  
17 symptoms to have drawn the conclusion.

18 Q. And you drew the conclusion that the  
19 minor was pregnant?

20 A. Correct.

21 Q. How did you draw an inference that the  
22 support likely went to procuring an abortion?

23 A. That came as a follow-up conversation  
24 with the auntie who requested the assistance.

25 Q. By "follow-up conversation," do you mean

1 after the aid was already provided?

2 A. After aid was already provided.

3 Q. Okay. Turn to Exhibit 7, and we'll go  
4 to page 5. And this should be the Answer to  
5 Interrogatory Number 1.

6 A. Okay.

7 Q. I'm just going to read the last  
8 sentence: Subject to and without waiving these  
9 objections, Plaintiff IIA cannot specifically  
10 recall if any of the minors in Idaho referenced in  
11 paragraph number 6 and paragraph number 55 were  
12 unemancipated.

13 Did I read that right?

14 A. You did read that correct.

15 Q. Okay. And looking to the question  
16 that's posed, paragraph 6 and paragraph 55 are  
17 paragraphs of the complaint, right?

18 A. Yes.

19 Q. Okay. And can IIA specifically recall  
20 if it has ever encountered an unemancipated minor?

21 MS. OLSON: Objection; form.

22 THE WITNESS: In our communities, we are  
23 provided enough information to provide support and  
24 services to our community, language and principles.  
25 Like, emancipated minors do not exist culturally

1 for our communities, especially the communities  
2 that we serve. A minor may not even know that  
3 they're emancipated. They may not know that they  
4 are a ward of the State.

5 Q. (BY MR. GREEN) Turn to topic number 6.

6 And you can set the exhibits aside for  
7 now, and I'll stop talking about the confidential  
8 one for the time being.

9 You're the director of IIA, correct?

10 MS. OLSON: Objection; form.

11 THE WITNESS: I am a community organizer  
12 with the Indigenous Idaho Alliance as a volunteer.  
13 For the purposes of the Secretary of State, I am  
14 listed as a director. I think it's important to  
15 give you some clarification that we operate in a  
16 decolonized, decentralized leadership model in  
17 which our roles and responsibilities are shared in  
18 a community care model.

19 Q. (BY MR. GREEN) Okay. Are there any  
20 other directors listed with respect to the  
21 Secretary of State?

22 A. There are three others.

23 Q. Okay. Who are those?

24 A. Jason Pretty Boy, a citizen of the  
25 Lakota Nation; Amy York, she is non-Native; and

1 Irene Ruiz, she is a descendant of the Purepecha  
2 Nation.

3 MS. OLSON: Common spelling.

4 Q. (BY MR. GREEN) Does IIA employ anyone?

5 A. No.

6 Q. How does IIA select volunteers?

7 MS. OLSON: Objection; form, foundation.

8 THE WITNESS: IIA does not select  
9 volunteers. We accept volunteered help when it's  
10 offered, sometimes at our request, others in the  
11 face of a crisis depending on what's happening.

12 Q. (BY MR. GREEN) Okay. What does that  
13 process look like for accepting volunteer help?

14 A. There is a form that we capture names  
15 and e-mails, and they will offer whatever services  
16 or care or support or resources they can share with  
17 our organization for a particular project or a  
18 particular event that's posted on our social media,  
19 and then we follow up via e-mail.

20 Q. Okay. You mentioned earlier that IIA is  
21 organized -- I'll say it in part, there's more you  
22 added -- but in a decolonized way?

23 A. Correct.

24 Q. Okay. How is decision-making done in a  
25 decolonized way?

1           **A. Collaborative and consensus models.**

2           **Q. Okay. So voting?**

3           **MS. OLSON: Objection; form.**

4           **THE WITNESS: No. Collaborative, consensus**  
5 **models.**

6           **Q. (BY MR. GREEN) So how is a decision**  
7 **reached?**

8           **A. We talk through possibilities. We work**  
9 **through risks and harm. Our goal is to do no more**  
10 **harm to the communities that we're serving and**  
11 **supporting. Sometimes it is a combination of one,**  
12 **two, or three options or ways forward. Sometimes**  
13 **we remove every option off the table and take no**  
14 **action. No action is action. But it's a**  
15 **conversation where we collaboratively feel good**  
16 **about moving forward.**

17           **Q. Okay. Are there written records of this**  
18 **collaboration?**

19           **A. We keep and maintain minutes formally**  
20 **for the purposes of the Secretary of State, but no,**  
21 **in these collaborative decision-making processes,**  
22 **we do not keep records.**

23           **Q. So is it fair to say that to the extent**  
24 **something is not captured in the minutes that are**  
25 **provided for the Secretary of State, you don't keep**

1 written records of decision-making?

2 A. No, our cultural practice is oral  
3 tradition.

4 Q. So we've discussed three people who are  
5 listed as directors for purposes of the Secretary  
6 of State.

7 Is there anyone else other than those  
8 three people who participate in decision-making for  
9 IIA?

10 A. Yeah. We have a network of auntie -- we  
11 refer to them as the aunties network. It's a  
12 network of women, anywhere between 15 to 25 at any  
13 given time during the year, depending on community  
14 needs. We will reach out in small groups. We'll  
15 see them at community events and/or host a periodic  
16 Zoom to review what the needs are in their  
17 particular communities based on who they're serving  
18 and how they're showing up.

19 Q. And "between 15 and 25," do you mean 15  
20 to 25 in number or 15 to 25 in age?

21 A. 15 to 25 in number.

22 Q. Okay. Thank you.

23 Do these aunties, would you consider  
24 them members of IIA?

25 A. We're a nonmembership organization.

1 Q. Okay. Would you consider them to have  
2 any formal role with IIA?

3 A. For the purposes of the Secretary of  
4 State, they are listed as an advisory board of  
5 directors more or less.

6 Q. Okay. Do you require a background check  
7 for any of these aunties?

8 A. No.

9 Q. Okay. If you have that advisory  
10 board -- strike that.

11 If the formal, for purposes of the  
12 Secretary of State, way of referring to the aunties  
13 is the advisory board and the formal way you refer  
14 to those more directly involved in decision-making  
15 is directors, what is the informal way you would  
16 refer to the three or four folks primarily involved  
17 in decision-making?

18 MS. OLSON: Objection; form.

19 THE WITNESS: I would need you to rephrase  
20 that question for me.

21 Q. (BY MR. GREEN) I guess what I'm asking  
22 is: If the aunties are serving as an advisory  
23 board, you have the formal -- you've given me the  
24 formal role that the directors serve.

25 I guess I'm asking: What's the

1 equivalent of auntie for the four folks who are  
2 primarily involved in decision-making?

3 MS. OLSON: Objection; form.

4 THE WITNESS: If I'm understanding you  
5 correctly -- this is also me sharing knowledge  
6 about the way our communities operate --  
7 decision-making and community care has to exist and  
8 be led and informed by matriarchs. All of the  
9 tribes in Idaho except one are matriarchies. So  
10 our practice is to honor their leadership and  
11 guidance in the formal advisory role.

12 But as we make decisions as an  
13 organization, they weigh in, they inform us, and  
14 what that looks like are one-on-one calls, social  
15 media outreach where they say, "What we're noticing  
16 in our community," for example, "is a lack of food,  
17 people need firewood, so-and-so needs  
18 transportation because they have dialysis."

19 They could range anywhere across the  
20 gamut of community needs, and the aunties inform  
21 that through their guidance and leadership.

22 Did that answer your question?

23 Q. (BY MR. GREEN) That was helpful, but not  
24 quite.

25 I guess what I'm looking for is: In

1 terms of structure, the aunties serve one function,  
2 and I guess how would you describe the function,  
3 informally, not for purposes of the Secretary of  
4 State, that the other -- I'm going to say members,  
5 but I'm hoping you'll supply me with a different  
6 word -- the other members of the organization?

7 A. Oh, I see what you're saying. We're all  
8 collaboratively community organizers.

9 Q. Okay. That's how you would --

10 A. That's a commonly accepted term in the  
11 work that we do is community organizers.

12 Q. Okay. Do you require a background check  
13 for community organizers?

14 A. No.

15 Q. Okay.

16 A. But it is worth naming. There are two  
17 of us who work in federally-funded day jobs, so to  
18 speak. I'm required annually to re-up a federal  
19 background check as required by the Office of  
20 Violence Against Women. I have never failed a  
21 background check.

22 Q. Okay. Turning to topic 7, does IIA have  
23 any written policies?

24 A. No.

25 Q. Does IIA have any informal policies?

1           A.     Yes.

2           Q.     What are those?

3           A.     I would shift --

4           MS. OLSON:  Objection; form.

5           THE WITNESS:  Thank you.

6                     I would shift the language into  
7 practices.  Again, we are a decolonized model of  
8 community organizing, which means that we move from  
9 a place of practice, and not policy.  Policy is  
10 rigid and delineated and numerical and  
11 quantitative, and human needs require something  
12 much more fluid.  We -- our practice is to be the  
13 river, and not the rocks.

14                    Now, what that means is when we have  
15 conversations and decision-making, we embody  
16 practices of community care, practices of  
17 collaboration, and kind of strength-based and  
18 trauma-informed care.  So those would be more or  
19 less the informal practices that you're speaking  
20 of.

21                    I will pause and walk back the last  
22 question.  We have written financial policies.  
23 Those are required because of some of our community  
24 and grant-funding partnerships.  I'm sorry.

25           Q.     (BY MR. GREEN) No worries.  I appreciate

1 the clarification.

2 Just at a 30,000-foot level, what do  
3 those written policies cover?

4 A. The financial policies, of course. I  
5 mean, you actually all probably wrote them. We had  
6 some grant funding from the Idaho Department of  
7 Health and Welfare, so you're aware of the  
8 compliance there.

9 And then we have MOU partnerships with  
10 Philanthropy Northwest, as funded by the  
11 Environmental Protection Agency, and then MOU  
12 partnerships -- and these were previous grants. We  
13 don't have these grants any longer -- which  
14 requires pretty rigorous financial and grant  
15 compliance as well for financial management, just  
16 accurate financial reporting and recording.

17 Q. Okay. And none of those require you to  
18 determine how direct assistance is used by  
19 recipients?

20 A. No, we have unrestricted funding for  
21 direct assistance, which does not require that  
22 rigor of reporting.

23 Q. In terms of indirect assistance, do you  
24 have any policies that require reporting?

25 A. If I understand your question, you're

1 saying -- so we have the direct assistance, which  
2 is foundation and unrestricted, and then we have --  
3 those particular grants that we've had in the past,  
4 those were -- those were also direct services, but  
5 not in relation to the conversation we're having.

6 So can you reframe that question for me  
7 if I'm...

8 Q. I actually think you answered my  
9 question. I actually do want to go back and  
10 clarify one thing.

11 When I asked you whether or not IIA has  
12 informal policies, you stated in part that you  
13 would shift the language into practices --

14 A. Correct.

15 Q. -- and gave me an answer about  
16 practices; is that fair?

17 A. That's fair.

18 Q. Okay. So the answer to whether or not  
19 you have informal policies would be "no," right?

20 MS. OLSON: Objection; form.

21 THE WITNESS: No, that's incorrect. For the  
22 purposes of your question, I will say yes, but we  
23 do not call them policies, informal or otherwise.  
24 We call them our shared practices.

25 Q. (BY MR. GREEN) Okay. Do any of those --

1 does any policy or shared practice require IIA  
2 community organizers or aunties to take steps to  
3 hide an abortion from the parents or guardian of a  
4 minor?

5 MS. OLSON: Objection; form.

6 THE WITNESS: We do not have any policy or  
7 practice that requires anybody who works with us or  
8 around us to take steps to hide information  
9 regarding abortions.

10 Q. (BY MR. GREEN) Okay. Do you have any  
11 policies or practices related to abortion  
12 generally?

13 A. No.

14 Q. Okay.

15 MR. GREEN: I'll note for the record, we're  
16 skipping topic 8 on the basis of one of the Court's  
17 protective orders and we'll go back to topic 9.  
18 And pull back out Exhibit Number 7 -- no, strike  
19 that. That's Exhibit 5.

20 MS. OLSON: So you want her to look at  
21 Exhibit 5?

22 MR. GREEN: The second set, Exhibit 5.

23 MS. OLSON: Okay.

24 Q. (BY MR. GREEN) And, actually, we'll save  
25 some time. We'll skip that one.



1           A.     Okay.

2           Q.     In Exhibit Number 3, if you'd turn to  
3 page 5. I believe it's the same page that  
4 Mr. Green was asking you about.

5           A.     Yes. Correct.

6           Q.     And I think you said in response to  
7 Mr. Green's questions that number 2 -- or the  
8 paragraph sub number 2 on page 5, it says,  
9 "Providing information, advice, education,  
10 support," et cetera, the rest of that paragraph,  
11 that that's what IIA does; is that correct?

12          A.     Yes.

13          Q.     Is that also the kind of activity --  
14 with respect to providing assistance to Idaho  
15 minors who may need assistance in getting  
16 reproductive healthcare that would include  
17 abortion, is that what IIA intends to do in the  
18 future?

19          MR. GREEN: Object to form.

20          Q.     (BY MS. OLSON) You can answer.

21          A.     Yes, our plan is to continue to do this  
22 work, providing -- the way that we provide  
23 transportation to medical appointments. It also  
24 might be worth naming that we are able to receive  
25 our healthcare benefits as citizens of Indigenous

1 nations in our usual and custom territory.

2 The example of that is the Nez Perce  
3 Tribe, our usual and custom territory straddles  
4 Lewiston, Idaho, and Clarkston, Washington, and we  
5 go into Washington for medical care as well as  
6 Pullman, Washington, and Moscow, Idaho, being only  
7 eight minutes apart and also our usual and custom  
8 territory, so our providers exist there.

9 We have, in the past, made sure that  
10 people who need us for services, help providing  
11 support for transportation includes that space and  
12 we will continue to do that in the future, and we  
13 plan to do that in the future.

14 Q. And you plan to do all the other things  
15 that are in number 2 there; is that correct?

16 A. Correct.

17 Q. In the future?

18 A. Correct.

19 Q. With respect to number 3, does IIA, in  
20 the future, also plan to continue providing  
21 logistical, practical, and financial assistance and  
22 resources to people, including minors, to access  
23 legal abortions?

24 A. Yes. Yes.

25 Q. And you also intend to, in the future,

1 through IIA, continue providing assistance and  
2 advocacy to individuals, including minors, about  
3 abortion, including abortion care, access to  
4 obtaining abortion, and obtaining lawful abortion  
5 where it's lawful?

6 A. Yes. And we are expanding that  
7 relationship with a national support organization  
8 as well as a Native-led organization out of the  
9 Southwest United States, Indigenous Women Rising,  
10 and then the Abortion Bridge Collective.

11 Q. And with respect to the things that  
12 IIA's planning to do in the future, do you plan to  
13 continue providing advocacy, education, and  
14 campaigns relating to the legal right to abortions?

15 A. Yes. Including for minors, yes.

16 Q. And with respect to the question that I  
17 posed earlier and your response about transporting  
18 individuals, you're aware that right now in Idaho,  
19 direct transportation of individuals to obtain  
20 lawful abortion is not allowed or is still  
21 prohibited under Idaho Code 18-623; is that  
22 correct?

23 A. We have --

24 MR. GREEN: Object to form.

25 Q. (BY MS. OLSON) Go ahead. You can

1 respond.

2 A. Oh, I was going to say, we are aware and  
3 have not, to our knowledge, directly transported a  
4 minor for an abortion where it is lawful.

5 Q. All right. And if the statute were to  
6 be declared unconstitutional in that respect, would  
7 IIA use the transportation infrastructure that  
8 you've described to transport pregnant Idaho minors  
9 who request IIA's assistance for abortions?

10 A. Yes, we would.

11 Q. With respect to the questions Mr. Green  
12 asked you about whether you knew with certainty  
13 that assistance provided by IIA had been used to --  
14 by an Idaho minor to eventually receive an  
15 abortion, you said you don't know for certainty,  
16 but do you -- as you described earlier, are there  
17 times when you can draw the inferences at the time  
18 you're providing the assistance that that is what  
19 the assistance is likely to be used for?

20 MR. GREEN: Object to form.

21 Q. (BY MS. OLSON) You can answer.

22 A. Yes, it is likely, based on the context  
23 and the conversations that I'm having with the  
24 community advocate.

25 Q. With respect to the questions that

1 Mr. Green asked you about Exhibit Number 5, which  
2 are the supplemental responses to the second set of  
3 discovery requests, you signed the verification  
4 page for those on behalf of Indigenous Idaho  
5 Alliance; is that right?

6 A. I did sign them, yes.

7 Q. And so answering on behalf of Indigenous  
8 Idaho Alliance, did those answers remain true and  
9 correct, to the best of your knowledge?

10 A. To the best of my knowledge, true and  
11 correct, yes.

12 Q. All right. And then Exhibit Number 7,  
13 which are the supplemental responses to the first  
14 set of interrogatories --

15 A. Uh-huh.

16 Q. -- posed to Indigenous Idaho Alliance,  
17 you also signed the verification page for those on  
18 behalf of Indigenous Idaho Alliance; is that  
19 correct?

20 A. That is correct.

21 Q. And to Indigenous Idaho Alliance's  
22 knowledge, do those answers remain true and  
23 correct, to the best of your knowledge?

24 A. They are true and correct, to the best  
25 of my knowledge.

1 Q. Earlier in response to questions that  
2 Mr. Green was asking you about the term "procures,"  
3 I'm not sure that, on the record, we ever got a  
4 clear picture of either what Mr. Green meant or  
5 what you meant by "procures." He did ask you about  
6 -- to use your definition, but I don't think he  
7 ever asked you about your definition.

8 Ms. simpson, how do you define  
9 "procures"?

10 A. Procurement, in my brain as I define it,  
11 is to obtain a service or a tangible product  
12 through a transaction, a direct transaction.

13 Q. So --

14 A. Procurement by harboring, by  
15 transporting, and by recruiting doesn't make sense  
16 because none of those things would require a direct  
17 transaction.

18 Q. And so based on that, what do you  
19 understand "procures an abortion" to mean?

20 A. It would mean that me as a  
21 representative of IIA would stand at a healthcare  
22 facility and pay directly for an abortion for a  
23 minor. That is how I understand procurement.

24 Q. And so you explained -- or you said a  
25 moment ago that then you don't understand how you

1 would procure an abortion by transporting, by  
2 harboring, by recruiting.

3 Is that what you're referring to, you  
4 don't know how you would stand there in the room  
5 and procure an abortion by harboring someone if  
6 you're there in the room?

7 MR. GREEN: Object to form.

8 THE WITNESS: Correct. That's exactly why  
9 it's confusing.

10 Q. (BY MS. OLSON) Is that part of what is  
11 confusing about the statute to IIA?

12 A. Yes. Yes. And it -- I think something  
13 else worth offering in this is that confusion and  
14 lack of understanding and lack of clarity is  
15 harmful to the way that we provide services and  
16 care to our community when we are already displaced  
17 and underresourced.

18 And it is also worth naming that the  
19 inability to transport our elders or children is in  
20 fact a violation of treaty rights in a number of  
21 our communities here as well.

22 Q. And there were some questions,  
23 Ms. simpson, along the way that were asked of you  
24 as the designee of IIA about secreting information  
25 from parents or concealing information from parents

1 or intending to conceal information from parents.

2 Do you remember that?

3 A. I do, yeah.

4 Q. And in the circumstances where IIA is  
5 providing assistance, perhaps by talking to another  
6 trusted member of the community or to an auntie and  
7 knowing that they are going to provide assistance  
8 to a minor, why might it be problematic for IIA to  
9 inquire into what's going on with the parents?

10 MR. GREEN: Object to form.

11 THE WITNESS: IIA is very much a strong and  
12 loud presence of providing support and services and  
13 care in our community across the state and across  
14 the region. That relationship-building is -- the  
15 backbone of it is trust and discretion and  
16 anonymity in some instances to ensure that no harm  
17 comes to the people that we are serving and  
18 supporting.

19 So we -- let me pause there. There was  
20 a question about intent.

21 Can you reframe that question for me?

22 Q. (BY MS. OLSON) Sure. I think it was one  
23 long question --

24 A. Okay.

25 Q. I think it was Mr. Green initially asked

1 some questions about whether there was ever an  
2 intent to conceal information from parents.

3 And so my question was more general:  
4 What might be the concerns of IIA if it shared  
5 information about how it was helping minors or what  
6 minors it was helping beyond those who it was  
7 talking to?

8 MR. GREEN: Object to form.

9 THE WITNESS: Oh, thank you.

10 Yeah, the harm that could take place  
11 could be much more deeply exacerbated in some of  
12 the instances where we are supporting people in  
13 community looking for abortions.

14 Q. (BY MS. OLSON) And what would that harm  
15 be?

16 A. Violence, potentially death, additional  
17 rape, additional assault, homelessness, food  
18 insecurity, et cetera.

19 Q. And how would it affect the willingness  
20 of members in the community to come to IIA with  
21 such concerns or to help it or to seek assistance  
22 in the future?

23 A. Trust would be deeply ruptured and we  
24 would no longer be considered a safe resource to  
25 provide the support and care.

1 MS. OLSON: Thank you, Ms. simpson. That's  
2 all the questions I have for you as the designee of  
3 IIA for this Rule 30(b)(6) deposition.

4 THE WITNESS: Thank you.

5 MR. GREEN: Give me just one moment. I  
6 might have a question or two.

7

8

FURTHER EXAMINATION

9 BY MR. GREEN:

10 Q. Ms. simpson, in response to Counsel's  
11 questions about what IIA continues to do or intends  
12 to do in the future regarding assistance and  
13 advocacy to individuals, including minors, about  
14 abortion, you mentioned a national support  
15 organization as well as a Native-led organization.  
16 You mentioned also expanding that relationship.

17 What did you mean by "expanding that  
18 relationship"?

19 A. Expanding that relationship is being  
20 intentional about sharing their resources that they  
21 are distributing at a national level more  
22 intentionally at our local level amongst the tribes  
23 that we have relationships with. That could  
24 include resources in a number of ways, especially  
25 information regarding reproductive justice and

1 healthcare.

2 Q. Okay. Is there anything else that you  
3 can think of that would be -- that would fall  
4 within the category of expanding that relationship?

5 A. As of right now that relationship is  
6 just -- it's new to us.

7 MR. GREEN: Okay. Nothing further.

8 MS. OLSON: Nothing further from me.

9

10 (The deposition concluded at 1:59 p.m.)

11

\* \* \*

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(Signature was requested.)

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# Exhibit C

In The Matter of:

Lourdes Matsumoto, Northwest Abortion  
Access Fund, and Indigenous Idaho Alliance

v.

Raul Labrador, in his capacity as the  
Attorney General of the State of Idaho

**DEPOSITION OF  
IRIS ALATORRE,  
30(b)(6) DESIGNEE FOR NWAAF  
February 06, 2026**



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LOURDES MATSUMOTO vs RAUL LABRADOR  
ALATORRE, IRIS 02/06/2026

30(b)(6)

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

<b>LOURDES MATSUMOTO, NORTHWEST</b>	)	
<b>ABORTION ACCESS FUND, and</b>	)	
<b>INDIGENOUS IDAHO ALLIANCE,</b>	)	<b>Case No.</b>
	)	<b>1:23-cv-00323-DKG</b>
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>RAUL LABRADOR, in his capacity as</b>	)	
<b>the Attorney General of the State</b>	)	
<b>of Idaho,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**REMOTE DEPOSITION OF IRIS ALATORRE,  
30(b)(6) DESIGNEE FOR NORTHWEST ABORTION ACCESS FUND  
February 6, 2026**

**Reported by:  
Rebecca Martin, CSR #1108, RPR, CRR**

1                                   **DEPOSITION OF IRIS ALATORRE,**  
2           **30(b)(6) DESIGNEE FOR NORTHWEST ABORTION ACCESS FUND**

3  
4                   **BE IT REMEMBERED** that the deposition of  
5   **IRIS ALATORRE** was taken via videoconference by the  
6   **Defendant** before Treasure Valley Reporting, Rebecca  
7   **Martin**, Court Reporter and Notary Public in and for the  
8   **State of Idaho**, on Friday, the 6th day of February,  
9   **2026**, commencing at the hour of 10:30 a.m. Mountain Time  
10   **in the above-entitled matter.**

11  
12

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**I N D E X**

**E X A M I N A T I O N**

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1 P R O C E E D I N G S

2

3 IRIS ALATORRE,

4 a witness having been first duly sworn to tell the  
5 truth, the whole truth and nothing but the truth,  
6 was examined and testified as follows:

7

8 EXAMINATION

9 BY MR. GREEN:

10 Q. Hello, again. I'm not going to rehash  
11 everything that I told you during the individual  
12 deposition.

13 You understand you're under oath again,  
14 right?

15 A. Yes.

16 Q. Now, for this part we're going to engage  
17 in a little bit of a legal fiction. When I ask you  
18 a question, I'm going to be asking a question to  
19 Northwest Abortion Access Fund, not to Iris  
20 Alatorre personally.

21 Do you understand that difference?

22 A. Yes.

23 Q. Okay. I may slip into the word "you"  
24 when I'm asking you a question, but just understand  
25 that for every question in this deposition, I'm

1 asking the organization Northwest Abortion Access  
2 Fund. I'm not asking you personally.

3 Do you understand that?

4 A. Okay. Yes.

5 Q. Do you understand that your answers in  
6 this deposition will bind -- and I'll just use the  
7 abbreviation NWAAF.

8 Do you understand that your answers will  
9 bind NWAAF as an organization in this case?

10 MS. OLSON: Objection; form.

11 You can answer.

12 Q. (By MR. GREEN) You can answer.

13 A. Yes, I understand.

14 Q. Okay. Can you explain to me what NWAAF  
15 is?

16 A. NWAAF is an abortion fund. We support  
17 people in Alaska, Idaho, Washington, and Oregon,  
18 people who either live in those states or are  
19 coming to one of those states for abortion care,  
20 and we support them in accessing that abortion care  
21 if they need it.

22 Q. You used the term "abortion fund" in  
23 answering my question.

24 What is an abortion fund?

25 A. An abortion fund generally helps

1 individuals pay for costs related to accessing  
2 abortion care.

3 Q. Is it fair to say that NWAAF's primary  
4 objective is to pay for abortion care?

5 MS. OLSON: Objection; form.

6 Q. (BY MR. GREEN) You can answer.

7 A. If I'm thinking about our mission, our  
8 primary objective is to support people in accessing  
9 abortion care.

10 Q. And the way an abortion fund does that  
11 is by paying for abortion, right?

12 MS. OLSON: Objection; form.

13 THE WITNESS: That's one of the ways.

14 Q. (BY MR. GREEN) Okay. And that's the way  
15 you most often use, right?

16 MS. OLSON: Objection; form, foundation.

17 THE WITNESS: Most often? I mean, I'm  
18 thinking about our -- how we spend our money. That  
19 is, yes, the way we most often support people  
20 accessing abortion care.

21 Q. (BY MR. GREEN) And are you a nonprofit?

22 A. Yes.

23 Q. Okay. How do you fund yourself?

24 MS. OLSON: Objection; form.

25 THE WITNESS: We receive donations from

1 individual donors, from some foundations, and some,  
2 like, city or state funding.

3 Q. (BY MR. GREEN) Do you solicit those  
4 donations?

5 A. Can you -- can you clarify, like, what  
6 you mean by "solicit"?

7 Q. Sure.

8 Do you ask for those donations?

9 A. Yes.

10 Q. Okay. How do you do that?

11 A. We have fundraising campaigns that go on  
12 at different times of the year. I would say that's  
13 probably the main way we solicit donations. We  
14 sometimes will table at community events, and  
15 people will -- and we'll solicit donations that  
16 way. And we solicit donations via, like, our  
17 website and our social media profiles.

18 Q. What's a rough estimate of your annual  
19 budget?

20 MS. OLSON: Objection; form, beyond any  
21 topic noticed in the Rule 30(b)(6). If you can  
22 identify a topic that goes to, I'm happy to have  
23 you ask that question.

24 MR. GREEN: Well, I will say "beyond the  
25 scope" is not a basis to avoid answering the

1 question. I'll point Counsel to *Detoy vs. City and*  
2 *County of San Francisco* 196 F.R.D. 362, Northern  
3 *District of California* 2000, collecting cases.

4 If a topic is beyond the scope, it's  
5 still relevant within Rule 26(b)(1). I can ask the  
6 question. If she doesn't know the answer off the  
7 top of her head, then I'm out of luck, but I can  
8 still ask the question.

9 MS. OLSON: Yeah, then that does suggest to  
10 me, Mr. Green, that you are intentionally --  
11 because you had that cite so ready -- asking  
12 questions beyond the topics noticed by the attorney  
13 general.

14 Ms. Alatorre, if you know the answer to  
15 that question, you can answer that question in your  
16 individual capacity. It is not part of the  
17 30(b)(6) response.

18 THE WITNESS: I don't know the answer to  
19 that question off the top of my head.

20 Q. (BY MR. GREEN) Okay. How was NWAAF  
21 organized?

22 A. Can you elaborate on what you mean by  
23 "organized"?

24 Q. Sure.

25 NWAAF has people in it, right?

1           A.     Yes.

2           Q.     Okay. How are those people divided?

3           MS. OLSON: I'm going to, again, ask -- I'm  
4 looking at your -- I'm going to object, and looking  
5 at your matters for testimony, and nowhere in your  
6 matters for testimony does it say anything about  
7 the organizational structure of NWAAF. And I will  
8 provide the same direction to Ms. Alatorre.

9                     If you know the answer to the question,  
10 you may answer it, but you will be answering in  
11 your individual capacity.

12           MR. GREEN: Also point Counsel to topic  
13 number -- for this deposition, it's topic 11: Any  
14 allegations in the complaint about which NWAAF or  
15 its employees, officers, agents, or volunteers have  
16 knowledge.

17                     And I'll also point you to topic 8:  
18 NWAAF's evaluation and hiring of volunteers,  
19 employees, and officers, including the use of  
20 background checks.

21                     I have to figure out if they've got  
22 officers, employees, or volunteers before I can ask  
23 about whether or not they have background checks  
24 for them, Wendy.

25           MS. OLSON: Same objection. You can't make

1 us -- we met and conferred about topic 11. You  
2 didn't bring any of this up. You made no efforts  
3 to find it.

4 But you can answer, Ms. Alatorre, if you  
5 have personal knowledge of the answer.

6 THE WITNESS: Yeah, my personal knowledge is  
7 that we have a board of directors, we have five  
8 staff members, including myself, and we have a  
9 large group of volunteers that support NWAAF in  
10 different capacities.

11 Q. (BY MR. GREEN) Okay. About how many  
12 volunteers? And an estimate is okay.

13 MS. OLSON: Objection; form.

14 THE WITNESS: I would say around 150 active  
15 volunteers.

16 Q. (BY MR. GREEN) And do all of those  
17 volunteers do the same things or do you have  
18 volunteers doing different tasks?

19 A. We have volunteers that do different  
20 tasks.

21 Q. Okay. How would you say -- strike that.  
22 What tasks do volunteers perform?

23 A. So we have volunteers that do case  
24 management, and within case management, there are  
25 different roles that somebody could do there. We

1 have volunteers that support with communications  
2 and partnerships and volunteers that support with  
3 fundraising and volunteers that support with the  
4 security practices and volunteers that support with  
5 in-person events, like attending community events  
6 on our behalf.

7 Those are some of the ways that I can  
8 think of our volunteers supporting.

9 Q. Are there any --

10 MS. OLSON: Late objection. And object to  
11 the question that's coming. Again, I do not see  
12 how this question is within any of the topics set  
13 out in Schedule A.

14 And so, Ms. Alatorre, again, you can  
15 answer if you know the answer in your individual  
16 capacity.

17 MR. GREEN: I'll just note for the record  
18 that's not an appropriate objection, but, you know,  
19 it's made for the record, obviously.

20 MS. OLSON: Then it's the argument we're  
21 going to have with the Court about how you can use  
22 this testimony that you have not listed in your  
23 topics. You can't just list topics for a 30(b)(6)  
24 deposition and then ask about things completely  
25 outside of those topics.

1           **MR. GREEN:** It's not completely outside of  
2 those topics, given topic 11, but again, you know,  
3 we're just going in circles.

4           **Q.** (BY MR. GREEN) Ms. Alatorre, subject to  
5 that objection from Counsel that I disagree with,  
6 go ahead and answer.

7           **A.** Can you repeat the question?

8           **Q.** I didn't get to ask it, so no.

9                   Are there any other ways that you  
10 have -- strike that.

11                   Are there any other tasks other than the  
12 ones you've mentioned that volunteers perform?

13           **MS. OLSON:** Objection; outside the scope of  
14 the 30(b)(6).

15                   You may answer in your individual  
16 capacity.

17           **THE WITNESS:** The ones that I named are all  
18 the ones that I can think of at the moment. There  
19 may be other ways that volunteers support NAAAF,  
20 but they're not coming to mind at this moment.

21           **Q.** (BY MR. GREEN) Since we're talking about  
22 individual capacity depositions, you testified  
23 during your individual deposition there weren't any  
24 aspects of NAAAF's operation you're not familiar  
25 with, right?

1           **A. Right.**

2           **Q. Okay. So how does NWAAF make decisions?**

3           **MS. OLSON: Objection; form, outside the**  
4           **scope of any of the topics noted in the**  
5           **Rule 30(b)(6) topics.**

6                       **You may answer if you know the answer in**  
7           **your individual capacity.**

8           **MR. GREEN: Do you want to just shorthand**  
9           **that as an outside-the-topic objection, Wendy?**

10           **MS. OLSON: Sure.**

11           **MR. GREEN: Okay.**

12           **THE WITNESS: How do we make decisions --**  
13           **could you be a little more -- is there -- I guess**  
14           **there's different ways to make decisions within the**  
15           **organization.**

16                       **Is there specific decisions you have in**  
17           **mind?**

18           **Q. (BY MR. GREEN) When NWAAF determines**  
19           **what services it's going to offer generally to**  
20           **people seeking abortion, how does it do that?**

21           **MS. OLSON: Objection; form, outside the**  
22           **scope.**

23           **THE WITNESS: Generally a lot of internal**  
24           **conversations about the service, if and how it**  
25           **aligns to our mission and values, if we have the**

1 funding for it, what the general, like, legal risk  
2 might be. And then based on all of those factors,  
3 we as a group or committee will vote on going  
4 forward with a decision or escalate it to, I guess,  
5 like, include more input from other individuals,  
6 like the executive director or the board of  
7 directors.

8 Q. (BY MR. GREEN) Okay. And how does --  
9 well, let me ask more generally: Does NWAAF have  
10 policies?

11 A. Yes.

12 MS. OLSON: Objection; form.

13 Q. (BY MR. GREEN) Sorry, was that a "yes"?

14 A. Yes.

15 Q. Okay. How does it make those policies?

16 MS. OLSON: Objection; form, outside the  
17 scope.

18 MR. GREEN: Topic 9, Wendy.

19 MS. OLSON: You ask about policies. You  
20 don't ask how they form policies. I have read  
21 topic 9, Mr. Green.

22 Q. (BY MR. GREEN) You can answer.

23 A. So the way we make policies has varied  
24 over the years. Because we are a relatively  
25 younger organization, we have still -- we've been

1 trying different ways to, I guess, operate. And so  
2 I -- I think at the moment the way that we create  
3 policies is within committees, and a committee can  
4 create a policy, and then that committee can vote  
5 to enact the policy, and then the final vote goes  
6 to the executive director and the board of  
7 directors with input from the director of  
8 operations.

9 Q. Do you associate with any other abortion  
10 funds to provide services?

11 MS. OLSON: Objection; form, outside the  
12 scope.

13 MR. GREEN: I'll just add, in addition to  
14 the other points I've made, that I asked the same  
15 question of IIA and got a response without the  
16 outside-the-scope objection.

17 Q. (BY MR. GREEN) But go ahead.

18 A. Can you clarify what you mean  
19 by "associate"?

20 Q. Work with?

21 A. Yes.

22 Q. Okay. What other abortion funds do you  
23 work with to provide services?

24 MS. OLSON: Objection; form, outside the  
25 scope.

1           **THE WITNESS:** We work with all abortion  
2 funds. There isn't an abortion fund that we don't  
3 work with.

4           **Q.** (BY MR. GREEN) Okay.

5           **A.** The frequency at which we work with an  
6 abortion fund might be different than another one,  
7 but we work with all abortion funds.

8           **Q.** How many are you aware of that you work  
9 with?

10          **MS. OLSON:** Objection; form, outside the  
11 scope.

12          **THE WITNESS:** I could give you an estimate,  
13 but I can't -- couldn't give you an exact number.

14          **Q.** (BY MR. GREEN) An estimate is fine.

15          **MS. OLSON:** Objection; form, outside the  
16 scope.

17          **THE WITNESS:** Probably 10 to 20.

18          **Q.** (BY MR. GREEN) Okay. Are those  
19 generally -- strike that.

20                   How do you work with those other  
21 associations to provide abortion services?

22          **MS. OLSON:** Objection; form, outside the  
23 scope.

24          **THE WITNESS:** We work with them by helping  
25 coordinate somebody's travel logistics or splitting

1 the balance for somebody's abortion care. That's  
2 generally how we work with them.

3 Q. (BY MR. GREEN) Is there any circumstance  
4 you recall where you assisted an Idaho minor to  
5 obtain an abortion where you worked with, split  
6 costs, or were otherwise assisted by another  
7 abortion fund?

8 A. That I can recall --

9 Q. Correct.

10 A. -- no.

11 MR. GREEN: Okay. I'll just go ahead and  
12 mark **Exhibit 1** and present that to the deponent.

13 (Deposition **Exhibit No. 1** was marked.)

14 Q. (BY MR. GREEN) Can you see what's been  
15 marked as **Exhibit 1**?

16 A. No, I can't.

17 Can you point to it with the mouse?

18 (Clarification by the court reporter.)

19 Q. (BY MR. GREEN) Can you see the document  
20 that will be marked as **Exhibit 1**?

21 MS. OLSON: Maybe if you give the title so  
22 it's clearer on the record what we're talking  
23 about. "Second Amended Notice of Deposition of  
24 Northwest Abortion Access Fund."

25 That's the document we're referring to

1 as **Exhibit 1**?

2 MR. GREEN: Yes.

3 THE WITNESS: Yes, I can see the document.

4 Q. (BY MR. GREEN) Okay. Have you seen it  
5 before?

6 A. Yes.

7 Q. Okay. Can you scroll down to the  
8 attachment at the end marked "Schedule A"?

9 Have you seen that schedule before?

10 A. Yes.

11 Q. Okay. And just take a quick second to  
12 look through it. Once you're done, let me know.

13 Have you finished looking through it?

14 A. Yes, I have.

15 Q. Okay. Are there any matters listed on  
16 that schedule which you are not prepared to testify  
17 to today?

18 MS. OLSON: Objection; form. As Counsel  
19 well knows, you've withdrawn, I believe, topic 10.

20 MR. GREEN: We didn't withdraw topic 10.  
21 I'm going to make a note that that's barred -- when  
22 we get there, I'm going to note that's barred by  
23 the Court's protective order, but I don't think we  
24 technically withdrew it.

25 MS. OLSON: She is not prepared for

1     **topic 10.**

2             **MR. GREEN:** She can answer that.

3             **MS. OLSON:** Well, it's not appropriate for  
4 you to ask about it. So we object to you even  
5 asking about topic 10, whether she's prepared for  
6 it. You can ask her about 1 through 9 and 11.

7             **MR. GREEN:** Counsel, that's not an  
8 appropriate objection. If she's not prepared for  
9 it and the Court's protective order allows her not  
10 to prepare for it, I don't understand what your  
11 objection is.

12            **MS. OLSON:** My objection is that you're  
13 asking about something that you know the Court's  
14 protective order applies to and that you know she  
15 hasn't prepared for. So I'm objecting to the  
16 manner in which you are inquiring about something  
17 you know you shouldn't be inquiring about.

18            **MR. GREEN:** I'm not asking as to substance.  
19 I'm asking what she's prepared to testify to today,  
20 Wendy.

21            **MS. OLSON:** My objection stands, Mr. Green.

22            **MR. GREEN:** Okay. I'll just ask the court  
23 reporter to read back my question and Ms. Alatorre  
24 can answer.

25            **(The record was read from page 20, lines 15-17.)**

1 MS. OLSON: Same objection.

2 THE WITNESS: I am not prepared to testify  
3 to matter number 10.

4 MR. GREEN: Thank you.

5 I want to briefly jump to topic 11, and  
6 I'll have the court reporter mark Exhibit 2 that I  
7 sent over and share that.

8 (Deposition Exhibit No. 2 was marked.)

9 Q. (BY MR. GREEN) Do you see the document  
10 that's been marked as Exhibit 2?

11 A. Yes.

12 Q. Okay. And do you understand that this  
13 case concerns Idaho Code 18-623?

14 A. Yes.

15 Q. Okay. And have you read Idaho Code  
16 18-623 before?

17 A. I have, but not recently.

18 Q. Okay. Just take a second to look  
19 through the document that's in front of you. It's  
20 the single page. And just let me know if that  
21 looks to you like a correct copy of Idaho Code  
22 18-623.

23 MS. OLSON: Objection; foundation.

24 THE WITNESS: Okay. I have reviewed it  
25 again.

1 Can you repeat your question?

2 Q. (BY MR. GREEN) Sure.

3 Does this look like a copy of Idaho Code  
4 18-623 to you, having read it previously?

5 MS. OLSON: Objection; foundation.

6 THE WITNESS: Yes, it looks like it.

7 Q. (BY MR. GREEN) Is there any part of  
8 Idaho Code 18-623 that you don't understand?

9 MS. OLSON: Objection; form.

10 THE WITNESS: Yes.

11 Q. (BY MR. GREEN) Which parts?

12 A. The language around "procures an  
13 abortion," it feels -- it's vague. It's, like,  
14 what -- what does "procure" mean in this context  
15 and what is it that NWAAF does or doesn't do that  
16 falls within this context? It's confusing.

17 Q. Okay. You said -- sorry, go ahead.

18 A. I guess I'll leave it at that for now.

19 Q. Well, are there any other areas of the  
20 statute that you don't understand?

21 A. No.

22 Q. So you understand the rest of the  
23 statute?

24 A. Yes.

25 Q. Okay. Now, you said the language

1 around "procures," and then said that the word  
2 itself was vague.

3 Is there anything other than the  
4 word "procures" that you find vague?

5 A. "Recruiting."

6 Q. Okay. Are there any other words in the  
7 statute that you find vague?

8 A. I don't think so.

9 Q. So at this point there's nothing else --  
10 no other words in the statute that you find vague?

11 A. I think I find -- beyond vague,  
12 confusing, the term "abortion trafficking," but I  
13 think those -- those three words are the ones that  
14 feel vague and/or confusing.

15 Q. What do you mean by --

16 A. Four words, I guess.

17 Q. Are there any others?

18 A. That's all I'm noting at the moment.  
19 I'm not seeing any others.

20 Q. Okay. You used the word "confusing"  
21 instead of "vague."

22 Why did you choose a different word to  
23 describe abortion trafficking?

24 A. Yeah, I guess the confusing is, like,  
25 what -- what is the term "abortion trafficking"?

1 It, again, seems like there -- it seems like a very  
2 broad term for -- to encompass maybe potentially a  
3 lot of different things. So the confusing part is  
4 what exactly are we getting at when we  
5 say "abortion trafficking."

6 Q. Okay. You also mentioned the  
7 word "procures" and "recruiting," right?

8 A. Uh-huh.

9 Q. Okay. Do the words "procures" and the  
10 word "recruiting" have -- do you know what those  
11 words mean in the abstract?

12 MS. OLSON: Objection; form.

13 THE WITNESS: Yes.

14 Q. (BY MR. GREEN) Okay. And so you  
15 understand -- have you used the term "procure"  
16 before in your communications?

17 MS. OLSON: Objection; form.

18 THE WITNESS: In our communications as the  
19 Northwest Abortion Access Fund?

20 Q. (BY MR. GREEN) Yeah.

21 A. Not to my knowledge, no.

22 Q. Okay. Do you understand the  
23 word "procure" to have a meaning?

24 MS. OLSON: Objection; form, foundation.

25 THE WITNESS: Yes.

1 Q. (BY MR. GREEN) I heard "yes."

2 Was that correct?

3 A. Yes.

4 Q. Okay. And do you understand the  
5 word "recruiting" to have a meaning?

6 MS. OLSON: Objection; form, foundation.

7 THE WITNESS: Yes.

8 Q. (BY MR. GREEN) Let's turn back to  
9 topic 1 and let me -- can we pull up **Exhibit 1**  
10 again?

11 I'm going to ask you a couple of  
12 questions about topic 1.

13 A. Okay.

14 Q. Let me just establish, you know, when I  
15 talk about minors henceforth in this deposition, if  
16 I say "minor" instead of "Idaho minor," I'm always  
17 asking you about Idaho minors.

18 Does that make sense?

19 A. Yes.

20 Q. Okay. Does NWAAF procure abortions?

21 MS. OLSON: Objection; form.

22 THE WITNESS: Again, "procure" feels like  
23 such a vague term it's hard to -- it's hard to  
24 answer that question without fully understanding  
25 what falls under the scope of "procure."

1 Q. (BY MR. GREEN) Okay. But you have  
2 used -- you know what the term "procure" by itself  
3 means, right?

4 MS. OLSON: Objection; form.

5 THE WITNESS: Yes.

6 Q. (BY MR. GREEN) Okay. So in answering my  
7 question, just use the meaning of the  
8 word "procure" that you understand it to mean  
9 generally.

10 Does that make sense?

11 A. Yes.

12 Q. Okay. So let me ask that question  
13 again.

14 Does NWAAF procure abortions?

15 MS. OLSON: Objection; form.

16 THE WITNESS: No.

17 Q. (BY MR. GREEN) Okay. Does NWAAF have  
18 any future plans to procure abortions?

19 MS. OLSON: Objection; form.

20 THE WITNESS: No.

21 Q. (BY MR. GREEN) Does NWAAF have plans to  
22 procure abortions for minors?

23 MS. OLSON: Objection; form.

24 THE WITNESS: No.

25 Q. (BY MR. GREEN) Okay. When NWAAF has

1 assisted minors, even if it hasn't procured the  
2 abortion for the minor, has NWAAF ever intended to  
3 conceal an abortion from the parents or guardian of  
4 a minor?

5 MS. OLSON: Objection; form.

6 THE WITNESS: No.

7 Q. (BY MR. GREEN) Do any of NWAAF's future  
8 plans include concealing abortions from the parents  
9 or guardian of a minor?

10 MS. OLSON: Objection; form, foundation.

11 THE WITNESS: No.

12 Q. (BY MR. GREEN) Okay. Let's turn to  
13 topic 2. And just -- oh, that's still up. Great.

14 So NWAAF believes it does not procure  
15 abortions. Does that mean it does not procure  
16 abortions by recruiting minors?

17 MS. OLSON: Objection; form.

18 THE WITNESS: Can you clarify what  
19 recruiting minors includes?

20 Q. (BY MR. GREEN) Sure.

21 Do you understand the word "recruiting"  
22 to have a general meaning?

23 A. Yes.

24 Q. Okay. Use that same meaning in  
25 answering my question.

1 MS. OLSON: Objection; form.

2 Q. (BY MR. GREEN) If you need that question  
3 read back, I can ask the court reporter to do that.

4 A. Can you read the question again?

5 MR. GREEN: Yeah, please.

6 (The record was read from page 28, lines 14-16.)

7 MS. OLSON: Objection; form.

8 THE WITNESS: The Northwest Abortion Access  
9 Fund does not procure abortions by recruiting  
10 minors. We do support minors in accessing abortion  
11 care if that is what they would like.

12 Q. (BY MR. GREEN) Does NWAAF have any plans  
13 to procure abortions by recruiting minors in the  
14 future?

15 MS. OLSON: Objection; form.

16 THE WITNESS: We don't have plans to procure  
17 abortions by recruiting minors. We do have plans  
18 to continue to support minors in accessing abortion  
19 care if that's what they would like.

20 Q. (BY MR. GREEN) Okay. Does NWAAF provide  
21 logistical, practical, and financial assistance to  
22 minors to access abortion?

23 A. Yes.

24 Q. State all the ways it does so.

25 A. We support minors in figuring out how to

1 get to and from their procedure, what mode of  
2 transportation they might have access to, paying  
3 for the transportation. We support them in having  
4 safe lodging if they are needing to travel a long  
5 distance to get to their abortion appointment.

6 We support them with other basic needs  
7 like meals, medication, prescription costs, paying  
8 for child care if that is a need that they have,  
9 and paying for their abortion procedure.

10 Q. Anything else?

11 A. We do also provide emotional support.

12 Q. Anything else?

13 A. No.

14 Q. Okay. Does NWAAF have any future plans  
15 to provide logistical, practical, and financial  
16 assistance to minors to access abortion other than  
17 the ones you've previously discussed?

18 MS. OLSON: Objection; form.

19 THE WITNESS: We would like to be able to  
20 provide rides to minors.

21 Q. (BY MR. GREEN) Does NWAAF have any plans  
22 to provide rides to specific minors?

23 A. Any plans? Currently, no.

24 Q. Does NWAAF have vehicles that it owns?

25 A. No --

1 MS. OLSON: Objection; form, foundation.

2 THE WITNESS: No, we do not.

3 Q. (BY MR. GREEN) Okay. In providing  
4 logistical, practical, and financial assistance to  
5 minors to access abortion, does NWAAF do any of  
6 that intending to conceal the abortion from the  
7 parents or guardian of a minor?

8 MS. OLSON: Objection; form.

9 THE WITNESS: Not with the intention, no.

10 Q. (BY MR. GREEN) Does NWAAF provide legal  
11 advice, assistance, and advocacy?

12 MS. OLSON: Objection; form, foundation.

13 THE WITNESS: No, we do not.

14 Q. (BY MR. GREEN) Does NWAAF have any plans  
15 to provide legal advice, assistance, and advocacy  
16 in the future?

17 A. No.

18 Q. Does NWAAF provide encouragement,  
19 counseling, advice, information, emotional  
20 assistance, and support to minors?

21 A. Can you repeat that again?

22 Q. Sure.

23 Does NWAAF provide encouragement,  
24 counseling, advice, information, emotional  
25 assistance, and support to minors?

1           A.     Encouragement in the context of  
2     accessing abortion care or just encouragement  
3     overall?

4           Q.     Fair point. Let me change my question.  
5                   Does NWAAF provide encouragement,  
6     counseling, advice, information, emotional  
7     assistance, and support to minors seeking abortion?

8           A.     Yes.

9           Q.     How does it do so?

10          A.     Well, we have -- one of our values  
11     includes trust and autonomy, and when we support  
12     anybody, including a minor, we really center that  
13     in how we support them. And so we trust that they  
14     are telling us what they need, and we believe in  
15     their autonomy as individuals to access the care  
16     they need, whether or not that's an abortion or  
17     other resources.

18                   We never encourage somebody to get an  
19     abortion if they have expressed any hesitation  
20     around it. We really serve as somebody who is  
21     there to be supportive and nonjudgmental and  
22     helping them in accessing or, like, getting  
23     whatever resources would be most beneficial to them  
24     in how they've identified that to us.

25          Q.     Are there any other ways that NWAAF

1 provides encouragement, counseling, advice,  
2 information, emotional assistance, and support to  
3 minors seeking abortion?

4 MS. OLSON: Objection; form.

5 THE WITNESS: No.

6 Q. (BY MR. GREEN) Turning to topic 3, I  
7 understand NWAAF does not procure abortions.

8 Does that mean NWAAF does not procure  
9 abortions by harboring minors?

10 MS. OLSON: Objection; form.

11 THE WITNESS: We do not harbor minors, no.

12 Q. (BY MR. GREEN) Okay. Any plans to do so  
13 in the future?

14 A. No.

15 Q. Okay. Does NWAAF harbor minors  
16 generally?

17 A. No.

18 Q. Turning to topic 4, has NWAAF procured  
19 abortions by transporting minors?

20 MS. OLSON: Objection; form.

21 THE WITNESS: We have in the past  
22 transported -- provided transportation to minors  
23 and other individuals to access abortion care.

24 Q. (BY MR. GREEN) Okay. Speaking of  
25 minors -- I'll remind you I'm only talking about

1 Idaho minors -- how many times has NWAAF procured  
2 abortions by transporting minors?

3 MS. OLSON: Objection; form, foundation as  
4 to time period.

5 THE WITNESS: Like, in the history of the  
6 entire time NWAAF has existed or within a time  
7 period?

8 Q. (BY MR. GREEN) To the extent you can  
9 recall.

10 A. The only instance I can recall is the  
11 instance in which I transported a minor, an Idaho  
12 minor.

13 Q. And when you say "I," you're referring  
14 to yourself, Iris Alatorre, not NWAAF?

15 A. Yes.

16 Q. And you're referring to the topic we  
17 discussed in your individual deposition?

18 A. Yes.

19 Q. Does NWAAF have any plans to procure  
20 abortions by transporting minors in the future?

21 MS. OLSON: I'm going to object and insist  
22 that at least on this question you use "Idaho  
23 minors."

24 Q. (BY MR. GREEN) Okay. Does NWAAF have  
25 any plans to procure abortions by transporting

1 Idaho minors in the future?

2 A. We would like to. At the moment we  
3 don't have plans.

4 MR. GREEN: We'll turn to topic 5 next, and  
5 I'll have the court reporter mark and share  
6 Exhibit 3.

7 (Deposition Exhibit No. 3 was marked.)

8 Q. (BY MR. GREEN) Do you see the document  
9 that's been marked as Exhibit 3 in front of you?

10 A. Yeah. Is it the one titled "Complaint  
11 for Declaratory Judgment"?

12 Q. Yes, it is.

13 Have you seen this document before?

14 A. Yes.

15 Q. And this is the complaint you filed in  
16 this case, right?

17 A. Yes.

18 MR. GREEN: Okay. I'll have the court  
19 reporter go to paragraph 45.

20 Q. (BY MR. GREEN) I'll just have you read  
21 that to yourself, and just let me know when you're  
22 done.

23 A. I'm done.

24 Q. Okay. Is there anything not listed in  
25 paragraph 45 that NWAAP does to procure abortions?

1 MS. OLSON: Objection; form.

2 THE WITNESS: Well, I don't think we would  
3 say any of this means that we're procuring  
4 abortions. But yes, this all encompasses the ways  
5 in which we support people in accessing abortion  
6 care.

7 Q. (BY MR. GREEN) Are there any other ways  
8 you support people who seek to access abortion care  
9 that aren't listed in this paragraph?

10 A. Emotional support.

11 Q. Anything else?

12 A. No.

13 MR. GREEN: Let's turn to Exhibit 4. Same  
14 topic. I'll have the court reporter mark and share  
15 that new exhibit.

16 If you could scroll down just a tad.

17 (Deposition Exhibit No. 4 was marked.)

18 Q. (BY MR. GREEN) Do you see the document  
19 that's been put in front of you and marked as  
20 Exhibit 4?

21 A. Yes. Titled "Plaintiff's Second  
22 Supplemental Objections and Responses"?

23 Q. Yes.

24 A. Okay. Yes.

25 Q. Do you recognize this document?

1 A. Yeah.

2 Q. Okay. And feel free if you need to ask  
3 the court reporter to skim through so you can tell,  
4 but does this appear to be the document you  
5 provided in response to our second set of discovery  
6 requests to you?

7 MS. OLSON: Objection; form. Counsel is  
8 well aware it's actually the lawyers who provide it  
9 to you.

10 THE WITNESS: Can you scroll through the  
11 document?

12 Yes, this looks correct.

13 Q. (BY MR. GREEN) Can I have you go to  
14 where -- page 6? It's both PDF and bottom page  
15 number 6.

16 Do you see where it says "Interrogatory  
17 Number 16"?

18 A. Yes.

19 Q. Okay. Can you read that to yourself?

20 A. Yeah.

21 Q. Just let me know when you're done.

22 A. I'm done.

23 Q. Okay. Then can you scroll down past  
24 where it says "Answer to Interrogatory Number 16"  
25 to the following page?

1           A.     Yes.

2           Q.     Do you see where it says: Based on  
3 information reasonably available to it, Plaintiff  
4 is aware of the following instances involving Idaho  
5 minors?

6           A.     Yes.

7           Q.     You can scroll down, if you need to, to  
8 answer the question, but do the paragraphs that  
9 begin with either "Approximately" or a month and  
10 year, are those the sets of circumstances that you,  
11 NWAAF, are aware of in Response to Interrogatory  
12 Number 16?

13          A.     Yes.

14          Q.     Okay. So starting back where it  
15 says "Approximately 2021 or 2022," or page 7?

16          A.     Uh-huh.

17          Q.     Did a volunteer handle this matter?

18          A.     Yes.

19          Q.     Okay. The paragraph says: NWAAF no  
20 longer has records identifying the clinic where the  
21 abortion care was provided or what level of  
22 emotional support was requested or provided.

23                   Does NWAAF have any records about this  
24 incident?

25          A.     No.

1 Q. Okay. What is the level of emotional  
2 support?

3 A. The level?

4 Q. Yeah.

5 A. So, like, what kind of emotional support  
6 is provided?

7 Q. Yeah, what is a level of emotional  
8 support?

9 A. I guess the extent of the emotional  
10 support that was provided to that minor.

11 Q. Does NWAAF provide different forms of  
12 emotional support? Gradations of emotional  
13 support? I guess what I'm trying to understand is  
14 -- and I'll strike that and rephrase my question.

15 Does NWAAF distinguish between kinds of  
16 emotional support it provides somebody?

17 A. We don't distinguish. We have one  
18 general offering of emotional support.

19 Q. How is emotional support provided?

20 A. It is provided remotely via text or  
21 phone by trained volunteer abortion doulas.

22 Q. How are they trained?

23 A. These individuals already have the  
24 expertise when they volunteer their services, so  
25 their training happens before they get involved

1 with us.

2 Q. Okay. And they're volunteers?

3 A. Yes.

4 Q. Okay. If there are no records of this  
5 incident beginning with "Approximately 2021 or  
6 2022," how do you know this happened?

7 A. We asked our past and present volunteer  
8 pool if they -- any of them individually recalled  
9 supporting an Idaho minor within this timeframe,  
10 and some folks responded and shared more  
11 information about what they recalled.

12 Q. So the only basis for this paragraph  
13 beginning "Approximately 2021 or 2022" is -- strike  
14 that. Let me ask another question first.

15 Did only one volunteer in the volunteer  
16 pool recall this incident?

17 A. Yes.

18 Q. Okay.

19 A. And that was likely the volunteer that  
20 managed that case.

21 Q. Okay. Who was that volunteer?

22 A. Her name is Zhenia.

23 Q. I didn't quite catch that.

24 A. Her name is Zhenia, Z-h-e-n-i-a.

25 Q. Last name?

1           A.    I believe it is Peterson.

2           Q.    And so is the only basis for this  
3 paragraph -- strike that.

4                    Is there any other source of information  
5 that you're aware of concerning this incident other  
6 than the recollection of this one volunteer?

7           A.    No.

8           Q.    Okay. When you queried the volunteer  
9 pool, did you get written responses?

10          A.    We got e-mail responses, and our legal  
11 team followed up.

12          Q.    Was this person still a volunteer with  
13 NWAAF when they responded to you?

14          A.    No.

15          Q.    Okay. When was the last time they  
16 volunteered?

17          A.    I don't know the exact date or time  
18 period. I could give you an estimate.

19          Q.    I'll take an estimate.

20          A.    Probably, I would say, two years ago  
21 now.

22          Q.    So about February 2024?

23          A.    Probably.

24          Q.    Okay. Do you recall anything else about  
25 the circumstance that isn't written here?

1 A. No.

2 Q. Okay. Do you recall any efforts made to  
3 conceal the abortion listed in that paragraph?

4 MS. OLSON: Objection; form.

5 THE WITNESS: I don't recall anything beyond  
6 what is in that paragraph.

7 Q. (BY MR. GREEN) Okay. So you don't  
8 recall any steps taken to conceal the abortion?

9 A. No.

10 MS. OLSON: Objection; form.

11 Q. (BY MR. GREEN) I didn't catch that.

12 MS. OLSON: Objection; form.

13 MR. GREEN: I meant the answer. Sorry,  
14 Wendy.

15 THE WITNESS: No, I don't.

16 MR. GREEN: Okay. We've been going for  
17 about an hour from the 30(b)(6) start. Why don't  
18 we take a 10-minute break.

19 MS. OLSON: That works.

20 (A recess was taken from 11:37 a.m. to 11:52 a.m.)

21 Q. (BY MR. GREEN) Before we go forward on  
22 Exhibit 4, I have a couple additional questions for  
23 you about the 2020 incident you described.

24 Are you the only person with knowledge  
25 at NWAAF about the -- I'm speaking of you, Iris

1 Alatorre. Are you the only person at NWAAF with  
2 knowledge of that incident?

3 MS. OLSON: Objection; form, foundation.

4 THE WITNESS: The only person that worked --  
5 that is still working or volunteering there --

6 Q. (BY MR. GREEN) Yes.

7 A. -- is that what you're asking?

8 Q. Yeah.

9 A. Yes. To my knowledge, yes.

10 Q. Okay.

11 MS. OLSON: Just to be clear, that was a  
12 question purely in her individual capacity,  
13 correct?

14 MR. GREEN: Well, I was asking NWAAF if Iris  
15 was the only person -- if I need to clarify that, I  
16 will.

17 Q. (MR. GREEN) I'm asking NWAAF if Iris is  
18 the only person with knowledge who still works  
19 there.

20 MS. OLSON: Objection; form, foundation,  
21 outside the scope of the 30(b)(6).

22 Q. (BY MR. GREEN) You can answer.

23 MS. OLSON: You can answer.

24 THE WITNESS: Yes.

25 Q. (BY MR. GREEN) Do you recall how old the

1 minor was?

2 MS. OLSON: Same objections; form,  
3 foundation, outside the scope of the 30(b)(6).

4 THE WITNESS: I believe she was 16 years  
5 old.

6 Q. (BY MR. GREEN) Okay. Do you recall  
7 obtaining the parents' consent for the  
8 transportation back into Idaho?

9 MS. OLSON: Objection; form, outside the  
10 scope of the 30(b)(6).

11 Q. (BY MR. GREEN) You can answer.

12 A. No, I don't recall that.

13 Q. You don't recall one way or the other?

14 MS. OLSON: Same objections.

15 THE WITNESS: I don't recall obtaining the  
16 parents' information -- or permission.

17 Q. (BY MR. GREEN) You don't recall whether  
18 you didn't have it either, right?

19 MS. OLSON: Same objections.

20 THE WITNESS: I did not have the parents'  
21 permission.

22 Q. (BY MR. GREEN) Do you recall who  
23 arranged the abortion?

24 MS. OLSON: Objection; form, outside the  
25 scope of the 30(b)(6).

1 THE WITNESS: I recall that the minor called  
2 and scheduled her own appointment.

3 Q. (BY MR. GREEN) Okay. Let's turn back to  
4 Exhibit 4, and I'll ask you about the paragraph  
5 beginning "Approximately May 2023."

6 A. Okay.

7 Q. Does NWAAF have any records about the  
8 incident described in this paragraph?

9 A. No.

10 Q. Okay. Did NWAAF -- strike that.  
11 Was this another incident that was  
12 described by members of the volunteer pool we  
13 discussed previously?

14 MS. OLSON: Objection; form.

15 THE WITNESS: Yes, it was.

16 Q. (BY MR. GREEN) Okay. And which  
17 volunteer described this incident?

18 A. I don't know. I would have to go back  
19 and look in my notes.

20 Q. Okay. Did you retain the e-mail  
21 responses that you got from the volunteer pool?

22 MS. OLSON: Objection; form.

23 THE WITNESS: Yes, I did.

24 Q. (BY MR. GREEN) Okay. Do you recall  
25 anything else about this incident apart from what's

1 written here?

2 A. No, I don't.

3 Q. Okay. Do you recall any steps taken to  
4 conceal this abortion from the parents or guardian  
5 of a minor?

6 A. According to NWAAF's understanding -- I  
7 guess our understanding of what "concealing" means,  
8 no, we did not take any steps to conceal.

9 Q. Okay. And you didn't intend to conceal  
10 either, right?

11 A. No.

12 Q. Okay. Turning the next paragraph  
13 beginning "Approximately 2023 or 2024," do you  
14 recall -- strike that.

15 Does NWAAF have any records about this  
16 incident?

17 A. No.

18 Q. Okay. Did NWAAF recall this incident  
19 because of responses it got from the volunteer  
20 pool?

21 A. Yes.

22 Q. Okay. Do you remember which volunteer  
23 responded?

24 A. Not without looking at my notes.

25 Q. Okay. I should ask about the other one.

1                   Turning back to "May 2023," is the only  
2 source of information that NWAAF has about that  
3 incident the volunteer or volunteers who responded?

4           A.     Yes.

5           Q.     Okay. Is that true of the next  
6 paragraph, "Approximately 2023 or 2024" as well?

7           MS. OLSON: Objection; form.

8           THE WITNESS: Yes.

9           Q.     (BY MR. GREEN) Okay. Did NWAAF take any  
10 steps to conceal this abortion from any parents or  
11 guardians of the minor at issue?

12          A.     We did not take any steps to -- we did  
13 not intend to or take any steps to conceal an  
14 abortion according to what we believe "concealing"  
15 means.

16          Q.     Okay. For "November 2024," was this  
17 also a response from the volunteer pool?

18          MS. OLSON: Counsel, are you asking about a  
19 document that's not being shown on the screen?

20          MR. GREEN: Oh, thank you. I didn't see we  
21 hadn't scrolled.

22                   Can we scroll down to the next page?

23                   Thank you, Wendy. I appreciate that.

24                   For the record, this is page 8 of

25           Exhibit 4.

1           **THE WITNESS:** Can you ask your question  
2 again?

3           **Q.** (BY MR. GREEN) Sure.

4                   Is the incident referred to in the  
5 paragraph beginning "November 2024," was that  
6 another response from the volunteer pool?

7           **A.** No, it wasn't.

8           **MS. OLSON:** Objection --

9           **Q.** (BY MR. GREEN) Let your counsel -- just  
10 pause a beat and let your counsel object first  
11 because I didn't catch either the objection or the  
12 answer.

13           **A.** Okay.

14           **MS. OLSON:** Objection; form. Counsel knows  
15 this is based on a document.

16           **MR. GREEN:** I don't know whether or not the  
17 volunteer pool also responded, Wendy, so I'll ask  
18 that question again.

19                   Could the court reporter read that back?  
20 (The record was read from page 48, lines 4-6.)

21           **MS. OLSON:** Same objections.

22           **THE WITNESS:** No, it wasn't.

23           **Q.** (BY MR. GREEN) Okay. And that's because  
24 you do have records of that, right?

25           **A.** Yes.

1 Q. And let me ask about -- well, did you  
2 take any steps to conceal this abortion from the  
3 parents or guardian of a minor?

4 A. No.

5 Q. Did you intend to conceal this abortion  
6 from the parents or guardian of a minor?

7 A. No.

8 Q. Are there any facts about this incident  
9 that you recall that aren't listed here?

10 A. No.

11 Q. Okay. Next paragraph, "June 2025."

12 Same question: Was this incident one  
13 that was recorded by the volunteer pool?

14 MS. OLSON: Objection; form. Counsel is  
15 aware there's a document related to this.

16 MR. GREEN: Same response. I don't know if  
17 the volunteer pool also responded about that, so  
18 I'm going to ask my question again.

19 (The pending question was read.)

20 MS. OLSON: Same objection.

21 Ms. Martin, Kelly O'Neill is in the  
22 waiting room. If she could be let back in.

23 (A discussion was held off the record.)

24 (The pending question was read.)

25 MS. OLSON: Same objections.

1 THE WITNESS: No, it wasn't.

2 Q. (BY MR. GREEN) Okay. And did you intend  
3 to conceal -- did you take any steps to conceal  
4 this abortion from the parents or guardian of a  
5 minor?

6 A. According to what we think concealing  
7 is, no, we didn't.

8 Q. Okay. And did you intend to?

9 A. No.

10 Q. July 2025, same question: Was this an  
11 incident that was recorded by the volunteer pool?

12 MS. OLSON: Objection; form. Counsel is  
13 aware there's a document related to this one.

14 Q. (BY MR. GREEN) You can answer.

15 A. No.

16 Q. Okay. Did you intend to conceal this  
17 abortion from the parents or guard- -- any parents  
18 or guardian of a minor?

19 A. My answer is really the same as the last  
20 time you asked it, which is no, not according to  
21 what we consider to be concealing.

22 Q. So you didn't take any steps to conceal  
23 it?

24 A. No.

25 Q. Okay. "December 2025," and this

1 partially goes onto the next page, page 9.

2 Same question: Was this one that was  
3 recorded by the volunteer pool?

4 A. No.

5 Q. Okay. And --

6 MS. OLSON: Same objection. Late objection,  
7 but same objections. Counsel knows there is a  
8 document related to this one.

9 Q. (BY MR. GREEN) Did you take any steps to  
10 conceal this abortion from the parents or guardian  
11 of a minor?

12 A. No.

13 Q. Did you intend to?

14 A. No.

15 Q. I stopped asking this, so my apologies.  
16 We'll double back just a little bit.

17 For the paragraph beginning  
18 "November 2024" on the previous page, is there  
19 anything about this that you recall that's not  
20 recorded here?

21 A. Can we scroll back to that?

22 Q. Yeah.

23 A. No.

24 Q. Same question for "June 2025."

25 MS. OLSON: Objection; form.

1 Q. (BY MR. GREEN) I'll rephrase.

2 Is there anything about the incident  
3 recorded in the paragraph beginning "June 2025" --  
4 do you recall anything about this incident that's  
5 not recorded in this paragraph?

6 A. No, I don't.

7 Q. Do you recall anything about the  
8 paragraph -- I'm just going to say, same question,  
9 "July 2025," the following paragraph, do you recall  
10 anything else about this incident that's not  
11 recorded here?

12 MS. OLSON: Objection; form.

13 THE WITNESS: No, I don't.

14 Q. (BY MR. GREEN) Next question -- or same  
15 question, next paragraph, "December 2025."

16 A. Do I recall anything that wasn't --  
17 about this case that wasn't recorded here? No, I  
18 don't.

19 Q. All right. Now, if you could scroll  
20 back up to Interrogatory Number 16. That's on  
21 page 6. And just let me know when you've re-read  
22 it again.

23 A. Starting at -- oh, Interrogatory  
24 Number -- okay.

25 Q. Yeah.

1 A. Yes, I've read it.

2 Q. Can you also go back to page 5 and read  
3 what is labeled "Interrogatory Number 15"?

4 A. Yes.

5 Q. Okay. Just let me know when you're  
6 finished.

7 A. I'm done.

8 Q. And having read Interrogatories 15 and  
9 16, are there any other incidents that you're aware  
10 of that are responsive to Interrogatory Number 16?

11 MS. OLSON: Objection as to use  
12 of "Interrogatory Number 15." Any responses to  
13 Interrogatory Number 15 were covered by the  
14 protective order.

15 Q. (BY MR. GREEN) You can answer.

16 A. Can you repeat your question?

17 MR. GREEN: I'll just have the court  
18 reporter read it back.

19 (The record was read from page 53, lines 8-10.)

20 MS. OLSON: Same objection.

21 THE WITNESS: No, I am not.

22 MR. GREEN: Okay. Let's pull up Exhibit  
23 Number 5 -- or I should say mark and put in front  
24 of the witness Exhibit Number 5.

25 (Deposition Exhibit No. 5 was marked.)

1 MR. GREEN: That's one of the ones I sent  
2 around initially, so, Wendy, you should still have  
3 that.

4 MS. OLSON: I do, Mr. Green.

5 Q. (BY MR. GREEN) Do you see the document  
6 that's been put in front of you and marked **Exhibit**  
7 **Number 5**?

8 A. Yes, I do.

9 Q. Okay. What is this document?

10 A. The title says "Plaintiffs' Second  
11 Supplemental Objections and Responses to  
12 Defendant's First Set of Interrogatories, Requests  
13 for Productions, and Requests for Admission to  
14 Northwest Abortion Access Fund."

15 Q. Okay. And are these your responses to  
16 our -- are these your second supplemented responses  
17 to our first set of discovery requests in this  
18 case?

19 A. Could I scroll to verify?

20 Q. Sure, wherever you need to.

21 A. Yes, this looks correct.

22 Q. Okay. Could I have you go to page 19?

23 And I'll have the court reporter leave  
24 it over -- well, actually, you've got control. So  
25 if you could go to page 19 and 20.

1           A.    I believe I'm on 19, and I have -- and  
2 this is 20.

3           Q.    So I'll be asking you about  
4 Interrogatory Number 11 and your answer to that.

5           A.    Okay.

6           Q.    If you could just read that to yourself  
7 and just let me know when you're done, the  
8 interrogatory and the answer.

9           A.    Okay.

10                  Okay. I'm done.

11           Q.    Is there anything else that's listed in  
12 your -- anything else beyond what's listed in your  
13 answer that you believe constitutes recruiting?

14           MS. OLSON: Objection; form.

15           THE WITNESS: That constitutes recruiting  
16 within what's defined here? No.

17           Q.    (BY MR. GREEN) Okay. I'm going to ask  
18 you about your Response to Interrogatory Number 12,  
19 so you can read it and your answer on the following  
20 page. Just let me know when you're done.

21           A.    Okay.

22                  I'm done.

23           Q.    Okay. Can you explain to me why -- I'm  
24 reading from that last paragraph of your answer:  
25 Subject to and without waiving these objections,

1 NWAAF believes that the people it serves are the  
2 experts on their own lives and honors at all times  
3 the decisions they make about their bodies, lives,  
4 and families. As such, Plaintiff NWAAF responds as  
5 follows: None.

6 Do you see that?

7 A. Yes.

8 Q. Now, the question we posed was:  
9 Identify and describe all instances in which you  
10 tried to procure an abortion for a minor and were  
11 unsuccessful.

12 MS. OLSON: Objection; form.

13 Q. (BY MR. GREEN) Do you see that?

14 A. Yes.

15 Q. Okay. Why did you respond like this to  
16 our interrogatory?

17 MS. OLSON: Objection; form, argumentative.

18 Q. (BY MR. GREEN) You can answer.

19 A. The nature of our work is not to procure  
20 abortions for people. As we stated in the answer,  
21 we believe that the people we support are the  
22 experts on their own lives, and we honor at all  
23 times the decisions they make about their bodies,  
24 lives, and families.

25 So -- yeah, that we're not procuring

1 abortions for individuals according to what the  
2 definition is in here of procuring, I guess. We  
3 are supporting people who are making decisions  
4 about their lives and their bodies because they are  
5 the experts about their own lives.

6 Q. Have you ever tried to provide funding  
7 for an abortion and been unsuccessful?

8 MS. OLSON: Objection; form.

9 THE WITNESS: Been unsuccessful -- like,  
10 what do we define as unsuccessful versus successful  
11 here?

12 Q. (BY MR. GREEN) Where you tried to  
13 provide funding for an abortion and the abortion  
14 did not take place?

15 A. Has that ever happened at NWAAF --

16 Q. Yeah.

17 A. -- is what you're asking?

18 Q. Yeah.

19 A. Yeah. Yes.

20 Q. Okay. How often does it happen?

21 MS. OLSON: Objection; form.

22 THE WITNESS: I couldn't say without  
23 speculating.

24 Q. (BY MR. GREEN) Can you estimate?

25 MS. OLSON: Objection; form, calls for

1 speculation.

2 MR. GREEN: Calls for an estimate.

3 MS. OLSON: Which is speculation.

4 Q. (BY MR. GREEN) You can answer.

5 A. I would say it happens maybe one to  
6 three times a month.

7 Q. And typically how does that happen?

8 MS. OLSON: Objection; form, outside the  
9 scope of the 30(b)(6).

10 THE WITNESS: It happens a few different  
11 ways. The person we are supporting may let us know  
12 that they changed their mind and they're not going  
13 to go to their appointment. The provider may call  
14 us or reach out to us to notify us that the patient  
15 that we were supporting didn't go to their  
16 appointment or changed their mind at their  
17 appointment. I think those are really the two  
18 ways.

19 Q. Okay.

20 A. Oh, and/or the gestation of the  
21 pregnancy for the person receiving care ended up,  
22 you know, being farther along or for one reason or  
23 another the person is not able to get care at that  
24 provider and therefore the funding is not used.

25 Q. Anything else?

1           A.     Not that I can think of.

2           MR. GREEN:   Okay.   So now is probably a good  
3 time to go off and e-mail around Exhibits 6 through  
4 13.

5           MS. OLSON:   As it turns out, I was able to  
6 get it through in two e-mails during one of the  
7 times when we were messing around with the  
8 documents, so I think we're good to go there.   And  
9 I'm going to renew my objection to the last series  
10 of questions.   Completely outside the scope of the  
11 30(b)(6).

12          Q.     (BY MR. GREEN) Well, I want to ask you a  
13 general question about the documents that you have  
14 produced to us in this case.

15                   Are there any documents that you're  
16 aware of that relate to any circumstances in which  
17 you've assisted an Idaho minor that you haven't  
18 produced?

19          A.     No, I'm not.

20          MR. GREEN:   Okay.   So what I'm going to do  
21 for these next exhibits is -- hopefully it will go  
22 fairly quickly.   I'm just going to ask you whether  
23 or not the screenshots in the exhibit relate to one  
24 incident, and then I'm just going to ask you to  
25 tell me which of the exhibits -- which of the

1 incidents in Exhibit Number 4 that we previously  
2 discussed it relates to.

3 So if I could have the court reporter  
4 mark and present Exhibit Number 6.

5 (Deposition Exhibit No. 6 was marked.)

6 MR. CHURCH: Attorney eyes only, right?

7 MR. GREEN: Yeah, this is attorneys' eyes  
8 only for the next series of questions we're going  
9 to do.

10 (A discussion was held off the record.)

11 Q. (BY MR. GREEN)

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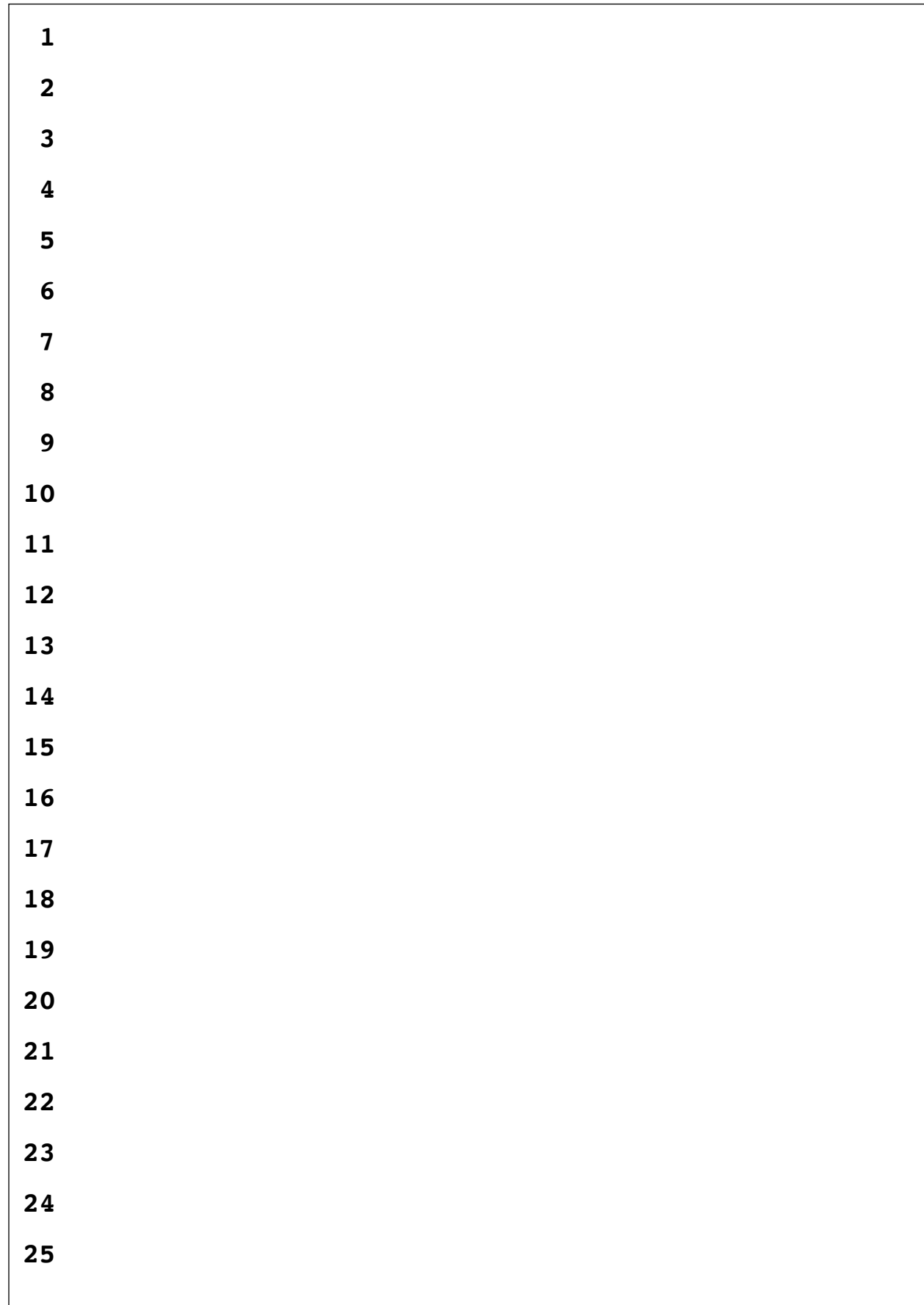
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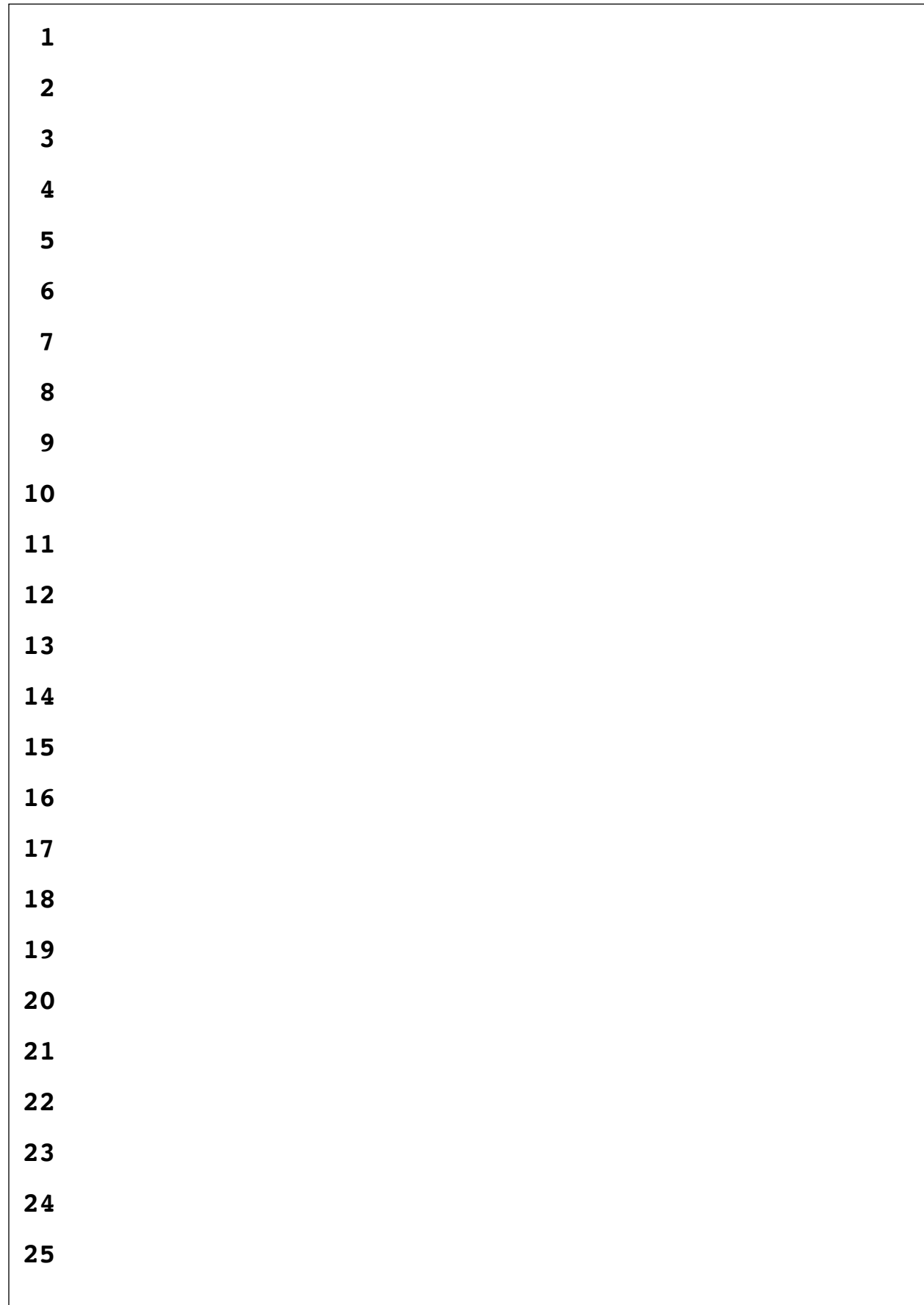
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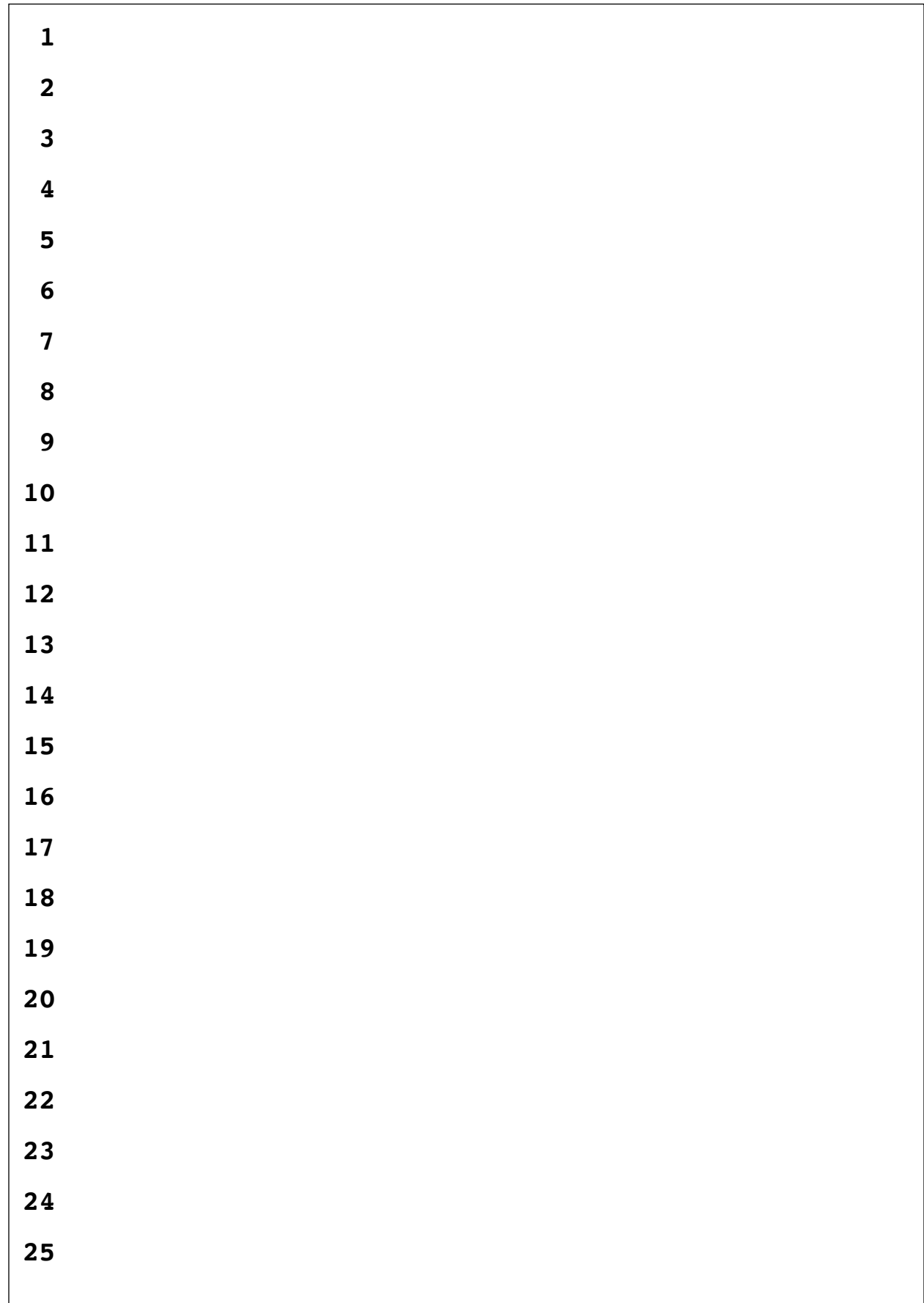
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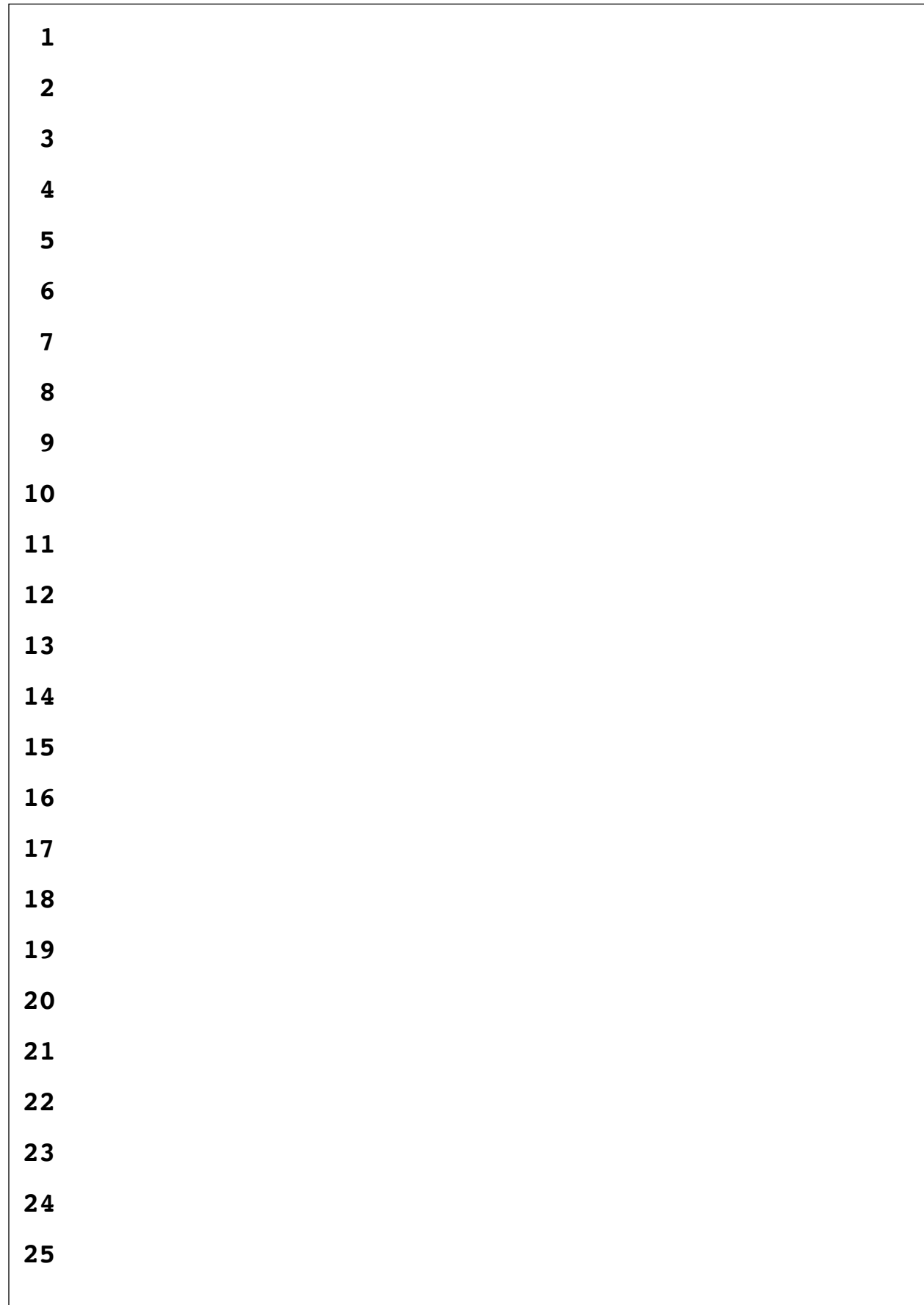
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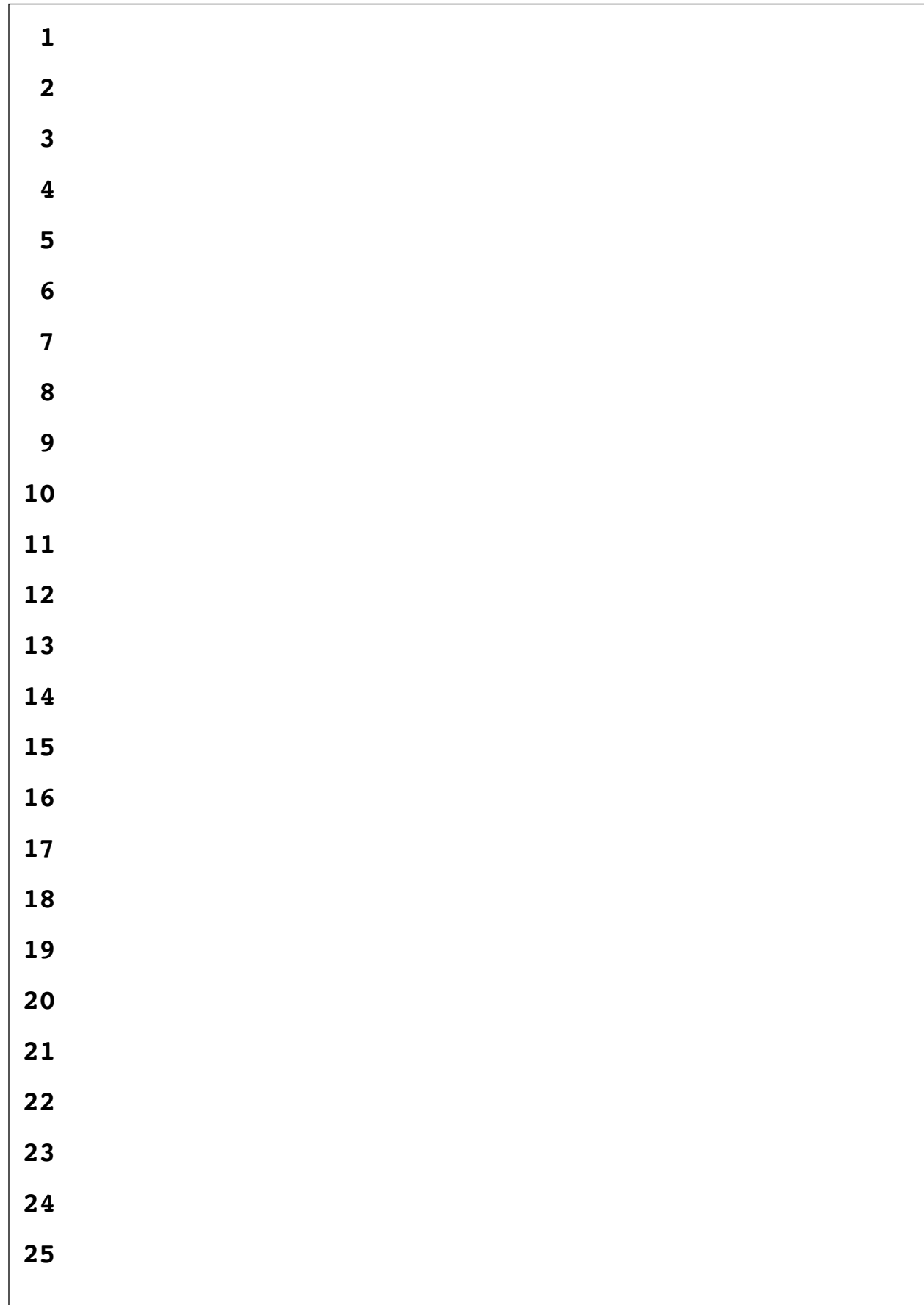
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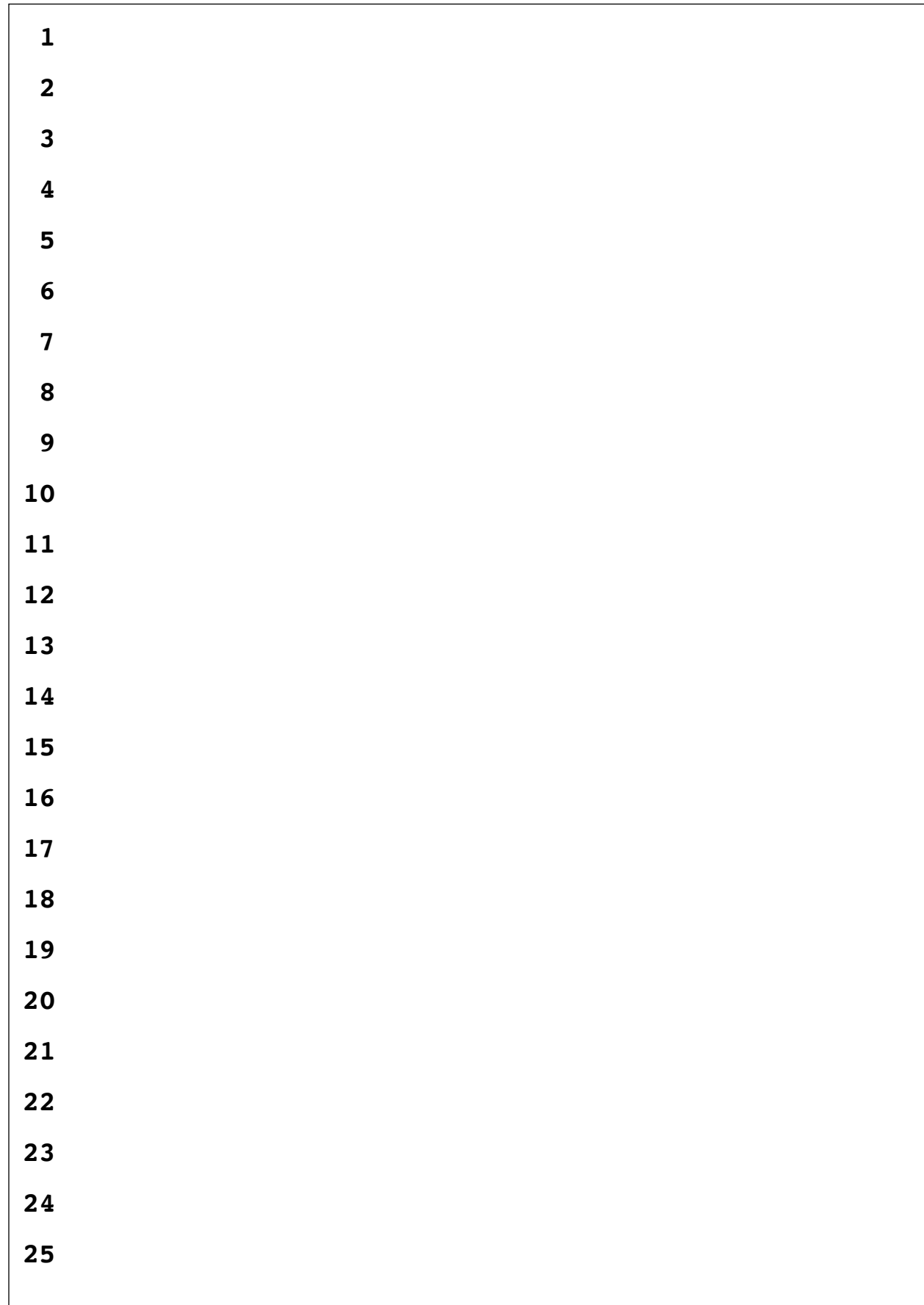
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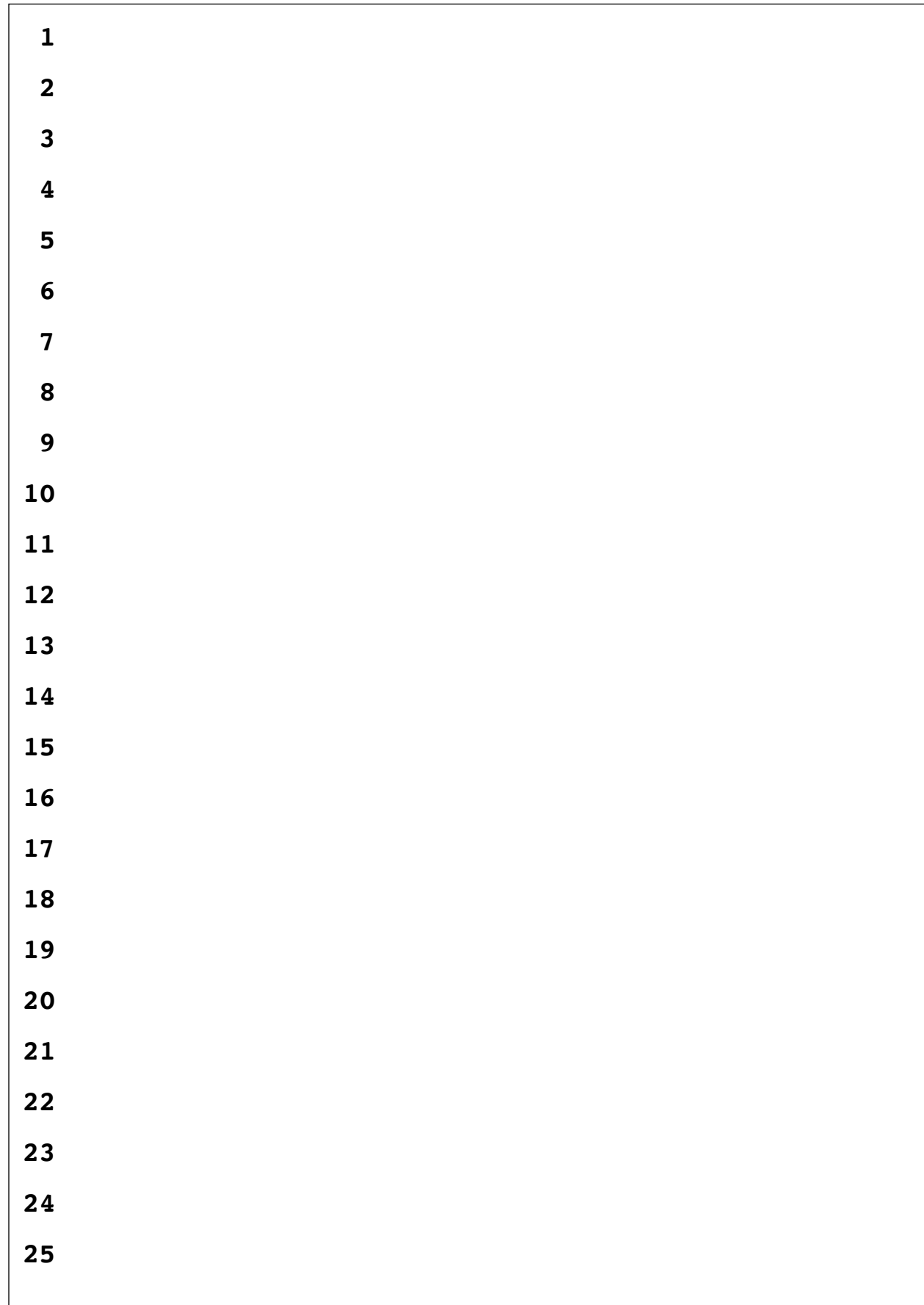
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MR. GREEN: Okay. Let's turn to topic 8,  
and we'll have you pull up the -- **Exhibit 1**.

We are out of attorney eye only.

1           **THE WITNESS:** Can we pause for one minute so  
2 I can plug my laptop charger in?

3           **MR. GREEN:** Sure. We'll go off for a  
4 second.

5           (A discussion was held off the record.)

6           **Q.** (BY MR. GREEN) Do you see topic 8 in  
7 front of you?

8           **A.** Yes.

9           **Q.** Okay. How does NWAAF select volunteers?

10          **A.** We have individuals interested in  
11 volunteering fill out an interest form and  
12 application, and our volunteer training coordinator  
13 then vets them with a pretty robust interview about  
14 their interests, their values, their experience,  
15 and then we train and onboard them.

16          **Q.** When you say they are -- when you  
17 say "volunteers are vetted by the volunteer  
18 training coordinator about" -- well, we'll start  
19 with their interests, what generally is covered in  
20 that vetting process?

21          **A.** Interest around what interests them in  
22 getting involved with us specifically, their  
23 interests outside of -- I guess, like, their  
24 interests in their personal lives, what they do for  
25 work, any areas of, like, expertise or skills that

1 they might want to bring to their volunteer time at  
2 NWAAF, stuff like that.

3 Q. Okay. How about values?

4 A. The values component is asking  
5 individuals questions related to our stated values  
6 and what that means to them and how that aligns to  
7 their own personal values.

8 Q. Okay. Anything else covered in the  
9 vetting process?

10 A. No. That's, you know, pretty broadly  
11 what it covers.

12 Q. Okay. Do you require a background check  
13 for volunteers?

14 A. We only require background checks for  
15 volunteers if they are providing any in-person  
16 support.

17 Q. What in-person support are you referring  
18 to?

19 A. Rides.

20 Q. Is that it?

21 A. Yes.

22 Q. Okay. Is there anyone at NWAAF  
23 currently who has had a background check?

24 A. I believe all staff have had background  
25 checks.

1 Q. Volunteers?

2 A. Yes.

3 Q. How do you select employees?

4 A. We, you know, create a position, hire  
5 for that role, and depending on the role, that  
6 person goes through about two interviews with the  
7 hiring task force, and a person is selected based  
8 on their experience and capacity to complete the  
9 role responsibilities.

10 Q. And how does NAAAF select its board of  
11 directors?

12 A. Similarly to how we select other  
13 volunteers. People apply to the -- a board of  
14 director position. They are then interviewed and  
15 asked questions about their interests and values as  
16 well as any experience or expertise they have that  
17 could be used at the organization.

18 Q. How do you train volunteers?

19 A. Volunteers are -- depending on the role  
20 that they end up picking, but generally they go  
21 through a few hours of virtual orientation to the  
22 organization and then a few more hours of a virtual  
23 training related to the role they're interested in.  
24 And then if they are doing case management, they  
25 will proceed to shadow other current case managers

1 supporting callers and -- yeah, that's a broad  
2 overview of how folks are onboarded and trained.

3 Q. Do you use any materials to train them?

4 A. Yes.

5 Q. What materials are those?

6 A. I couldn't say without having them in  
7 front of me.

8 MS. OLSON: I'm going to object as outside  
9 the scope of the 30(b)(6).

10 Q. (BY MR. GREEN) Do you remember generally  
11 the categories of training material?

12 MS. OLSON: Objection; outside the scope of  
13 the 30(b)(6).

14 THE WITNESS: No, I don't remember.

15 Q. (BY MR. GREEN) Do you remember anything  
16 other than what we've already discussed about the  
17 training material?

18 MS. OLSON: Objection; outside the scope.

19 THE WITNESS: No.

20 Q. (BY MR. GREEN) But you do have training  
21 material, right?

22 A. Yes.

23 MS. OLSON: Objection; outside the scope.

24 THE WITNESS: Yes, we do.

25 Q. (BY MR. GREEN) But you don't remember

1 anything about it?

2 MS. OLSON: Objection; outside the scope,  
3 argumentative -- so objection as to form.

4 THE WITNESS: I, like, remember broad  
5 strokes of it, what I've already shared with you,  
6 but not specifics.

7 Q. (BY MR. GREEN) Okay. And those broad  
8 strokes don't include, you know, whether you use a  
9 PowerPoint for training?

10 MS. OLSON: Objection; form, outside the  
11 scope.

12 THE WITNESS: I believe we use some kind of  
13 slide deck for training.

14 Q. (BY MR. GREEN) Do you remember what's  
15 on the slide deck?

16 MS. OLSON: Objection; form, outside the  
17 scope.

18 Q. (BY MR. GREEN) In broad strokes.

19 MS. OLSON: Same objections.

20 THE WITNESS: I believe there's information  
21 about the organization, historical information,  
22 information about our values, the kinds of services  
23 we provide, how those services are provided, the  
24 legal landscape of the region that we service.  
25 Those are some of the -- those are the things that

1 are coming to mind at this point.

2 Q. (BY MR. GREEN) Okay. Is there anything  
3 other than that slide deck that comes to mind after  
4 thinking about it?

5 MS. OLSON: Objection; form, outside the  
6 scope.

7 THE WITNESS: No.

8 Q. (BY MR. GREEN) Okay. We'll turn to  
9 topic 9.

10 Does NWAAF have any written policies  
11 related to communications with the parents of  
12 minors that NWAAF comes into contact with?

13 A. No, we don't.

14 Q. Do you have any informal policies?

15 A. No.

16 Q. Does NWAAF ever require its volunteers  
17 or anyone else in the organization to take steps to  
18 hide an abortion from the parents or guardian of a  
19 minor?

20 MS. OLSON: Objection; form.

21 THE WITNESS: No.

22 MR. GREEN: We are skipping topic 10, but  
23 I'll just note for the record that we would have  
24 asked questions about this topic but for the  
25 protective order precluding inquiry into this

1 aspect of our unclean hands defense.

2 With that, I'm prepared to go off for  
3 five minutes and probably wrap up.

4 MS. OLSON: Well, let's make it 15 because  
5 then we won't need to take two breaks in between  
6 anything you add and then what we do.

7 How about that?

8 MR. GREEN: Yeah, sounds good. Come back at  
9 1:11.

10 (A recess was taken from 12:56 p.m. to 1:12 p.m.)

11 Q. (BY MR. GREEN) Ms. Alatorre, I just have  
12 one or two more questions for you. And I think  
13 you're muted.

14 A. Okay.

15 Q. Apart from the 2020 circumstance we  
16 already discussed, is there any other circumstance  
17 in which NWAFF recalls transporting an Idaho minor  
18 for an abortion?

19 A. Transporting as in giving a ride to?  
20 Like, a staff or volunteer providing rides?

21 Q. Anything that you think falls within the  
22 word "transport."

23 A. No.

24 MR. GREEN: Okay. No further questions.

25 ///

1 EXAMINATION

2 BY MS. OLSON:

3 Q. I have some questions.

4 Good afternoon, Ms. Alatorre.

5 You recall Mr. Green asked you some  
6 questions using the term "procure."

7 Do you recall those questions?

8 A. Yes.

9 Q. Ms. Alatorre, what do you understand  
10 "procure an abortion" to mean?

11 A. I -- it's -- it sounds like -- I mean,  
12 the term "procure," I have never really heard in  
13 reference to this work. I understand the  
14 word "procure" to mean, like, something related to,  
15 like, an industry or, like -- like, obtaining  
16 materials, et cetera.

17 So if I were to try to think of what  
18 that means related to abortion, I, like, envision  
19 procuring an abortion being, like, me calling up an  
20 abortion provider and trying to buy abortions from  
21 them. So that is, I guess, how I'm  
22 defining "procuring an abortion," is calling big  
23 abortion and saying, "Hey, we want to buy this many  
24 pallets of abortion."

25 Q. Ms. Alatorre, is NWAAF concerned that

1     **NWAAF has a different definition of procure than**  
2     **the Idaho Attorney General?**

3             **A.     Yes.**

4             **Q.     Then, Ms. Alatorre, you recall that**  
5     **Mr. Green asked you questions about intent to**  
6     **conceal?**

7             **A.     Yes.**

8             **Q.     How does NWAAF address whether or not to**  
9     **have contact with a minor's parent or guardian**  
10    **where it's a minor who has contacted NWAAF**  
11    **regarding abortion care services?**

12            **A.     We don't have any processes or policies**  
13    **in place around that kind of contact. We lead --**  
14    **we let the individual we're supporting, including**  
15    **minors, lead whatever communications or information**  
16    **they want shared with anybody.**

17            **Q.     Is NWAAF concerned that NWAAF has a**  
18    **different definition or practice with respect to**  
19    **"intent to conceal" than the Idaho Attorney**  
20    **General?**

21            **A.     Yes.**

22            **Q.     Is NWAAF concerned that the Idaho**  
23    **Attorney General might consider the way NWAAF**  
24    **handles minors' choices about whether or not to**  
25    **communicate with a parent or guardian the intent to**

1 conceal from that minor's parents or guardians?

2 A. Yes.

3 MR. GREEN: Object to form.

4 Q. (BY MS. OLSON) You can answer.

5 Was your answer "yes"?

6 A. Yes.

7 MS. OLSON: That's all the questions I have.

8 Thank you, Ms. Alatorre.

9 MR. GREEN: Nothing further. Thank you  
10 both.

11 (A discussion was held off the record.)

12 MS. OLSON: I apologize. This will be  
13 attorneys' eyes only.

14 Q. (BY MS. OLSON)

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MS. OLSON: All right. I really think that's all the questions I have this time. Thank you, Ms. Alatorre.

And that will, then, end the attorneys' eyes only portion.

MR. GREEN: I don't have anything.

(The deposition concluded at 1:18 p.m.)

\* \* \*

(Signature was requested.)



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# Exhibit D

In The Matter of:

Lourdes Matsumoto, Northwest Abortion  
Access Fund, and Indigenous Idaho Alliance

v.

Raul Labrador, in his capacity as the  
Attorney General of the State of Idaho

**DEPOSITION OF  
IRIS ALATORRE  
February 06, 2026**



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LOURDES MATSUMOTO vs RAUL LABRADOR  
ALATORRE, IRIS 02/06/2026

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

<b>LOURDES MATSUMOTO, NORTHWEST</b>	)	
<b>ABORTION ACCESS FUND, and</b>	)	
<b>INDIGENOUS IDAHO ALLIANCE,</b>	)	<b>Case No.</b>
	)	<b>1:23-cv-00323-DKG</b>
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>RAUL LABRADOR, in his capacity as</b>	)	
<b>the Attorney General of the State</b>	)	
<b>of Idaho,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**REMOTE DEPOSITION OF IRIS ALATORRE**

**February 6, 2026**

**Reported by:  
Rebecca Martin, CSR #1108, RPR, CRR**

1                                   **REMOTE DEPOSITION OF IRIS ALATORRE**

2

3                   **BE IT REMEMBERED** that the remote deposition of  
4 **IRIS ALATORRE** was taken via videoconference by the  
5 **Defendant** before **Treasure Valley Reporting, Rebecca**  
6 **Martin, Court Reporter and Notary Public** in and for the  
7 **State of Idaho, on Friday, the 6th day of February,**  
8 **2026, commencing at the hour of 10:00 a.m. Mountain Time**  
9 **in the above-entitled matter.**

10

11

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1	<b>I N D E X</b>	
2	<b>E X A M I N A T I O N</b>	
3	<b>IRIS ALATORRE</b>	<b>PAGE</b>
4		
5	<b>By: MR. GREEN.....</b>	<b>5</b>
6		
7	<b>E X H I B I T S</b>	
8	<b>(No exhibits marked.)</b>	
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1

P R O C E E D I N G S

2

3

IRIS ALATORRE,

4

a witness having been first duly sworn to tell the

5

truth, the whole truth and nothing but the truth,

6

was examined and testified as follows:

7

8

EXAMINATION

9

BY MR. GREEN:

10

Q. Morning.

11

A. Good morning.

12

Q. My name is Aaron Green, I'm a deputy

13

attorney general with the State of Idaho and I'll

14

be taking your deposition today.

15

Have you ever had your deposition taken

16

before?

17

A. No, I haven't.

18

Q. Let's just go over a couple of ground

19

rules so we can have a productive conversation

20

today. You understand that while this is a less

21

formal proceeding than if you were to testify in

22

court, you've still promised to tell the truth,

23

right?

24

A. Yes.

25

Q. Okay. And that will be the same oath

1 you take if you choose to testify in this case,  
2 right?

3 A. Yes.

4 Q. Okay. If you don't understand any  
5 question that I ask you, please feel free to ask me  
6 for clarification. Will you do that for me?

7 A. Yes.

8 Q. Okay. Please also feel free to ask for  
9 breaks. The only thing I'll ask is that if I pose  
10 a question to you and you need to take a break,  
11 just answer the question I've posed to you before  
12 we go off.

13 Does that sound fair?

14 A. Yes.

15 Q. We are using a court reporter today. As  
16 she already indicated off the record, we do need  
17 audible answers, so please don't go "uh-huh,"  
18 "nuh-uh," no shaking of the head or anything like  
19 that.

20 Does that make sense?

21 A. Yes.

22 Q. Have you taken any medication recently  
23 that might impair your ability to give your best  
24 answers today?

25 A. No.

1 Q. Is there any other reason you can't give  
2 your best answers today?

3 A. Not that I know of.

4 Q. Okay. Would you state and spell your  
5 name for the record?

6 A. Yeah. My name is Iris Alatorre;  
7 I-r-i-s, A-l-a-t-o-r-r-e.

8 Q. And one quick question: We are doing  
9 this deposition remotely; are you in a place where  
10 you can take this deposition uninterrupted?

11 A. Yes.

12 Q. Okay. And will you also refrain from  
13 checking devices when responding to my answers?

14 A. Yes.

15 Q. Or my questions. I'm sorry.

16 A. Yes.

17 Q. Okay. What educational background do  
18 you have?

19 A. I went to school up until undergrad.

20 Q. Okay. And where did you go to school?

21 A. University of Idaho.

22 Q. Okay. And what degree did you obtain?

23 A. I didn't obtain a degree.

24 Q. Okay. How many years did you make it  
25 through in undergrad?

1           A.     About three, three-and-a-half.

2           Q.     Okay.  And so you don't have any  
3 graduate education?

4           A.     No.

5           Q.     Okay.  When did you stop -- what year  
6 did you stop your undergraduate education?

7           A.     Full-time, probably around 2014 or 2015.  
8 And then I continued on and off part-time through  
9 2018.

10          Q.     Okay.  And where have you been employed  
11 since 2015?

12          A.     I worked retail as a retail manager for  
13 a Ross Dress For Less for about a year in 2015, and  
14 then after that I worked at the University of Idaho  
15 for three years through 2019, and then at  
16 Washington State University.

17          Q.     Okay.  And what were your duties when  
18 working for the University of Idaho?

19          A.     I was the office manager at the Women's  
20 Center.

21          Q.     What were your duties there?

22          A.     A lot of just keeping things running at  
23 the office, supervising our work study students,  
24 and some programming.

25          Q.     And at -- I believe you said Washington

1 State?

2 A. Uh-huh.

3 Q. What were your duties there?

4 A. I was the program coordinator, so  
5 supporting the Women's Resource Center student  
6 groups and supporting them with their programming,  
7 doing budgeting stuff, and also, like, day-to-day  
8 office management.

9 Q. When did you become -- I guess I should  
10 ask: Do you know what the Northwest Abortion  
11 Access Fund is?

12 A. Yes.

13 Q. When did you first become affiliated  
14 with them?

15 A. In 2019.

16 Q. Okay. And how are you currently  
17 affiliated with them?

18 A. I am a staff member.

19 Q. Okay. And what, generally, are your  
20 duties as a staff member?

21 A. Well, my title is program manager, so I  
22 essentially oversee the implementation and  
23 execution of our direct services.

24 Q. Are you supervised by anyone?

25 A. Yes.

1 Q. And who are you supervised by?

2 A. The executive director.

3 Q. Who is the current executive director?

4 A. Dara Snyder.

5 Q. And do you supervise anyone underneath  
6 you?

7 A. No.

8 Q. And so are you personally responsible  
9 for NWAAF's programs?

10 A. Yes.

11 Q. Are there any aspects of -- I'm just  
12 going to use the shorthand NWAAF, I assume you'll  
13 know what I'm talking about?

14 A. Yes.

15 Q. Okay. Are there any aspects of NWAAF's  
16 operation that you're not familiar with?

17 A. I don't believe so.

18 Q. Okay. I guess more specifically, in  
19 terms of executing NWAAF's programming, what do you  
20 do on a day-to-day basis?

21 A. It can really vary on a day-to-day  
22 basis, but essentially supporting our case managers  
23 who are on the helpline taking calls and doing  
24 intakes for people calling for support, maintaining  
25 relationships with providers that we work with,

1 maintaining relationships with other funds across  
2 the region and the country, and just insuring that  
3 our current services are being provided and that's  
4 going smoothly. And then just, like, other  
5 strategic meetings, either with internal folks at  
6 the fund or other folks that we partner with.

7 Q. Do you ever directly help coordinate  
8 abortions?

9 MS. OLSON: Objection; form, foundation.

10 THE WITNESS: I help coordinate people  
11 accessing abortion care.

12 Q. (BY MR. GREEN) Okay. And how do you do  
13 that?

14 A. Usually by taking on cases that come  
15 into our helpline. So returning calls, doing  
16 intake, and assessing with somebody what kind of  
17 support they might be needing in order to access  
18 abortion care, and then moving ahead with what kind  
19 of support is identified. So if they need  
20 procedural funding, we will send procedure funding  
21 to the provider. If they need transportation,  
22 we'll support with getting them transportation.

23 Q. Is that generally what you were talking  
24 about when you said you support case managers?

25 A. When I support case managers --

1 MS. OLSON: Hold on a second, Iris.

2 Objection; form, misstates the witness's  
3 testimony.

4 Go ahead, you can answer.

5 THE WITNESS: I don't -- when I support a  
6 case manager, I'm not directly speaking to a  
7 caller, I'm supporting a case manager who is  
8 supporting a caller.

9 Q. (BY MR. GREEN) And what do you do to  
10 support case managers who are supporting callers?

11 A. I answer maybe a question about a  
12 process, I offer advice about maybe a complex case  
13 that they're working with or, you know, if we get  
14 an Idaho minor calling in, I support the case  
15 manager with how to move ahead with supporting that  
16 minor.

17 Q. And are there circumstances where you've  
18 directly taken on a case involving an Idaho minor?

19 A. Yes.

20 Q. Okay. How many times have you had such  
21 cases?

22 A. I don't know.

23 Q. Can you estimate?

24 MS. OLSON: Objection; form.

25 THE WITNESS: I don't think I could

1 estimate.

2 Q. (BY MR. GREEN) Is it fewer than 50?

3 MS. OLSON: Objection; form.

4 THE WITNESS: Yes.

5 Q. (BY MR. GREEN) Is it fewer than 20?

6 MS. OLSON: Objection; form.

7 THE WITNESS: I don't know, probably.

8 Q. (BY MR. GREEN) Okay. Is it fewer than  
9 15?

10 MS. OLSON: Objection; form.

11 THE WITNESS: I don't know.

12 Q. (BY MR. GREEN) Okay. So but probably  
13 fewer than 20 in any event?

14 MS. OLSON: Objection; form.

15 THE WITNESS: Yes.

16 Q. (BY MR. GREEN) Okay. Do you remember  
17 what -- when you've assisted these minors -- strike  
18 that.

19 What is the most recent case involving  
20 an Idaho minor that you recall handling?

21 A. That I can recall handling where I  
22 personally supported the minor?

23 Q. Yes.

24 A. Honestly I can't recall, like, a  
25 timeframe.

1 Q. Was it within the last year?

2 A. No.

3 Q. Within the last two years?

4 A. I think the last time I can recall

5 supporting -- me directly supporting an Idaho minor

6 was in 2019 -- or sorry, 2020.

7 Q. Do you recall what assistance you

8 provided?

9 A. Yes.

10 Q. What did you provide?

11 A. Procedure funding and a ride to and from

12 her appointment.

13 Q. And when you say "a ride to and from her

14 appointment," do you mean paying for it?

15 A. No. I drove her to her appointment and

16 then drove her home. Or actually, I drove her

17 home. I paid for a bus ticket for her to get to

18 her appointment.

19 Q. Do you recall in 2020 whether or not you

20 intended to conceal that abortion from the minor's

21 parents?

22 MS. OLSON: Objection; form, foundation.

23 THE WITNESS: I don't ever intend to conceal

24 anything from somebody, so no.

25 Q. (BY MR. GREEN) In any circumstance where

1 you've taken on a case yourself, have you intended  
2 to conceal any of those abortions from anybody?

3 MS. OLSON: Objection; form.

4 THE WITNESS: I never intend to conceal an  
5 abortion from anybody, but I support callers in  
6 having whatever amount of privacy they want related  
7 to their abortion care.

8 Q. (BY MR. GREEN) Do you recall any other  
9 circumstances other than 20 -- strike that.

10 Do you recall any other incidents other  
11 than the one we've been discussing in 2020 where  
12 you personally drove a minor to get an abortion or  
13 returning from an abortion?

14 A. That is the only time I have ever driven  
15 a minor.

16 Q. Okay. Have you ever housed a minor when  
17 they were getting an abortion or returning from an  
18 abortion?

19 A. No.

20 Q. Okay. You mentioned one of your duties  
21 was maintaining relationships with providers. Is  
22 that fair?

23 A. Yes.

24 Q. Okay. How do you do that?

25 A. That looks like, you know, annual or

1 biannual meetings, virtual meetings to discuss, you  
2 know, our mutual partnerships, what that looks  
3 like, things that could be improved.

4 It looks like occasional site visits.  
5 And we, you know, end up supporting callers that go  
6 to specific providers pretty frequently, and so we  
7 have regular communication with providers about our  
8 caller and their patient's, you know, funding needs  
9 or other support needs that they might have.

10 Q. You mentioned maintaining relationship  
11 with other abortion funds; is that also fair?

12 A. Yes.

13 Q. How do you do that?

14 A. Similarly communicating, you know, via  
15 Zoom meetings, in group chats, talking about  
16 supporting maybe somebody from -- you know, like  
17 somebody from Utah could be coming to Washington,  
18 and so we might work with the Utah Abortion Fund to  
19 come together and support somebody with their  
20 funding or travel needs.

21 So a lot of collaborating on that, and  
22 then just general support and collaboration on our  
23 operations and kind of the lay of the landscape.

24 Q. Just turning -- well, turning back to  
25 that 2020 incident one more time, do you recall

1 where the abortion took place, what state?

2 A. Yes.

3 Q. What state was it?

4 A. In Washington.

5 MR. GREEN: Okay. Nothing further for the  
6 individual deposition.

7 MS. OLSON: Let's take about a 15-minute  
8 break and we can come back on for the  
9 Rule 30(b)(6).

10

11 (The deposition concluded at 10:20 a.m.)

12

\* \* \*

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(Signature was requested.)

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**Y**

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**year** 8:5,13 14:1

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**Z**

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**Zoom** 16:15