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**Pro hac vice admission pending*

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

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

Plaintiffs,

v.

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

Defendant.

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

**Second Motion of Non-Party Right to Life
of Idaho, Inc., to Quash Subpoena**

Second Motion of Non-Party Right to Life of Idaho, Inc., to Quash Subpoena

On September 12, 2025, Right to Life of Idaho, Inc. (“**RLI**”), a stranger to this case, received a subpoena duces tecum (“**RLI Subpoena**”) from its policy opponent, demanding RLI’s strategic, confidential documents that have nothing to do with this case. The RLI Subpoena was issued on behalf of RLI policy-opponent Plaintiff Northwest Abortion Access Fund (“**NWAAF**”) as well as the other Plaintiffs, Lourdes Matsumoto and Indigenous Idaho Alliance (collectively, “**Challengers**”). D. 72-3. Following discussions between the parties’ counsel, RLI moved to quash the RLI Subpoena on the basis of First Amendment privilege, relevancy, and overbreadth and undue burden. D. 72. That motion was granted in part and denied in part. D. 108. Because the same issues remain in the limited form of the demand that the Court permitted, *see id.* at 15 (“**Limited Demand**”), this Court should now fully quash the RLI Subpoena and its now-operative Limited Demand.

Accordingly, pursuant to Federal Rule of Civil Procedure 45(d)(3), RLI now timely moves and respectfully requests that this Court quash the RLI Subpoena because the particular documents that are responsive to its Limited Demand are exempted from disclosure by the United States Constitution and federal law. Specifically, they are protected by the First Amendment. Furthermore, the Limited Demand and the documents responsive thereto are not relevant, and the Limited Demand is overbroad, imposing an undue burden and eschewing the requirement to avoid burdening a nonparty except when absolutely necessary. As further explained in the accompanying memorandum in support of this Motion and supported by the exhibits attached hereto (including a declaration and privilege log) these protections demand that the RLI Subpoena be quashed. Accordingly, this Court should grant this Motion.

Dated: February 6, 2026

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Plaintiffs,

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RAÚL LABRADOR, in his official capacity
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Defendant.

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

**Memorandum in Support of Second
Motion of Non-Party Right to Life of
Idaho, Inc., to Quash Subpoena**

Memorandum in Support of Second Motion of Non-Party Right to Life of Idaho, Inc., to Quash Subpoena

As explained in Right to Life of Idaho’s concurrently submitted Second Motion to Quash Subpoena (“**Motion**”), the limited demand this Court has permitted Plaintiffs Lourdes Matsumoto, Northwest Abortion Access Fund (“**NWAAF**”), and Indigenous Idaho Alliance (collectively, “**Challengers**”), to pursue through the subpoena duces tecum (“**RLI Subpoena**”) they served on Right to Life of Idaho, Inc. (“**RLI**”), is plagued by many of the same problems that pervaded the operative requests of the RLI Subpoena. Specifically, it seeks documents that are protected by First Amendment privilege, demands irrelevant materials, is overbroad, and imposed an undue burden. Accordingly, RLI has timely submitted its Second Motion to Quash, asking this Court to quash the RLI Subpoena and its operative Limited Demand. In support thereof, RLI provides the following memorandum, explaining the numerous reasons why this Court should grant its motion.

Procedural History and Nature of the Case

On July 11, 2023, Challengers filed their Complaint, suing Idaho Attorney General Raúl Labrador (“**Idaho**”) to challenge Idaho Code § 18-623 (“**abortion trafficking law**”), a law outlawing abortion trafficking, first introduced in the Idaho Legislature on February 7, 2023 (Idaho House Bill 98 (“**H.B. 98**”)), and later re-introduced as House Bill 242 (“**H.B. 242**”). Compl., D. 1, ¶ 11. Among other claims, Challengers claimed that the law burdens the right to interstate travel, and that is the claim to which they allege the communications sought in the RLI Subpoena are relevant. Pls.’ Opp’n to Mot. of RLI Quash Subpoena, D. 87, 13–14; Order, D. 108, 10.

The RLI Subpoena (as narrowed following conferral of the parties), sought documents, both internal and those shared with legislators or legislative staff, relating to H.B. 98 and H.B. 242 and other ““abortion trafficking’ bills,” broadly defined. Order, D. 108, 4. RLI previously moved to quash the RLI Subpoena on October 23, 2025, D. 72 (“**First Motion**”), arguing that the documents sought therein were privileged under the First Amendment, that they were not relevant, and that the demand was overbroad and unduly burdensome, especially in light of the heightened protection that must be afforded to non-parties, Mem. Supp. First Mot., D. 72-1. Following briefing and the submission of the Declaration of Emily Naugle, the president of RLI, D. 93-1 (“**First Naugle Declaration**”), this Court found the RLI Subpoena “overbroad” and inclusive of “materials that are not relevant” as a result of its “requests for communications or materials that were not actually provided to Idaho legislators or legislative staff[.]” Order, D. 108, 11. However, the Court found that a request limited to communications “actually made with and provided to” legislators would be relevant. *Id.* at 12, 15. Accordingly, the Court granted the First Motion in part and denied it in part. Order, D. 108, 15. The Court “limit[ed] Plaintiffs[’] subpoena request to the following:”

Communications with Idaho legislators or legislative staff concerning H.B. 242 or H.B. 98, including any attachments, talking points, or materials actually disseminated to Idaho legislators or legislative staff concerning H.B. 242 or H.B. 98.

Id. at 12 (“**Limited Demand**”).

The Court’s relevance analysis followed its conclusions that while “important First Amendment interests [are] implicated here,” it would *not* “decid[e] whether any particular materials are discoverable,” and could not make such a determination on the existing record, *id.* at 9 n.5, and that a privilege log was necessary for RLI to demonstrate First Amendment privilege over its “external communications, documents, and materials provided to or with Idaho

legislators and legislative staff.” *Id.* at 6–9. Accordingly, the Court ordered RLI to provide any objections to the Limited Demand to Challengers and, if such objections were unresolved following conferral between counsel, to then “file an appropriate motion” with “all supporting materials[,]” *id.* at 16, enabling the Court “to address objections to particular materials, including evaluating whether certain materials [a]re protected by the First Amendment privilege,” Order, D. 124, 9.

On Friday, January 30, 2026, counsel for RLI provided its objections to counsel for Challengers. By agreement of the parties, counsel for RLI provided RLI’s privilege log to counsel for Challengers on Monday, February 2, 2026.¹ On Wednesday, February 4, 2026, counsel for RLI conferred with counsel for Challengers in a good faith attempt to resolve RLI’s objections, but counsel were unable to come to any agreement. Accordingly, RLI now brings its objections to the Court with the present motion and memorandum.

Argument

This Court should quash the RLI Subpoena and prohibit the discovery demanded in the Limited Demand for the following reasons.

I. All of the particular documents at issue are protected from disclosure by First Amendment privilege.

A. The First Amendment protects documents whose release would have a chilling effect.

As RLI has explained in previous briefing, First Amendment privilege applies to protect against the disclosure of documents if such disclosure would chill First Amendment speech or association, and it must be considered whenever the exertion of judicial power—such as by

¹On February 6, 2026, counsel for RLI provided a version of the privilege log that was substantively the same as the one provided on February 2, 2026, but with a footer added to identify the document and its page numbers and various instances of an individual’s title being corrected. It is this corrected version that RLI supplies herewith as Exhibit 2.

enforcement of a subpoena—may have such a result. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 463 (1958). The privacy rights springing from the First Amendment are “indispensable to preservation of freedom of association.” *Id.* at 462. The Supreme Court has therefore emphasized with increasing clarity that, in order for First Amendment privilege to apply, all that is required is *potential* danger to First Amendment expression and association. *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 616 (2021) (“identification and fear of reprisal *might* deter perfectly peaceful discussions of public matters of importance,” and that is all that is required for First Amendment privilege, since *NAACP* required only “state action which *may* have the effect of curtailing the freedom to associate, . . . and the *possible* deterrent effect of disclosure” (quotation marks and citations omitted) (emphases in original)); *see also Perry v. Schwarzenegger*, 591 F.3d 1147, 1160 (9th Cir. 2010) (noting that all that is required for a *prima facie* case is a “showing of *arguable* first amendment infringement” (emphasis added)).

The Supreme Court has never limited the application of First Amendment privilege to internal documents. Instead, all that is required is potential First Amendment chill resulting from disclosure. The Supreme Court has not suggested that external documents cannot satisfy that test—certainly not private or confidential external documents like those sought here. Accordingly, as various courts within the Ninth Circuit have recognized, the privilege applies to protect against the release of both “internal and external communications” in proper cases. *E.g.*, *Toering v. Ean Holdings LLC*, No. C15-2016-JCC, 2016 U.S. Dist. LEXIS 197116, at *3, *6 (W.D. Wash. July 22, 2016) (finding that disclosure of “internal and external” documents, which “would reveal [the disclosing entities’] strategy and *goals in lobbying, drafting legislation, coordinating with interested members of the public, and managing membership,*” had “the distinct potential to violate” those entities’ First Amendment rights) (emphasis added); *LeGrand*

v. Abbott Labs., No. 22-cv-05815-TSH, 2024 U.S. Dist. LEXIS 184790, at *2–3 (N.D. Cal. Oct. 9, 2024) (denying a motion to compel “communications between Abbott and four industry groups and their members,” finding that First Amendment privilege applied because “it is common sense that forcing Abbott to produce these materials will chill the willingness of members of these industry groups to have candid communications with each other about these subjects”). Similarly, at least one federal circuit court has had the opportunity to address whether external communications can be protected by First Amendment privilege and has answered affirmatively. In *Federal Election Commission v. Machinists Non-Partisan Political League*, the D.C. Circuit Court considered a subpoena that demanded a non-partisan political organization produce its communications with “other . . . groups.” 655 F.2d 380, 384 (D.C. Cir. 1981). It found that the demand for these “communications among various groups” “carrie[d] with it a real potential for chilling the free exercise of political speech and association guarded by the first amendment.” *Id.* at 388. Accordingly, it reversed the lower court’s order enforcing the subpoena. *Id.* at 396–97.

Such holdings recognize the simple rule that the Supreme Court has established in no uncertain terms: all that is required for the First Amendment’s protections to apply is a “*possible* deterrent effect of disclosure” of speech at the core of the First Amendment. *Bonta*, 594 U.S. at 616 (cleaned up; citation omitted) (emphasis added by *Bonta* Court). Accordingly, courts must apply the Balancing Test to any request that triggers it, whether the request seeks internal or external documents.

When a *prima facie* showing of First Amendment privilege has been made by a demonstration that disclosure would have such an effect, courts must “balance the burdens imposed on individuals and associations against the significance of the interest in disclosure, to

determine whether the interest in disclosure outweighs the harm” (“**Balancing Test**”). *Id.* at 1161 (internal quotation marks and citations omitted). As shown below, Challengers cannot make the necessary showing to overcome RLI’s First Amendment privilege in the documents at issue.

B. First Amendment privilege protects all particular documents at issue and cannot be overcome.

1. All of the particular documents at issue are privileged.

RLI has shown that the advocacy at the heart of its mission—advocacy concerning legal change (such as legislation) relating to abortion—is at the core of these First Amendment protections. *See* Mem. Supp. First Mot., D. 72-1, 5–6 (citing record and cases); *see also* Decl. Emily Naugle Supp. Non-Party RLI’s 2d Mot. Quash Subpoena, Ex. 1 (“**Second Naugle Declaration**”), ¶ 3 (explaining the nature of RLI’s advocacy and mission). Nor have the “important First Amendment interests” at stake in the documents at issue here, which are by the plain terms of the Limited Demand explicitly about such advocacy, been questioned in this litigation. *See* Order, D. 108, 9 n.5. Instead, the question is whether any particular document is discoverable.

As a general matter, it remains true that RLI easily satisfies the requirements of the First Amendment privilege. The Limited Demand seeks information about RLI’s political advocacy activities and communications that are in no way attenuated from plainly political-advocacy subject matter, requiring production of documents at the heart of RLI’s strategic operations concerning House Bills on abortion—i.e., those documents at the core of its mission. It therefore plainly falls afoul of the First Amendment’s protections since, as further explained below, disclosure of these documents would both deter participation and mute the “exchange [of] ideas and formulat[ion of] strategy and messages” in RLI. *See Perry*, 591 F.3d at 1162–63. This is particularly true since an actual party, the NWAAP, is a “public policy opponent” of the party

from whom discovery is sought. *Apple Inc. v. Match Grp.*, No. 21-mc-80184-YGR (TSH), 2021 U.S. Dist. LEXIS 161373, at *24 (N.D. Cal. Aug. 19, 2021); *see also* Second Naugle Decl., Ex. 1, ¶ 15.

Because compliance with the Limited Demand, in general, would result in First Amendment chill that cannot be justified, *infra* Part I.B.1, the RLI Subpoena must be quashed—it is *Challengers'* burden to propound a properly tailored demand, not RLI's burden to comply with a demand that, as a whole, infringes First Amendment privilege. *See Perry*, 591 F.3d at 1165 n.13.

Nonetheless, a particularized review leads to the same result. RLI previously demonstrated the chill that would arise from compelled disclosure of these documents with the First Naugle Declaration, *see* Reply Supp. First Mot., D. 93, 4 (citing First Naugle Decl., D. 93-1, ¶¶ 9–14); now, with the Second Naugle Declaration, it confirms that chill with respect to the Limited Demand. Specifically, compelled disclosure would result in RLI's communication with legislators being chilled, Second Naugle Decl., Ex. 1, ¶ 14, its association with donors being chilled, *id.* at ¶ 15, other forms of participation in RLI being chilled, *id.* at ¶ 16, and increased public hostility alongside decreased effectiveness, both of which would increase all of the foregoing harms, ¶¶ 17–18. Nor is this chill merely speculative: internal discussions have already begun, and will continue, addressing how RLI would need to change its communications if required to comply with the RLI Subpoena. *Id.* at ¶ 19.

Such First Amendment chill would result from the disclosure of *any* of the documents at issue. RLI's privilege log, submitted herewith as Exhibit 2 (“**Privilege Log**”), confirms once more that *all* of the documents at issue are private and strategic. RLI's communications with legislators are *only* between RLI and legislators or their staff. The only exception to this—which

is hardly an exception at all since it does not change the private nature of the communications—is the minuscule number of communications in which an NRLC employee was included. Since RLI is NRLC’s affiliate, this cannot render those communications (of which there were only three) non-private. *See* Second Naugle Decl., Ex. 1, ¶ 7; *see also* Privilege Log of Right to Life of Idaho, Inc., Ex. 2 (“**Privilege Log**”), 10 (entry for Bates No. 167–72), 15 (entries for Bates No. 277–82, Bates No. 283) (showing the only three entries noting communications shared with NRLC employee).

The Privilege Log also shows that all of the particular documents at issue are strategic. *See generally* Privilege Log, Ex. 2; *see also* Second Naugle Decl., Ex. 1, ¶¶ 9–12. As the Second Naugle Declaration explains, every sort of communication that is responsive to the Limited Demand is of a strategic nature. Communications that concern that actual drafting of legislation plainly go to the heart of RLI’s strategy because such decisions are driven by the intent to achieve legislation that best advances RLI’s goals and that is likely to be passed into law. *Id.* at ¶ 9. Communications that show *why* legislation is needed are also plainly strategic, as they are essential to garnering necessary support for the legislation that RLI wishes to pass. *Id.* at ¶ 10. Similarly, communications scheduling meetings with legislators and following up with legislators after votes on legislation advanced by RLI are also strategic, going to RLI’s strategy of identifying key legislators with whom to meet and maintaining relationships with same, both of which are essential to RLI’s mission. *Id.* at ¶¶ 11–12.

In sum, not only is *every one* of the communications at issue at the heart of the First Amendment, but the compelled disclosure of *any* particular document would result in RLI’s First Amendment speech and association being chilled. Moreover, every single responsive communication is private and strategic. While documents need not be private or strategic in order

to be privileged under the First Amendment since “arguable chill” is all that must be shown to make a prima facie case, *Perry*, 591 F.3d at 1160, those characteristics further support the objective nature of the chill. *See id.* at 1160, 1165 n.12. Accordingly, this Court should find that all of the “particular materials” that are responsive to the Limited Demand, all of which are described in the Privilege Log, “[a]re protected by the First Amendment privilege.” *See Order*, D. 124, 9.

2. Challengers cannot overcome the privilege.

Because RLI has made a prima facie case of First Amendment privilege over all of the particular documents at issue, the Balancing Test applies. While this Court found the Limited Demand itself to be highly relevant, *Order*, D. 108, 12, *but see infra* Part II, the question remains “whether any particular materials” can be shown to satisfy the Balancing Test’s criteria for overcoming the privilege, *see* D. 108, 9 n.5. Challengers cannot make such a showing.

First, Challengers cannot show that any of the documents are “highly relevant.” *See Perry*, 591 F.3d at 1161. As discussed below, because there Challengers have not made a claim that concerns the subjective motives behind legislation, as opposed to the objective text thereof, none of the documents are relevant at all. *Infra* Part II. But even putting that aside, the Privilege Log shows that none of the particular documents are highly relevant to the question of legislative motive concerning interstate travel.

Many of the documents at issue are not even arguably related to motives of any sort. For example, many simply reflect communications arranging meetings. *E.g.*, Privilege Log, Ex. 2, 2, 19. Others reflect discussions of when hearings would take place or when certain people would arrive to attend a hearing. *E.g.*, *id.* at 5, 25–26, 30–31. Still others discuss various other matters having nothing to do with the intent behind the legislation, such as, *inter alia*, public feedback

concerning the bill, events in post-passage litigation, or letters sent by state governors. *E.g., id.* at 7–8.

Furthermore, in light of the stringent requirements of the Balancing Test, even those communications that, in theory, could have something to do with the intent behind the abortion trafficking law, such as those more substantively addressing the purpose of the legislation, still do not have the requisite features for the First Amendment privilege in those documents to be overcome. In conducting the Balancing Test, courts “balance the burdens imposed on individuals and associations against the significance of the interest in disclosure to determine whether the interest in disclosure outweighs the harm.” *Perry*, 591 F.3d at 1161 (cleaned up; citations omitted). Importantly, in considering the weight of the harm, courts must consider “the substantiality of the First Amendment interests at stake.” *Id.* (citing *Buckley v. Valeo*, 424 U.S. 1, 71 (1976); *Black Panther Party v. Smith*, 661 F.2d 1243, 1267 (1981)). “The argument in favor of upholding the claim of privilege will ordinarily grow stronger as the danger to rights of expression and association increases.” *Black Panther Party*, 661 F.2d at 1267. Because RLI’s substantive communications advocating for legal change in an issue that is passionately debated across the nation are at the heart of the First Amendment’s protection, and because the very purpose of RLI’s existence would be threatened by the chill at the heart of its mission that would result from compelled disclosure, the “danger to rights of expression and association,” *id.*, is at its zenith.

The minimal relevance of the actual, “particular materials” at issue, Order, D. 108, 9 n.5, cannot outweigh such grave danger. First of all, any particularized review the Court conducts over these documents will reveal that, aside from what is objectively plain on the face of the law, they give little (if any) insight to motivations behind the aspects of the abortion trafficking law

that relate to interstate travel. Second, Challengers’ interest in any such insight that might be revealed is minimal as a result of how ineffective it would be in furthering their claims. That is because, as the Privilege Log shows, RLI communicated primarily with only two legislators, Representatives Ehardt and Andrus. *See* Privilege Log, Ex. 2. As the Ninth Circuit has stated,

a court must be aware that the statements of a handful of lawmakers may not be probative of the intent of the legislature as a whole. *See United States v. O’Brien*, 391 U.S. 367, 384, 88 S. Ct. 1673, 20 L. Ed. 2d 672 (1968) (“What motivates one legislator to make a speech about a statute is not necessarily what motivates scores of others to enact it”); *see also League of Women Voters of Fla. Inc. v. Fla. Sec’y of State*, 66 F.4th 905, 939 (11th Cir. 2023) (“[A] statement or inquiry by a single legislator would constitute little evidence of discriminatory intent on the part of the legislature.”).

United States v. Carrillo-Lopez, 68 F.4th 1133, 1140 (9th Cir. 2023); *see also Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 253–54 (2022) (“Even when an argument about legislative motive is backed by statements made by legislators who voted for the law, [the Court] ha[s] been reluctant to attribute those motives to the legislative body as a whole”); *O’Brien*, 391 U.S. at 384 (“It is entirely a different matter when we are asked to void a statute that is, under well-settled criteria, constitutional on its face, on the basis of what fewer than a handful of Congressmen said about it . . . and the stakes are sufficiently high for us to eschew guesswork”).

Accordingly, even if the subjective intent of individual legislators were relevant in a right to travel case—and Challengers have presented no support for such a notion, *infra* Part II—the fact that RLI communicated with only a “handful of lawmakers” means that RLI’s communications will “not be probative of the intent of the legislature as a whole.” *See Carrillo-Lopez*, 68 F.4th at 1140. Even if considered more than minimally relevant, Challengers surely cannot show that these communications are “highly relevant,” nor of such great significance to outweigh RLI’s extremely weighty First Amendment interests. *Perry*, 591 F.3d at 1161. Indeed, as in *O’Brien*, whether any motivations attributable to the few legislators with whom RLI

communicated should be attributed to the whole legislature is mere “guesswork,” which this Court should “eschew.” *O’Brien*, 391 U.S. at 384.

Finally, this Court’s determination that Representative Ehardt’s communications concerning the abortion trafficking law are protected by legislative privilege, D. 115, 13, adds further weight to RLI’s interest against compelled disclosure of its communications with Representative Ehardt. In *Mi Familia Vota v. Noble*, No. CV-21-01423-PHX-DWL, 2024 U.S. Dist. LEXIS 180246, at *16–17 (D. Ariz. Oct. 2, 2024), the district court for the District of Arizona examined whether legislators could invoke legislative privilege even when they themselves were not the subpoenaed parties. The court determined that they could, citing *La Union del Pueblo Entero v. Abbott*, 93 F.4th 310 (5th Cir. 2024). *Id.* The court also noted that another court had found that a non-legislative party could raise legislative privilege for acts relating to the performance of legitimate legislative activity. *Id.* (citing *Milligan v. Allen*, 2024 U.S. Dist. LEXIS 141228, 2024 WL 3666369 (N.D. Ala. 2024)). These cases show that legislative privilege may be considered in order to protect communications with legislators, that are in the possession of non-legislators. In this case, the Court has *already* determined that Representative Ehardt’s communications concerning the abortion trafficking law are privilege. It should uphold that privilege by finding that the interest in maintaining same, together with the weight of RLI’s own First Amendment interests, are not outweighed by any interest Challengers purport to have in those communications.

Turning to the “less intrusive means” inquiry of the Balancing Test, RLI has previously pointed out that Challengers have made no attempt to use a public records request to obtain the information at issue, an easily available “less intrusive means of” doing so that it is required to use, *Perry*, 591 F.3d at 1161. *See* D. 72-1, 16; D. 93, 7–8. This requirement means that a party

seeking discovery must exhaust every “likely and reasonably accessible [alternative] source[] before” seeking to compel its production. *Int’l Union, United Auto., etc. v. Nat’l Right to Work Legal Def. & Educ. Found., Inc.*, 590 F.2d 1139, 1153 (D.C. Cir. 1978). “[B]earing in mind other sources of information, [Challengers] have not shown a sufficient need for the information.” *Perry*, 591 F.3d at 1165. While Challengers argued that Idaho’s public records law “is not coextensive” with Rule 26, D. 87, 11, that only *affirms* RLI’s weighty First Amendment privilege by substantiating its claim that the communications at issue are private.² And if, by that statement, Challengers mean to suggest that *some* of the documents at issue may be obtained via public records request—an option that involves only performance of an existing duty, rather than judicial compulsion—that only further affirms that, as to those documents, Challengers do *not* have a weighty interest in *compelling* RLI to produce them.³

In sum, First Amendment privilege protects every single particular document at issue and Challengers cannot overcome that protection.

C. Parallel litigation supports a finding of First Amendment privilege.

One additional factor supports a finding of First Amendment privilege here. That is the fact that another court has found that Challengers’ demand for NRLC’s documents—a demand nearly identical to the one served on RLI, D. 72-1, 5 n.2—would infringe on First Amendment privilege, and accordingly quashed the demand. *In re: Subpoena Served on National Right to Life Committee, Inc.*, Case No. 25-mc-159 (RJL) (D.D.C. Jan. 30, 2026) (attached hereto as Ex. 3).

²RLI also explained the ease with which Challengers could submit a public records request and the fact that *RLI* surely should not be punished for *Challengers’* needless delay in doing so. D. 93, 7–8.

³ It bears noting that the less-intrusive-means aspect of the Balancing Test would be meaningless if First Amendment privilege applied only to documents that were purely internal—i.e., documents that could not be obtained elsewhere.

That case found that the chill that would result from compelling disclosure from NRLC—exactly the same types of chill that are at issue here—was sufficient to satisfy the required threshold showing of First Amendment privilege. *Id.* at 3–4.

It also found that Challengers had not overcome the privilege. First, their “interstate travel claim does not require a searching inquiry to discover the primary objective underpinning the law. . . . Unlike the equal protection and redistricting cases that [Challengers] rely on, . . . this is not a case that is likely to require a probe into whether the legislators had some hidden discriminatory motive, because the Idaho law *facially* prohibits interstate travel for some purposes.” *Id.* at 4–5. The court also noted, as additional evidence that the documents at issue had little relevance, that the motives of individual legislators are not probative of the motives of the legislature as a whole. *Id.* at 5. Second, the court noted that Challengers did “not deny that they have made *no* attempt to obtain the documents through Idaho’s public records requests process,” but argued instead that the subpoena was “more ‘efficient, cost-effective, and reliable’ than making public records requests.” *Id.* at 6 (citations omitted). But that, said the court, did not matter since the test is whether “every *reasonable* alternative” has been exhausted, not whether every more efficient alternative has been. *Id.* (citing *Black Panther Party v. Smith*, 661 F.2d 1243, 1268 (D.C. Cir. 1981)) (emphasis added). Finally, the court noted that “Idaho legislators have an existing statutory duty to respond to public records requests, making it difficult to justify imposing a judicially-compelled burden on a non-party.” *Id.* at 6.

The D.C. court’s opinion supports the conclusion that RLI is correct in the arguments presented herein, since that opinion addresses the precise questions at issue presently. Furthermore, even if this Court is inclined to disagree with any aspect of that court’s opinion, it should nonetheless uphold the privilege that court found in NRLC’s documents—which included

communications that included both legislators and RLI, *see id.* at 2—by finding that those same documents (i.e., RLI’s communications that include legislators or their staff and NRCL) are privileged.

II. The documents are not relevant.

RLI maintains that the Limited Demand and the documents at issue are not relevant in any way in this case.⁴ RLI has well-established its position that *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977), the case on which Challengers rely for the proposition that the subjective motivations of individual legislators are relevant, D. 87, 13–14, does not provide a basis for that conclusion since (as they readily admit, *id.* at 13) it was an equal protection case, and its holding is specifically limited to equal protection claims, 429 U.S. at 266 (“Determining whether *invidious discriminatory* purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available” (emphasis added)), as the Ninth Circuit has explicitly recognized, *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). RLI has also explained that there is no other basis for declining to apply the general rule that the motives of individual legislators are not relevant. D. 93, 5–7. Because these positions have been elucidated in other briefs, RLI will not do so further here, but notes that it stands on its existing arguments, which continue to apply to the Limited Demand.

III. The Limited Demand is overbroad and unduly burdensome.

Finally, the Limited Demand is overbroad and imposes an undue burden on RLI. While the Court’s limitation of the RLI Subpoena addressed certain aspects of the overbreadth of the operative demands when that Order was issued, it did not address all of the forms of overbreadth

⁴RLI recognizes that this Court has found otherwise as to the Limited Demand, but notes its position here to preserve its argument.

that RLI had pointed out. *Compare* D. 72-1, 18–20, *with* Order, D. 108. Thus, although the RLI Subpoena should be quashed as a result of, *inter alia*, the Limited Demand’s lack of relevance, it should still be quashed due to overbreadth even if the particular documents sought by the Limited Demand were relevant in any way.

The demand seeks “communications” broadly “concerning” H.B. 242 and H.B. 98. D. 108, 12. While it is limited by recipient, such a broad, non-tailored demand, as discussed above, would require the production of a great deal of irrelevant documents, such a mere scheduling verifications. Because “[c]ourts tend to find document requests seeking all documents related to a claim or defense as lacking particularity,” *Salas v. Facultatieve Techs. The Ams. Inc.*, No. 1:17-cv-00335-LJO-BAM, 2018 U.S. Dist. LEXIS 72426, at *10 (E.D. Cal. Apr. 30, 2018) (quoting *Regan-Touhy v. Walgreen Co.*, 526 F.3d 641, 650 (10th Cir. 2008)), a request for all “communications” concerning a topic even *more broad* than a generalized claim or defense, even if limited by recipient, is certainly overbroad. *E.g.*, *Goose Pond AG, Inc. v. Duarte Nursery, Inc.*, No. 2:19-cv-2631 KJM DB, 2020 U.S. Dist. LEXIS 144037, at *3 (E.D. Cal. Aug. 11, 2020) (citing various cases); *Defreitas v. Tillinghast*, No. 2:12-CV-00235-JLR, 2013 U.S. Dist. LEXIS 7429, at *8 (W.D. Wash. Jan. 17, 2013) (finding request for “all communications” *between certain individuals and concerning a certain topic* to be overbroad). The overbreadth doctrine prohibits a party from demanding all communications with a given party that may relate in some remote way to an actual claim or issue in order to then peruse the documents at its leisure in hopes of finding something relevant. The lack of a meaningful tie to the actual substance of the claims *about* H.B. 98 and H.B. 242 thus renders the Limited Demand overbroad. Accordingly, the Limited Demand suffers from overbreadth due to its lack of necessary issue-tailoring.

Overbreadth also results from the Limited Demand’s temporal scope, which is not appropriately limited. The RLI Supboena instructs⁵ that documents from “January 1, 2021 to the present” must be produced, RLI Subpoena, D. 72-3, 7, yet even the earliest version of the abortion trafficking law at issue, H.B. 98, was not even introduced until more than two years thereafter, on February 7, 2023. Moreover, the Limited Demand requires production of documents “to the present,” that is, the date of service of the RLI Subpoena, September 12, 2025. *Id.* at 1, 7. But this is well after the abortion trafficking law was passed on March 20, 2023. Compl., D. 1, ¶ 11. Post-enactment statements of legislators cannot change legislation’s purpose. *Reg’l Rail Reorganization Act Cases*, 419 U.S. 102, 132 (1974) (noting that the “post-passage remarks of legislators” do not “change the legislative intent”); *see also Schlothman v. Alaska*, 276 F.2d 806, 815 (9th Cir. 1960). Accordingly, the Limited Demand’s arbitrary timeframe is yet another form of overbreadth. Because the burdens imposed by discovery requests must be minimized, especially when a non-party carries those burdens, this overbreadth is also fatal to the Limited Demand.

IV. Conclusion.

For all of the foregoing reasons, RLI’s Second Motion to Quash should be granted.

⁵The Court did not limit the definitions or instructions of the RLI Subpoena. *See generally* D. 108.

Dated: February 6, 2026

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UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

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

Plaintiffs,

v.

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

Defendant.

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

**Declaration of Emily Naugle in Support of
Non-Party Right to Life of Idaho, Inc.'s,
Second Motion to Quash Subpoena**

In support of Right to Life of Idaho, Inc.'s ("**RLI**"), Second Motion to Quash Subpoena ("**Motion**"), I, Emily Naugle, make the following declaration pursuant to 28 U.S.C. Section 1746:

1. I am over 18 years of age.

2. I am the president of RLI, which received the subpoena at issue in the Motion ("**RLI Subpoena**") and remains subject to the discovery demanded therein as limited by the Court ("**Limited Demand**") in its Order, D. 108.

3. RLI, a non-profit, volunteer organization, is the oldest pro-life organization in the State of Idaho. It is the Idaho affiliate of National Right to Life Committee, Inc. ("**NRLC**"), a federation of 50 affiliated state right-to-life organizations, the nation's oldest and largest pro-life organization. RLI works through education and legislation to achieve its purpose of advancing the rights of the unborn.

4. I have personal knowledge of matters relating to RLI, its activities, intentions, communications, and strategy, including knowledge of the communications responsive to the Limited Demand.

5. I also have personal knowledge of RLI's donors and other entities and individuals RLI works with to achieve its goals.

6. If RLI were required to comply with the Limited Demand, communication in and with RLI would be deterred, as would participation in and with RLI. RLI wishes to continue pursuing its purposes without being impeded by such deterrence.

7. The communications sought by the Limited Demand are private communications between RLI and legislators or their staff. That is true of *every document* that is responsive to the

Limited Demand. There are hundreds of pages of responsive documents. Only a minuscule portion of those communications were shared with anyone aside from RLI or legislators (or their staff). Concerning those communications, the only other person with whom they were shared was an NRLC employee, thus maintaining the privacy of those communications since RLI is NRLC's Idaho affiliate.

8. Every one of the responsive documents is also strategic. No aspect of RLI's communications with legislators about the very legislation that lies at the heart of RLI's mission is separate from its strategy.

9. RLI's communications with legislators or their staff about how proposed legislation to protect the unborn should be drafted plainly goes directly to the heart of RLI's mission.

Decisions concerning the drafting of such legislation, from particular word choices and whether amendments should or should not be made, to questions of how particular drafting choices may or may not affect existing law or other proposed legislation, all lie in whether the decision would make proposed legislation more effective at protecting the unborn or more likely to be passed. Decisions of that nature are therefore at the core of RLI's strategy.

10. RLI's communications with legislators or their staff about the factual basis for proposed legislation to protect the unborn—such as (for example) historical facts showing that the activities addressed by the legislation do occur—is also strategic. A key part of any strategy to garner support for legislation is to show legislators that it is needed. RLI does not fall outside of that fundamental fact. Its communications as part of an effort to show that legislation is needed, as demonstrated by facts, are an integral part of its strategy.

11. RLI's choice to work and meet with certain legislators and their staff is a strategic choice. RLI's strategy, like that of any entity dedicated to getting certain legislation passed, involves identifying key legislators whose vote is important and speaking with them at the right time. Accordingly, RLI's communications identifying such legislators and when RLI met or planned to meet with them are strategic.

12. The manner in which RLI maintains relationships with legislators is also strategic. The manner in which RLI follows up with legislators after both legislative victories and defeats is integral to maintaining relationships that are essential to RLI's mission. The effective maintenance of those relationships is therefore a key part of RLI's strategy, and communications for that purpose are strategic.

13. Were RLI required to comply with the RLI Subpoena and disclose *any* of the private communications sought by the Limited Demand, which lie at the heart of its strategy, both RLI's communications and participation in RLI would be gravely harmed in numerous ways, including (but not limited to) the following.

14. Legislators would be less willing to communicate with RLI, gravely harming RLI by hindering its ability to advance legislation favorable to its cause, one of its most essential purposes.

15. Donors, knowing that all that is required for RLI's opponents to receive a trove of RLI's private, strategic communications is for those opponents to serve a subpoena in litigation that has little relation to RLI, would be more hesitant to become or remain associated with RLI. As a non-profit entity that depends on donors for fundraising, RLI would be gravely harmed by this result.

16. Individuals who may wish to affiliate or work with RLI beyond making a donation, whether by joining RLI, participating in an event, volunteering, or otherwise, would be less inclined to do so. As an organization whose existence depends on such affiliation, this would gravely harm RLI.

17. RLI already endures anger from various members of the public who disagree with RLI's positions and actions. Increased disclosure of RLI's private communications and documents would likely lead to further such hostility. That result would not only be harmful on its own, but also would have the effect of increasing the harms listed above by further deterring individuals and entities from communicating with and participating in RLI in order to avoid such hostility.

18. RLI's opponents, being able so easily to obtain RLI's private, strategic communications, would obviously be able to more effectively oppose RLI's efforts based on the unfair advantage of receiving that insight into RLI's strategy. That would harm RLI's effectiveness. Again, such a result would not only be harmful on its own, but also would have the effect of increasing the harms listed above by further deterring communication and participation with RLI since the advantageousness of such affiliation is reduced as effectiveness is reduced.

19. Internal discussions have already occurred among the leadership of RLI concerning the fact that, if RLI is compelled to comply with the RLI Subpoena, RLI's ability to conduct essential communications will be stifled and addressing the ways in which it would need to change its communications. Similar discussions concerning the gravely harmful results that would accrue from being forced to comply with the RLI Subpoena will no doubt continue unless and until it is quashed in full.

20. These harms against RLI's speech and association would occur regardless of whether the documents demanded in the Limited Demand could theoretically be obtained elsewhere. The harms *to RLI* would arise from the fact that, in the event of compelled disclosure, *RLI* would be the entity required to disclose them.

I affirm under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of February 2026.


Emily Naugle

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

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

Plaintiffs,

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

v.

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

Defendant.

PRIVILEGE LOG OF RIGHT TO LIFE OF IDAHO, INC.

GLOSSARY OF NAMES

Individuals named in the following Privilege Log are identified as follows. Legislators are identified by title (“Sen.” or “Rep.”) in the Privilege Log itself and are not listed here.

Right to Life of Idaho, Inc. (“RLI”) personnel:

Payne, Tammy: Lobbyist
Uhlenkott, Kerry: Lobbyist
Wold, Megan: Lobbyist

Legislative Staff

Bush, Ryan: Legislative Drafting Attorney (Legislative Services Office)

Conrad, Nancy: Secretary, Idaho House of Representatives Judiciary, Rules and Administration Committee (Office of Chairman Bruce D. Skaug)

Pennington, Sharon: Secretary, Idaho Senate Judiciary and Rules Committee (Office of Chairman Todd M. Lakey)

Other

Duran, Ingrid (National Right to Life Committee, Inc., personnel)

Bates No.	From or Between	To	Date	Type	Subject matter	Privilege claimed
001–008	Between Kerry Uhlenkott and Rep. Barbara Ehardt		9/21/22	Texts (iMessage)	Scheduling time to meet to discuss proposed legislation; discussing potential cosponsors in House and Senate	First Amend. Privilege
009–012	Kerry Uhlenkott and Rep. Barbara Ehardt		10/23/22	Texts (iMessage)	Scheduling time to meet or talk to discuss proposed legislation	First Amend. Privilege
013–017	Kerry Uhlenkott and Rep. Barbara Ehardt		11/10/22–11/11/22	Texts (iMessage)	Scheduling time to meet to discuss proposed legislation; noting new lobbyist hired	First Amend. Privilege
018	Kerry Uhlenkott and Rep. Barbara Ehardt		11/26/22–11/30/22	Texts (iMessage)	Verifying meeting date and time to discuss proposed legislation	First Amend. Privilege
019	Kerry Uhlenkott and Rep. Barbara Ehardt		11/30/22	Text (iMessage)	Noting model legislation sent via email; citing particular section	First Amend. Privilege
020–024	Kerry Uhlenkott and Rep. Barbara Ehardt		12/1/22	Texts (iMessage)	Confirming meeting time and place to discuss proposed legislation; discussing potential co-sponsor attendance	First Amend. Privilege
025–027	Rep. Barbara Ehardt	Kerry Uhlenkott	12/2/22–12/3/22	Texts (iMessage)	Inquiring about and confirming wishes to work with drafters	First Amend. Privilege

028–030	Between Kerry Uhlenkott and Rep. Barbara Ehardt		12/9/22	Texts (iMessage)	Potential cosponsors for proposed legislation	First Amend. Privilege
031–032	Between Kerry Uhlenkott and Rep. Barbara Ehardt		12/9/22	Texts (iMessage)	Discussing working with drafters; RLI contact information	First Amend. Privilege
032–036	Between Kerry Uhlenkott and Rep. Barbara Ehardt		12/10/22–12/11/22	Texts (iMessage)	Potential cosponsors; RLI contact information	First Amend. Privilege
037–041	Between Kerry Uhlenkott and Rep. Barbara Ehardt		12/13/22	Texts (iMessage)	Discussing which drafter RLI should work with	First Amend. Privilege
041–044	Between Kerry Uhlenkott and Rep. Barbara Ehardt		1/2/23	Texts (iMessage)	Discussing need to complete drafting and review of proposed legislation; general timing for same	First Amend. Privilege
045–046	Kerry Uhlenkott	Rep. Barbara Ehardt	1/5/23–1/9/23	Texts (iMessage)	Meeting availability to discuss proposed legislatio; whether to proceed with meeting	First Amend. Privilege
047–048	Kerry Uhlenkott	Rep. Barbara Ehardt	1/9/23–1/11/23	Texts (iMessage)	Completion of draft legislation; noting NRLC feedback on same; rescheduling meeting with representative	First Amend. Privilege

049–056	Between Kerry Uhlenkott and Rep. Barbara Ehardt		1/11/23–1/17/23	Texts (iMessage)	Noting NRLC feedback on draft legislation; discussing updating other representative; scheduling meeting to review draft legislation	First Amend. Privilege
056–057	Between Kerry Uhlenkott and Rep. Barbara Ehardt		1/17/23	Texts (iMessage)	Discussing need for and timing of phone call to discuss proposed legislation	First Amend. Privilege
058–064	Between Kerry Uhlenkott and Rep. Barbara Ehardt		1/23/23–1/26/23	Texts (iMessage)	Discussing whether to get additional opinion on draft legislation; review by additional representative	First Amend. Privilege
065–066	Between Kerry Uhlenkott and Rep. Barbara Ehardt		1/27/23	Texts (iMessage)	Concerning another representative’s review and feedback on proposed legislation	First Amend. Privilege
067–071	Between Kerry Uhlenkott and Rep. Barbara Ehardt		1/30/23–2/1/23	Texts (iMessage)	Concerning whether print hearing will be scheduled; completion of R.S. of legislation and revision to statement of purpose for same	First Amend. Privilege
071–075	Between Kerry Uhlenkott and Rep. Barbara Ehardt		2/3/23–2/7/23	Texts (iMessage)	Concerning scheduling of R.S. print hearing; feedback concerning print hearing	First Amend. Privilege
076	Kerry Uhlenkott	Rep. Barbara Ehardt	2/10/23	Text (iMessage)	Noting email concerning articles about bill	First Amend. Privilege

076–079	Between Kerry Uhlenkott and Rep. Barbara Ehardt		2/14/23–2/18/23	Texts (iMessage)	Testimony being lined up for H.B. 98 including rebuttal to detective’s letter sent to House members; noting phone calls and opened to address objections/concerns	First Amend. Privilege
080–082	Between Kerry Uhlenkott and Rep. Barbara Ehardt		2/18/23–2/23/23	Texts (iMessage)	Discussing outstanding concerns to address in bill and work to resolve same in anticipation of reintroducing R.S.; scheduling calls to discuss concerns	First Amend. Privilege
083–084	Between Kerry Uhlenkott and Rep. Barbara Ehardt		2/27/23–2/28/23	Texts (iMessage)	Scheduling print hearing for new R.S.; noting planning for testimony at same	First Amend. Privilege
085–086	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/1/23	Texts (iMessage)	Changes to Statement of Purpose for H.B. 242	First Amend. Privilege
086	Kerry Uhlenkott	Rep. Barbara Ehardt	3/2/23	Texts (iMessage)	Date for print hearing for H.B. 242	First Amend. Privilege
087–088	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/2/23–3/3/23	Texts (iMessage)	Arrival time for March 3, 2023 hearing on H.B. 242	First Amend. Privilege

089–090	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/3/23	Texts (iMessage)	Providing feedback and noting meeting at hearing on H.B. 242	First Amend. Privilege
091	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/7/23	Texts (iMessage)	Discussing Rep. Ehardt’s answering questions concerning legislation	First Amend. Privilege
092–098	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/13/23–3/16/23	Texts (iMessage)	Efforts to get hearing scheduled for bill; discussing who can help	First Amend. Privilege
099–101	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/20/23	Texts (iMessage)	Discussing another senator’s demand that proposed bill be amended before moving forward; effort to address same	First Amend. Privilege
101–102	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/22/23	Texts (iMessage)	Noting hearing scheduled, amendments made to draft, and votes needed	First Amend. Privilege
103	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/22/23	Texts (iMessage)	Discussing another senator’s demand for further changes to bill and rescheduling of hearing	First Amend. Privilege

104–106	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/24/23	Texts (iMessage)	Scheduling of hearing; addition of amendments and likelihood of bill being heard	First Amend. Privilege
106–110	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/27/23	Texts (iMessage)	Discussing cosponsor’s defense of bill; amendments to bill and inclusion of same in order of business	First Amend. Privilege
110–112	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/28/23–3/30/23	Texts (iMessage)	Senate order of business with H.B. 242 amendments on agenda; passage of same	First Amend. Privilege
113–117	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/30/23	Texts (iMessage)	Discussing motion and debate on amendments in House; sending bill to governor	First Amend. Privilege
117–118	Between Kerry Uhlenkott and Rep. Barbara Ehardt		3/31/23	Texts (iMessage)	Discussing article and interview concerning H.B. 242	First Amend. Privilege
119–126	Between Kerry Uhlenkott and Rep. Barbara Ehardt		4/1/23–4/3/23	Texts (iMessage)	Efforts to schedule meeting with governor’s office to discuss H.B. 242 and description of bill sent to same; noting calls going in	First Amend. Privilege
126–127	Kerry Uhlenkott	Rep. Barbara Ehardt	4/3/23	Texts (iMessage)	Opposition to H.B. 242	First Amend. Privilege

128–129	Between Kerry Uhlenkott and Rep. Barbara Ehardt		4/4/23	Texts (iMessage)	Call lists for calls to governor to express support for H.B. 242	First Amend. Privilege
130–131	Kerry Uhlenkott	Rep. Barbara Ehardt	4/6/23	Texts (iMessage)	Feedback regarding bill and response to same	First Amend. Privilege
132–133	Rep. Barbara Ehardt	Kerry Uhlenkott	4/25/23	Texts (iMessage)	Letter from governor Little to WA governor Inslee	First Amend. Privilege
133–137	Between Kerry Uhlenkott and Rep. Barbara Ehardt		5/7/23	Texts (iMessage)	Letter from governor Little to WA governor Inslee	First Amend. Privilege
137–138	Between Kerry Uhlenkott and Rep. Barbara Ehardt		11/28/23–11/29/23	Texts (iMessage)	Award recognizing Rep. Ehardt; acceptance of same	First Amend. Privilege
139–140	Kerry Uhlenkott	Rep. Barbara Ehardt	12/2/24	Texts (iMessage)	Ninth Circuit decision in <i>Matsumoto</i> appeal	First Amend. Privilege
141–143	Between Kerry Uhlenkott and Sen. Cindy Carlson		12/8/22–12/9/22	Texts (iMessage)	Meeting place and time to discuss proposed legislation	First Amend. Privilege
144–147	Between Kerry Uhlenkott and Sen. Cindy Carlson		1/14/23–1/20/23	Texts (iMessage)	Internal approval of draft legislation; scheduling meeting	First Amend. Privilege

147	Kerry Uhlenkott	Sen. Cindy Carlson	2/6/23	Texts (iMessage)	Scheduling meeting to discuss proposed legislation	First Amend. Privilege
148	Between Kerry Uhlenkott and Sen. Cindy Carlson		2/8/23	Texts (iMessage)	Advising of bill number	First Amend. Privilege
149–151	Between Kerry Uhlenkott and Sen. Cindy Carlson		3/4/23–3/5/23	Texts (iMessage)	Progress of bill in House; expected date of vote	First Amend. Privilege
152–154	Between Kerry Uhlenkott and Sen. Cindy Carlson		3/7/23–3/8/23	Texts (iMessage)	Passage of H.B. 242 in House; scheduling meeting with another senator and with RLI	First Amend. Privilege
154–159	Between Kerry Uhlenkott and Sen. Cindy Carlson		3/22/23	Texts (iMessage)	Timing of Senate hearing for H.B. 242 and who will present same; amendments prepared for same	First Amend. Privilege
159–162	Between Kerry Uhlenkott and Sen. Cindy Carlson		3/22/23	Texts (iMessage)	Discussing need for additional amendments and rescheduling of Senate hearing on H.B. 242	First Amend. Privilege
163–164	Between Kerry Uhlenkott and Sen. Cindy Carlson		3/24/23–3/25/23	Texts (iMessage)	Scheduling of senate hearing on H.B. 242; amendments to same	First Amend. Privilege

165–166	Kerry Uhlenkott	Rep. Kevin Andrus	9/21/22	Texts (iMessage)	Requesting meeting; noting plan to build support for proposed legislation	First Amend. Privilege
167–172	Kerry Uhlenkott	Ingrid Duran; Rep. Barbara Ehardt; Megan Wold	2/1/23	Email	Statement of purpose for abortion trafficking bill	First Amend. Privilege
173	Rep. Barbara Ehardt	Megan Wold; Kerry Uhlenkott	2/7/23	Email	Questions from media concerning abortion trafficking bill	First Amend. Privilege
175	Megan Wold	Rep. Barbara Ehardt; Kerry Uhlenkott	2/8/23	Email	Questions from media concerning abortion trafficking bill	First Amend. Privilege
176–178	Rep. Barbara Ehardt	Megan Wold	2/8/23	Email	Questions from media concerning abortion trafficking bill	First Amend. Privilege
179	Rep. Barbara Ehardt	Megan Wold; Kerry Uhlenkott	2/8/23	Email	Messages from public concerning abortion trafficking bill	First Amend. Privilege
180	Megan Wold	Rep. Barbara Ehardt; Kerry Uhlenkott	2/8/23	Email	Messages from public concerning abortion trafficking bill	First Amend. Privilege
181	Kerry Uhlenkott	Rep. Barbara Ehardt; Megan Wold	2/8/23	Email	Messages from public concerning abortion trafficking bill	First Amend. Privilege

182–183	Kerry Uhlenkott	Megan Wold; Rep. Barbara Ehardt	2/8/23	Email	Questions from media concerning abortion trafficking bill	First Amend. Privilege
184–185	Rep. Barbara Ehardt	Megan Wold; Kerry Uhlenkott	2/8/23	Email	Scope of response to media inquiries on H.B. 98	First Amend. Privilege
186–188	Kerry Uhlenkott	Rep. Barb Ehardt; Megan Wold	2/9/23	Email	Response to questions from media concerning abortion trafficking bill	First Amend. Privilege
189–192	Kerry Uhlenkott	Rep. Barb Ehardt; Megan Wold	2/9/23	Email	Response to questions from media concerning abortion trafficking bill	First Amend. Privilege
193	Kerry Uhlenkott	Rep. Barb Ehardt; Megan Wold	2/9/23	Email	Communication with pregnancy resource centers concerning abortion trafficking instances	First Amend. Privilege
194–197	Kerry Uhlenkott	Rep. Barb Ehardt; Megan Wold	2/9/23	Email	Factual background demonstrating need for bill	First Amend. Privilege
198–201	Kerry Uhlenkott	Rep. Barb Ehardt; Megan Wold	2/9/23	Email	Factual background demonstrating need for bill	First Amend. Privilege
202–205	Rep. Barb Ehardt	Megan Wold	2/10/23	Email	Discussing statement critiquing H.B. 98	First Amend. Privilege
206–209	Megan Wold	Rep. Barbara Ehardt; Kerry Uhlenkott	2/10/23	Email	Response to statement critiquing H.B. 98	First Amend. Privilege

210– 213	Kerry Uhlenkott	Megan Wold; Rep. Barbara Ehardt	2/10/23	Email	Response to statement critiquing H.B. 98	First Amend. Privilege
219– 226	Kerry Uhlenkott	Rep. Barbara Ehardt; Megan Wold	2/11/23	Email	Response to statement critiquing H.B. 98	First Amend. Privilege
227– 232	Kerry Uhlenkott	Rep. Barbara Ehardt; Megan Wold	2/16/23	Email	Whether statement critiquing separate bill is applicable to abortion trafficking bill	First Amend. Privilege
233	Megan Wold	Rep. Barbara Ehardt; Rep. Kevin Andrus Kerry Uhlenkott	2/24/23	Email	Amendments to draft abortion trafficking bill	First Amend. Privilege
234	Kerry Uhlenkott	Rep. Barbara Ehardt; Tammy Payne; Megan Wold	1/2/23	Email	Modifications to draft of legislation	First Amend. Privilege
235– 241	Kerry Uhlenkott	Rep. Barbara Ehardt; Tammy Payne; Megan Wold	1/2/23	Email At- tachment (document)	Draft of abortion trafficking legislation	First Amend. Privilege

242	Rep. Barbara Ehardt	Ryan Bush; Megan Wold; Kerry Uhlenkott	1/2/23	Email	Request to draft proposed language for abortion trafficking legislation	First Amend. Privilege
243–249	Rep. Barbara Ehardt	Ryan Bush; Megan Wold; Kerry Uhlenkott	1/2/23	Email Attachment (document)	Draft of abortion trafficking legislation	First Amend. Privilege
250–252	Kerry Uhlenkott	Rep. Kevin Andrus; Megan Wold; Rep. Barbara Ehardt	1/14/23	Email	Updates to draft of proposed legislation	First Amend. Privilege
253–258	Kerry Uhlenkott	Rep. Kevin Andrus; Megan Wold; Rep. Barbara Ehardt	1/14/23	Email Attachment (document)	Updated draft of proposed legislation	First Amend. Privilege
259	Kerry Uhlenkott	Nancy Conrad; Tammy Payne; Megan Wold	1/17/23	Email	Requesting meeting to discuss abortion trafficking legislation	First Amend. Privilege

260– 261	Kerry Uhlenkott	Rep. Bruce Skaug; Tammy Payne; Megan Wold; Rep. Barbara Ehardt	1/24/23	Email	Review of draft abortion trafficking bill	First Amend. Privilege
262– 263	Kerry Uhlenkott	Sharon Pennington; Megan Wold; Rep. Barbara Ehardt	1/24/23	Email	Links providing information on need for abortion trafficking law	First Amend. Privilege
266	Megan Wold	Rep. Jaron Crane	1/26/23	Email	Requesting meeting to discuss abortion trafficking legislation	First Amend. Privilege
267– 272	Rep. Barbara Ehardt	Ryan Bush; Rep. Kevin Andrus; Megan Wold; Kerry Uhlenkott	1/29/23	Email	Requesting R.S. abortion trafficking bill	First Amend. Privilege
273– 274	Rep. Jaron Crane	Megan Wold	1/30/23	Email	Meeting to discuss abortion trafficking bill; whether to combine with other bill	First Amend. Privilege
275– 276	Megan Wold	Rep. Jaron Crane	1/30/23	Email	Meeting to discuss abortion trafficking bill; ensuring no conflict with other bill	First Amend. Privilege

277–282	Kerry Uhlenkott	Rep. Barbara Ehardt; Megan Wold; Ingrid Duran	1/31/23	Email	Updated statement of purpose for abortion trafficking bill	First Amend. Privilege
283	Kerry Uhlenkott	Rep. Barbara Ehardt; Megan Wold; Ingrid Duran	1/31/23	Attachment to Email (document)	Updated statement of purpose for abortion trafficking bill	First Amend. Privilege
284	Kerry Uhlenkott	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold	3/2/23	Email	Factual background demonstrating need for bill; progress on H.B. 242 and anticipated presence at hearing for same	First Amend. Privilege
285–286	Kerry Uhlenkott	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold	3/2/23	Attachment to email (document)	Factual background demonstrating need for bill; links to further reasons legislation is needed	First Amend. Privilege
287–290	Kerry Uhlenkott	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold	3/8/23	Email	Lifenews.com post concerning House passage of H.B. 242	First Amend. Privilege
291–292	Ryan Bush	Megan Wold; Kerry Uhlenkott	3/22/23	Email	Draft of amendment to H.B. 242 prior to committee hearing	First Amend. Privilege

293	Ryan Bush	Megan Wold; Kerry Uhlenkott	3/22/23	Attachment to email (document)	Draft of amendment to H.B. 242	First Amend. Privilege
294– 295	Megan Wold	Ryan Bush; Kerry Uhlenkott	3/22/23	Email	Draft of amendment to H.B. 242 prior to committee hearing	First Amend. Privilege
296– 297	Megan Wold	Ryan Bush; Kerry Uhlenkott	3/22/23	Email	Draft of amendment to H.B. 242 prior to committee hearing	First Amend. Privilege
298– 300	Ryan Bush	Megan Wold; Kerry Uhlenkott	3/22/23	Email	Draft of amendment to H.B. 242 prior to committee hearing	First Amend. Privilege
301	Ryan Bush	Megan Wold; Kerry Uhlenkott	3/22/23	Attachment to email (document)	Draft of amendment to H.B. 242	First Amend. Privilege
302– 304	Megan Wold	Ryan Bush; Kerry Uhlenkott	3/22/23	Email	Finalizing and distributing amendment to H.B. 242	First Amend. Privilege
305– 307	Ryan Bush	Megan Wold; Kerry Uhlenkott	3/22/23	Email	Procedure for distributing amendment to H.B. 242	First Amend. Privilege
308– 309	Ryan Bush	Megan Wold; Kerry Uhlenkott	3/23/23	Email	Status of amendment to H.B. 242	First Amend. Privilege
309– 310	Rep. Barbara Ehardt	Megan Wold	3/23/23	Email	Official copy of draft of amendment to H.B. 242	First Amend. Privilege
311	Rep. Barbara Ehardt	Megan Wold	3/23/24	Attachment to Email (document)	Official copy of draft of amendment to H.B. 242	First Amend. Privilege

312–315	Rep. Barbara Ehardt	Megan Wold	3/23/24	Email	Official copy of draft of amendment to H.B. 242	First Amend. Privilege
316	Megan Wold	Rep. Barbara Ehardt	3/23/23	Email	Verifying correct official copy of draft of amendment to H.B. 242	First Amend. Privilege
317–318	Megan Wold	Ryan Bush; Kerry Uhlenkott	3/23/23	Email	Distribution of official copy of draft of amendment to H.B. 242	First Amend. Privilege
319–320	Megan Wold	Rep. Barbara Ehardt; Kerry Uhlenkott	3/24/23	Email	Additional amendments to H.B. 242	First Amend. Privilege
321	Rep. Barbara Ehardt	Megan Wold	3/24/23	Email	Official copy of draft of amendment to H.B. 242	First Amend. Privilege
322	Rep. Barbara Ehardt	Megan Wold	3/24/23	Attachment to email (document)	Official copy of draft of amendment to H.B. 242	First Amend. Privilege
323–324	Megan Wold	Rep. Barbara Ehardt	3/24/23	Email	Explanation of amendments to H.B. 242	First Amend. Privilege
325–326	Rep. Barbara Ehardt	Megan Wold	3/24/23	Email	Explanation of amendments to H.B. 242	First Amend. Privilege
327	Kerry Uhlenkott	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold	3/25/23	Email	Explanation of amendments to H.B. 242	First Amend. Privilege
328	Rep. Barbara Ehardt	Megan Wold	3/27/23	Email	Statement of purpose for H.B. 242	First Amend. Privilege

329–330	Megan Wold	Rep. Barbara Ehardt	3/27/23	Email	Change to statement of purpose for H.B. 242	First Amend. Privilege
331–332	Megan Wold	Rep. Barbara Ehardt; Kerry Uhlenkott	3/31/23	Email	Corrections needed in article published in Idaho Capital Sun concerning H.B. 242	First Amend. Privilege
333	Kerry Uhlenkott	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold	3/31/23	Email	Progress of bill and support sought for same	First Amend. Privilege
334–335	Kerry Uhlenkott	Rep. Barbara Ehardt; Megan Wold	3/31/23	Email	Progress of bill and support sought for same	First Amend. Privilege
336–337	Rep. Barbara Ehardt	Kelcie Moseley-Morris; Megan Wold	3/31/23	Email	Corrections needed in article published in Idaho Capital Sun concerning H.B. 242	First Amend. Privilege
338	Rep. Barbara Ehardt	Kerry Uhlenkott; Megan Wold	3/31/23	Email	Response to amicus brief filed by attorneys general opposing bill	First Amend. Privilege
339	Ryan Bush	Rep. Barbara Ehardt; Megan Wold; Kerry Uhlenkott	1/2/23	Email	Drafting of official version of abortion trafficking bill	First Amend. Privilege

340	Kerry Uhlenkott	Ryan Bush; Rep. Barbara Ehardt; Megan Wold	1/5/23	Email	Scheduling meeting to discuss drafting of official version of abortion trafficking bill	First Amend. Privilege
341–342	Ryan Bush	Kerry Uhlenkott; Rep. Barbara Ehardt; Megan Wold	1/6/23	Email	Scheduling meeting to discuss drafting of official version of abortion trafficking bill	First Amend. Privilege
343–344	Kerry Uhlenkott	Ryan Bush; Rep. Barbara Ehardt; Megan Wold	1/9/23	Email	Scheduling meeting to discuss drafting of official version of abortion trafficking bill	First Amend. Privilege
345–347	Ryan Bush	Kerry Uhlenkott; Rep. Barbara Ehardt; Megan Wold	1/9/23	Email	Initial draft of official version of abortion trafficking bill; scheduling meeting to discuss same	First Amend. Privilege
348–353	Ryan Bush	Kerry Uhlenkott; Rep. Barbara Ehardt; Megan Wold	1/9/23	Attachment to email (document)	Initial draft of official version of abortion trafficking bill	First Amend. Privilege
354–356	Rep. Barbara Ehardt	Ryan Bush; Megan Wold; Kerry Uhlenkott	1/9/23	Email	Initial draft of official version of abortion trafficking bill	First Amend. Privilege

357–362	Rep. Barbara Ehardt	Ryan Bush; Megan Wold; Kerry Uhlenkott	1/9/23	Attachment to email (document)	Initial draft of official version of abortion trafficking bill	First Amend. Privilege
363–365	Kerry Uhlenkott	Ryan Bush; Rep. Barbara Ehardt; Megan Wold	1/9/23	Email	Initial draft of official version of abortion trafficking bill	First Amend. Privilege
366–368	Kerry Uhlenkott	Ryan Bush; Rep. Barbara Ehardt; Megan Wold	1/13/23	Email	Initial draft of official version of abortion trafficking bill; scheduling meeting to discuss same	First Amend. Privilege
369–371	Ryan Bush	Kerry Uhlenkott; Rep. Barbara Ehardt; Megan Wold	1/13/23	Email	Initial draft of official version of abortion trafficking bill; scheduling meeting to discuss same	First Amend. Privilege
372–375	Kerry Uhlenkott	Ryan Bush; Rep. Barbara Ehardt; Megan Wold	1/18/23	Email	Initial draft of official version of abortion trafficking bill; scheduling meeting to discuss same	First Amend. Privilege
376–379	Ryan Bush	Kerry Uhlenkott; Rep. Barbara Ehardt; Megan Wold	1/18/23	Email	Initial draft of official version of abortion trafficking bill; scheduling meeting to discuss same	First Amend. Privilege

380–383	Kerry Uhlenkott	Ryan Bush; Rep. Barbara Ehardt; Megan Wold	1/18/23	Email	Initial draft of official version of abortion trafficking bill; scheduling meeting to discuss same	First Amend. Privilege
384–388	Rep. Barbara Ehardt	Kerry Uhlenkott; Ryan Bush; Megan Wold	1/18/23	Email	Initial draft of official version of abortion trafficking bill; scheduling meeting to discuss same	First Amend. Privilege
389–394	Kerry Uhlenkott	Ryan Bush; Rep. Barbara Ehardt; Megan Wold	1/20/23	Email	Changes to initial draft of official version of abortion trafficking bill	First Amend. Privilege
395–398	Kerry Uhlenkott	Ryan Bush; Rep. Barbara Ehardt; Megan Wold	1/27/23	Email	Revised version of draft of official version of abortion trafficking bill	First Amend. Privilege
399–403	Ryan Bush	Kerry Uhlenkott; Rep. Barbara Ehardt; Megan Wold	1/27/23	Email	Revised version of draft of official version of abortion trafficking bill	First Amend. Privilege
404–409	Ryan Bush	Kerry Uhlenkott; Rep. Barbara Ehardt; Megan Wold	1/27/23	Attachment to email (document)	Revised version of draft of official version of abortion trafficking bill	First Amend. Privilege

410– 415	Ryan Bush	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold; Kerry Uhlenkott	1/29/23	Email	Request to R.S. revised version of draft of official version of abortion trafficking bill	First Amend. Privilege
416– 421	Kerry Uhlenkott	Rep. Barbara Ehardt; Ryan Bush; Rep. Kevin Andrus; Megan Wold	1/29/23	Email	Request to R.S. revised version of draft of official version of abortion trafficking bill	First Amend. Privilege
422– 427	Megan Wold	Ryan Bush; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott	2/21/23	Email	Redrafting of abortion trafficking bill; section number for same	First Amend. Privilege
428– 434	Kerry Uhlenkott	Megan Wold	2/21/23	Email	Redrafting of abortion trafficking bill; section number for same	First Amend. Privilege

435– 441	Ryan Bush	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold; Kerry Uhlenkott	2/21/23	Email	New official draft of abortion trafficking bill; section number for same	First Amend. Privilege
442– 445	Ryan Bush	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold; Kerry Uhlenkott	2/21/23	Attach- ment to email (document)	New official draft of abortion trafficking bill	First Amend. Privilege
446– 453	Rep. Barbara Ehardt	Ryan Bush; Megan Wold; Kerry Uhlenkott	2/21/23	Email	New official draft of abortion trafficking bill; timing to get hearing on same	First Amend. Privilege
454– 461	Kerry Uhlenkott	Rep. Barbara Ehardt; Ryan Bush; Megan Wold	2/21/23	Email	New official draft of abortion trafficking bill; timing to get hearing on same	First Amend. Privilege
462– 469	Megan Wold	Ryan Bush; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott	2/23/23	Email	Changes to official draft of abortion trafficking bill	First Amend. Privilege

470– 477	Megan Wold	Ryan Bush; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott	2/23/23	Email	Changes to official draft of abortion trafficking bill	First Amend. Privilege
478– 486	Ryan Bush	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott	2/23/23	Email	Revised official draft of abortion trafficking bill	First Amend. Privilege
487– 490	Ryan Bush	Rep. Barbara Ehardt; Rep. Kevin Andrus; Megan Wold; Kerry Uhlenkott	2/23/23	Attach- ment to email (document)	Revised official draft of abortion trafficking bill	First Amend. Privilege
491– 499	Megan Wold	Ryan Bush; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott	2/24/23	Email	Changes to official draft of abortion trafficking bill	First Amend. Privilege

500–509	Ryan Bush	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott	2/24/23	Email	Changes to official draft of abortion trafficking bill	First Amend. Privilege
510	Megan Wold and Rep. Barbara Ehardt		2/10/23	Text (iMessage)	Scheduling meeting to discuss bill; individual who expressed concerns with bill	First Amend. Privilege
510–511	Rep. Barbara Ehardt	Megan Wold	2/20/23	Text (iMessage)	Copy of shared document concerning proposed bill	First Amend. Privilege
511	Megan Wold and Rep. Barbara Ehardt		2/28/23	Text (iMessage)	R.S. on proposed bill; whether Rep. Andrus will help in hearing	First Amend. Privilege
512	Rep. Barbara Ehardt	Megan Wold	2/20/23	Attachment to iMessage Text (image)	Copy of attorney's memorandum commenting on H.B. 98	First Amend. Privilege
513	Megan Wold and Rep. Barbara Ehardt		3/3/23	Text (iMessage)	Presence for hearing on proposed legislation	First Amend. Privilege
513–514	Megan Wold Rep. Barbara Ehardt		3/7/23	Text (iMessage)	Hearing on proposed legislation	First Amend. Privilege

514	Megan Wold and Rep. Barbara Ehardt		3/10/23–3/11/23	Text (iMessage)	Scheduling call to discuss proposed legislation	First Amend. Privilege
514–515	Megan Wold	Rep. Barbara Ehardt	3/23/23	Text (iMessage)	Plan for hearing on proposed legislation in Senate State Affairs	First Amend. Privilege
515–517	Megan Wold and Rep. Barbara Ehardt		3/23/23	Text (iMessage)	Amendments to official draft legislation and statement of purpose	First Amend. Privilege
517–521	Megan Wold and Rep. Barbara Ehardt		3/24/23	Text (iMessage)	Presence at hearing; plan for testimony, distribution of documents; timing	First Amend. Privilege
521–523	Megan Wold and Rep. Barbara Ehardt		3/24/23	Text (iMessage)	Amendments to proposed bill; postponement of being heard	First Amend. Privilege
523–526	Megan Wold and Rep. Barbara Ehardt		3/27/23	Text (iMessage)	Modified version of statement of purpose; amendments to bill	First Amend. Privilege
527–529	Megan Wold and Rep. Barbara Ehardt		4/1/23	Text (iMessage)	Efforts to meet with governor; effort on calls to governor	First Amend. Privilege
529–532	Rep. Barbara Ehardt and Megan Wold		4/1/23–4/2/23	Text (iMessage)	Interviews concerning bill and chance to clear confusion created by others	First Amend. Privilege

533	Megan Wold and Rep. Barbara Ehardt		2/8/23	Text (iMessage)	Scheduling call to assist with questions	First Amend. Privilege
533–534	Megan Wold and Rep. Barbara Ehardt		3/30/23	Text (iMessage)	Addressing questions from Seattle Times reporter	First Amend. Privilege
534–537	Megan Wold and Rep. Barbara Ehardt		3/30/23–3/31/23	Text (iMessage)	Explanation of affirmative defenses in relation to bill	First Amend. Privilege
538–539	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		1/31/23	Text (iMessage)	Changes to statement of purpose for proposed legislation	First Amend. Privilege
540	Kerry Uhlenkott	Megan Wold; Rep. Barbara Ehardt;	2/18/23	Text (iMessage)	Link to article concerning abortion without parents' knowledge	First Amend. Privilege
540–543	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		4/3/23	Text (iMessage)	Rebuttal of various arguments against bill	First Amend. Privilege
543–544	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		4/3/23	Text (iMessage)	Thoughts on Nate Shelman Show appearance to discuss bill	First Amend. Privilege

544– 549	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		4/3/23	Text (iMessage)	Calls to Governor Little’s office; letter from Gov. Inslee to Gov. Little re: H.B. 242	First Amend. Privilege
549– 550	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		4/3/23	Text (iMessage)	Timeline for governor to sign bill	First Amend. Privilege
550– 554	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		4/5/23	Text (iMessage)	H.B. 242 being signed by Governor Little	First Amend. Privilege
554– 556	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		4/25/23	Text (iMessage)	Letter from Governor Little to Governor Inslee regarding H.B. 242	First Amend. Privilege
556– 558	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		7/11/23	Text (iMessage)	Press statement concerning legal challenge of abortion trafficking law	First Amend. Privilege
559– 561	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		8/1/23	Text (iMessage)	Request for call to address question; KTVB TV interview concerning abortion trafficking law	First Amend. Privilege

562–563	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		8/1/23	Text (iMessage)	Relation of sex trafficking to abortion trafficking law; films concerning human trafficking	First Amend. Privilege
564	Megan Wold	Rep. Barbara Ehardt; Kerry Uhlenkott	8/2/23	Text (iMessage)	Scheduling phone call to discuss bill	First Amend. Privilege
564	Kerry Uhlenkott	Rep. Barbara Ehardt; Megan Wold;	8/3/23	Text (iMessage)	Email concerning NRLC press release about bill	First Amend. Privilege
565–566	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		8/4/23	Text (iMessage)	KTVB interview concerning abortion trafficking law	First Amend. Privilege
566	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		8/4/23	Text (iMessage)	Scheduling phone call to discuss bill	First Amend. Privilege
566–571	Megan Wold; Rep. Barbara Ehardt; Kerry Uhlenkott		8/4/23	Text (iMessage)	Attack on abortion trafficking law by other states; arranging legal defense of the law	First Amend. Privilege

572– 573	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott		2/23/23	Text (SMS)	Strategy for R.S.'ing bill	First Amend. Privilege
573– 574	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott		2/24/23	Text (SMS)	Scheduling of bill to be read in Senate	First Amend. Privilege
574– 575	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott		3/4/23	Text (SMS)	Recap of reading in Senate	First Amend. Privilege

575– 576	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott		3/4/23	Text (SMS)	Date for vote on bill	First Amend. Privilege
576– 578	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott		3/4/23	Text (SMS)	Wording suggestion received for bill	First Amend. Privilege
578– 581	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott		3/5/23	Text (SMS)	Whether amendment of bill’s language is necessary	First Amend. Privilege

581–586	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus; Kerry Uhlenkott		3/7/23	Text (SMS)	Senate debate and vote on H.B. 242	First Amend. Privilege
587–589	Megan Wold; Rep. Barbara Ehardt; Rep. Kevin Andrus		4/6/23	Text (SMS)	False ad concerning H.B. 242; response to same	First Amend. Privilege
590–592	Megan Wold; Sen. Todd Lake		4/6/23	Text (iMessage)	False ad concerning H.B. 242; response to same	First Amend. Privilege
593	Megan Wold; Rep. Kevin Andrus		3/19/23	Text (SMS)	Ascertaining position of another senator on bill; scheduling of hearing	First Amend. Privilege
594	Megan Wold; Rep. Kevin Andrus		3/20/23	Text (SMS)	Amendments requested before committee hearing	First Amend. Privilege
595–596	Megan Wold; Sen. Cindy Carlson		3/8/23–3/9/23	Text (iMessage)	Scheduling meeting to discuss H.B. 242	First Amend. Privilege

596–598	Megan Wold; Sen. Cindy Carlson		3/14/23	Text (iMessage)	Efforts to gather support from other senators	First Amend. Privilege
598	Megan Wold; Sen. Cindy Carlson		3/15/23	Text (iMessage)	Scheduling meeting to discuss bill	First Amend. Privilege
599	Megan Wold	Sen. Cindy Carlson	3/26/23	Text (iMessage)	Amendments to H.B. 242	First Amend. Privilege
599–600	Megan Wold; Sen. Cindy Carlson		4/4/23	Text (iMessage)	Questions about H.B. 242 in preparation for interview	First Amend. Privilege
600–603	Megan Wold; Sen. Cindy Carlson		4/6/23	Text (iMessage)	False ad concerning H.B. 242; response to same	First Amend. Privilege
604–605	Megan Wold	Bill sponsors and various House Committee Members	Various dates (distributed in person)	Paper copy	Two-page explainer of essential aspects of H.B. 242 and responses to frequent questions	First Amend. Privilege

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February, 2026, I personally served a true and correct copy of the foregoing Privilege Log to Plaintiffs' attorneys by email to:

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/s/Joseph D. Maughon

Joseph D. Maughon

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re: Subpoena Served on National Right to
Life Committee, Inc.

)
) Case No. 25-mc-159 (RJL)
)
)

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

Plaintiffs,

v.

)
) *Underlying Action*
) Case No. 23-cv-323-DKG (D. Idaho)
)
)

RAÚL LABRADOR

Defendant.

MEMORANDUM ORDER

January 30, 2026 [Dkt. #1, #12, #13]

Before the Court is a Motion to Quash Subpoena, (“Mot.”) [Dkt. #1], filed by a non-party, the National Right to Life Committee, Inc. (“NRLC” or “petitioner”). Because NRLC has a First Amendment interest in the communications sought, which outweighs respondents’ need for the documents, the Court will **GRANT** the motion.

I. BACKGROUND

The underlying litigation is in the United States District Court for the District of Idaho. *See Matsumoto v. Labrador*, No. 1:23-cv-323-DKG (D. Idaho filed July 11, 2023). The case involves a challenge to Idaho Code § 18-623 (“the Idaho law”), which criminalizes procuring an abortion or obtaining an abortion-inducing drug for an unemancipated minor by “recruiting, harboring, or transporting” a pregnant minor with the

intent to conceal the abortion from the minor’s parents or guardian.¹ Plaintiffs are Lourdes Matsumoto, the Northwest Abortion Access Fund and the Indigenous Idaho Alliance (collectively “plaintiffs” or, for purposes of this motion, “respondents”), who seek to counsel pregnant minors in Idaho and help them access legal abortions in other states. The defendant is Raúl Labrador, the Attorney General for the State of Idaho. Non-party NRLC is a private organization with 50 state right-to-life affiliates that seek to advance a pro-life agenda through education and political advocacy.

Plaintiffs filed suit in July 2023, challenging the Idaho law on several grounds. Discovery is currently proceeding on plaintiffs’ void-for-vagueness, interstate travel, and First Amendment claims. *Matsumoto v. Labrador*, 701 F. Supp. 3d 1069, 1076, 1078 (D. Idaho 2023). In September 2025, the NRLC received a subpoena duces tecum (“NRLC Subpoena”) demanding production of certain documents, which has since been narrowed to the following operative requests:

1. Communications with Idaho legislators or legislative staff concerning H.B. 242 or H.B. 98, including any attachments, talking points, or materials prepared *for dissemination to* legislators; and
2. Documents created for the purpose of communicating with legislators about those “abortion trafficking” bills like H.B. 242 and H.B. 98—such as drafts of model language, position summaries, or legislative fact sheets—to *the extent such materials were shared externally or intended for legislative audiences.*

Mot. Ex. 3 [Dkt. #1-4] (“Narrowing Letter”) (emphasis in original).

¹ The law was first introduced as Idaho House Bill 98 (“H.B. 98”) and was later re-introduced as House Bill 242 (“H.B. 242”).

On October 2, 2025, NRLC timely objected to the NRLC Subpoena on the basis of First Amendment privilege, relevancy, overbreadth, and undue burden. Mot. at 2. NRLC now moves this Court to quash the subpoena.²

II. LEGAL STANDARD

A district court may quash a subpoena that “requires disclosure of privileged or other protected matter.” Fed. R. Civ. P. 45(d)(3)(A). When a party asserts a First Amendment privilege to resist compliance with the subpoena, it must first demonstrate that it has a First Amendment interest at stake in the discovery demanded. *In re Kincaid*, 2023 WL 5933341, at *5 (D.D.C. Aug. 9, 2023), *report and recommendation adopted*, 2023 WL 6459801 (D.D.C. Oct. 4, 2023). If the party clears this threshold, the Court applies a balancing test to weigh plaintiff’s First Amendment interest against the defendant’s need for the information sought. *Int’l Action Ctr. v. United States*, 207 F.R.D. 1, 4 (D.D.C. 2002).

III. ANALYSIS

As an initial matter, the Court finds that NRLC has made the threshold showing that it has a First Amendment interest in the communications sought. Discovery requests that seek information about past political activities and affiliations may trigger First Amendment protection. *Int’l Action Ctr. v. United States*, 207 F.R.D. 1, 3 (D.D.C. 2002). And Courts in this Circuit have held that “First Amendment interests are implicated when releasing internal and external communications could result in ‘chilling the free exercise

² Respondents served a substantively identical subpoena on NRLC’s Idaho affiliate, Right to Life Idaho, Inc. (“RLI”), which moved to quash. NRLC asks the Court to take judicial notice of Defendant Labrador’s memorandum filed in support of RLI’s motion to quash [Dkt. #12]. Respondents similarly ask the Court to take judicial notice of the Idaho district court’s order granting in part and denying in part RLI’s motion to quash [Dkt. #13]. The Court will **GRANT** both motions.

of political speech and association.”” *See, e.g., In re Kincaid*, 2023 WL 5933341, at *6. Such is the case here. The NRLC Subpoena demands the disclosure of NRLC’s strategic political advocacy concerning a sensitive political issue. And the NRLC has made a sufficient showing that compliance with the subpoena is likely to chill the free exercise of political speech, association, and activity. According to the NRLC President, compliance with the subpoena would make legislators, donors, and individuals more hesitant to engage and associate with NRLC. *See* Tobias Decl. [Dkt. # 9-1] ¶¶ 8–12.³ This, in turn, would hinder NRLC’s ability to advance legislation, fundraise, attract volunteers, and otherwise carry out its mission. *Id.* Thus, NRLC has a First Amendment interest at stake.

Moving to the balancing test, the Court must weigh NRLC’s First Amendment interest against respondents’ need for the information. The interest in disclosure is relatively weak unless the relevant information goes to the “heart of the matter.” *Black Panther Party v. Smith*, 661 F.2d 1243, 1268 (D.C. Cir. 1981), *cert. granted, judgment vacated as moot sub nom. Moore v. Black Panther Party*, 458 U.S. 1118 (1982). And even when the information sought is critical, “disclosure should be compelled only after the litigant has shown that he has exhausted every reasonable alternative source of information.” *Id.*

First, the information sought does not go to the heart of the matter. Respondents argue that the NRLC communications are most relevant to their claim that the Idaho law

³ The Court may consider the Tobias Declaration submitted with NRLC’s reply brief since it relates to claims NRLC raised in its opening brief, and because it serves to rebut arguments made in respondents’ opposition brief. *See Shipley v. D.C.*, 2020 WL 13669941, at *14 (D.D.C. Mar. 6, 2020), *report and recommendation adopted in part*, 2020 WL 13669870 (D.D.C. Mar. 24, 2020); *Karem v. Trump*, 404 F. Supp. 3d 203, 218 n.3 (D.D.C. 2019), *aff’d as modified*, 960 F.3d 656 (D.C. Cir. 2020).

violates the constitutional right to interstate travel, because a violation of that right can be demonstrated by proving that the primary objective of the law is to impede travel. Opp. [Dkt. #8] at 9 (citing *Att’y Gen. of New York v. Soto-Lopez*, 476 U.S. 898, 903 (1986)). They contend that NRLC’s communications with Idaho legislators will shed light on whether the law was motivated by the desire to impede interstate travel. *Id.* But NRLC’s communications with Idaho legislators regarding the Idaho law will have minimal bearing on respondents’ claims. Respondents’ interstate travel claim does not require a searching inquiry to discover the primary objective underpinning the law. As petitioners explain, the law “*on its face* prohibits the interstate travel of explicitly described individuals for explicitly described purposes.” Reply [Dkt. #9] at 7. Unlike the equal protection and redistricting cases that respondents rely on, *see* Opp. at 8–10, this is not a case that is likely to require a probe into whether the legislators had some hidden discriminatory motive, because the Idaho law *facially* prohibits interstate travel for some purposes.

What’s more, as the Supreme Court has counseled, arguments based on alleged legislative motives have long been disfavored. *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 253 (2022). “Even when an argument about legislative motive is backed by statements made by legislators who voted for the law, [the Court] ha[s] been reluctant to attribute those motives to the legislative body as a whole.” *Id.* 253–54. And statements

made by *non*-legislators, like the NRLC, are even less probative. *See id.* at 254. Thus, petitioners' interest in disclosure is relatively weak.⁴

Second, respondents have not made reasonable attempts to obtain the information through alternative sources. Indeed, respondents do not deny that they have made *no* attempt to obtain the documents through Idaho's public records requests process. *Opp.* at 13–14. Instead, they argue that the NRLC Subpoena is more “efficient, cost-effective, and reliable” than making public records requests. *Id.* at 11. But even if respondents are correct that obtaining the documents through the public records request process would be more time-intensive or otherwise burdensome, they have failed to show that they have “exhausted every reasonable alternative.” *Black Panther Party v. Smith*, 661 F.2d 1243, 1268 (D.C. Cir. 1981). As petitioners point out, Idaho legislators have an existing statutory duty to respond to public records requests, making it difficult to justify imposing a judicially-compelled burden on a non-party. *Reply* at 9.

Therefore, the balancing test weighs in favor of quashing the subpoena.⁵

⁴ Because the Court finds that the documents sought by the NRLC Subpoena are not relevant, the NRLC Subpoena requests are necessarily overbroad and impose an undue burden, as they are not proportional to the needs of the case.

⁵ The parties dispute whether and to what extent the NRLC Subpoena seeks internal materials. The Court finds that the language of the narrowed subpoena requests could be construed to encompass both internal and external materials. While NRLC's First Amendment interest is *greater* with respect to internal communications, the balancing test still weighs against disclosure of both internal and external communications, given the limited relevance of NRLC's documents and the availability of the public records request alternative.

IV. CONCLUSION

Accordingly, for the reasons set forth above, it is hereby

ORDERED that the two pending [Dkt. #12, #13] Motions to Take Judicial Notice are **GRANTED**; and it is

FURTHER ORDERED that NRLC's [Dkt. #1] Motion to Quash is **GRANTED**.

SO ORDERED.



RICHARD J. LEON
United States District Judge