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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

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

Plaintiffs,

v.

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

Defendant.

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

MOTION FOR ENTRY OF PROTECTIVE ORDER REGARDING MINORS' IDENTITIES AND INQUIRY INTO ALLEGED CRIMINAL CONDUCT

Pursuant to Federal Rule of Civil Procedure 26(c)(1), Plaintiffs Lourdes Matsumoto, Northwest Abortion Access Fund, and Indigenous Idaho Alliance ("Plaintiffs") move the Court for entry of a protective order in the form submitted as **Exhibit 1**. This motion is supported by the Memorandum in Support and Declaration of Wendy J. Olson filed contemporaneously herewith. Federal Rule of Civil Procedure 26(c)(1) permits a court, upon a showing of good cause, to enter a protective order prohibiting inquiry into or preventing disclosure of certain information.[1] For the reasons set forth in the accompanying memorandum, good cause exists for entry of the proposed protective order.

DATED: October 29, 2025.

STOEL RIVES LLP

/s/ Wendy J. Olson
Wendy J. Olson

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/s/ Wendy S. Heipt
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Paige Suelzle

Attorneys for Plaintiffs

[1] Plaintiffs are filing two motions for protective orders in this case. This motion is limited to shielding Plaintiffs from disclosing the identities of young people they assist and from responding to discovery aimed at uncovering other potential criminal conduct.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 29, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

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

Defendant.

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

MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR ENTRY OF PROTECTIVE ORDER REGARDING IDENTITIES AND INQUIRY INTO ALLEGED CRIMINAL CONDUCT

INTRODUCTION

This case challenges Idaho Code § 18-623, a statute that violates the constitutional rights of Plaintiffs—Lourdes Matsumoto, Northwest Abortion Access Fund (NWAAF), and Indigenous

Idaho Alliance (IIA)—including their rights to free speech, association, due process, and interstate travel. It is a case about abortion and about honoring the dignity and autonomy of young people to decide for themselves what their reproductive futures will be. Plaintiffs are seeking protection from being forced to disclose the identities of young people they have assisted and from being asked whether they have violated other criminal statutes not at issue in this lawsuit.

BACKGROUND

On July 2, 2025, Defendant served written discovery on Plaintiffs. Declaration of Wendy Olson ("Olson Decl.") ¶ 2. Due to the approach Defendant took to his written discovery, Plaintiffs had no responsive documents to disclose. For example, several interrogatories sought contact information for unemancipated minors. *Id.*, Exs. A, B, C. Two Plaintiffs do not know the emancipation status of the minors they assist, and the third Plaintiff has a concrete plan to assist minors in obtaining lawful abortion care if the challenged restrictions are lifted but has not yet done so. *Id.* Plaintiffs also objected because numerous interrogatories and requests for production amounted to a fishing expedition into alleged or potential criminal conduct unrelated to the claims or defenses in this case. *Id.* ¶ 11, Exs. A, B, C.

On September 9, 2025, counsel for Plaintiffs and Defendant met and conferred regarding Plaintiffs' interrogatory responses. *Id.* ¶ 7. Plaintiffs voluntarily agreed to supplement certain responses to make clear that they did not have responsive information about the young people they assist based on the precise questions posed by Defendant. *Id.* In those supplemental responses, Plaintiffs were clear that they would have no minors' identities to provide because of the defects in the question and their lack of knowledge of all of the elements in their written discovery requests. *Id.*, Exs. A, B. The parties did not reach an agreement on the other requests

that Plaintiffs identified as serving no legitimate purpose other than to probe for potential criminal conduct. *Id.* ¶ 8.

Following that meeting, the parties participated in an informal conference with the Court's staff attorney on October 14, 2025. *Id.* ¶ 10. During that call, the parties discussed Defendant's efforts to use discovery to investigate other potential crimes. *Id.* ¶ 11. The Court's staff attorney also inquired why Defendant required the identities of minors, and both parties explained their respective positions. *Id.* ¶ 12. Defendant indicated that he intends to seek identifying information about minors in upcoming depositions. *Id.*

Because certain deposition questions could, if more artfully phrased than the written discovery requests, potentially reveal the identity of one or more minors; because discovery remains open until January 2026; and because the parties already fully addressed this issue during the call with the Court, Plaintiffs consider their meet-and-confer obligations on the issues raised in this motion satisfied. *Id.* ¶ 13. Defendant initially stated that he did not consider those obligations satisfied, but that he believes Plaintiffs have waived their objections to disclosing the identities of minors. *Id.* The parties met and conferred on this issue (again) on October 28, 2025, but were unable to reach agreement. *Id.* ¶ 16. Each party maintained its position. *Id.* With Plaintiffs' depositions scheduled to begin on November 20, 2025, and in good-faith reliance on the prior informal conference with the Court's staff attorney that addressed both issues, Plaintiffs now bring this motion. *Id.* ¶ 17.

LEGAL STANDARD

Federal Rule of Civil Procedure 26(c)(1) authorizes the Court, "for good cause, [to] issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." "Rule 26(c) confers broad discretion on the trial court to decide when a

protective order is appropriate and what degree of protection is required." *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984). "The unique character of the discovery process requires that the trial court have substantial latitude to fashion protective orders." *Id.* Rule 26(c)(1)(D) specifically gives the trial court discretion to forbid inquiry into certain matters.

"For good cause to exist, the party seeking protection bears the burden of showing specific prejudice or harm will result if no protective order is granted." *Phillips ex rel. Ests. of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002). "If a court finds particularized harm will result from disclosure of information to the public, then it balances the public and private interests to decide whether a protective order is necessary." *Id.* at 1211. The Ninth Circuit has directed courts doing this balancing to consider a variety of factors:

> (1) whether disclosure will violate any privacy interests; (2) whether the information is being sought for a legitimate purpose or for an improper purpose; (3) whether disclosure of the information will cause a party embarrassment; (4) whether confidentiality is being sought over information important to public health and safety; (5) whether the sharing of information among litigants will promote fairness and efficiency; (6) whether a party benefitting from the order of confidentiality is a public entity or official; and (7) whether the case involves issues important to the public.

In re Roman Cath. Archbishop of Portland in Oregon, 661 F.3d 417, 424 n.5 (9th Cir. 2011) (citing *Glenmede Tr. Co. v. Thompson*, 56 F.3d 476, 483 (3d Cir. 1995)). "[T]hese factors 'are neither mandatory nor exhaustive,' and the Third Circuit acknowledges that 'the district court is best situated to determine what factors are relevant to the dispute.'" *Stewart v. Luna*, No. 2:23-CV-04641-ODW-PDX, 2025 WL 819571, at *2 (C.D. Cal. Feb. 12, 2025) (quoting *Glenmede Tr. Co.*, 56 F.3d at 483). And even if "records and disclosures that implicate non-parties appear relevant to the litigation, the privacy interests of these non-party individuals cannot be waived by either" party. *Beebe v. Andrews*, No. 1:21-CV-00012-SLG, 2022 WL 621782, at *2 (D. Alaska Mar. 3, 2022).

There is good cause for this Court to (1) forbid inquiry into the identities of young people who have sought Plaintiffs' assistance; and (2) forbid inquiry into information that is sought to determine if Plaintiffs have violated other Idaho criminal statutes. Plaintiffs seek a protective order applicable to both written discovery requests and depositions.

ARGUMENT

I. Defendant Must Be Forbidden from Inquiring About the Identities of Young People.

Good cause exists to forbid Defendant from inquiring into the identity of non-parties who have sought Plaintiffs' assistance. Defendant's requests for the identities of minors constitute the annoyance, embarrassment, and oppression of young people who are not parties to the case.[1]

First, young people who have sought Plaintiffs' assistance will be harmed by disclosure of their identities if no protective order is granted. Protection of non-party personal information, including personally identifiable information and health information, is particularly important "because disclosure of sensitive and potentially embarrassing information would cause serious injury to the nonparty, whose conduct is not at issue in the case." *Moore v. Battelle Energy All.,*

[1] Parties routinely assert non-party privacy rights in motions for protective orders, and Plaintiffs can similarly do so here. *See, e.g.*, *Yellowhammer Fund v. Marshall*, 776 F. Supp. 3d 1071, 1095 (M.D. Ala. 2025) (holding that an abortion fund has third-party standing to advance the rights of its clients); *Moore v. Battelle Energy All., LLC*, No. 4:21-CV-00230-CRK, 2023 WL 1767391, at *5 (D. Idaho Feb. 3, 2023) (granting a motion for a protective order that was filed by a party employer to protect the personal medical information of non-party employees); *Stewart*, 2025 WL 819571, at *6 (noting that, in ruling on a motion brought by a party on behalf of both parties and non-parties, "the privacy interests of third-party detainees would be implicated by the public disclosure of the video footage depicting them" and denying motion to remove the videos from a Protective Order); *Beebe*, 2022 WL 621782, at *2 (granting a defendant's request for a protective order on behalf of non-parties due in part to concerns over their privacy).

LLC, No. 4:21-CV-00230-CRK, 2023 WL 1767391, at *4 (D. Idaho Feb. 3, 2023) (citation omitted).[2]

Furthermore, it is well settled that an individual has a strong interest in the privacy of their abortion decision. *See, e.g.*, *Singleton v. Wulff*, 428 U.S. 106, 117 (1976) (plurality opinion). Courts across the country have recognized the stigma, hostility, harassment, and violence that abortion seekers and providers face. *See Planned Parenthood of S. Arizona v. Lawall*, 307 F.3d 783, 790 (9th Cir. 2002) (acknowledging that disclosure of sensitive, private information involving a young person's decision to obtain an abortion would cause significant harm); *Women's Med. Ctr. of Nw. Houston v. Bell*, 248 F.3d 411, 422 (5th Cir. 2001) (stating that abortion "has been a traditional target of hostility"); *Planned Parenthood Se., Inc. v. Strange*, 33 F. Supp. 3d 1330, 1334 (M.D. Ala.) ("Against the backdrop of this history of violence, abortion providers and women seeking abortions in Alabama today live and work in a climate of extreme hostility to the practice of abortion."), *as corrected* (Oct. 24, 2014), *supplemented*, 33 F. Supp. 3d 1381 (M.D. Ala. 2014), and *amended*, No. 2:13CV405-MHT, 2014 WL 5426891 (M.D. Ala. Oct. 24, 2014); *see also* Katie Woodruff et al., *Experiences of Harassment and Empowerment After Sharing Personal Abortion Stories Publicly*, 2 CONTRACEPTION: X 100021, at 3 (2020), https://doi.org/10.1016/j.conx.2020.100021 (finding that 60 percent of study participants experienced harassment and other negative incidents after disclosing their abortions publicly). Concerns over privacy in court proceedings

[2] Although Plaintiff is not a HIPAA-covered entity, the information at issue—client names, pregnancy status, and details regarding abortion-related care—is the functional equivalent of "protected health information" as defined in HIPAA. The fact that Plaintiffs are an individual and small nonprofits rather than a hospital does not lessen the privacy interests of the individuals whose data they hold. Those individuals have the same expectation of confidentiality in their medical decisions, and disclosure carries the same risk of stigma, harassment, and harm.

are especially acute for young people. *Cf.* Fed. R. Civ. P. 5.2(a)(3) (requiring that if a minor's name appears in a court document, that they only be referred to by their initials); *Sims v. Lakeside Sch.*, No. C06-1412RSM, 2007 WL 4219347, at *1 (W.D. Wash. Nov. 28, 2007) ("There is a strong public policy in favor of protecting the identity of minor children and this Court shall not deviate from this policy.").

Marking the identities of these non-parties as confidential or "Attorneys' Eyes Only" is not sufficient to protect young people from harm. In a telephonic conference with this Court's staff attorney, Defendant's counsel suggested that they needed the minors' identities in order to investigate Plaintiffs' standing and that Defendant would be entitled to contact the young people Plaintiffs have assisted. Olson Decl. ¶ 12. Defendant has maintained that position. *Id.* ¶ 16. Young people who have sought Plaintiffs' support often come to them in confidence and under difficult circumstances. *See, e.g.*, Compl. ¶¶ 48, 54–55, 57, Dkt. 1. The harm, embarrassment, and oppression that would result from the Attorney General's office discovering these young people's identities, knocking on their door, and asking them about their abortion is evident. And even if the Attorney General agreed not to contact young people who Plaintiffs have assisted, there is harm in the disclosure itself.

Not only would requiring Plaintiffs to disclose young people's identities to Defendant cause harm, but their identities are also irrelevant to this case. Defendant misunderstands the requirements of pre-enforcement standing when he insists that he is entitled to contact the young people who Plaintiffs have assisted in order to test Plaintiffs' standing. This is a pre-enforcement challenge. In pre-enforcement challenges, "a plaintiff satisfies the injury-in-fact requirement where he alleges 'an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of

prosecution thereunder.'" *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159 (2014) (quoting *Babbitt v. United Farm Workers Nat'l Union*, 442 U.S. 289, 298 (1979)). "Importantly, a challenger need not 'confess that he will in fact violate that law.'" *Matsumoto v. Labrador*, 122 F.4th 787, 797 (9th Cir. 2024) (quoting *Driehaus*, 573 U.S. at 163). "Rather, such a plaintiff need only express 'the intention to engage in the proscribed conduct, were it not proscribed.'" *Id.* (quoting *Peace Ranch, LLC v. Bonta*, 93 F.4th 482, 488 (9th Cir. 2024)). Plaintiffs NWAAF and IIA have assisted minors in the past and would like to continue to do so in the future, and Plaintiff Matsumoto would like to assist minors in the future. This is not credibly challenged. Pre-enforcement standing only requires Plaintiffs to prove that they would take a course of conduct but for the challenged law. Thus, it is unnecessary for Defendant to question young people who Plaintiffs NWAAF and IIA have assisted.[3]

Next, having identified the boundless harms that will result if a protective order is not granted, the balancing factors that courts in the Ninth Circuit consider weigh heavily in favor of granting a protective order that forbids Defendant from inquiring into the identities of non-parties who have sought Plaintiffs' assistance. *See In re Roman Cath. Archbishop of Portland in Oregon*, 661 F.3d at 424 n.5. First, disclosure would violate the privacy interests of young people who are not party to this case and who sought the help of Plaintiffs with the expectation of privacy and confidentiality. Being contacted and questioned by the Idaho Attorney General's office about the assistance they received to access their sensitive medical care would be an extreme invasion of these young people's privacy. Second, the information sought is not for a

[3] Plaintiffs do not dispute that standing can continue to be challenged as the case proceeds. But that does not give Defendant an excuse to mine for personal information of non-parties to the case. Plaintiffs have offered and will offer sworn testimony that goes to their standing, and Defendant is free to test the veracity of those statements without requiring the identities of young people.

legitimate purpose, because the identities of non-parties are not necessary for Plaintiffs to establish, or for Defendant to attempt to undermine, standing. It also may be sought for an improper purpose, which is to harass and intimidate young people who have obtained abortion care. Third, the disclosure of the information would undoubtedly cause the non-party young people embarrassment. Most of these young people likely sought Plaintiffs' assistance in large part because they did not want others in their lives discovering their decision to obtain an abortion. *See Stewart*, 2025 WL 819571, at *7 ("Defendants also contend there is a significant possibility that third party inmates who have no notice of this case would be embarrassed by the public disclosure of the videos [they appear in] because family members and others would learn of their incarceration. This concern is intertwined with the privacy interests discussed above, and weighs against public disclosure of the videos."). Fourth, the confidentiality being sought is over information pertaining to individual and private circumstances, not evidence that impacts the health and safety of the general public. *See Perez v. City of Fresno*, 519 F. Supp. 3d 718, 723 (E.D. Cal. 2021) (generally agreeing with a magistrate judge's discovery order which found that the public health and safety factor favored disclosure in a case involving police brutality because "the video depicts the use of restrains that resulted in death during an encounter with police and ambulance personnel, which strongly relates to public health and safety"); *Sampson v. City of El Centro*, No. 14CV1807-L (DHB), 2015 WL 11658713, at *10 (S.D. Cal. Aug. 31, 2015) (noting that in a case involving "allegations of improper police treatment of minorities," the public health and safety factor weighed in favor of disclosing police dispatch recordings and patrol vehicle and body camera footage). Fifth, the sharing of this information among litigants would not promote fairness and efficiency because, again, it is irrelevant to the needs of the case. Sixth, the people benefitting from the protective order are not public entities or officials, but private

individuals who were under the age of 18 when they sought Plaintiffs' assistance. *See Sampson*, 2015 WL 11658713, at *9 ("[W]e are more likely to require disclosure when a party benefitting from the order of confidentiality is a public entity or official." (quoting *LEAP Sys., Inc. v. MoneyTrax, Inc.*, 638 F.3d 216, 222 (3d Cir. 2011))). And seventh, this case does involve issues important to the public, but the individual health and personal information of non-parties is immaterial to the constitutional questions presented.

In sum, good cause exists for the Court to prevent Defendant from inquiring about the identities of young people who have sought and received Plaintiffs' assistance in the past in both discovery requests and at depositions.

II. Requiring Disclosure of Young People's Identities Is a First Amendment Violation.

Plaintiffs are asserting their right to association in this case, including their right to associate with Idahoans who seek their services. *See, e.g.*, Compl. ¶¶ 40, 82, Dkt. 1. Requiring Plaintiffs to disclose the identities of young people who have sought their assistance would violate the First Amendment right to association. *See Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 606 (2021) ("[T]he First Amendment prohibit[s] such compelled disclosure.").

The U.S. Supreme Court "has recognized the vital relationship between freedom to associate and privacy in one's associations." *NAACP v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 462 (1958). "Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." *Id.* In a case involving a California requirement that charities disclose contact information for certain donors, the Supreme Court acknowledged its long-held belief that "[i]t is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association as [other] forms of

governmental action." *Ams. for Prosperity Found.*, 594 U.S. at 606 (brackets in original) (citation omitted).

Young people would be chilled from seeking Plaintiffs' assistance and from associating with trusted adults who support their autonomy if they knew their identities were going to be disclosed to Idaho's chief legal officer, regardless of what he does with that information. This chilling effect is an intolerable infringement on the First Amendment right to association. *Id.* at 616 (explaining that "disclosure requirements can chill association '[e]ven if there [is] no disclosure to the general public'" (brackets in original) (citation omitted)). Studies also show that young people are more likely to forgo seeking sexual and reproductive health care if they are not assured that their information will remain confidential.[4] This effect of disclosure would undermine the missions of organizational Plaintiffs. *See* Compl. ¶¶ 44, 55–57, Dkt. 1.

Disclosures of affiliations and activities that have a deterrent effect on the exercise of First Amendment rights are subject to exacting scrutiny. *Perry v. Schwarzenegger*, 591 F.3d 1147, 1160 (9th Cir. 2010). Defendant's request for young people's identities cannot survive this scrutiny. Defendant cannot demonstrate that "the information sought through the [discovery] is rationally related to a compelling governmental interest" nor that it is "the least restrictive means of obtaining the desired information." *Id.* at 1161 (internal quotation marks and citation omitted). As explained *supra*, Defendant has no interest or need in obtaining the identities other than to harass and oppress young people who have sought and obtained Plaintiffs' assistance.

[4] *See, e.g.*, Paula K. Braverman et al., *The Adolescent's Right to Confidential Care When Considering Abortion*, 139 Pediatrics 2, 5 (2017), https://doi.org/10.1542/peds.2016-3861 ("Adolescents are often confused about their right to confidential care, and even a perceived lack of confidentiality in health care regarding sexual issues deters them from seeking services.").

III. Defendant Must Not Be Allowed to Ask Plaintiffs if They Have Violated Other Criminal Statutes.

The Court should also grant this motion for a protective order to prevent Defendant from asking if Plaintiffs have violated other Idaho criminal statutes not challenged in this lawsuit. Defendant has contended that this inquiry is necessary to test the traceability and redressability prongs of the standing inquiry and to support his "unclean hands" defense. Olson Decl. ¶ 11. These are invalid grounds for such an invasive inquiry. Instead, these are plainly attempts to fish for evidence of other crimes, and this Court must forbid such inquiry in both Defendant's written discovery requests to Plaintiffs and at depositions. *See Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1072 (9th Cir. 2004) ("District courts need not condone the use of discovery to engage in 'fishing expedition[s].'" (brackets in original) (citation omitted)).

Rule 26(b)(1) provides that "[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case." Inquiry into whether Plaintiffs have violated other criminal statutes is not relevant or proportional to the needs of the case and will undoubtedly cause Plaintiffs harm by opening them up to potential criminal prosecution.

First, Defendant has posed interrogatories that do not seek information regarding Plaintiffs' activities, but instead directly ask Plaintiffs if they have violated Idaho criminal statutes. *See* Olson Decl., Exs. A, B, C. With respect to interrogatories and requests for production inquiring about Plaintiffs making reports of abuse or neglect to the Idaho Department of Health and Welfare or the proper law enforcement authority pursuant to Idaho Code § 16-1605, such a request can only serve the purpose of seeking an admission to an unrelated criminal offense, which is not relevant to the case at hand. Defendant purports to seek this information to attack the "traceability" and "redressability" prongs of the standing inquiry, Olson Decl. ¶ 11,

but assuming *arguendo*, Plaintiffs have engaged in any conduct that could be considered such a violation, that does not mean that the causal chain between their desire to engage in conduct assisting pregnant minors with their reproductive health choices and enforcement of a completely separate criminal statute, Idaho Code § 18-623, is broken. Plaintiffs would suffer harm or injury from any prosecution under a vague statute, even if they were to be properly prosecuted under some other statute. Persons charged in criminal cases may independently defend against each violation with which they are charged. In addition, criminal penalties may be independent depending on the statute violated. Thus, even if a person violates one criminal statute, that does not mean that they can be prosecuted for all other criminal statutes involving the same or similar conduct, and they certainly can be injured by prosecution under an invalid statute even if they are lawfully prosecuted under another statute.

Second, Defendant continues to misunderstand the traceability requirement. *Clapper v. Amnesty International USA*, 568 U.S. 398 (2013), did not create a rule that if Plaintiffs challenge one law arguably connected to their alleged injury but fail to challenge other laws that would also cause that same injury, they have not shown a traceable injury. The Court in *Clapper* did not require future plaintiffs to challenge every statute under the sun that could conceivably cause them harm in order to prove traceability. And in ruling on the preliminary injunction in this case, the Ninth Circuit explained that it is not "the case that [Plaintiffs] cannot establish traceability because the conduct they wish to engage in could, theoretically, violate other unchallenged Idaho statutes." *Matsumoto*, 122 F. 4th at 800. And regarding redressability, "Plaintiffs are not required to challenge all laws that plausibly criminalize their desired course of conduct in a given jurisdiction, regardless of how credible the threat to enforce those laws is." *Tucson v. City of Seattle*, 91 F.4th 1318, 1326 (9th Cir. 2024); *Matsumoto*, 122 F. 4th at 801. In short, discovery

into whether Plaintiffs have violated other criminal statutes is neither relevant nor proportional to the needs of the case because any information gleaned would not impact the traceability and redressability analysis.

Third, Defendant has suggested that he is entitled to this discovery to develop his "unclean hands" defense. Olson Decl. ¶ 11. The unclean hands doctrine, as long articulated by the U.S. Supreme Court, stands for the proposition that those who come into equity arrive with "clean hands" regarding the case before the court. "[E]quity does not demand that its suitors shall have led blameless lives . . . it does require that they shall have acted fairly and without fraud or deceit as to the controversy in issue." *Precision Instrument Mfg. Co. v. Auto. Maint. Mach. Co.*, 324 U.S. 806, 814–15 (1945) (emphasis added) (internal quotation marks and citations omitted).

In applying the unclean hands doctrine, the relevant inquiry is "not [whether] the plaintiff's hands are dirty, but [whether] he dirtied them in acquiring the right he now asserts, or [whether] the manner of dirtying renders inequitable the assertion of such rights against the defendants." *Pom Wonderful LLC v. Welch Foods, Inc.*, 737 F. Supp. 2d 1105, 1110 (C.D. Cal. 2010) (brackets in original) (internal quotation marks and citation omitted). As recently explained in *Idaho Organization of Resource Councils v. Labrador*, 780 F. Supp. 3d 1013, 1037–39 (D. Idaho 2025), that a plaintiff may have violated a different, unrelated statute does not mean they come with unclean hands to challenge every statute. Plus, "[f]actual similarity between the misconduct that forms the basis for an unclean hands defense and the plaintiff's allegations in the lawsuit is not sufficient." *Pom Wonderful LLC*, 737 F. Supp. 2d at 1110. Here, whether Plaintiffs violated other criminal statutes is unrelated to the present controversy: whether Idaho Code § 18-623 is unconstitutional. Even if there is factual similarity between what Defendant alleges to be misconduct that violates other statutes and Plaintiffs' conduct at issue in

this lawsuit, that is not enough for Plaintiffs to have "unclean hands." Accordingly, discovery regarding alleged violations of other criminal statutes is irrelevant to this case and the "unclean hands" defense does not apply. *See Campagnolo S.R.L. v. Full Speed Ahead, Inc.*, 258 F.R.D. 663, 666 (W.D. Wash. 2009) (striking the unclean hands defense because the defendant's claims of unclean hands "[were] far too attenuated" from the plaintiff's claims to "justify their inclusion in this lawsuit" and explaining that "[t]he misconduct which brings the clean hands doctrine into operation must relate directly to the transaction upon which the complaint is made, i.e., *it must pertain to the very subject matter involved and affect the equitable relations between the litigants*" (second brackets and emphasis in original) (citation omitted)).

Finally, a civil litigant maintains the ability to invoke her Fifth Amendment right not to answer a question, and ordinarily that invocation cannot be used against the litigant. In addition, the State cannot use civil discovery to build a criminal case. *See, e.g.*, *United States v. Heine*, 314 F.R.D. 498 (D. Or. 2016). That Defendant's discovery requests so directly ask Plaintiffs if they have violated Idaho criminal statutes rather than ask about their activities generally demonstrates that Defendant's discovery requests have been made for the improper purpose of harassing and intimidating Plaintiffs. *See In re Roman Cath. Archbishop of Portland in Oregon*, 661 F.3d at 424 n.5 (listing balancing factors of "whether the information is being sought for a legitimate purpose or for an improper purpose" and "whether disclosure of the information will cause a party embarrassment").

The Court should grant this motion for a protective order to forbid discovery into whether Plaintiffs have violated other Idaho criminal statutes.

CONCLUSION

For the reasons set forth above, Plaintiffs request that this motion for a protective order be granted and that the Court enter the Proposed Order.

Respectfully submitted,

DATED: October 29, 2025

STOEL RIVES LLP

/s/ Wendy J. Olson
Wendy J. Olson

LEGAL VOICE

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

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/s/ *Wendy J. Olson*

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

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

Plaintiffs,

v.

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

Defendant.

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

DECLARATION OF WENDY J. OLSON IN SUPPORT OF PLAINTIFFS' MOTION FOR ENTRY OF PROTECTIVE ORDER (IDENTITIES AND CRIMINAL CONDUCT)

I, Wendy J. Olson, declare as follows:

1. I am a partner at the law firm of Stoel Rives LLP and I am one of the attorneys representing Lourdes Matsumoto, Northwest Abortion Access Fund, and Indigenous Idaho

Alliance ("Plaintiffs") in the above-captioned matter. As such, I have personal knowledge of the facts and statements contained in this declaration. I submit this declaration in support of Plaintiff's Motion for Entry of Protective Order..

2. On July 2, 2025, Defendant served his first set of interrogatories, requests for production, and requests for admission on Plaintiffs.

3. Defendant's discovery sought to obtain the identities of young people who Plaintiffs have assisted in the past and asked if Plaintiffs have violated other criminal statutes not at issue in this lawsuit.

4. Attached hereto as **Exhibit A** is a true and correct copy of Defendant's written discovery requests to the Northwest Abortion Access Fund ("NWAAF") and NWAAF's responses.

5. Attached hereto as **Exhibit B** is an excerpt of Defendant's written discovery requests to the Indigenous Idaho Alliance ("IIA") and IIA's responses.

6. Attached hereto as **Exhibit C** is an excerpt of Defendant's written discovery requests to Lourdes Matsumoto and her responses.

7. On September 9, 2025, Plaintiffs and Defendant met and conferred regarding Plaintiffs' interrogatory responses. Plaintiffs voluntarily agreed to supplement certain responses to make clear that they did not have responsive information based on the precise questions posed by Defendant.

8. The parties did not reach an agreement on the other requests that Plaintiffs identified as serving no legitimate purpose other than to probe for potential criminal conduct.

9. Plaintiffs supplemented their discovery responses on October 7, 2025.

10. The parties participated in an informal conference with the Court's staff attorney, Lauri Thompson, on October 14, 2025.

11. During the October 14 call, the parties discussed Defendant's efforts to use discovery to investigate other potential crimes. Defendant has contended that this inquiry is necessary to test the traceability and redressability prongs of the standing inquiry and to support his "unclean hands" defense.

12. Both parties also explained their respective positions regarding discoverability of the identity of specific minors. Defendant indicated that he intends to seek identifying information about minors in upcoming depositions so Defendant could contact the people Plaintiffs have assisted.

13. Plaintiffs considered their meet-and-confer obligations satisfied on the issue of minor identities based on the informal conference, but Defendant stated that he did not consider those obligations satisfied, and that he believes Plaintiffs have waived their objections to disclosing the identities of minors.

14. Although Plaintiffs considered their meet-and-confer obligations satisfied, they sought another meet and confer on the issue of minor identities.

15. On October 28, 2025, Plaintiffs supplemented their discovery responses with objections to disclosing minor identities at any point in this litigation.

16. The parties met and conferred on this issue again on October 28, 2025, but were unable to reach an agreement. Defendant's counsel maintained that they are entitled to know the identities of the people Plaintiffs have assisted and also entitled to speak with those people about the assistance they received.

17. At the meet and confer, Defendant conceded that the issue had been sufficiently discussed with Ms. Thompson and agreed a motion for a protective order could be filed.

I declare under penalty of perjury and the laws of the State of Idaho that the foregoing is true and correct to the best of my knowledge.

DATED: October 29, 2025

/s/ *Wendy J. Olson*
Wendy J. Olson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 29, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

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Aaron M. Green
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/s/ Wendy J. Olson
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Exhibit A

Exhibit A

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Plaintiffs,

v.

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

Defendant.

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

PLAINTIFFS' SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION TO NORTHWEST ABORTION ACCESS FUND

COME NOW Plaintiffs Lourdes Matsumoto, Northwest Abortion Access Fund, and Indigenous Idaho Alliance ("Plaintiffs"), by and through their counsel of record, Stoel Rives LLP, and pursuant to Federal Rules of Civil Procedure 26, 33, and 34, respond to Defendant Raúl Labrador's First Set of Interrogatories, Requests for Production, and Requests ("Discovery Requests") for Admission to Northwest Abortion Access Fund ("NWAAF"), as follows.

GENERAL STATEMENT

Plaintiffs provide these Responses to Defendant's Discovery Requests. These Responses are made solely for the purpose of this action. Each Response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such discovery request were asked of, or statements contained herein were made by, a witness testifying in court, all of which objections and grounds are hereby expressly reserved and may be interposed at the time of trial.

The Responses submitted herein shall not be deemed to constitute admissions (i) that any particular document or thing is relevant, nonprivileged, or admissible in evidence; or (ii) that any statement or characterization in the Discovery Requests is accurate or complete.

The documents produced in response to the Discovery Requests are those documents that were located on reasonable search of Plaintiffs' files as they are kept in the ordinary course of business and the files of those individuals most likely to have responsive documents. Plaintiffs object to these Discovery Requests to the extent that any such request calls for a search of all files or all locations of Plaintiffs. The responses given herein are without prejudice to Plaintiffs' right to produce any subsequently discovered documents or to revise these discovery responses if further

discovery so indicates. Plaintiffs reserve the right to amend or further supplement the Responses provided herein.

GENERAL OBJECTIONS

1. To the extent the Discovery Requests may be construed as calling for documents or information subject to a claim of privilege, including without limitation, the attorney-client privilege or work product protection, Plaintiffs hereby claim such privilege and object to the Discovery Requests on that basis. Information subject to these privileges will be withheld or redacted. Plaintiffs intend to screen all materials to be released to Defendant to remove privileged information; however, there is a possibility that privileged information may have been inadvertently disclosed. By accepting any production, Defendant agrees that, to the extent there is any inadvertent disclosure of privileged information, it shall not constitute any waiver of privileges, and all such material shall be immediately returned to Plaintiffs. Plaintiffs reserve the right to object to the introduction into evidence before the Court at any time before or at trial of information that is privileged under law and that has been revealed or produced inadvertently. Plaintiffs do not, by responding to these discovery requests, waive any claim of privilege or right to assert attorney work product.

2. All specific Responses to the Discovery Requests, including the production of documents, are provided without waiver of, and with express reservation of:

(a) All objections to the competency, relevancy, materiality, foundation, and admissibility of the responses and the subject matter thereof as evidence in any further proceedings in this action, including trial, or in any other action;

(b) All privileges, including the attorney-client privilege and the work product doctrine;

(c) The right to object on any ground at any time to a demand or request for further responses to these or any other discovery requests; and

(d) The right to move for a protective order to protect the confidentiality of any information disclosed or for any other purpose provided by law.

3. Plaintiffs object to the Discovery Requests to the extent they are overly broad, unduly burdensome, seek information that is not relevant to the subject matter of this action, and are not reasonably calculated to lead to the discovery of admissible evidence. Where appropriate, Plaintiffs will respond with a reasonable limitation in time and/or scope.

4. Plaintiffs object to the Discovery Requests to the extent they are vague, ambiguous, duplicative, and/or subject to multiple interpretations.

5. Plaintiffs object to the Discovery Requests to the extent they call for information that is not in Plaintiffs' possession, or information that is a matter of public record or otherwise equally available to Defendant, or which call for Plaintiffs to supply information generated by other persons and/or entities.

6. Plaintiffs object to the Discovery Requests to the extent they seek an admission regarding a genuine issue for trial or call for a legal conclusion.

7. The Responses set forth below represent Plaintiffs' present knowledge, based on discovery, investigation, and trial preparation to date. Discovery, investigation, and trial preparation are continuing. Plaintiffs reserve the right to rely upon any further information adduced upon completion of discovery, investigation, and trial preparation.

The General Objections are incorporated into each of the responses and objections set forth below, which are made without waiver of any of these General Objections.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all unemancipated minors in the group of 166 Idahoans referenced in numbered Paragraph 2 of Your Complaint in this case.

ANSWER TO INTERROGATORY NO. 1:

Plaintiff NWAAF objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and disproportionate to the needs of the case. Additionally, Plaintiff NWAAF objects on the grounds of relevance, as this interrogatory does not address the constitutionality of Idaho Code § 18-623, nor does it seek information that is reasonably calculated to lead to the discovery of admissible evidence. Plaintiff NWAAF further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, Plaintiff NWAAF does not recall whether any of the 166 Idahoans referenced in Paragraph 2 of the Complaint were or were not unemancipated minors. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 2: For each minor identified in Your response to interrogatory No. 1, identify whether You had reason to believe that the minor had been abused, abandoned or neglected or if You observed the child being subjected to conditions or circumstances that would reasonably result in abuse, abandonment, or neglect.

ANSWER TO INTERROGATORY NO. 2:

Plaintiff NWAAF objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and disproportionate to the needs of the case. Additionally, Plaintiff NWAAF objects on the grounds of relevance, as this interrogatory does not address the constitutionality of Idaho Code § 18-623, nor does it seek information that is reasonably calculated to lead to the discovery of admissible evidence. Plaintiff NWAAF further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state

laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, as no specific unemancipated minors are identified in the response to interrogatory No. 1, Plaintiff NWAAF cannot respond. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 2: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 3: For each minor identified in your response to Interrogatory No. 2, state whether You reported your reason to believe, or observation, to the Idaho Department of Health and Welfare or the proper law enforcement agency pursuant to Idaho Code § 16-1605.

ANSWER TO INTERROGATORY NO. 3:

Plaintiff NWAAF objects to this interrogatory on the grounds that is designed to harass and intimidate Plaintiff and cannot reveal or lead to any information relevant to the questions before this court and is a possible violation of the Federal Rules of Civil Procedure in that it asks Plaintiff whether it has violated Idaho law. Additionally, Plaintiff NWAAF objects on the grounds of relevance, as this interrogatory does not address the constitutionality of Idaho Code § 18-623, nor does it seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff NWAAF objects to Defendant's misuse of the discovery process as a vehicle to conduct a criminal investigation of the organization.

Subject to and without waiving these objections, as no specific unemancipated minors are identified in the response to interrogatory No. 2, Plaintiff NWAAF cannot respond. Discovery is ongoing, and if Plaintiff identifies any responsive information or documents it will produce them subject to a protective order**.**

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 3: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance

constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 4: Identify all pregnant, unemancipated minors that You, with the intent to conceal an abortion from the parents or guardian of that pregnant, unemancipated minor, either procured an abortion, as described in section 18-604, Idaho Code, or obtained an abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within this state prior to July 1, 2023.

ANSWER TO INTERROGATORY NO. 4:

Plaintiff NWAAF objects on the ground this interrogatory is vague and ambiguous as to the meaning of the phrase "with the intent to conceal" and Plaintiff has not been provided with fair notice of what Defendant interprets this phrase to mean. For example, during oral argument before the district court on September 14, 2023, counsel for Defendant gave varying explanations of what "with the intent to conceal" could mean. At one point counsel asserted that intent could be found where one takes "steps to affirmatively conceal it from the parents," by "not allowing the minor child to call the parents" or even by "transporting them immediately without giving them an opportunity to consult with their parents[.]" Yet at another point counsel asserted that the requisite intent might be present when one just did not "try to inform the parents[,]" either in a single case or repeatedly. And counsel also asserted that "simply not informing the parents" would "probably

not" be the requisite intent to conceal. Although Plaintiff NWAAF has continued to attempt to ascertain what "with the intent to conceal" means in discovery (*see* Plaintiffs' Interrogatory No. 15), Plaintiff has not yet received an explanation. In short, Plaintiff NWAAF is uncertain as to what actions and/or inactions constitute the requisite intent to conceal.

Further, Plaintiff NWAAF objects in that this interrogatory improperly asks for personally identifying information (PII) related to reproductive health care that is legal where it was obtained. Not only is this in contravention of the laws of other states, it also improperly seeks to intimidate Plaintiff NWAAF from further continuing their constitutionally protected activities. In addition, Plaintiff NWAAF objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and not designed to lead to any information related to the questions at issue in this lawsuit. Further, any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections.

Plaintiff NWAAF further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin. Finally, Plaintiff NWAAF objects to this Interrogatory as overbroad because it does not limit the time frame by providing a start date prior to July 1, 2023.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 4: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 5: Identify all pregnant, unemancipated minors that You, with the intent to conceal an abortion from the parents or guardian of that pregnant, unemancipated minor, either procured an abortion, as described in section 18-604, Idaho Code, or obtained an abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within this state after July 1, 2023.

ANSWER TO INTERROGATORY NO. 5:

Plaintiff NWAAF objects on the grounds this interrogatory is vague and ambiguous as to the meaning of the phrase "with the intent to conceal" and Plaintiff has not been provided with fair notice of what Defendant interprets this phrase to mean. For example, during oral argument before the district court on September 14, 2023, counsel for the Defendant gave varying explanations of what "with the intent to conceal" could mean. At one point counsel asserted that intent could be

found where one takes "steps to affirmatively conceal it from the parents," by "not allowing the minor child to call the parents," or even by "transporting them immediately without giving them an opportunity to consult with their parents[.]" Yet at another point counsel asserted that the requisite intent might be present when one just did not "try to inform the parents[,]" either in a single case or repeatedly. And counsel also asserted that "simply not informing the parents" would "probably not" be the requisite intent to conceal. Although Plaintiff NWAAF has continued to attempt to ascertain what "with the intent to conceal" means, (a) at oral argument before the District Court; (b) at the Ninth Circuit Court of Appeals; and, (c) in discovery (*see* Plaintiffs' Interrogatory No. 15), Plaintiff has not yet received an explanation. In short, Plaintiff NWAAF is uncertain as to what actions and/or inactions constitute the requisite intent to conceal.

Further, Plaintiff NWAAF objects in that this interrogatory improperly asks for personally identifying information (PII) or protected health information (PHI) related to reproductive health care that is legal where it was obtained. Not only is this in contravention of the laws of other states, it also improperly seeks to intimidate Plaintiff NWAAF from further continuing its constitutionally protected activities. In addition, Plaintiff NWAAF objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and not designed to lead to any information related to the questions at issue in this lawsuit.

Further, any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its

implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 5: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 6: For each minor identified in Your response to any interrogatory describe how that minor was recruited.

ANSWER TO INTERROGATORY NO. 6:

Plaintiff NWAAF objects on the ground this interrogatory is vague and ambiguous as to the word "recruited." Plaintiff NWAAF also objects to the criminal fishing expedition as this

question is overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff NWAAF cannot respond. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 6: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 7: For each minor identified in Your response to any interrogatory describe how that minor was harbored.

ANSWER TO INTERROGATORY NO. 7:

Plaintiff NWAAF objects on the ground this interrogatory is vague and ambiguous as to the word "harbored." Plaintiff NWAAF also objects to the criminal fishing expedition as this

question is overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff NWAAF cannot respond. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 7: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 8: For each minor identified in Your response to any interrogatory describe how that minor was transported.

ANSWER TO INTERROGATORY NO. 8:

Plaintiff NWAAF objects on the ground this interrogatory is vague and ambiguous as the word "transported." Plaintiff NWAAF also objects to this interrogatory as a criminal fishing expedition,

overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff NWAAF cannot respond. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 8: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 9: Identify every pregnant unemancipated minor who, for the purpose of procuring that minor an abortion and concealing that abortion from the parents or guardian of that minor, You have transported across Idaho state lines.

ANSWER TO INTERROGATORY NO. 9:

Plaintiff NWAAF objects to this interrogatory on the grounds that it is vague and ambiguous with respect to the phrase "for the purpose of procuring that minor an abortion and

concealing that abortion from the parents," and with respect to the word "transported." Plaintiff NWAAF further objects that this interrogatory is a criminal fishing expedition, is unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff NWAAF objects because information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin. Additionally, Plaintiff NWAAF objects to this interrogatory on the grounds that it is overbroad as it has no limit on the time period it covers.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 9:

Subject to and without waiving the objections set forth above, Plaintiff does not know whether any minors it assisted were unemancipated and therefore has no responsive information.

Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs'

assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 10: Identify all pregnant unemancipated minors You have transported across Idaho state lines to procure an abortion.

ANSWER TO INTERROGATORY NO. 10:

Plaintiff NWAAF objects to this interrogatory on the grounds that it is a criminal fishing expedition, is vague and ambiguous as to the word "transported," is overbroad as it contains no time frame, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff NWAAF objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both

of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 10:

Subject to and without waiving the objections set forth above, Plaintiff does not know whether any minors it assisted were unemancipated and therefore has no responsive information.

Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 11: Identify and describe all actions You undertake that You believe constitute "recruiting" under Idaho Code § 18-623.

ANSWER TO INTERROGATORY NO. 11:

Plaintiff NWAAF objects to this interrogatory on the grounds that it seeks information about conduct Defendant believes is criminal. Plaintiff NWAAF further objects to this interrogatory on the grounds that it is vague and ambiguous as to the phrase "under Idaho Code §

18-623." Plaintiff NWAAF also objects to this interrogatory as overbroad as it is not limited to minors.

Subject to and without waiving these objections, Plaintiff NWAAF engages in many legal activities that it believes fall under the Ninth Circuit's definition of recruiting and fall under the activities the District Court has enjoined Defendant from criminalizing. Plaintiff NWAAF engages in that conduct in a continuation of the First Amendment protected activities that it has been engaging in for over two decades and wishes to continue. All of these activities are undertaken in furtherance of Plaintiff NWAAF's publicly held beliefs in the reproductive autonomy of all persons. This includes: (a) having a publicly available internet presence, including a webpage, available at https://nwaafund.org, an Instagram account, available at https://www.instagram.com/nwaafund/?hl=en, a Facebook account, available at https://www.facebook.com/nwaafund/ and an account on X, available at https://x.com/nwaafund; (b) having an organizational pamphlet and newsletter; (c) tabling at events or resource fairs; (d) speaking to groups when asked; (e) fundraising; (f) speaking about its support for abortion health care for all and in favor of policies that support this; (g) running a free phone line to provide support and assistance; (h) joining or speaking out on behalf of laws and campaigns that impact reproductive health care; (i) associating with others who engage in these activities; and (j) associating with persons who learn about NWAAF and wish to continue associating with them.

INTERROGATORY NO. 12: Identify and describe all instances in which You tried to procure an abortion for a minor but were unsuccessful.

ANSWER TO INTERROGATORY NO. 12:

Plaintiff NWAAF objects to this interrogatory on the grounds that it is vague and ambiguous as to the phrase "tried to procure an abortion" and the word "unsuccessful." Plaintiff NWAAF further objects to this interrogatory on the grounds that it is overbroad and unduly burdensome as it contains no time frame, is disproportionate to the needs of the case, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff NWAAF further objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin. Finally, to the extent this interrogatory implies any criminal behavior, Plaintiff NWAAF objects.

Subject to and without waiving these objections, NWAAF believes that the people it serves are the experts on their own lives and honors at all times the decisions they make about their bodies, lives, and families. As such, Plaintiff NWAAF responds as follows: none.

INTERROGATORY NO. 13: For each request for admission You deny, or deny in part, explain all reasons for Your denial. This interrogatory does not apply to Request for Admission No. 4.

ANSWER TO INTERROGATORY NO. 13:

Plaintiff NWAAF objects to this interrogatory on the grounds that Defendant's requests for admissions are vague, overbroad, unduly burdensome, not related to the issues presented in this lawsuit, not reasonably calculated to lead to the discovery of admissible evidence, and constitute a fishing expedition in a search for illegal activity.

Subject to and without waiving these objections, and to the extent Plaintiff NWAAF understands the request for admission, Plaintiff NWAAF denies Request for Admission No. 1 because Plaintiff NWAAF does not seek to engage in any illegal activity. Plaintiff NWAAF remains unclear on the meaning of Idaho Code § 18-623 including but not limited to the meaning of the term "intent to conceal," and its goal is to establish the unconstitutionality of Idaho Code § 18-623 so that it can continue to engage in all of the activities its organization has been committed to for decades.

Subject to and without waiving these objections, and to the extent Plaintiff NWAAF understands the request for admission, Plaintiff NWAAF denies Request for Admission No. 2 because Plaintiff NWAAF does not seek to engage in any illegal activity. Using the ordinary meanings of the word, "entice,", meaning, "to attract artfully or adroitly or by arousing hope or desire," (Mirriam-Webster); or, "to entice someone to go somewhere or to do something means to try to persuade them to go to that place or to do that thing" (Collins Dictionary), Plaintiff NWAAF does not believe it engages in that behavior but remains unclear on the meaning of Idaho Code § 18-623 including but not limited to the meaning of the term "intent to conceal." Plaintiff NWAAF's goal is to determine the unconstitutionality of Idaho Code § 18-623, as well as the

meaning of its various terms, so that Plaintiff NWAAF can continue to engage in all of the activities it has been committed to for decades.

Subject to and without waiving these objections, and to the extent Plaintiff NWAAF understands the request for admission, Plaintiff NWAAF could not admit or deny Request for Admission No. 3 because it does not know what Idaho law the request for admission is referring to, and therefore Plaintiff NWAAF ultimately denies it.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 13:

Subject to and without waiving the objections set forth above, Plaintiff NWAAF further denies Request for Admission No. 1. Plaintiffs objected to this Request for Admission as compound, vague, ambiguous, argumentative, and calling for a legal conclusion. Because "intent to conceal" is vague and ambiguous as it is remains unclear how the Defendant interprets this phrase in the statute and what evidence it would try to use to prove this element of the offense. The Request assumes facts not in evidence and misstates applicable law, including by suggesting that assisting or accompanying a minor in seeking abortion care "necessarily takes" that child from a parent or guardian. The Request further seeks an admission on a hypothetical scenario outside Plaintiffs' knowledge. Subject to and without waiving these objections, Responding Party denies that the conduct described necessarily constitutes "taking" a child from a parent or guardian.

INTERROGATORY NO. 14: For every minor identified in response to any answer to any interrogatory, identify the date on which You procured an abortion for that minor.

ANSWER TO INTERROGATORY NO. 14:

Plaintiff NWAAF objects to this interrogatory on the grounds that it is vague as to the term "procured an abortion," seeks information that is irrelevant and disproportionate to the needs of

the case, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff NWAAF objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, as no minors are identified, Plaintiff NWAAF cannot respond.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 14: Although Plaintiff NWAAF has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped

in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: For every minor identified in response to any interrogatory, produce all Documents and Communications relating to the procurement of that minor's abortion as that term is defined in Idaho Code § 18-604.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Plaintiff NWAAF objects on the grounds that this request for production is vague as to the phrase "procurement of that minor's abortion as that term is defined in Idaho Code § 18-604," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff NWAAF objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to those objections, as no minors are identified in response to any interrogatory, Plaintiff NWAAF has no responsive documents. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Although Plaintiff NWAAF has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 2: For every minor identified in response to any interrogatory, produce all Documents and Communications associated with that minor's recruitment by You for the purpose of procuring an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Plaintiff NWAAF objects on the grounds that this request for production is vague as to the phrase, "recruitment by You for the purpose of procuring an abortion," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and

not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff NWAAF objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff NWAAF has no responsive documents. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Although Plaintiff NWAAF has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and

Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 3: For every minor identified in response to any interrogatory, produce all Documents and Communications associated with that minor's harboring by You for the purpose of procuring an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Plaintiff NWAAF objects on the grounds that this request for production is vague as to the phrase "harboring by You for the purpose of procuring an abortion," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff NWAAF objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin. This question is a criminal fishing expedition.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff NWAAF has no responsive documents. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Although Plaintiff NWAAF has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 4: For every minor identified in response to any interrogatory, produce all Documents and Communications associated with that minor's transport by You for the purpose of procuring an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Plaintiff NWAAF objects on the grounds that this request for production is vague as to the phrase "transport by You for the purpose of procuring an abortion," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and

not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff NWAAF objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin. This question is a criminal fishing expedition.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff NWAAF has no responsive documents. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Although Plaintiff NWAAF has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff NWAAF supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and

Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff NWAAF's standing, but the identities of minors Plaintiff NWAAF has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 5: Produce all Documents related to the purchases for minors identified in numbered Paragraph 45 of Your Complaint in this action.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Plaintiff NWAAF objects on the grounds that this request for production is overbroad and misunderstands Paragraph 45 of the Complaint. Plaintiff NWAAF further objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections (see answer to Interrogatory No. 1).

Subject to and without waiving these objections, paragraph 45 of the complaint addresses Plaintiff NWAAF's general work in this area. Following a reasonable search of its files and exercising ordinary due diligence, Plaintiff NWAAF has no responsive documents within its custody and control. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents it will produce them subject to a protective order.

REQUEST FOR PRODUCTION NO. 6: Produce all documents and communications with abortion providers related to the procurement of an abortion for any pregnant unemancipated minor from Idaho.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Plaintiff NWAAF objects to this request for production on the grounds that it is overbroad, vague and ambiguous with respect to the phrase "procurement of an abortion" and unduly

burdensome because it contains no time frame. Plaintiff NWAAF further objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff NWAAF further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff NWAAF also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, because Plaintiff NWAAF cannot specifically recall or identify if any minor was or was not emancipated, Plaintiff NWAAF has no responsive documents. Discovery is ongoing, and if Plaintiff NWAAF identifies any responsive information or documents they will produce them subject to a protective order**.**

REQUEST FOR PRODUCTION NO.7: Produce all documents and communications showing a report of abuse or neglect to the Idaho Department of Health and Welfare or the proper law enforcement authority pursuant to Idaho Code § 16-1605.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Plaintiff NWAAF objects to this Request for Production as a criminal fishing expedition. Plaintiff NWAAF further objects on the grounds that this request for production is overbroad and unduly burdensome as it contains no time frame and seeks information that is irrelevant,

disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff NWAAF has no responsive documents.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that harboring or transporting a minor child for the purpose of procuring an abortion with the intent to conceal that abortion from a parent or guardian, necessarily takes that child from a parent or guardian.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff NWAAF objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the phrases "harboring or transporting a minor child for the purpose of procuring an abortion," "with the intent to conceal that abortion from a parent or guardian," and "necessarily takes that child from a parent or guardian." Plaintiff NWAAF further objects on the grounds that this Request for Admission is part of a criminal fishing expedition, seeks information that is irrelevant, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff NWAAF denies.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff NWAAF further objects to this Request for Admission as compound, vague, ambiguous, argumentative, and calling for a legal conclusion. The request assumes facts not in evidence and misstates applicable law, including by suggesting that assisting or accompanying a minor in seeking abortion care "necessarily takes" that child from a parent or guardian. The request further seeks an admission on a hypothetical scenario outside Plaintiffs' knowledge. Subject to

and without waiving these objections, Responding Party denies that the conduct described necessarily constitutes "taking" a child from a parent or guardian.

REQUEST FOR ADMISSION NO. 2: Admit that recruiting a minor child for the purpose of procuring an abortion with the intent to conceal that abortion from a parent or guardian, necessarily entices away a child from a parent or guardian.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Plaintiff NWAAF objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the phrases "recruiting a minor child for the purpose of procuring an abortion," "with the intent to conceal that abortion from a parent or guardian," and "necessarily takes that child from a or guardian." Plaintiff NWAAF further objects on the grounds that this Request for Admission is part of a criminal fishing expedition, seeks information that is irrelevant, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Denied.

REQUEST FOR ADMISSION NO. 3: Admit that a parent or guardian has the right under Idaho law to determine whether a minor under the custody of that parent or guardians may receive medical treatment.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Plaintiff NWAAF objects to this Request for Admission on the grounds that it is part of a criminal fishing expedition. Further, this question is vague and ambiguous with respect to the phrase "under Idaho law" and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff NWAAF can neither admit nor deny this Request for Admission and therefore denies it.

REQUEST FOR ADMISSION NO. 4: Admit that, in at least one instance referenced at numbered Paragraph 2 of the Complaint, numbered Paragraph 45 of the Complaint, and Paragraph 18 of the Declaration of Megan Kovacs (Docket 12-9 in this case), You have acted with the intent to conceal an abortion from the parents or guardians of a pregnant unemancipated minor in Idaho.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Plaintiff NWAAF objects to this Request for Admission on the grounds that it is part of a criminal fishing expedition. Plaintiff NWAAF further objects to this Request for Admission on the grounds that it is vague as to the phrase "with the intent to conceal an abortion," is irrelevant, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff NWAAF can neither admit nor deny this Request for Admission and therefore denies it.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Subject to and without waiving the objections set forth above, Deny.

DATED: October 28, 2025.

STOEL RIVES LLP

/s/ Wendy J. Olson
Wendy J. Olson

LEGAL VOICE

/s/ Wendy S. Heipt
Wendy S. Heipt
Kelly O'Neill

THE LAWYERING PROJECT

/s/ Jamila A. Johnson
Jamila A. Johnson
Paige Suelzle

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

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/s/ Wendy J. Olson
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Exhibit B

Exhibit B

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

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

Plaintiffs,

v.

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

Defendant.

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

PLAINTIFFS' SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION TO INDIGENOUS IDAHO ALLIANCE

PLAINTIFFS' SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION TO INDIGENOUS IDAHO ALLIANCE - 1

COME NOW Plaintiffs Lourdes Matsumoto, Northwest Abortion Access Fund, and Indigenous Idaho Alliance ("Plaintiffs"), by and through their counsel of record, Stoel Rives LLP, and pursuant to Federal Rules of Civil Procedure 26, 33, and 34, respond to Defendant Raúl Labrador's First Set of Interrogatories, Requests for Production, and Requests for Admission to Indigenous Idaho Alliance ("Discovery Requests") as follows.

GENERAL STATEMENT

Plaintiffs provide these Responses to Defendant's Discovery Requests. These Responses are made solely for the purpose of this action. Each Response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such discovery request were asked of, or statements contained herein were made by, a witness testifying in court, all of which objections and grounds are hereby expressly reserved and may be interposed at the time of trial.

The Responses submitted herein shall not be deemed to constitute admissions (i) that any particular document or thing is relevant, nonprivileged, or admissible in evidence; or (ii) that any statement or characterization in the Discovery Requests is accurate or complete.

The documents produced in response to the Discovery Requests are those documents that were located on reasonable search of Plaintiffs' files as they are kept in the ordinary course of business and the files of those individuals most likely to have responsive documents. Plaintiffs object to these Discovery Requests to the extent that any such request calls for a search of all files or all locations of Plaintiffs. The responses given herein are without prejudice to Plaintiffs' right to produce any subsequently discovered documents or to revise these discovery responses if further

discovery so indicates. Plaintiffs reserve the right to amend or further supplement the Responses provided herein.

GENERAL OBJECTIONS

1. To the extent the Discovery Requests may be construed as calling for documents or information subject to a claim of privilege, including without limitation, the attorney-client privilege or work product protection, Plaintiffs hereby claim such privilege and object to the Discovery Requests on that basis. Information subject to these privileges will be withheld or redacted. Plaintiffs intend to screen all materials to be released to Defendant to remove privileged information; however, there is a possibility that privileged information may have been inadvertently disclosed. By accepting any production, Defendant agrees that, to the extent there is any inadvertent disclosure of privileged information, it shall not constitute any waiver of privileges, and all such material shall be immediately returned to Plaintiffs. Plaintiffs reserve the right to object to the introduction into evidence before the Court at any time before or at trial of information that is privileged under law and that has been revealed or produced inadvertently. Plaintiffs do not, by responding to these discovery requests, waive any claim of privilege or right to assert attorney work product.

2. All specific Responses to the Discovery Requests, including the production of documents, are provided without waiver of, and with express reservation of:

(a) All objections to the competency, relevancy, materiality, foundation, and admissibility of the responses and the subject matter thereof as evidence in any further proceedings in this action, including trial, or in any other action;

(b) All privileges, including the attorney-client privilege and the work product doctrine;

(c) The right to object on any ground at any time to a demand or request for further responses to these or any other discovery requests; and

(d) The right to move for a protective order to protect the confidentiality of any information disclosed or for any other purpose provided by law.

3. Plaintiffs object to the Discovery Requests to the extent they are overly broad, unduly burdensome, seek information that is not relevant to the subject matter of this action, and are not reasonably calculated to lead to the discovery of admissible evidence. Where appropriate, Plaintiffs will respond with a reasonable limitation in time and/or scope.

4. Plaintiffs object to the Discovery Requests to the extent they are vague, ambiguous, duplicative, and/or subject to multiple interpretations.

5. Plaintiffs object to the Discovery Requests to the extent they call for information that is not in Plaintiffs' possession, or information that is a matter of public record or otherwise equally available to Defendant, or which call for Plaintiffs to supply information generated by other persons and/or entities.

6. Plaintiffs object to the Discovery Requests to the extent they seek an admission regarding a genuine issue for trial or call for a legal conclusion.

7. The Responses set forth below represent Plaintiffs' present knowledge, based on discovery, investigation, and trial preparation to date. Discovery, investigation, and trial preparation are continuing. Plaintiffs reserve the right to rely upon any further information adduced upon completion of discovery, investigation, and trial preparation.

The General Objections are incorporated into each of the responses and objections set forth below, which are made without waiver of any of these General Objections.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all unemancipated "minors in Idaho" referenced in numbered Paragraph 6 and numbered Paragraph 55 of Your Complaint in this case.

ANSWER TO INTERROGATORY NO. 1:

Plaintiff IIA objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and disproportionate to the needs of the case. Plaintiff IIA objects on the grounds of relevance, as this interrogatory does not address the constitutionality of Idaho Code § 18-623, nor does it seek information that is reasonably calculated to lead to the discovery of admissible evidence. Plaintiff IIA further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin. Plaintiff IIA, as an organization of tribal members, further objects on the grounds that this interrogatory is in opposition to the privacy practices of the tribes to which IIA belongs and the practices of the communities it serves.

Subject to and without waiving these objections, Plaintiff IIA cannot specifically recall if any of the minors in Idaho referenced in numbered Paragraph 6 and numbered Paragraph 55 were unemancipated.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1: Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 2: For each minor identified in Your response to interrogatory No. 1, identify whether You reported the suspected abuse to the Idaho Department of Health and Welfare or the proper law enforcement agency pursuant to Idaho Code § 16-1605.

ANSWER TO INTERROGATORY NO. 2:

Plaintiff IIA objects to this interrogatory on the grounds that it is designed to harass and intimidate Plaintiff and cannot reveal or lead to any information relevant to the questions before this court and is a possible violation of the Federal Rules of Civil Procedure in that it asks Plaintiff whether it has violated Idaho law. Additionally, Plaintiff IIA objects on the grounds of relevance,

as this interrogatory does not address the constitutionality of Idaho Code § 18-623, nor does it seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff objects to Defendant's misuse of the discovery process as a vehicle to conduct a criminal investigation of the organization.

Subject to and without waiving these objections, as no specific unemancipated minors are identified in the response to interrogatory No. 1, Plaintiff IIA cannot respond.
Discovery is ongoing, and if Plaintiff IIA identifies any responsive information or documents they will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 2: Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 3: Identify all pregnant, unemancipated minors that You, with the intent to conceal an abortion from the parents or guardian of that pregnant, unemancipated minor, either procured an abortion, as described in section 18-604, Idaho Code, or obtained an

abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within Idaho prior to July 1, 2023.

ANSWER TO INTERROGATORY NO. 3:

Plaintiff IIA objects on the grounds that this interrogatory is vague and ambiguous as to the meaning of the phrase "with the intent to conceal" and Plaintiff has not been provided with fair notice of what Defendant interprets this phrase to mean. For example, during oral argument before the district court on September 14, 2023, counsel for the Defendant gave varying explanations of what "with the intent to conceal," could mean. At one point counsel asserted that intent could be found where one takes "steps to affirmatively conceal it from the parents," by "not allowing the minor child to call the parents" or even by "transporting them immediately without giving them an opportunity to consult with their parents[.]" Yet at another point counsel asserted that the requisite intent might be present when one just did not "try to inform the parents[,]" either in a single case or repeatedly. And counsel also asserted that "simply not informing the parents" would "probably not" be the requisite intent to conceal. Although Plaintiff IIA has continued to attempt to ascertain what "with the intent to conceal" means in discovery (*see* Plaintiffs' Interrogatory No. 15), Plaintiff has not yet received an explanation. In short, Plaintiff IIA is uncertain as to what actions and/or inactions constitute the requisite intent to conceal.

Further, Plaintiff IIA objects in that this interrogatory improperly asks for personally identifying information (PII) or private health information (PHI) related to reproductive health care legal where it was obtained. Not only is this in contravention of the laws of other states, it also improperly seeks to intimidate Plaintiff IIA from further continuing their constitutionally protected activities. In addition, Plaintiff IIA objects to the criminal fishing expedition as this

question is overbroad, unduly burdensome, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff IIA further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff IIA also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Plaintiff IIA also objects to this Interrogatory as overbroad because it does not limit the time frame by providing a start date prior to July 1, 2023. Finally, Plaintiff IIA objects to this interrogatory on the grounds that it shows Defendant's attempt to override the sovereignty and self-determination of the tribes to which Plaintiff IIA members belong and those of the communities they serve.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 3: Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors.

Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 4: Identify all pregnant, unemancipated minors that You, with the intent to conceal an abortion from the parents or guardian of that pregnant, unemancipated minor, either procured an abortion, as described in section 18-604, Idaho Code, or obtained an abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within Idaho after July 1, 2023.

ANSWER TO INTERROGATORY NO. 4:

Plaintiff IIA objects on the ground this interrogatory is vague and ambiguous as to the meaning of the phrase "with the intent to conceal" and Plaintiff IIA has not been provided with fair notice of what Defendant interprets this phrase to mean. For example, during oral argument before the district court on September 14, 2023, counsel for Defendant gave varying explanations of what "with the intent to conceal" could mean. At one point counsel asserted that intent could be found where one takes "steps to affirmatively conceal it from the parents," by "not allowing the minor child to call the parents," or even by "transporting them immediately without giving them an opportunity to consult with their parents[.]" Yet at another point counsel asserted that the requisite intent might be present when one just did not "try to inform the parents[,]" either in a single case or repeatedly. And counsel also asserted that "simply not informing the parents" would "probably not" be the requisite intent to conceal. Although Plaintiff IIA has continued to attempt

to ascertain what "with the intent to conceal" means in discovery (*see* Plaintiffs' Interrogatory No. 15), Plaintiff has not yet received an explanation. In short, Plaintiff IIA is uncertain as to what actions and/or inactions constitute the requisite intent to conceal.

Further, Plaintiff IIA objects in that this interrogatory improperly asks for PII or PHI related to reproductive health care that is legal where it was obtained. Not only is this in contravention of the laws of other states, it also improperly seeks to intimidate Plaintiff from further continuing their constitutionally protected activities. In addition, Plaintiff IIA objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and not designed to lead to any information related to the questions at issue in this lawsuit. Further, any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff IIA further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff IIA also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 4: Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point

in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 5: For each minor identified in Your response to any interrogatory describe how that minor was recruited.

ANSWER TO INTERROGATORY NO. 5:

Plaintiff IIA objects on the ground this interrogatory is vague and ambiguous as to the word "recruited." Plaintiff IIA also objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff IIA cannot respond. Discovery is ongoing, and if Plaintiff IIA identifies any responsive information or documents they will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 5: Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance

constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 6: For each minor identified in Your response to any interrogatory describe how that minor was harbored.

ANSWER TO INTERROGATORY NO. 6:

Plaintiff IIA objects on the ground this interrogatory is vague and ambiguous as to the word "harbored." Plaintiff IIA also objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff IIA cannot respond. Discovery is ongoing, and if Plaintiff IIA identifies any responsive information or documents they will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 6: Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors.

Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 7: For each minor identified in Your response to any interrogatory describe how that minor was transported.

ANSWER TO INTERROGATORY NO. 7:

Plaintiff IIA objects on the ground this interrogatory is vague and ambiguous as to the word "transported." Plaintiff IIA also objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff IIA cannot respond. Discovery is ongoing, and if Plaintiff IIA identifies any responsive information or documents they will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 7: Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and

Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 8: Identify every pregnant unemancipated minor who, for the purpose of procuring that minor an abortion and concealing that abortion from the parents or guardian of that minor, You have transported across state lines.

ANSWER TO INTERROGATORY NO. 8:

Plaintiff IIA objects to this interrogatory on the grounds that it is vague and ambiguous with respect to the phrase "for the purpose of procuring that minor an abortion and concealing that abortion from the parents" and with respect to the word "transported." Plaintiff IIA further objects that this interrogatory is a criminal fishing expedition, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff IIA objects because information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff IIA further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff IIA also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of

their state of origin. Additionally, Plaintiff IIA objects to this interrogatory on the grounds that it is overbroad as it has no limit on the time period it covers.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 8:

Subject to and without waiving the objections set forth above, Plaintiff does not know whether any minors it assisted were unemancipated and therefore has no responsive information.

Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 9: Identify all pregnant unemancipated minors You have transported across state lines to procure an abortion.

ANSWER TO INTERROGATORY NO. 9:

Plaintiff IIA objects to this interrogatory on the grounds that it is a criminal fishing expedition, is vague and ambiguous as to the word "transported," is overbroad as it contains no time frame, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff IIA objects on the grounds that any information on

legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff IIA further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff IIA also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 9:

Subject to and without waiving the objections set forth above, Plaintiff does not know whether any minors it assisted were unemancipated and therefore has no responsive information.

Although Plaintiff IIA has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 10: Identify and describe all actions You undertake that You believe constitute "recruiting" for the purposes of Idaho Code § 18-623.

ANSWER TO INTERROGATORY NO. 10:

Plaintiff IIA objects to this interrogatory on the grounds that it seeks information Defendant believes is criminal. Plaintiff further objects to this interrogatory on the grounds that it is vague and ambiguous as to the phrase "for the purposes of Idaho Code § 18-623." Plaintiff IIA also objects to this interrogatory as overbroad as it is not limited to minors.

Subject to and without waiving those objections, Plaintiff IIA is well-known throughout the traditional, usual, and accustomed lands of the Indigenous people they serve, and beyond. Plaintiff IIA has long been active in seeking justice for Missing and Murdered Indigenous People (MMIP) and has become recognized in the community because of those efforts. Plaintiff IIA is also known throughout community, in what is currently called the state of Idaho and beyond, for their desire to serve the culture of their people through trust-based mutual care and aid, which is understood to include access to reproductive health care. The organization is known primarily through word of mouth and the outreach the organization engages in, such as food drives and powwows. The organization also maintains a website, available at https://www.indigenousidalliance.org, a Facebook account, available at https://www.facebook.com/IndigenousIdaho/ and an Instagram account, available at https://www.instagram.com/indigenousidahoalliance/instagram. Further, individuals associated with Plaintiff IIA are often asked to share their knowledge, attend conferences, and provide advice. Plaintiff IIA advises policymakers, organizations, and individuals about the impact policy has on the tribes and people who have always called Idaho and the Inland Northwest home, and on those

who have settled more recently. Finally, Plaintiff IIA is also involved in organizing and in supporting or challenging issues that impact the communities they serve, including issues involving reproductive health care. The organization wishes to continue to hold themselves out as advocates for reproductive health care and continue to engage in outreach and mutual aid.

INTERROGATORY NO. 11: Identify and describe all instances in which You tried to procure an abortion for a minor but were unsuccessful.

ANSWER TO INTERROGATORY NO. 11:

Plaintiff IIA objects to this interrogatory on the grounds that it is vague and ambiguous as to the phrase "tried to procure an abortion" and the word "unsuccessful." Plaintiff IIA further objects to this interrogatory on the grounds that it is overbroad and unduly burdensome as it contains no time frame, is disproportionate to the needs of the case, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff IIA further objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff IIA also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin. Finally, to the extent this interrogatory implies any criminal behavior, Plaintiff IIA objects.

Subject to and without waiving these objections, Plaintiff IIA operates in service to community. As such, the individuals with whom the organization engages, directly or indirectly, make autonomous bodily decisions. The organization does not measure "success" in this manner, nor does it engage in culturally inappropriate behavior.

INTERROGATORY NO. 12: For each request for admission You deny, or deny in part, explain all reasons for your denial. This interrogatory does not apply to Request for Admission No. 4.

ANSWER TO INTERROGATORY NO. 12:

Plaintiff IIA objects to this interrogatory on the grounds that Defendant's requests for admissions are vague, overbroad, unduly burdensome, not related to the issues presented in this lawsuit, not reasonably calculated to lead to the discovery of admissible evidence, and constitute a fishing expedition in a search for illegal activity.

Subject to and without waiving these objections, and to the extent Plaintiff IIA understands the request for admission, Plaintiff IIA denies Request for Admission No. 1 because Plaintiff IIA does not seek to engage in any illegal activity. Plaintiff IIA remains unclear on the meaning of Idaho Code § 18-623 including but not limited to the meaning of the term, "intent to conceal," and its goal is to establish the unconstitutionality of Idaho Code § 18-623, as well as the meaning of its various terms, so that it can continue to engage in all of the activities its organization has been committed to for decades.

Subject to and without waiving these objections, and to the extent Plaintiff IIA understands the request for admission, Plaintiff IIA denies Request for Admission No. 2 because Plaintiff IIA does not seek to engage in any illegal activity. Using the ordinary meanings of the word "entice,"

meaning "to attract artfully or adroitly or by arousing hope or desire" (Mirriam-Webster); or, "to entice someone to go somewhere or to do something means to try to persuade them to go to that place or to do that thing" (Collins Dictionary), Plaintiff IIA does not believe it engages in that behavior. Plaintiff IIA remains unclear on the meaning of Idaho Code § 18-623 including but not limited to the meaning of the term "intent to conceal" and wishes to establish the unconstitutionality of Idaho Code § 18-623, as well as the meaning of its various terms, so that it can continue to engage in all of the activities the organization is committed to on behalf of the community that it serves.

Subject to and without waiving these objections, and to the extent Plaintiff IIA understands the request for admission, Plaintiff IIA could not admit or deny Request for Admission No. 3 because it does not know what Idaho law the request for admission is referring to and therefore Plaintiff IIA ultimately denies it**.**

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 12:

Subject to and without waiving the objections set forth above, Plaintiff IIA further denies Request for Admission No. 1. Plaintiffs objected to this Request for Admission as compound, vague, ambiguous, argumentative, and calling for a legal conclusion. Because "intent to conceal" is vague and ambiguous as it is remains unclear how the Defendant interprets this phrase in the statute and what evidence it would try to use to prove this element of the offense. The Request assumes facts not in evidence and misstates applicable law, including by suggesting that assisting or accompanying a minor in seeking abortion care "necessarily takes" that child from a parent or guardian. The Request further seeks an admission on a hypothetical scenario outside Plaintiffs'

knowledge. Subject to and without waiving these objections, Responding Party denies that the conduct described necessarily constitutes "taking" a child from a parent or guardian.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: For every minor identified in response to any interrogatory, produce all documents and communications relating to the procurement of that minor's abortion as that term is defined in Idaho Code § 18-604.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Plaintiff IIA objects on the grounds that this request for production is vague as to the phrase "procurement of that minor's abortion as that term is defined in Idaho Code § 18-604," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff IIA objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections.

Plaintiff IIA further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff IIA has no responsive documents. Discovery is ongoing, and if Plaintiff IIA identifies any responsive documents they will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Although Plaintiff IIA has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 2: For every minor identified in response to any interrogatory, produce all documents and communications in Your possession associated with that minor's recruitment by You for an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Plaintiff IIA objects on the grounds that this request for production is vague as to the phrase "recruitment by You for the purpose of procuring an abortion," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff IIA objects

on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy. Plaintiff IIA further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff IIA also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff IIA has no responsive documents. Discovery is ongoing, and if Plaintiff IIA identifies any responsive documents they will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Although Plaintiff IIA has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are

irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 3: For every minor identified in response to any interrogatory, produce all documents and communications in Your possession associated with that minor's harboring by You for an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Plaintiff IIA objects on the grounds that this request for production is vague as to the phrase "harboring by You for the purpose of procuring an abortion," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff IIA objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff IIA further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff IIA also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff IIA has no responsive documents. Discovery is ongoing, and if Plaintiff IIA identifies any responsive documents they will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Although Plaintiff IIA has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 4: For every minor identified in response to any interrogatory, produce all documents and communications in Your possession associated with that minor's transport by You for an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Plaintiff IIA objects on the grounds that this request for production is vague as to the phrase "transport by You for an abortion," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff IIA objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff IIA further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by

federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff IIA also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff IIA has no responsive documents. Discovery is ongoing, and if Plaintiff IIA identifies any responsive documents they will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Although Plaintiff IIA has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 5: Produce all documents related to the direct assistance and financial assistance for minors identified in numbered Paragraph 55 of Your Complaint in this action.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Plaintiff IIA objects to this request for production on the grounds that it is overbroad and unduly burdensome as it has no time limitation, is disproportionate to the needs of the case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, under culturally appropriate behavior, Plaintiff IIA has no responsive documents. Discovery is ongoing, and if Plaintiff IIA identifies any responsive documents they will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Although Plaintiff IIA has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff IIA supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff IIA's standing, but the identities of minors Plaintiff IIA has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 6: Produce all documents and communications with abortion providers related to the procurement of an abortion for any pregnant unemancipated minor from Idaho.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Plaintiff IIA objects to this request for production on the grounds that it is overbroad, vague and ambiguous with respect to the phrase "procurement of an abortion," and unduly burdensome because it contains no time frame. Plaintiff IIA further objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff IIA further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, because Plaintiff IIA cannot specifically recall or identify if any minor was or was not emancipated, Plaintiff IIA has no responsive documents. Discovery is ongoing, and if Plaintiff IIA identifies any responsive information or documents it will produce them subject to a protective order.

REQUEST FOR PRODUCTION NO.7: Produce all documents and communications showing a report of abuse or neglect to the Idaho Department of Health and Welfare or the proper law enforcement authority pursuant to Idaho Code § 16-1605.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Plaintiff IIA objects to this Request for Production as a criminal fishing expedition. Plaintiff IIA further objects on the grounds that this request for production is overbroad and unduly burdensome as it contains no time frame, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff IIA has no responsive documents.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that harboring or transporting a minor child for the purpose of procuring an abortion with the intent to conceal that abortion from a parent or guardian, necessarily takes that child from a parent or guardian.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff IIA objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the phrases "harboring or transporting a minor child for the purpose of procuring an abortion," "with the intent to conceal that abortion from a parent or guardian," and "necessarily takes that child from a parent or guardian." Plaintiff IIA further objects on the grounds that this Request for Admission is part of a criminal fishing expedition, seeks information that is irrelevant, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Denied.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff IIA further objects to this Request for Admission as compound, vague, ambiguous, argumentative, and calling for a legal conclusion. The request assumes facts not in evidence and misstates applicable law, including by suggesting that assisting or accompanying a minor in seeking abortion care "necessarily takes" that child from a parent or guardian. The request further seeks an admission on a hypothetical scenario outside Plaintiffs' knowledge. Subject to and without waiving these objections, Responding Party denies that the conduct described necessarily constitutes "taking" a child from a parent or guardian.

REQUEST FOR ADMISSION NO. 2: Admit that recruiting a minor child for the purpose of procuring an abortion with the intent to conceal that abortion from a parent or guardian, necessarily entices away a child from a parent or guardian.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Plaintiff IIA objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the phrases, "recruiting a minor child for the purpose of procuring an abortion," "with the intent to conceal that abortion from a parent or guardian," and "necessarily takes that child from a parent or guardian." Plaintiff IIA further objects on the grounds that this Request for Admission is part of a criminal fishing expedition, seeks information that is irrelevant, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Denied.

REQUEST FOR ADMISSION NO. 3: Admit that a parent or guardian has the right under Idaho law to determine whether a minor under the custody of that parent or guardians may receive medical treatment.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Plaintiff IIA objects to this Request for Admission on the grounds that it is part of a criminal fishing expedition. Further, this question is vague and ambiguous with respect to the phrase "under Idaho law" and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff IIA can neither admit nor deny this Request for Admission and therefore denies it.

REQUEST FOR ADMISSION NO. 4: Admit that, in at least one instance referenced at numbered Paragraph 6, numbered Paragraph 55 of the Complaint, numbered Paragraph 45 of the Complaint, or Paragraph 37 of the Declaration of Tai Simpson (Docket 12-8 in this case), You acted with the intent to conceal an abortion from the parents or guardians of a pregnant unemancipated minor from Idaho.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Plaintiff IIA objects to this Request for Admission on the grounds that it is part of a criminal fishing expedition. Plaintiff IIA further objects to this Request for Admission on the grounds that it is vague as to the phrase "with the intent to conceal an abortion," is irrelevant, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff IIA can neither admit nor deny this Request for Admission and therefore denies it.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Subject to and without waiving the objections set forth above, Deny.

DATED: October 28, 2025.

STOEL RIVES LLP

/s/ Wendy J. Olson
Wendy J. Olson

LEGAL VOICE

/s/ Wendy S. Heipt
Wendy S. Heipt
Kelly O'Neill

THE LAWYERING PROJECT

/s/ Jamila A. Johnson
Jamila A. Johnson
Paige Suelzle

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

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Aaron M. Green
aaron.green@ag.idaho.gov

Brian V. Church
brian.church@ag.idaho.gov

/s/ Wendy J. Olson
Wendy J. Olson

Exhibit C

Exhibit C

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

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

Plaintiffs,

v.

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

Defendant.

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

PLAINTIFFS' SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION TO LOURDES MATSUMOTO

COME NOW Plaintiffs Lourdes Matsumoto, Northwest Abortion Access Fund, and Indigenous Idaho Alliance ("Plaintiffs"), by and through their counsel of record, Stoel Rives LLP, and pursuant to Federal Rules of Civil Procedure 26, 33, and 34, respond to Defendant Raúl Labrador's First Set of Interrogatories, Requests for Production, and Requests for Admission ("Discovery Requests") to Lourdes Matsumoto ("Matsumoto") as follows.

GENERAL STATEMENT

Plaintiffs provide these Responses to Defendant's Discovery Requests. These Responses are made solely for the purpose of this action. Each Response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such discovery request were asked of, or statements contained herein were made by, a witness testifying in court, all of which objections and grounds are hereby expressly reserved and may be interposed at the time of trial.

The Responses submitted herein shall not be deemed to constitute admissions (i) that any particular document or thing is relevant, nonprivileged, or admissible in evidence; or (ii) that any statement or characterization in the Discovery Requests is accurate or complete.

The documents produced in response to the Discovery Requests are those documents that were located on reasonable search of Plaintiffs' files as they are kept in the ordinary course of business and the files of those individuals most likely to have responsive documents. Plaintiffs object to these Discovery Requests to the extent that any such request calls for a search of all files or all locations of Plaintiffs. The responses given herein are without prejudice to Plaintiffs' right to produce any subsequently discovered documents or to revise these discovery responses if further

discovery so indicates. Plaintiffs reserve the right to amend or further supplement the Responses provided herein.

GENERAL OBJECTIONS

1. To the extent the Discovery Requests may be construed as calling for documents or information subject to a claim of privilege, including without limitation, the attorney-client privilege or work product protection, Plaintiffs hereby claim such privilege and object to the Discovery Requests on that basis. Information subject to these privileges will be withheld or redacted. Plaintiffs intend to screen all materials to be released to Defendant to remove privileged information; however, there is a possibility that privileged information may have been inadvertently disclosed. By accepting any production, Defendant agrees that, to the extent there is any inadvertent disclosure of privileged information, it shall not constitute any waiver of privileges, and all such material shall be immediately returned to Plaintiffs. Plaintiffs reserve the right to object to the introduction into evidence before the Court at any time before or at trial of information that is privileged under law and that has been revealed or produced inadvertently. Plaintiffs do not, by responding to these discovery requests, waive any claim of privilege or right to assert attorney work product.

2. All specific Responses to the Discovery Requests, including the production of documents, are provided without waiver of, and with express reservation of:

(a) All objections to the competency, relevancy, materiality, foundation, and admissibility of the responses and the subject matter thereof as evidence in any further proceedings in this action, including trial, or in any other action;

(b) All privileges, including the attorney-client privilege and the work product doctrine;

(c) The right to object on any ground at any time to a demand or request for further responses to these or any other discovery requests; and

(d) The right to move for a protective order to protect the confidentiality of any information disclosed or for any other purpose provided by law.

3. Plaintiffs object to the Discovery Requests to the extent they are overly broad, unduly burdensome, seek information that is not relevant to the subject matter of this action, and are not reasonably calculated to lead to the discovery of admissible evidence. Where appropriate, Plaintiffs will respond with a reasonable limitation in time and/or scope.

4. Plaintiffs object to the Discovery Requests to the extent they are vague, ambiguous, duplicative, and/or subject to multiple interpretations.

5. Plaintiffs object to the Discovery Requests to the extent they call for information that is not in Plaintiffs' possession, or information that is a matter of public record or otherwise equally available to Defendant, or which call for Plaintiffs to supply information generated by other persons and/or entities.

6. Plaintiffs object to the Discovery Requests to the extent they seek an admission regarding a genuine issue for trial or call for a legal conclusion.

7. The Responses set forth below represent Plaintiffs' present knowledge, based on discovery, investigation, and trial preparation to date. Discovery, investigation, and trial preparation are continuing. Plaintiffs reserve the right to rely upon any further information adduced upon completion of discovery, investigation, and trial preparation.

The General Objections are incorporated into each of the responses and objections set forth below, which are made without waiver of any of these General Objections.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all unemancipated minors referenced in numbered Paragraph 1 (third sentence only), Paragraph 43 and numbered Paragraph 67 of Your Complaint in this case.

ANSWER TO INTERROGATORY NO. 1:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and disproportionate to the needs of the case. Plaintiff Matsumoto objects on the grounds of relevance, as this interrogatory does not address the constitutionality of Idaho Code § 18-623, nor does it seek information that is reasonably calculated to lead to the discovery of admissible evidence. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services. Finally, as Plaintiff Matsumoto is a member in good standing of the Idaho State Bar, she objects on the grounds of attorney-client privilege.

Subject to and without waiving these objections, the referenced portions of the complaint do not refer to any specific unemancipated minors so Plaintiff Matsumoto cannot respond to this interrogatory.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1:

Although Plaintiff MATSUMOTO has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff MATSUMOTO supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff MATSUMOTO's standing, but the identities of minors Plaintiff MATSUMOTO has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 2: For each minor identified in Your response to Interrogatory No. 1, identify whether You had reason to believe that the minor had been abused, abandoned or neglected or if You observed the child being subjected to conditions or circumstances that would reasonably result in abuse, abandonment, or neglect.

ANSWER TO INTERROGATORY NO. 2:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and disproportionate to the needs of the case. Additionally, Plaintiff Matsumoto objects on the grounds of relevance, as this interrogatory does not address the constitutionality of Idaho Code § 18-623, nor does it seek information that is reasonably calculated to lead to the discovery of admissible evidence. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by

federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin.

Subject to and without waiving these objections, as no minors are identified in the response to interrogatory No. 1, Plaintiff Matsumoto cannot respond. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive information or documents she will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 2:

Although Plaintiff MATSUMOTO has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff MATSUMOTO supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff MATSUMOTO's standing, but the identities of minors Plaintiff MATSUMOTO has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 3: For each minor identified in your response to Interrogatory No. 2, state whether You reported your reason to believe, or observation, to the Idaho Department of Health and Welfare or the proper law enforcement agency pursuant to Idaho Code § 16-1605.

ANSWER TO INTERROGATORY NO. 3:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is designed to harass and intimidate Plaintiff and cannot reveal or lead to any information relevant to the questions before this court and is a possible violation of the Federal Rules of Civil Procedure in that it asks Plaintiff Matsumoto whether she has violated Idaho law. Additionally, Plaintiff Matsumoto objects on the grounds of relevance, as this interrogatory does not address the constitutionality of Idaho Code § 18-623, nor does it seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff Matsumoto objects to Defendant's misuse of the discovery process as a vehicle to conduct a criminal investigation.

Subject to and without waiving these objections, as no minors are identified in the response to interrogatory No. 2, Plaintiff Matsumoto cannot respond.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 3:

Although Plaintiff MATSUMOTO has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff MATSUMOTO supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff MATSUMOTO's standing, but the identities of

minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 4: Identify all pregnant, unemancipated minors that You, with the intent to conceal an abortion from the parents or guardian of that pregnant, unemancipated minor, either procured an abortion, as described in section 18-604, Idaho Code, or obtained an abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within Idaho prior to July 1, 2023.

ANSWER TO INTERROGATORY NO. 4:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is vague and ambiguous as to the meaning of the phrase "with the intent to conceal," and Plaintiff has not been provided with fair notice of what Defendant interprets this phrase to mean. For example, during oral argument before the district court on September 14, 2023, counsel for Defendant gave varying explanations of what "with the intent to conceal" could mean. At one point counsel asserted that intent could be found where one takes "steps to affirmatively conceal it from the parents," by "not allowing the minor child to call the parents" or even by "transporting them immediately without giving them an opportunity to consult with their parents[.]" Yet at another point counsel asserted that the requisite intent might be present when one just did not "try to inform the parents[,]" either in a single case or repeatedly. And counsel also asserted that "simply not informing the parents" would "probably not" be the requisite intent to conceal. Although Plaintiff Matsumoto has continued to attempt to ascertain what "with the intent to conceal" means in discovery (*see* Plaintiffs' Interrogatory No. 15), Plaintiff has not yet received an explanation. In short, Plaintiff

Matsumoto is uncertain as to what actions and/or inactions constitute the requisite intent to conceal.

Further, Plaintiff Matsumoto objects in that this interrogatory improperly asks for personally identifying information (PII) or protected health information (PHI) related to reproductive health care that is legal where it may have been obtained. Not only is this in contravention of the laws of other states, it also improperly seeks to intimidate Plaintiff from further continuing her constitutionally protected activities. In addition, Plaintiff Matsumoto objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Finally, Plaintiff Matsumoto also objects to this Interrogatory as overbroad because it does not limit the time frame by providing a start date prior to July 1, 2023.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 4:

Although Plaintiff Matsumoto has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 5: Identify all pregnant, unemancipated minors that You, with the intent to conceal an abortion from the parents or guardian of that pregnant, unemancipated minor, either procured an abortion, as described in section 18-604, Idaho Code, or obtained an abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within Idaho after July 1, 2023.

ANSWER TO INTERROGATORY NO. 5:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is vague and ambiguous as to the meaning of the phrase "with the intent to conceal" and Plaintiff has not been provided with fair notice of what Defendant interprets this phrase to mean. For example, during oral argument before the district court on September 14, 2023, counsel for Defendant gave varying explanations of what "with the intent to conceal" could mean. At one point counsel asserted that intent could be found where one takes "steps to affirmatively conceal it from the parents," by "not

allowing the minor child to call the parents" or even by "transporting them immediately without giving them an opportunity to consult with their parents[.]" Yet at another point counsel asserted that the requisite intent might be present when one just did not "try to inform the parents[,]" either in a single case or repeatedly. And counsel also asserted that "simply not informing the parents" would "probably not" be the requisite intent to conceal. Although Plaintiff Matsumoto has continued to attempt to ascertain what "with the intent to conceal" means in discovery (*see* Plaintiffs' Interrogatory No. 15), Plaintiff has not yet received an explanation. In short, Plaintiff Matsumoto is uncertain as to what actions and/or inactions constitute the requisite intent to conceal.

Further, Plaintiff Matsumoto objects in that this interrogatory improperly asks for PII and PHI related to reproductive health care legal where it may have been obtained. Not only is this in contravention of the laws of other states, it also improperly seeks to intimidate Plaintiff from further continuing her constitutionally protected activities. In addition, Plaintiff Matsumoto objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect

information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 5:

Although Plaintiff Matsumoto has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 6: For each minor identified in Your response to any interrogatory describe how that minor was recruited.

ANSWER TO INTERROGATORY NO. 6:

Plaintiff Matsumoto objects on the ground this interrogatory is vague and ambiguous as to the word "recruited." Plaintiff Matsumoto also objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff Matsumoto cannot respond. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive information or documents she will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 6:

Although Plaintiff Matsumoto has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 7: For each minor identified in Your response to any interrogatory describe how that minor was harbored.

ANSWER TO INTERROGATORY NO. 7:

Plaintiff Matsumoto objects on the grounds that this interrogatory is vague and ambiguous as to the word "harbored." Plaintiff Matsumoto also objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff Matsumoto cannot respond. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive information or documents she will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 7:

Although Plaintiff Matsumoto has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff MATSUMOTO supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff MATSUMOTO's standing, but the identities of minors Plaintiff MATSUMOTO has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 8: For each minor identified in Your response to any interrogatory describe how that minor was transported.

ANSWER TO INTERROGATORY NO. 8:

Plaintiff Matsumoto objects on the ground this interrogatory is vague and ambiguous as to the word "transported." Plaintiff Matsumoto also objects to the criminal fishing expedition as this question is overbroad, unduly burdensome, disproportionate to the needs of the case, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as no minors are identified, Plaintiff Matsumoto cannot respond. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive information or documents she will produce them subject to a protective order.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 8:

Although Plaintiff MATSUMOTO has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff MATSUMOTO supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff MATSUMOTO's standing, but the identities of minors Plaintiff MATSUMOTO has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 9: Identify and describe all actions You undertake that You believe constitute "recruiting" under Idaho Code § 18-623.

ANSWER TO INTERROGATORY NO. 9:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it seeks information Defendant believes is criminal. Plaintiff further objects to this interrogatory on the grounds that it is vague and ambiguous as to the phrase "under Idaho Code § 18-623." Plaintiff also objects to this interrogatory as overbroad as it is not limited to minors.

Subject to and without waiving these objections, Plaintiff Matsumoto holds herself out as a trusted adult who supports the reproductive autonomy of all people, including minors, in many forums. These activities are a continuation of the constitutionally protected activities she wishes to continue engaging in, and all of which she undertakes in furtherance of her publicly held beliefs. This includes: (a) speaking to groups when asked, (b) giving press interviews, both locally and nationally, (c) working professionally in support of survivors and advocating on their behalf, (d) serving as a resource for professionals who work with minors throughout the state, (e) providing monetary support for groups working on behalf of reproductive autonomy, (f) working with communities statewide, (f) speaking publicly about abortion health care and in favor of policies that support this right; and (g) speaking out regarding laws and campaigns that impact reproductive health care.

INTERROGATORY NO. 10: Identify all pregnant unemancipated minors You have transported across Idaho state lines to procure an abortion.

ANSWER TO INTERROGATORY NO. 10:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is a criminal fishing expedition, is vague and ambiguous as to the word "transported," is overbroad as it contains no time frame, and does not seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff Matsumoto objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho

Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving these objections, there are no pregnant unemancipated minors to identify.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 10:

Although Plaintiff Matsumoto has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

INTERROGATORY NO. 11: Identify and describe all steps of "that process" identified by numbered Paragraph 43 in the Complaint.

ANSWER TO INTERROGATORY NO. 11:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is vague and ambiguous as to the phrase "all steps of 'that process.'" Further, Plaintiff Matsumoto objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving these objections, as stated in paragraph 43 of the complaint, Plaintiff Matsumoto wishes to assist minors and assumes that assistance would look different for each person. That said, if the law would allow her to fully engage in her protected activities, she would like to continue to hold herself out publicly as a trusted adult to whom minors can turn for any number of areas of support. Although she remains unclear as to the meaning of Idaho Code § 18-623, she would like to legally provide advice, emotional support, decision-making resources, practical support, logistical information, logistical support (including but not limited to transportation and lodging), and financial support.

INTERROGATORY NO. 12: Identify and describe every instance in which You have assisted minors as referenced in numbered Paragraph 1 (third sentence only), numbered Paragraph 43, and numbered Paragraph 67 of the Complaint.

ANSWER TO INTERROGATORY NO. 12:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is vague and ambiguous with respect to the phrase "assisted minors" as that phrase is not limited in any way, is irrelevant, overbroad, unduly burdensome as it has no applicable date range, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

Further, Plaintiff Matsumoto objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving these objections, the referenced portions of the complaint in interrogatory No. 12 do not refer to any specific minors so Plaintiff Matsumoto cannot respond.

INTERROGATORY NO. 13: Identify all occasions in which You tried to obtain an abortion for a pregnant unemancipated minor but were unsuccessful.

ANSWER TO INTERROGATORY NO. 13:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is vague and ambiguous as to the phrase "tried to procure an abortion" and the word "unsuccessful." Plaintiff Matsumoto further objects to this interrogatory on the grounds that it is overbroad and unduly burdensome as it contains no time frame, is disproportionate to the needs of the case, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff Matsumoto further objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services. Finally, to the extent this interrogatory implies any criminal behavior, Plaintiff Matsumoto objects.

Subject to and without waiving these objections, Plaintiff Matsumoto does not understand how one could be "unsuccessful" as she cannot envision how whatever choices others make would be "successful" or "unsuccessful" for her.

INTERROGATORY NO. 14: For each request for admission You deny, or deny in part, explain all reasons for Your denial. This interrogatory does not apply to Request for Admission No. 4.

ANSWER TO INTERROGATORY NO. 14:

Plaintiff Matsumoto objects to this interrogatory on the grounds that Defendant's requests for admissions are vague, overbroad, unduly burdensome, not related to the issues presented in this lawsuit, not reasonably calculated to lead to the discovery of admissible evidence, and constitute a fishing expedition in a search for illegal activity.

Subject to and without waiving these objections, and to the extent Plaintiff Matsumoto understands the request for admission, Plaintiff Matsumoto denies Request for Admission No. 1 because Plaintiff does not seek to engage in any illegal activity. Plaintiff Matsumoto remains unclear on the meaning of Idaho Code § 18-623 including but not limited to the meaning of the term "intent to conceal," and her goal is to establish the unconstitutionality of Idaho Code § 18-623, as well as the meaning of its various terms, so that she can continue to engage in all of the activities she has been committed to for decades.

Subject to and without waiving these objections, and to the extent Plaintiff Matsumoto understands the request for admission, Plaintiff Matsumoto denies Request for Admission No. 2 because Plaintiff Matsumoto does not seek to engage in any illegal activity. Using the ordinary meanings of the word "entice," meaning "to attract artfully or adroitly or by arousing hope or desire" (Mirriam-Webster); or, "to entice someone to go somewhere or to do something means to try to persuade them to go to that place or to do that thing" (Collins Dictionary), Plaintiff Matsumoto does not believe she engages in that behavior. Plaintiff Matsumoto remains unclear on the meaning of Idaho Code § 18-623 including but not limited to the meaning of the term "intent

to conceal" and wishes to establish the unconstitutionality of Idaho Code § 18-623, as well as the meaning of its various terms, so that she can continue to engage in all of the activities she is committed to.

Subject to and without waiving these objections, and to the extent Plaintiff Matsumoto understands the request for admission, Plaintiff Matsumoto could not admit or deny Request for Admission No. 3 because she does not know what Idaho law the request for admission is referring to and therefore Plaintiff Matsumoto ultimately denies it.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 14:

Subject to and without waiving the objections set forth above, Plaintiff Matsumoto further denies Request for Admission No. 1. Plaintiffs objected to this Request for Admission as compound, vague, ambiguous, argumentative, and calling for a legal conclusion. Because "intent to conceal" is vague and ambiguous as it is remains unclear how the Defendant interprets this phrase in the statute and what evidence it would try to use to prove this element of the offense. The Request assumes facts not in evidence and misstates applicable law, including by suggesting that assisting or accompanying a minor in seeking abortion care "necessarily takes" that child from a parent or guardian. The Request further seeks an admission on a hypothetical scenario outside Plaintiffs' knowledge. Subject to and without waiving these objections, Responding Party denies that the conduct described necessarily constitutes "taking" a child from a parent or guardian.

INTERROGATORY NO. 15: For every minor identified in response to any answer to any interrogatory, identify the date on which You procured an abortion for that minor.

ANSWER TO INTERROGATORY NO. 15:

Plaintiff Matsumoto objects to this interrogatory on the grounds that it is vague as to the term "procured an abortion," seeks information that is irrelevant and disproportionate to the needs

of the case, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff Matsumoto objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving those objections, as no minors are identified, Plaintiff Matsumoto cannot respond.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 15:

Although Plaintiff Matsumoto has no responsive information to this interrogatory at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiffs' assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant

has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: For every minor identified in response to any interrogatory, produce all documents and communications associated with the procurement of that minor's abortion as that term is defined in Idaho Code § 18-604.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Plaintiff Matsumoto objects on the grounds that this request for production is vague as to the phrase "procurement of that minor's abortion as that term is defined in Idaho Code § 18-604," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff Matsumoto objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of

their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff Matsumoto has no responsive documents. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive documents they will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Although Plaintiff Matsumoto has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiff's assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 2: For every minor identified in response to any interrogatory, produce all documents and communications in Your possession associated with that minor's recruitment by You for an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Plaintiff Matsumoto objects on the grounds that this request for production is vague as to the phrase "recruitment by You for the purpose of procuring an abortion," overbroad, unduly

burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff Matsumoto objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff Matsumoto has no responsive documents. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive documents she will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO.2:

Although Plaintiff Matsumoto has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiff's assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors.

Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 3: For every minor identified in response to any interrogatory, produce all documents and communications in Your possession associated with that minor's harboring by You for an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Plaintiff Matsumoto objects to this Request for Production on the grounds that it is vague as to the phrase "harboring by You for the purpose of procuring an abortion," overbroad, unduly burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff Matsumoto objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this interrogatory to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state

of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving these objections, as no minors are identified in response to any interrogatory, Plaintiff Matsumoto has no responsive documents. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive documents she will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Although Plaintiff Matsumoto has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiff's assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 4: For every minor identified in response to any interrogatory, produce all documents and communications in Your possession associated with that minor's transport by You for an abortion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Plaintiff Matsumoto objects to this Request for Production on the grounds that it is vague as to the phrase "transport by You for the purpose of procuring an abortion," overbroad, unduly

burdensome, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff Matsumoto objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving these objections, as no minors are identified, Plaintiff Matsumoto has no responsive documents. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive information or documents she will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Although Plaintiff Matsumoto has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiff's assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors.

Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 5: Produce all documents related to any purchases for minors in the nature of those identified in numbered Paragraph 45 of Your Complaint in this action.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Plaintiff Matsumoto objects to this Request for Production on the grounds that it is irrelevant, overbroad and unduly burdensome as it has no time limitation, is disproportionate to the needs of the case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff Matsumoto has no responsive documents. Discovery is ongoing, and if Plaintiff Matsumoto identifies any responsive information or documents they will produce them subject to a protective order.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Although Plaintiff Matsumoto has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors, or information that could identify them, at any point in this litigation. Requesting the identity of minors who have sought Plaintiff's assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information

would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO. 6: Produce all documents and communications with abortion providers related to the procurement of an abortion for any pregnant unemancipated minor from Idaho.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Plaintiff Matsumoto objects to this Request for Production on the grounds that it is overbroad, vague and ambiguous with respect to the phrase "procurement of an abortion," and unduly burdensome because it contains no time frame. Plaintiff Matsumoto further objects on the grounds that any information on legally obtained health care outside of Idaho is subject to the laws of that state and both federal and state medical privacy protections. Plaintiff Matsumoto further objects to this request to the extent that it seeks confidential patient health information that is protected from disclosure by federal and state laws—such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, *see* 42 U.S.C. § 1320d-6, and its implementing regulations, and Idaho Administrative Code r. 16.03.14.360. Plaintiff Matsumoto also relies on the Washington State Shield law, RCW 7.115.020 (enacted April 2023) and the Oregon State Shield Law, ORS 109.640 (June 2024), both of which protect information regarding individuals, including minors, seeking health care, regardless of their state of origin, and on Idaho Code § 9-203(9), which encourages confidential communications between domestic and sexual violence programs and recipients of those program's services.

Subject to and without waiving these objections, Plaintiff Matsumoto has no responsive documents.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Although Plaintiff Matsumoto has no responsive documents at this time, in light of recent conversations with Defendant's counsel and an informal conference with the Court's clerk, Plaintiff Matsumoto supplements this answer to object to disclosing any identities of minors at any point in this litigation. Requesting the identity of minors who have sought Plaintiff's assistance constitutes the harassment, annoyance, embarrassment, and oppression of non-party minors. Disclosure of sensitive health information would cause serious injury to non-party minors, and Defendant has no interest in obtaining this information. Defendant has stated that he needs it to investigate Plaintiff Matsumoto's standing, but the identities of minors Plaintiff Matsumoto has helped in the past are irrelevant to pre-enforcement standing. Furthermore, requiring disclosure of any minor's identity would violate the First Amendment right to association.

REQUEST FOR PRODUCTION NO.7: Produce all documents and communications showing a report of abuse or neglect to the Idaho Department of Health and Welfare or the proper law enforcement authority pursuant to Idaho Code § 16-1605.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Plaintiff Matsumoto objects to this Request for Production as a criminal fishing expedition. Plaintiff Matsumoto further objects on the grounds that this request for production is overbroad and unduly burdensome as it contains no time frame, and seeks information that is irrelevant, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff Matsumoto has no responsive documents.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that harboring or transporting a minor child for the purpose of procuring an abortion with the intent to conceal that abortion from a parent or guardian, necessarily takes that child from a parent or guardian.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff Matsumoto objects to this Request for Production on the grounds that it is vague and ambiguous with respect to the phrases "harboring or transporting a minor child for the purpose of procuring an abortion," "with the intent to conceal that abortion from a parent or guardian," and "necessarily takes that child from a parent or guardian." Plaintiff Matsumoto further objects on the grounds that this Request for Admission is part of a criminal fishing expedition, seeks information that is irrelevant, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Denied.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff Matsumoto further objects to this Request for Admission as compound, vague, ambiguous, argumentative, and calling for a legal conclusion. The request assumes facts not in evidence and misstates applicable law, including by suggesting that assisting or accompanying a minor in seeking abortion care "necessarily takes" that child from a parent or guardian. The request further seeks an admission on a hypothetical scenario outside Plaintiffs' knowledge. Subject to and without waiving these objections, Responding Party denies that the conduct described necessarily constitutes "taking" a child from a parent or guardian.

REQUEST FOR ADMISSION NO. 2: Admit that recruiting a minor child for the purpose of procuring an abortion with the intent to conceal that abortion from a parent or guardian, necessarily entices away a child from a parent or guardian.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Plaintiff Matsumoto objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the phrases "recruiting a minor child for the purpose of procuring an abortion," "with the intent to conceal that abortion from a parent or guardian," and "necessarily takes that child from a parent or guardian." Plaintiff Matsumoto further objects on the grounds that this Request for Admission is part of a criminal fishing expedition, seeks information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Denied.

REQUEST FOR ADMISSION NO. 3: Admit that a parent or guardian has the right under Idaho law to determine whether a minor under the custody of that parent or guardians may receive medical treatment.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Plaintiff Matsumoto objects to this Request for Admission on the grounds that it is part of a criminal fishing expedition. Further, this question is vague and ambiguous with respect to the phrase "under Idaho law" and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff Matsumoto can neither admit nor deny this request and therefore denies it.

REQUEST FOR ADMISSION NO. 4: Admit that, in at least one instance referenced at numbered Paragraph 1 (third sentence only), numbered Paragraph 43 or numbered Paragraph 67

of the Complaint, or Paragraph 53 of the Declaration of Lourdes Matsumoto (Docket 12-7 in this case), You acted with the intent to conceal an abortion from the parents or guardians of a pregnant unemancipated minor from Idaho.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Plaintiff Matsumoto objects to this Request for Admission on the grounds that it is part of a criminal fishing expedition. Plaintiff Matsumoto further objects to this Request for Admission on the grounds that it is vague as to the phrase "with the intent to conceal an abortion," is irrelevant, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff Matsumoto can neither admit nor deny this Request for Admission and therefore denies it.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Subject to and without waiving the objections set forth above, Deny.

DATED: October 28, 2025.

STOEL RIVES LLP

/s/ Wendy J. Olson
Wendy J. Olson

LEGAL VOICE

/s/ Wendy S. Heipt
Wendy S. Heipt
Kelly O'Neill

THE LAWYERING PROJECT

/s/ Jamila A. Johnson
Jamila A. Johnson
Paige Suelzle

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

James E.M. Craig
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Aaron M. Green
aaron.green@ag.idaho.gov

Brian V. Church
brian.church@ag.idaho.gov

/s/ Wendy J. Olson
Wendy J. Olson