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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

REPLY IN SUPPORT OF PLAINTIFFS' MOTION FOR ENTRY OF PROTECTIVE ORDER REGARDING IDENTITIES AND INQUIRY INTO ALLEGED CRIMINAL CONDUCT [DKT. 79]

INTRODUCTION

Defendant's opposition to Plaintiffs' motion for a protective order [Dkt. 83] offers little reassurance regarding Plaintiffs' concerns that Defendant is attempting to invade the privacy of abortion seekers and use the discovery process as a criminal fishing expedition to retaliate against Plaintiffs for seeking to vindicate their constitutional rights. Defendant makes repeated statements that evince his intent to prosecute Plaintiffs[1] and shows a disregard for the privacy of

[1] Defendant's threats permeate his response brief. Def.'s Resp. to Pls.' Mot. Protective Order, Dkt. 83 at 2 (asserting that Plaintiffs think they have given "sufficient reason to violate Idaho's laws requiring parental consent for abortions and medical procedures"); *id.* at 2–3 (stating that Defendant is entitled to "probe whether they are actually doing (or intend to do) anything that is not constitutionally protected but proscribed by that same law or similar laws."); *id.* at 3 ("Plaintiffs appear to lack clean hands, not only by potentially violating other statutes prohibiting custodial interference or enticement of minors."); *id.* ("Plaintiffs cannot come into Court seeking equitable relief when that relief would be used to assist in violating other statutes that protect children, nor when they pretend to assist children by providing abortion in cases of abuse while ignoring the very proscriptions intended to protect such children by ensuring mandatory reporting."); *id.* at 4 ("Because the conduct pled in the Complaint may violate other statutes in Idaho's system of laws protecting both the integrity of the parent-child relationship, because the injunctive relief sought could be used by Plaintiffs to violate other Idaho statutes, and because of the State's duty to protect children who have been abused, abandoned or neglected, Defendant's answer pled three relevant affirmative defenses."); *id.* at 12 (stating that Plaintiffs' have alleged that they are "1) transporting minors in contexts that constitute child custody interference, kidnapping, enticing a minor, or sheltering a runaway (Idaho Code §§ 18- 1509, -1510, -4501(2), -4506); or 2) usurping the role of the state in protecting minors from abuse, neglect or abandonment. Idaho Code § 16-1605"); *id.* ("Plaintiffs cannot come to the Court and seek an injunction authorizing them to engage in conduct that violates other statutes not being challenged that address the same harms also protected by Idaho Code Section 18-623."); *id.* at 13 ("Plaintiffs' action seeks to protect behavior that vitiates those efforts and would result in constitutional protection of kidnapping, failure to report abuse or neglect, and other crimes that they do not contest may constitutionally be prohibited."); *id.* at 13–14 ("It is inequitable for Plaintiffs to use this Court's equitable power to sanction conduct that is broadly criminal, violates the rights of parents, and runs roughshod over the State's obligation to protect children from abusive or neglectful homes."); *id.* at 14 ("Plaintiffs' own complaint suggests that they do not come to Court with clean hands—they come into Court intruding on these state and parental interests, with the end goal of this Court exercising its equitable power to protect Plaintiffs' usurpation of authority."); *id.* at 15 ("Plaintiffs pled that they take minors without asking parental consent. That implicates the kidnapping, child custody interference, and runaway statutes.

young abortion patients. Thus, Defendant's opposition brief provides additional good cause for this Court to protect Plaintiffs from disclosing the identities of young people and abortion seekers and from being forced to respond to discovery requests about alleged violations of other criminal statutes.

Because Plaintiffs can undoubtedly seek protection for non-party privacy interests and the information Defendant seeks is not at all relevant but instead retaliatory, the Court should grant the protective order. The First Amendment also protects Plaintiffs from having to disclose the names of people they help access health care. Plaintiffs respectfully request that this Court grant its motion for a protective order [Dkt. 79].

ARGUMENT

I. Plaintiffs Can Unquestionably Seek Protection for Non-Parties in Discovery.

Defendant disingenuously suggests that Plaintiffs are unable to seek protection in discovery for individuals who are not parties to this case.[2] This is false; as explained in Plaintiffs' opening memorandum, Dkt. 79-2 at 5 n.1, it is routine for a party to a case to seek protection of information related to non-parties, *see Cabell v. Zorro Prods., Inc.*, 294 F.R.D. 604, 607 (W.D. Wash. 2013) ("Fed. R. Civ. P. 26(c)(1) permits a party to seek a protective order from the presiding court in order to restrict the party seeking discovery from pursuing certain requests on third parties."); *Est. of Sanchez v. Cnty. of Stanislaus*, No. 118CV00977DADBAM, 2019 WL

Plaintiffs pled that their work is especially important when rape or incest have occurred. This implicates the mandatory reporter statute. Idaho Code § 16-1605.").

[2] Defendant also conflates his ability to ask Plaintiffs about their actions in supporting young people access abortion care with his ability to obtain those young people's identities. *See* Def.'s Resp. to Pls.' Mot. Protective Order, Dkt. 83 at 9 ("Plaintiff cites no cases where an opposing party is barred from asking about the abortion of a third party . . ."). In other words, Defendant is free to ask Plaintiffs about assistance they have provided to young people, but without requiring those young people's identities to be revealed.

1959579, at *5 (E.D. Cal. May 2, 2019) (finding that, in a case where a party raised the privacy interests of non-parties, certain information should remain subject to a protective order to safeguard non-party witnesses against "untoward privacy intrusions"). And Defendant does not address the fact that these young people had an expectation of privacy in their own information when they pursued and received Plaintiffs' assistance, Pls.' Memo ISO Mot. Protective Order, Dkt. 79-2 at 8, nor does he recognize that neither party can waive these young people's privacy interests, *id.* at 4 (citing *Beebe v. Andrews*, No. 1:21-CV-00012-SLG, 2022 WL 621782, at *2 (D. Alaska Mar. 3, 2022) (explaining that 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)).

This Court has broad discretion to determine whether a protective order is appropriate and, if so, what degree of protection is warranted. *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984). Forbidding inquiry into the identities of young people, or any abortion seeker they help, is warranted because Plaintiffs have shown the immense harm that will befall people who are not parties to the case if their identities are revealed to Defendant. *See In re Non-Party Subpoena to Ctr. for Study of Soc. Pol'y*, 659 F. Supp. 3d 54, 60 (D.D.C. 2023) (explaining that courts show particular concern for the privacy interests of young people). Young people came to Plaintiffs in confidence seeking support regarding a sensitive medical decision. Divulging those young people's identities to Defendant would be a serious breach of trust and confidentiality, causing those young people embarrassment, annoyance, and oppression. *See* Fed. R. Civ. P. 26(c)(1). That information being in the hands of the Idaho Attorney General—and worse yet, being contacted by the Attorney General's office about their abortion or having their parents contacted—would only compound those harms by opening their abortion decision up to scrutiny

by the state's chief legal officer. For Defendant to claim that the harm Plaintiffs describe is "nonexistent," Def.'s Resp. to Pls.' Mot. Protective Order, Dkt. 83 at 9, is frankly stunning.

Defendant's insistence that he is entitled to this information is unavailing. The Court should forbid him from accessing the identities of young people Plaintiffs have served.

II. The Information Defendant Seeks is of No Relevance.

Defendant is free to advance his theory of the case. But what he cannot do is delve into the medical care of non-parties or abuse the discovery process to mine for evidence of other unrelated crimes, and the Court has the discretion to prevent him from doing so. *Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002) ("Broad discretion is vested in the trial court to permit or deny discovery, and its decision to deny discovery will not be disturbed except upon the clearest showing that denial of discovery results in actual and substantial prejudice to the complaining litigant." (citing *Goehring v. Brophy,* 94 F.3d 1294, 1305 (9th Cir.1996) (internal quotations omitted)).

First, inquiry into other crimes is not relevant. Defendant clearly intends to punish Plaintiffs for bringing this lawsuit under the façade of investigating his "unclean hands" defense, and the language he uses throughout his response to this motion confirms this. But it is unlawful for the government to retaliate in response to an attempt to petition the government for redress. *Van Deelen v. Johnson*, 497 F.3d 1151, 1155 (10th Cir. 2007). Filing a lawsuit against the government is an exercise of the First Amendment right of free speech and to petition one's government for redress of grievances. *NAACP v. Button*, 371 U.S. 415, 429–30 (1963) (finding litigation a mechanism to petition one's government); *Van Deelen*, 497 F.3d at 1156 ("[A] private citizen exercises a constitutionally protected First Amendment right *anytime* he or she petitions the government for redress; the petitioning clause of the First Amendment does not pick

and choose its causes."). "The right to petition the government extends to the courts and, thus, includes the right to file certain lawsuits." *Prime Healthcare Servs., Inc. v. Servs. Emps. Int'l Union*, 97 F. Supp. 3d 1169, 1196 (S.D. Cal. 2015). "[T]he right of a private individual 'to sue and defend in the courts' is protected by the First Amendment because 'it is the right conservative of all other rights [which] lies at the foundation of orderly government.'" *Colombo v. O'Connell,* 310 F.3d 115, 118 (2nd Cir. 2002) (quoting *Baker v. F and F Inv.*, 470 F.2d 778, 784 (2nd Cir. 1972)). To be considered retaliation, the adverse action needs to be "substantially motivated as a response to the plaintiff's exercise of constitutionally protected conduct." *Knapps v. City of Oakland*, 647 F. Supp. 2d 1129, 1160 (N.D. Cal. 2009), *amended in part*, No. C 05-02935 MEJ, 2009 WL 10736653 (N.D. Cal. Sept. 8, 2009) (citing *Mendocino Environmental Center v. Mendocino County,* 192 F.3d 1283, 1300–01 (9th Cir. 1999)). Defendant is using the discovery process to plot his retaliation.[3]

Moreover, Defendant asserts an unrestricted right to inquire into *any* law that touches upon the parent-child relationship or the State's interest in protecting children. *See* Def.'s Resp. to Pls.' Mot. Protective Order, Dkt. 83 at 2–3 ("Defendant is entitled . . . to probe whether they are actually doing (or intend to do) anything that is not constitutionally protected but proscribed by that same or *similar* laws." (emphasis added)); *id.* at 13 ("Contrasted with the State's obligation to protect children, Plaintiffs' action seeks to protect behavior that vitiates those

[3] In fact, Defendant has been suggesting he could prosecute Plaintiffs under other statutes since the very beginning of this lawsuit. *See, e.g.*, Def.'s Opp. to Pls.' Mot. Preliminary Injunction at 2 [Dkt. 32] ("In any other context, Plaintiffs' statements about their plans would readily be recognized for what they are: the crime of child custody interference."); Preliminary Injunction Hearing Transcript at 52:24–53:9 ("So the plaintiffs described actions in their case violate numerous Idaho statutes. Statutes which they have not challenged in this case. So they're coming before this Court as a court of equity asking the Court to grant them equitable relief while indicating and providing information that they want to violate numerous Idaho statutes that are not before this Court.").

efforts and would result in constitutional protection of kidnapping, failure to report abuse or neglect, and *other crimes* that they do not contest may constitutionally be prohibited." (emphasis added)). This is simply not how the unclean hands doctrine works. The unclean hands doctrine is restricted to cases where there is a *specific* allegation of improper behavior that is *central* to the case before the Court where there is *not* an issue of public import being determined. It does not give a party free rein to probe for violations of any and every criminal statute it thinks could conceivably cover a proposed course of conduct. Neither Plaintiffs nor the Court has to wait quietly for a dispositive motion to point this out.

"The application of the equitable doctrine of unclean hands is within the discretion of the trial court and is reviewed for abuse of that discretion." *Seller Agency Council, Inc. v. Kennedy Ctr. for Real Est. Educ., Inc.*, 621 F.3d 981, 986 (9th Cir. 2010). The Court can exercise this discretion now due to its broad ability to structure discovery. *See* Fed. R. Civ. P. 26(b)(2)(C) ("[T]he court must limit the frequency or extent of discovery . . . if it determines that . . . the proposed discovery is outside the scope permitted by Rule 26(b)(1)."); Fed. R. Civ. P. 26(c)(1)(D) (giving the court discretion to forbid inquiry into certain matters for good cause). Inquiry into whether Plaintiffs have violated other criminal statutes must be forbidden because the unclean hands doctrine only "bars relief to a plaintiff who has violated conscience, good faith or other equitable principles in his prior conduct, as well as to a plaintiff who has dirtied his hands in acquiring the right presently asserted." *Dollar Sys., Inc. v. Avcar Leasing Sys., Inc.*, 890 F.2d 165, 173 (9th Cir. 1989). "It is fundamental to [the] operation of the doctrine that the alleged misconduct by the plaintiff relate directly to the transaction concerning which the complaint is made." *Id.* (citation omitted). Whatever alleged misconduct Defendant thinks Plaintiffs have engaged in associated with other criminal statutes is not related to whether Idaho

Code § 18-623 violates Plaintiffs' constitutional rights. Therefore, any discovery into violations of other criminal statutes is irrelevant, and only serves to annoy, embarrass, and harass Plaintiffs. *See* Fed. R. Civ. P. 26(c)(1).

Second, Plaintiffs made clear in their opening brief that Defendant does not need access to abortion seekers' identities in order to test Plaintiffs' standing. Pls.' Memo ISO Mot. Protective Order, Dkt. 79-2 at 7–8. Defendant's opposition distorts pre-enforcement standing principles, ignores that names are not necessary to confirm standing, and does not justify his request for them. Def.'s Resp. to Pls.' Mot. Protective Order, Dkt. 83 at 6–8. And as for Defendant's protestations on traceability and redressability, the Ninth Circuit has already provided helpful guidance on this point. The court said that it is not the case that Plaintiffs here "cannot establish traceability because the conduct they wish to engage in could, theoretically, violate other unchallenged Idaho statutes." *Matsumoto v. Labrador*, 122 F.4th 787, 800 (9th Cir. 2024). Furthermore, "[a]s a matter of statutory interpretation, there is a fair amount of conduct that [Plaintiffs] seek to engage in that only Section 18-623 proscribes, such as counseling or advising minors on how to obtain a legal abortion in other states." *Id.* The Ninth Circuit highlighted many of the Idaho statutes that Defendant repeatedly suggests Plaintiffs are otherwise violating—enticement of minors, child custody interference, a ban on providing shelter to runaway children—and concluded that much of the conduct Plaintiffs seek to engage in is not proscribed by these statutes. *Id.* The court even queried: "why would a legislature pass a law prohibiting only conduct that is already prohibited under existing law?" *Id.* at 801 n.10. Plaintiffs' "injuries are thus fairly traceable to the attorney general's enforcement power under Section 18-623, even if Idaho could theoretically prosecute them under other statutes for some (but not all) of their proposed conduct." *Id.* at 801. As Plaintiffs have said time and time again,

they do not need to challenge every single statute in order to have standing in this case. Defendant's argument as to why this discovery is relevant fails.

III. The First Amendment Protects Plaintiffs from Revealing the Identities of Those Who Privately Associate with Them.

Plaintiffs have associated and wish to continue associating in solidarity with young Idahoans to help them access lawful medical care. In the past, young people associated in confidence with Plaintiffs NWAAF and IIA in furtherance of their desire to obtain an abortion. The right to association protects the privacy of this association. *NAACP v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 462 (1958). If Plaintiffs were forced to violate this privacy interest by producing the names or contact information of the young people they have served, Plaintiffs' missions would be severely damaged as future Idahoans (whether minors or not) would no longer seek Plaintiffs out for solidarity and support if they knew their information could be disclosed to the Idaho Attorney General.

It is not true that Plaintiffs have waived the assertion of a First Amendment privilege. *See* Def.'s Resp. to Pls.' Mot. Protective Order, Dkt. 83 at 12, 12 n.4. First, Plaintiffs did not have any identities of young people that were responsive to Defendant's original discovery requests and so the objection was inapplicable.[4] Second, Plaintiffs supplemented their discovery requests with the First Amendment objection out of an abundance of caution once Defendant doubled down on his intent to uncover the identities of young people and question them about their abortions. Third, even if this Court determined that Plaintiffs' assertion of the privilege is belated, courts can find there is no waiver when a constitutional privilege is involved. *See*

[4] Defendant has issued a second set of discovery requests to Plaintiffs that also ask about the identities of minors. Declaration of Wendy Olson ("Olson Decl.") ¶¶ 2–5, Exs. A, B, C. Plaintiffs' responses to those requests are due November 28, 2025.

Legrand v. Abbott Lab'ys, No. 22-CV-05815-TSH, 2024 WL 4469099, at *1 (N.D. Cal. Oct. 9, 2024) ("Despite [a party's] belated assertion of a First Amendment privilege, the Court declines to find a waiver of this constitutional privilege."); *Apple Inc. v. Match Grp., Inc.*, No. 21MC80184YGRTSH, 2021 WL 3727067, at *6 (N.D. Cal. Aug. 19, 2021) ("[T]here is case law finding 'that where a constitutional privilege is involved a trial court possesses the discretion not to find waiver.'" (citation omitted)).

The First Amendment thus protects from disclosure the identities of young people who have associated with Plaintiffs.

CONCLUSION

Defendant is baselessly accusing Plaintiffs of being in violation of various Idaho laws and using this litigation as a fishing expedition to prove those accusations or to intimidate Plaintiffs from pursuing their rights (or both). Defendant's opposition makes clear that Plaintiffs should be protected from inquiry into the identities of young people and into alleged violations of other criminal statutes. Plaintiffs respectfully request the Court enter the proposed protective order [Dkt. 79-1].

DATED: November 10, 2025.

STOEL RIVES LLP

/s/ Wendy J. Olson
Wendy J. Olson

LEGAL VOICE

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

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/s/ Jamila A. Johnson
Jamila A. Johnson
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 10, 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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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 Plaintiffs' Motion for Entry of Protective Order [Dkt. 79].

2. On October 28, 2025, Defendant served his second set of interrogatories, requests for production, and requests for admission on Plaintiffs.

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

4. Attached hereto as **Exhibit B** is a true and correct copy of Defendant's second set of written discovery requests to the Indigenous Idaho Alliance ("IIA").

5. Attached hereto as **Exhibit C** is a true and correct copy of Defendant's second set of written discovery requests to Lourdes Matsumoto.

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: November 10, 2025

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 10, 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
Wendy J. Olson

Exhibit A

Exhibit A

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

Plaintiff,

v.

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

Defendant.

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

DEFENDANT'S SECOND SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION TO NORTHWEST ABORTION ACCESS FUND

Under the Federal Rules of Civil Procedure, Defendant issues this second set of discovery requests to Plaintiff Northwest Abortion Access Fund.

INSTRUCTIONS

1. Pursuant to Federal Rule of Civil Procedure 33, the Interrogatories set forth below are to be answered within 30 days of service of these requests upon you, fully and separately in writing, under oath, and in accordance with the above cited rule. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys, or employees.

2. If any document identified in an answer to an interrogatory was, but is no longer in your possession, custody, or control, or was known to you but is no longer in existence, describe what disposition was made of it or what became of it. Your answer must be based not only on documents in your personal possession, but also on any documents available to you, including documents in the possession of your agents, attorneys, accountants, or employees. No document requested to be identified or produced herein can be destroyed or disposed of by virtue of a record retention program or for any other reason.

3. These interrogatories are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

4. Pursuant to Federal Rule of Civil Procedure 34, you are hereby requested, within 30 days of the date this document was served upon you, to permit the inspection and copying of the documents and things requested below at the Office of the Attorney General, 700 W. Jefferson, Suite 210, Boise, Idaho 83720 or at such other time and place as agreed by the parties.

5. As an alternative to producing documents for inspection and copying, accurate, legible and complete copies of requested documents and ESI may be attached to your answers and responses and served within the same time period.

6. Your response to each request for production must be based not only on documents and things in your personal possession, but also on any and all documents and things available to you, including those in the possession of any of your agents, attorneys, or employees. Please clearly identify to which request for production each document or group of documents you provide is responsive.

7. If any document requested in the following interrogatories, or asked to be produced in the requests for production, was, but no longer is, in your possession or subject to your control, or in existence, state whether it is: (1) missing or lost, (2) has been destroyed, (3) has been transferred, voluntarily or involuntarily, to others, or (4) otherwise disposed of; and in each instance, please explain the circumstances surrounding the authorization of such disposition thereof, and state the date or approximate date thereof.

8. If a claim of privilege is made as to any request, you must comply with Federal Rule of Civil Procedure 26(b)(5)(A). Please specify:

a. the type of each document withheld;
b. the precise nature of any privilege claimed;
c. the author(s) of each document withheld;
d. the recipient(s) of each document withheld;
e. the date of each document withheld;
f. the general subject matter of each document withheld; and
g. if applicable, the Bates or other identifying number of each document.

9. These requests shall not be deemed to call for identical copies of documents. A document with handwritten notes, editing marks, etc., shall not be deemed identical to one without such modifications, additions or deletions.

10. Pursuant to Federal Rule of Civil Procedure 36, the Requests for Admission set forth below are to be answered within thirty (30) days of service of these requests upon You, fully and separately in writing, under oath, and in accordance with the above cited rule.

11. In answering these requests for admission, furnish all information available to You, including information in the possession of Your attorneys (an investigators, experts, etc., retained by You and Your attorneys), not merely information known of Your personal knowledge.

12. If You cannot answer the following requests for admission in full, after exercising due diligence to secure the information to do so, so state, and answer the remainder, stating whatever information and knowledge You have concerning the unanswered portion.

13. If You contend that any information requested is privileged, in whole or in part, or You otherwise object to any part of any request, or believe that any requested information would be excludable to Defendant in discovery, regardless of its relevance, please identify with particularity each piece of information for which You claim a privilege, state the reasons for each objection or grounds for exclusion, identify each person or entity having knowledge of the factual basis on which the privilege or ground is asserted, and identify each request in any way related to either the privileged information or the factual basis for the claim or privilege.

14. If You fail to respond to these requests for admission, Defendant may request the sanctions set out in Federal Rule of Civil Procedure 37. These requests for admission are deemed to be continuing in nature so as to require You to file supplementary responses if You obtain further or different information than that reflected in Your responses to these requests for admission.

15. In answering all of the following requests for production, requests for admission and interrogatories, if you believe that a request is vague and ambiguous, please attempt to

resolve any vagueness or ambiguity by presuming that the words used in the question incorporate their common dictionary definitions, and if taken from the text of a statute, incorporate their statutory context, apply Idaho canons of construction, and apply any prior judicial construction. Always apply any statutory construction done by the Ninth Circuit Court of Appeals in *Matsumoto v. Labrador*, 122 F.4th 787 (9th Cir. 2024) with respect to Idaho Code § 18-623, including construction of the verbs "recruit," "harbor," or "transport." If despite applying these methods you find that any request is vague or ambiguous, please identify and describe the vagueness or ambiguity, and attempt in good faith to respond to the extent you are able to interpret the question.

DEFINITIONS

The following definitions shall apply to these discovery requests:

1. "You," "Your," "Yours," means the Plaintiffs herein and any agents, employees, representatives, personnel, attorneys, consultants, experts, investigators, predecessors, etc., or other persons acting for or on Your behalf.

2. "Defendant" means the Defendant herein, including their agents, employees, attorneys, or other person acting for or on behalf of said Defendant.

3. "Person" means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.

4. "Identify" when used with respect to a natural person requires that You provide the following information with respect to the person:

   a. full name;
   b. for any minor the date of birth of the minor or, if the date of birth is unknown, the age of the minor;
   c. last known business address;
   d. last known residence address;
   e. last known telephone numbers; and

f. name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.

5. "Identify" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person *(see* Definition No. 4(a) through 4(e) above), and also provide the additional information regarding a description of the nature of the entity (e.g., partnership, corporation, limited liability company, etc.).

6. "Identify" when used with respect to a document, item or thing means to provide the following information relating to such document, item or thing:

a. a general description thereof;
b. date it was written or created;
c. name and present or last known address of the person or persons who wrote or created it;
d. name and present or last known address of the person to whom it was sent;
e. name and present address of the custodian thereof; and
f. whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.

7. "Document" or "documents" means the original, all copies and non-identical drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records and data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: written communication, electronic communication, correspondence, notes, emails, memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, instructions, work assignments, messages (including reports, notes and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge

slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or prepared in connection with any court or agency or other proceeding, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, precis, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents. Documents shall also encompass what is listed as "documents" and "tangible things" in Federal Rule of Civil Procedure 34(a)(l)(A) and Federal Rules of Evidence 1001 and specifically includes ESI, as defined below Document means any document as described above in Your possession, custody, or control.

8. "Communication" means any contact between two or more persons, organizations, associations, or companies and shall include, without limitation, written contact by letters, emails, or any other Document; and includes oral contact by face to face meetings, telephone or video conversations, or any other means of exchanging information.

9. "ESI" means any designated documents or electronically stored information, including writings, drawings, graphs, charts, photographs, sound records, images, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or any designated tangible things.

10. The words "relate to" or "relating to" means and includes the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to, contradicts, or compromises.

11. The words "and" and "and/or" and "or" shall each refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

12. The word "any" means "each and every" and "all" as well as "any one," and "all" shall mean "any and all."

13. "Computers" means and includes all electronic data storage devices, including but not limited to network servers, desktops, laptops, tablets, notebook computers, employee home computers, mainframes, hard drives, PDAs (personal digital assistants, such as PalmPilot, Cassiopeia, HP Jomada and other such handheld computing devices), iPhones, Android devices, and all other digital cell phones.

INTERROGATORIES

Interrogatory No. 15: Identify all Idaho minors that you believe you have procured an abortion for or for which you have helped or assisted to obtain an abortion in any way (including, but not limited to, obtaining abortion inducing drugs) since January 1, 2021.

Interrogatory No. 16: For all Idaho minors identified in Interrogatory No. 15, describe how you procured the abortion and/or all of the ways in which you believe you helped or assisted minors obtain an abortion or abortion inducing drugs, including, but not limited to, the date on which you procured the abortion or provided the help or assistance and the location (including, but not limited to, the name of the hospital or clinic) where the abortion took place. .

Interrogatory No. 17: For all Idaho minors for which you have provided "assistance"

referenced in Paragraph 44-46 of your complaint, provide the same information requested in interrogatory No. 15 and No. 16, if you have not already provided that information in response to Interrogatory No. 15 and No. 16.

Interrogatory No. 18: For each situation described in Your response to interrogatory Nos. 15, 16, and 17, state whether You reported any potential abuse, neglect or abandonment to the Idaho Department of Health and Welfare or the proper law enforcement agency pursuant to Idaho Code § 16-1605. If so, please provide the date of the report and the name of the agency to which you reported the information.

REQUESTS FOR PRODUCTION

Request for Production No. 8: Produce copies of any and all of your policies, procedures, guidelines, practices, or training relating to mandatory reporting requirements under Idaho Code § 16-1605.

Request for Production No. 9: Produce all documents related to any of the minors or situations described in Interrogatories 15, 16, 17, and 18.

REQUESTS FOR ADMISSION

Request for Admission No. 5: Admit you do not possess any "health information" as that term is defined by 42 U.S.C. § 1320d, of any Idaho minor for whom you have procured an abortion.

Request for Admission No. 6: Admit that you do not possess any "individually identifiable health information" as that term is defined by 42 U.S.C. § 1320d of any Idaho minor for whom you have procured an abortion.

Request for Admission No. 7: Admit that you have not procured any abortion or abortion inducing drug for any Idaho minor January 1, 2021.

DATED: October 28, 2025

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

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

Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on October 28, 2025, the foregoing was emailed to the following:

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wendy.olson@stoel.com

Jamila Asha Johnson
jjohnson@lawyeringproject.org

Kelly O'Neill
koneill@legalvoice.org

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psuelzle@lawyeringproject.org

Wendy S. Heipt
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Counsel for Plaintiffs

/s/ *Aaron M. Green*
AARON M. GREEN

Exhibit B

Exhibit B

RAÚL R. LABRADOR
ATTORNEY GENERAL

JAMES E. M. CRAIG, ISB #6365
Chief, Civil Litigation and
Constitutional Defense

BRIAN V. CHURCH, ISB #9391
Lead Deputy Attorney General
AARON M. GREEN, ISB #12397
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
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brian.church@ag.idaho.gov
aaron.green@ag.idaho.gov

Attorneys for Defendant

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 of the State of Idaho,

Defendant.

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

DEFENDANT'S SECOND SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION TO INDIGENOUS IDAHO ALLIANCE

Under the Federal Rules of Civil Procedure, Defendant issues this second set of discovery requests to Plaintiff Indigenous Idaho Alliance.

INSTRUCTIONS

1. Pursuant to Federal Rule of Civil Procedure 33, the Interrogatories set forth below are to be answered within 30 days of service of these requests upon you, fully and separately in writing, under oath, and in accordance with the above cited rule. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys, or employees.

2. If any document identified in an answer to an interrogatory was, but is no longer in your possession, custody, or control, or was known to you but is no longer in existence, describe what disposition was made of it or what became of it. Your answer must be based not only on documents in your personal possession, but also on any documents available to you, including documents in the possession of your agents, attorneys, accountants, or employees. No document requested to be identified or produced herein can be destroyed or disposed of by virtue of a record retention program or for any other reason.

3. These interrogatories are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

4. Pursuant to Federal Rule of Civil Procedure 34, you are hereby requested, within 30 days of the date this document was served upon you, to permit the inspection and copying of the documents and things requested below at the Office of the Attorney General, 700 W. Jefferson, Suite 210, Boise, Idaho 83720 or at such other time and place as agreed by the parties.

5. As an alternative to producing documents for inspection and copying, accurate, legible and complete copies of requested documents and ESI may be attached to your answers and responses and served within the same time period.

6. Your response to each request for production must be based not only on documents and things in your personal possession, but also on any and all documents and things available to you, including those in the possession of any of your agents, attorneys, or employees. Please clearly identify to which request for production each document or group of documents you provide is responsive.

7. If any document requested in the following interrogatories, or asked to be produced in the requests for production, was, but no longer is, in your possession or subject to your control, or in existence, state whether it is: (1) missing or lost, (2) has been destroyed, (3) has been transferred, voluntarily or involuntarily, to others, or (4) otherwise disposed of; and in each instance, please explain the circumstances surrounding the authorization of such disposition thereof, and state the date or approximate date thereof.

8. If a claim of privilege is made as to any request, you must comply with Federal Rule of Civil Procedure 26(b)(5)(A). Please specify:

a. the type of each document withheld;
b. the precise nature of any privilege claimed;
c. the author(s) of each document withheld;
d. the recipient(s) of each document withheld;
e. the date of each document withheld;
f. the general subject matter of each document withheld; and
g. if applicable, the Bates or other identifying number of each document.

9. These requests shall not be deemed to call for identical copies of documents. A document with handwritten notes, editing marks, etc., shall not be deemed identical to one without such modifications, additions or deletions.

10. Pursuant to Federal Rule of Civil Procedure 36, the Requests for Admission set forth below are to be answered within thirty (30) days of service of these requests upon You, fully and separately in writing, under oath, and in accordance with the above cited rule.

11. In answering these requests for admission, furnish all information available to You, including information in the possession of Your attorneys (an investigators, experts, etc., retained by You and Your attorneys), not merely information known of Your personal knowledge.

12. If You cannot answer the following requests for admission in full, after exercising due diligence to secure the information to do so, so state, and answer the remainder, stating whatever information and knowledge You have concerning the unanswered portion.

13. If You contend that any information requested is privileged, in whole or in part, or You otherwise object to any part of any request, or believe that any requested information would be excludable to Defendant in discovery, regardless of its relevance, please identify with particularity each piece of information for which You claim a privilege, state the reasons for each objection or grounds for exclusion, identify each person or entity having knowledge of the factual basis on which the privilege or ground is asserted, and identify each request in any way related to either the privileged information or the factual basis for the claim or privilege.

14. If You fail to respond to these requests for admission, Defendant may request the sanctions set out in Federal Rule of Civil Procedure 37. These requests for admission are deemed to be continuing in nature so as to require You to file supplementary responses if You obtain further or different information than that reflected in Your responses to these requests for admission.

15. In answering all of the following requests for production, requests for admission and interrogatories, if you believe that a request is vague and ambiguous, please attempt to

resolve any vagueness or ambiguity by presuming that the words used in the question incorporate their common dictionary definitions, and if taken from the text of a statute, incorporate their statutory context, apply Idaho canons of construction, and apply any prior judicial construction. Always apply any statutory construction done by the Ninth Circuit Court of Appeals in *Matsumoto v. Labrador*, 122 F.4th 787 (9th Cir. 2024) with respect to Idaho Code § 18-623, including construction of the verbs "recruit," "harbor," or "transport." If despite applying these methods you find that any request is vague or ambiguous, please identify and describe the vagueness or ambiguity, and attempt in good faith to respond to the extent you are able to interpret the question.

DEFINITIONS

The following definitions shall apply to these discovery requests:

1. "You," "Your," "Yours," means the Plaintiffs herein and any agents, employees, representatives, personnel, attorneys, consultants, experts, investigators, predecessors, etc., or other persons acting for or on Your behalf.

2. "Defendant" means the Defendant herein, including their agents, employees, attorneys, or other person acting for or on behalf of said Defendant.

3. "Person" means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.

4. "Identify" when used with respect to a natural person requires that You provide the following information with respect to the person:

   a. full name;
   b. for any minor the date of birth of the minor or, if the date of birth is unknown, the age of the minor;
   c. last known business address;
   d. last known residence address;
   e. last known telephone numbers; and

f. name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.

5. "Identify" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person *(see* Definition No. 4(a) through 4(e) above), and also provide the additional information regarding a description of the nature of the entity (e.g., partnership, corporation, limited liability company, etc.).

6. "Identify" when used with respect to a document, item or thing means to provide the following information relating to such document, item or thing:

a. a general description thereof;
b. date it was written or created;
c. name and present or last known address of the person or persons who wrote or created it;
d. name and present or last known address of the person to whom it was sent;
e. name and present address of the custodian thereof; and
f. whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.

7. "Document" or "documents" means the original, all copies and non-identical drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records and data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: written communication, electronic communication, correspondence, notes, emails, memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, instructions, work assignments, messages (including reports, notes and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge

slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or prepared in connection with any court or agency or other proceeding, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, precis, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents. Documents shall also encompass what is listed as "documents" and "tangible things" in Federal Rule of Civil Procedure 34(a)(l)(A) and Federal Rule of Evidence 1001 and specifically includes ESI, as defined below Document means any document as described above in Your possession, custody, or control.

8. "Communication" means any contact between two or more persons, organizations, associations, or companies and shall include, without limitation, written contact by letters, emails, or any other Document; and includes oral contact by face-to-face meetings, telephone or video conversations, or any other means of exchanging information.

9. "ESI" means any designated documents or electronically stored information, including writings, drawings, graphs, charts, photographs, sound records, images, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or any designated tangible things.

10. The words "relate to" or "relating to" means and includes the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to,

contradicts, or compromises.

11. The words "and" and "and/or" and "or" shall each refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

12. The word "any" means "each and every" and "all" as well as "any one," and "all" shall mean "any and all."

13. "Computers" means and includes all electronic data storage devices, including but not limited to network servers, desktops, laptops, tablets, notebook computers, employee home computers, mainframes, hard drives, PDAs (personal digital assistants, such as PalmPilot, Cassiopeia, HP Jomada and other such handheld computing devices), iPhones, Android devices, and all other digital cell phones.

INTERROGATORIES

Interrogatory No. 13: Identify all Idaho minors that you believe you have procured an abortion for or for which you have helped or assisted to obtain an abortion in any way (including, but not limited to, obtaining abortion inducing drugs) since January 1, 2021.

Interrogatory No. 14: For all Idaho minors identified in Interrogatory No. 13, describe how you procured the abortion and/or all of the ways in which you believe you helped or assisted minors obtain an abortion or abortion inducing drugs, including, but not limited to, the date on which you procured the abortion or provided the help or assistance and the location (including, but not limited to, the name of the hospital or clinic) where the abortion took place.

Interrogatory No. 15: For all Idaho minors for which you have provided "direct assistance or financial assistance" referenced in Paragraph 55 of your complaint, provide the same

information requested in interrogatory No. 13 and No. 14, if you have not already provided that information in response to Interrogatory No. 13 and No. 14.

Interrogatory No. 16: For each situation described in Your response to interrogatory Nos. 13, 14, and 15, state whether You reported any potential abuse, neglect or abandonment to the Idaho Department of Health and Welfare or the proper law enforcement agency pursuant to Idaho Code § 16-1605. If so, please provide the date of the report and the name of the agency to which you reported the information.

REQUESTS FOR PRODUCTION

Request for Production No. 8: Produce copies of any and all of your policies, procedures, guidelines, practices, or training relating to mandatory reporting requirements under Idaho Code § 16-1605.

Request for Production No. 9: Produce all documents related to any of the minors or situations described in Interrogatories 13, 14, 15, and 16.

REQUESTS FOR ADMISSION

Request for Admission No. 5: Admit you do not possess any "health information" as that term is defined by 42 U.S.C. § 1320d, of any Idaho minor for whom you have procured an abortion.

Request for Admission No. 6: Admit that you do not possess any "individually identifiable health information" as that term is defined by 42 U.S.C. § 1320d of any Idaho minor for whom you have procured an abortion.

Request for Admission No. 7: Admit that you have not procured any abortion or abortion inducing drug for any Idaho minor January 1, 2021.

DATED: October 28, 2025

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

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

Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on October 28, 2025, the foregoing was emailed to the following:

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Paige Butler Suelzle
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Wendy S. Heipt
wheipt@legalvoice.org

Counsel for Plaintiffs

/s/ *Aaron M. Green*
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Exhibit C

Exhibit C

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ATTORNEY GENERAL

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Chief, Civil Litigation and
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Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

Plaintiff,

v.

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

Defendant.

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

DEFENDANT'S SECOND SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION TO LOURDES MATSUMOTO

Under the Federal Rules of Civil Procedure, Defendant issues this second set of discovery requests to Plaintiff Lourdes Matsumoto.

INSTRUCTIONS

1. Pursuant to Federal Rule of Civil Procedure 33, the Interrogatories set forth below are to be answered within 30 days of service of these requests upon you, fully and separately in writing, under oath, and in accordance with the above cited rule. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys, or employees.

2. If any document identified in an answer to an interrogatory was, but is no longer in your possession, custody, or control, or was known to you but is no longer in existence, describe what disposition was made of it or what became of it. Your answer must be based not only on documents in your personal possession, but also on any documents available to you, including documents in the possession of your agents, attorneys, accountants, or employees. No document requested to be identified or produced herein can be destroyed or disposed of by virtue of a record retention program or for any other reason.

3. These interrogatories are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

4. Pursuant to Federal Rule of Civil Procedure 34, you are hereby requested, within 30 days of the date this document was served upon you, to permit the inspection and copying of the documents and things requested below at the Office of the Attorney General, 700 W. Jefferson, Suite 210, Boise, Idaho 83720 or at such other time and place as agreed by the parties.

5. As an alternative to producing documents for inspection and copying, accurate, legible and complete copies of requested documents and ESI may be attached to your answers and responses and served within the same time period.

6. Your response to each request for production must be based not only on documents and things in your personal possession, but also on any and all documents and things available to you, including those in the possession of any of your agents, attorneys, or employees. Please clearly identify to which request for production each document or group of documents you provide is responsive.

7. If any document requested in the following interrogatories, or asked to be produced in the requests for production, was, but no longer is, in your possession or subject to your control, or in existence, state whether it is: (1) missing or lost, (2) has been destroyed, (3) has been transferred, voluntarily or involuntarily, to others, or (4) otherwise disposed of; and in each instance, please explain the circumstances surrounding the authorization of such disposition thereof, and state the date or approximate date thereof.

8. If a claim of privilege is made as to any request, you must comply with Federal Rule of Civil Procedure 26(b)(5)(A). Please specify:

a. the type of each document withheld;
b. the precise nature of any privilege claimed;
c. the author(s) of each document withheld;
d. the recipient(s) of each document withheld;
e. the date of each document withheld;
f. the general subject matter of each document withheld; and
g. if applicable, the Bates or other identifying number of each document.

9. These requests shall not be deemed to call for identical copies of documents. A document with handwritten notes, editing marks, etc., shall not be deemed identical to one without such modifications, additions or deletions.

10. Pursuant to Federal Rule of Civil Procedure 36, the Requests for Admission set forth below are to be answered within thirty (30) days of service of these requests upon You, fully and separately in writing, under oath, and in accordance with the above cited rule.

11. In answering these requests for admission, furnish all information available to You, including information in the possession of Your attorneys (an investigators, experts, etc., retained by You and Your attorneys), not merely information known of Your personal knowledge.

12. If You cannot answer the following requests for admission in full, after exercising due diligence to secure the information to do so, so state, and answer the remainder, stating whatever information and knowledge You have concerning the unanswered portion.

13. If You contend that any information requested is privileged, in whole or in part, or You otherwise object to any part of any request, or believe that any requested information would be excludable to Defendant in discovery, regardless of its relevance, please identify with particularity each piece of information for which You claim a privilege, state the reasons for each objection or grounds for exclusion, identify each person or entity having knowledge of the factual basis on which the privilege or ground is asserted, and identify each request in any way related to either the privileged information or the factual basis for the claim or privilege.

14. If You fail to respond to these requests for admission, Defendant may request the sanctions set out in Federal Rule of Civil Procedure 37. These requests for admission are deemed to be continuing in nature so as to require You to file supplementary responses if You obtain further or different information than that reflected in Your responses to these requests for admission.

15. In answering all of the following requests for production, requests for admission and interrogatories, if you believe that a request is vague and ambiguous, please attempt to

resolve any vagueness or ambiguity by presuming that the words used in the question incorporate their common dictionary definitions, and if taken from the text of a statute, incorporate their statutory context, apply Idaho canons of construction, and apply any prior judicial construction. Always apply any statutory construction done by the Ninth Circuit Court of Appeals in *Matsumoto v. Labrador*, 122 F.4th 787 (9th Cir. 2024) with respect to Idaho Code § 18-623, including construction of the verbs "recruit," "harbor," or "transport." If despite applying these methods you find that any request is vague or ambiguous, please identify and describe the vagueness or ambiguity, and attempt in good faith to respond to the extent you are able to interpret the question.

DEFINITIONS

The following definitions shall apply to these discovery requests:

1. "You," "Your," "Yours," means the Plaintiffs herein and any agents, employees, representatives, personnel, attorneys, consultants, experts, investigators, predecessors, etc., or other persons acting for or on Your behalf.

2. "Defendant" means the Defendant herein, including their agents, employees, attorneys, or other person acting for or on behalf of said Defendant.

3. "Person" means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.

4. "Identify" when used with respect to a natural person requires that You provide the following information with respect to the person:

   a. full name;
   b. for any minor the date of birth of the minor or, if the date of birth is unknown, the age of the minor;
   c. last known business address;
   d. last known residence address;
   e. last known telephone numbers; and

f. name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.

5. "Identify" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person *(see* Definition No. 4(a) through 4(e) above), and also provide the additional information regarding a description of the nature of the entity (e.g., partnership, corporation, limited liability company, etc.).

6. "Identify" when used with respect to a document, item or thing means to provide the following information relating to such document, item or thing:

a. a general description thereof;
b. date it was written or created;
c. name and present or last known address of the person or persons who wrote or created it;
d. name and present or last known address of the person to whom it was sent;
e. name and present address of the custodian thereof; and
f. whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.

7. "Document" or "documents" means the original, all copies and non-identical drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records and data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: written communication, electronic communication, correspondence, notes, emails, memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, instructions, work assignments, messages (including reports, notes and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge

slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or prepared in connection with any court or agency or other proceeding, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, precis, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents. Documents shall also encompass what is listed as "documents" and "tangible things" in Federal Rule of Civil Procedure 34(a)(l)(A) and Federal Rule of Evidence 1001 and specifically includes ESI, as defined below Document means any document as described above in Your possession, custody, or control.

8. "Communication" means any contact between two or more persons, organizations, associations, or companies and shall include, without limitation, written contact by letters, emails, or any other Document; and includes oral contact by face to face meetings, telephone or video conversations, or any other means of exchanging information.

9. "ESI" means any designated documents or electronically stored information, including writings, drawings, graphs, charts, photographs, sound records, images, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or any designated tangible things.

10. The words "relate to" or "relating to" means and includes the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to,

contradicts, or compromises.

11. The words "and" and "and/or" and "or" shall each refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

12. The word "any" means "each and every" and "all" as well as "any one," and "all" shall mean "any and all."

13. "Computers" means and includes all electronic data storage devices, including but not limited to network servers, desktops, laptops, tablets, notebook computers, employee home computers, mainframes, hard drives, PDAs (personal digital assistants, such as PalmPilot, Cassiopeia, HP Jomada and other such handheld computing devices), iPhones, Android devices, and all other digital cell phones.

INTERROGATORIES

Interrogatory No. 16: Identify all Idaho minors that you believe you have procured an abortion for or for which you have helped or assisted to obtain an abortion in any way (including, but not limited to, obtaining abortion inducing drugs) since January 1, 2021.

Interrogatory No. 17: For all Idaho minors identified in Interrogatory No. 16, describe how you procured the abortion and/or all of the ways in which you believe you helped or assisted minors obtain an abortion or abortion inducing drugs, including, but not limited to, the date on which you procured the abortion or provided the help or assistance and the location (including, but not limited to, the name of the hospital or clinic) where the abortion took place.

Interrogatory No. 18: For all Idaho minors which you have "assist[ed]" referenced in Paragraph 55 of your complaint provide the same information requested in interrogatory No. 17

and No. 18, if you have not already provided that information in response to Interrogatory No. 17 and No. 18.

Interrogatory No. 19: For each situation described in Your response to interrogatory Nos. 16, 17, and 18, state whether You reported any potential abuse, neglect or abandonment to the Idaho Department of Health and Welfare or the proper law enforcement agency pursuant to Idaho Code § 16-1605. If so, please provide the date of the report and the name of the agency to which you reported the information.

REQUESTS FOR PRODUCTION

Request for Production No. 8: Produce copies of any and all of your policies, procedures, guidelines, practices, or training relating to mandatory reporting requirements under Idaho Code § 16-1605.

Request for Production No. 9: Produce all documents related to any of the minors or situations described in Interrogatories 16, 17, 18, and 19.

REQUESTS FOR ADMISSION

Request for Admission No. 5: Admit you do not possess any "health information" as that term is defined by 42 U.S.C. § 1320d, of any Idaho minor for whom you have procured an abortion.

Request for Admission No. 6: Admit that you do not possess any "individually identifiable health information" as that term is defined by 42 U.S.C. § 1320d of any Idaho minor for whom you have procured an abortion.

Request for Admission No. 7: Admit that you have not procured any abortion or abortion inducing drug for any Idaho minor since January 1, 2021.

DATED: October 28, 2025

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

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

Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on October 28, 2025, the foregoing was emailed to the following:

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