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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 **PLAINTIFFS' OPPOSITION TO MOTION OF NON-PARTY RIGHT TO LIFE OF IDAHO, INC., TO QUASH SUBPOENA AND MEMORANDUM IN SUPPORT**

INTRODUCTION

Plaintiffs Lourdes Matsumoto, Northwest Abortion Access Fund ("NWAAF"), and Indigenous Idaho Alliance ("IIA") seek narrowly tailored information from the Right to Life of Idaho, Inc. ("Movant") that is highly relevant to their claims. In particular, the information will help show that the objectives of Idaho Code § 18-623 are unconstitutional. The information sought is not subject to the First Amendment privilege because Plaintiffs are seeking external communications with, or intended for, public officials about active legislation and Movant has shown no chilling effect on its First Amendment activities. The information is highly relevant because it bears directly on Plaintiffs' interstate travel claim. And the information sought is neither overbroad nor unduly burdensome. Plaintiffs respectfully request that this Court deny Movant's motion to quash.

BACKGROUND

Idaho Code § 18-623 (the "Abortion Travel Ban") was signed into law on April 5, 2023, by Governor Brad Little, and went into effect on May 5, 2023. It provides:

> An adult who, with the intent to conceal an abortion from the parents or guardian of a pregnant, unemancipated minor, either procures an abortion, as described in section 18-604, Idaho Code, or obtains an abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within this state commits the crime of abortion trafficking.

Idaho Code § 18-623(1). The statute also says that it is "an affirmative defense to a prosecution . . . that a parent or guardian of the pregnant minor consented to trafficking of the minor." *Id.* § 18-623(2). "Any person who commits the crime of abortion trafficking . . . shall be punished by imprisonment in the state prison for no less than two (2) years and no more than five (5) years." *Id.* § 18-623(5).

Plaintiffs promptly filed suit against the Idaho Attorney General, Raúl Labrador, in this Court, alleging that the Abortion Travel Ban violated their First Amendment, due process, and inter- and intra-state travel rights. Complaint [Dkt. 1]. Plaintiffs asked this Court for a preliminary injunction barring enforcement of the law, moving only on the First Amendment and due process claims. Mot. Preliminary Injunction [Dkt. 12]. This Court found that Plaintiffs had a likelihood of success on the merits on those claims and entered a preliminary injunction. *Matsumoto v. Labrador*, 701 F. Supp. 3d 1032, 1064, 1066 (D. Idaho 2023), *aff'd in part, rev'd in part and remanded*, 122 F.4th 787 (9th Cir. 2024). The Court also denied Defendant's motion to dismiss in substantial part, holding that Plaintiffs' First Amendment, due process, and interstate travel claims could proceed. *Matsumoto v. Labrador*, 701 F. Supp. 3d 1069, 1076, 1078 (D. Idaho 2023). The Ninth Circuit affirmed the preliminary injunction as to the "recruiting" provision of the Abortion Travel Ban. *Matsumoto v. Labrador*, 122 F.4th 787, 816 (9th Cir. 2024).

The parties have since proceeded in discovery. On September 12, 2025, Plaintiffs served a subpoena duces tecum on Movant, requesting certain documents relating to Movant's involvement in the drafting and passage of the Abortion Travel Ban.[1] Dkt. 72-3. By agreement of the parties, Movant's compliance deadline was extended twice.[2] Counsel for Movant sent objections to counsel for Plaintiffs, and in response, counsel for Plaintiffs narrowed the

[1] Plaintiffs also issued a subpoena to the National Right to Life Committee, Inc., which has filed a motion to quash that subpoena in the District Court for the District of Columbia. Plaintiffs filed their opposition to that motion on November 6, 2025, and the National Right to Life Committee's reply is due November 13, 2025.

[2] Plaintiffs agree with the characterization of the timeline of events as described in counsel Joseph D. Maughon's declaration in support of the motion to quash. Dkt. 72-2.

discovery requests in a good-faith attempt to resolve the dispute. Dkt. 72-4. Now, Plaintiffs seek only the following information from Movant:

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

Dkt. 72-3. Still, Movant filed the instant motion, and Plaintiffs now oppose.

LEGAL STANDARD

Federal Rule of Civil Procedure 45 governs issuance of subpoenas. "Where a non-party possesses potentially relevant information, the party seeking discovery may obtain a subpoena for the evidence pursuant to Rule 45." *Amini Innovation Corp. v. McFerran Home Furnishings, Inc.*, 300 F.R.D. 406, 409 (C.D. Cal. 2014). "The same broad scope of discovery set out in Rule 26 applies to the discovery that may be sought pursuant to Rule 45." *Id.* (citations omitted). "Under the general relevance requirements set forth in Rule 26(b), the subpoena may command the production of documents that are 'nonprivileged' and are 'relevant to any party's claim or defense.'" *Dale Evans Parkway 2012, LLC v. Nat'l Fire & Marine Ins. Co.*, No. EDCV15979JGBSPX, 2016 WL 7486606, at *3 (C.D. Cal. Oct. 27, 2016) (citing Fed. R. Civ. P. 26(b)(1)). "The party seeking to quash a subpoena has the 'burden of persuasion.'" *Soto v. Castlerock Farming & Transp., Inc.*, 282 F.R.D. 492, 504 (E.D. Cal. 2012) (citation omitted).

ARGUMENT

I. Movant Has Failed to Show the First Amendment Privilege Applies.

The party asserting the First Amendment privilege must first "demonstrate a prima facie showing of arguable First Amendment infringement." *Perry v. Schwarzenegger*, 591 F.3d 1147,

1160 (9th Cir. 2010) (citations omitted). This showing requires the party asserting the privilege to "demonstrate that enforcement of the [discovery requests] will result in (1) harassment, membership withdrawal, or discouragement of new members, or (2) other consequences which objectively suggest an impact on, or chilling of, the members' associational rights." *Id.* (citation omitted). If the party asserting the privilege makes such a showing, the evidentiary burden shifts to the party seeking disclosure "[to] demonstrate that the information sought" is rationally related to a compelling interest "[and] the 'least restrictive means' of obtaining the desired information." *Id.* at 1161 (citation omitted). "The question is . . . whether the party seeking the discovery 'has demonstrated an interest in obtaining the disclosures it seeks . . . which is sufficient to justify the deterrent effect . . . on the free exercise . . . of [the] constitutionally protected right of association.'" *Id.* (citing *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 463 (1958)).

A. Movant Has Failed to Demonstrate a Prima Facie Showing of Arguable First Amendment Infringement.

First, Movant has failed to demonstrate a prima facie showing of an arguable First Amendment infringement because it has not shown that "enforcement of the discovery requests will result in … harassment, membership withdrawal, … discouragement of new members, or … any other consequences which objectively suggest an impact on, or chilling of, the members' associational rights." *Perry*, 591 F.3d at 1160–61. Movant makes vague claims that Plaintiffs' requests would "deter participation" if it was required to produce the discovery, *see* Mot. Quash at 7, but "conclusory statements, alone, do not establish a *prima facie* showing of First Amendment infringement," *Mi Familia Vota v. Hobbs*, 343 F.R.D. 71, 84, 85 (D. Ariz. 2022) (holding that the Republican Party of Arizona did not make a prima facie showing of arguable First Amendment infringement regarding its communications with lawmakers because it made

"no effort to explain why such communications could be considered privileged from disclosure under the First Amendment"). Movant has not explained how or why disclosure of its external communications with public officials will subject it to harassment or otherwise chill its First Amendment activities.[3] Instead, Movant expects this Court to take its word for it that disclosure will chill its First Amendment freedoms. Movant should have "provide[d] a privilege log describing the nature of the withheld documents or communications 'in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.'" *Mi Familia Vota*, 343 F.R.D. at 83 (citing *Karnoski v. Trump*, 926 F.3d 1180, 1195 (9th Cir. 2019)).

Second, the First Amendment privilege does not apply because Plaintiffs are seeking external communications with, or intended for, public officials. *Sol v. Whiting*, No. CV-10-01061-PHX-SRB, 2013 WL 12098752 (D. Ariz. Dec. 11, 2013), is instructive. In that case, groups challenged an Arizona immigration law. *Sol*, 2013 WL 12098752, at *1. At the district court, the plaintiffs issued subpoenas to two non-parties, the Federation for American Immigration Reform and the Immigration Reform Law Institute. *Id.* Like the requests at issue here, the subpoenas in *Sol* sought each organization's communications with Arizona state

[3] Movant cites *Toering v. EAN Holdings LLC*, No. C15-2016-JCC, 2016 WL 11626756 (W.D. Wash. July 22, 2016), to support its position that the First Amendment privilege applies, but in that case, the organizations moving to quash the subpoena that sought internal and external communications had submitted "numerous declarations . . . demonstrat[ing] the chilling effect that the disclosure of such information would have." *Toering*, 2016 WL 11626756, at *3. The party seeking the information also failed to show that it was highly relevant. *Id.* Similarly, in *Legrand v. Abbott Lab'ys*, No. 22-CV-05815-TSH, 2024 WL 4469099 (N.D. Cal. Oct. 9, 2024), which Movant also cites, the movant seeking to quash the subpoena had provided a declaration and a privilege log to make a prima facie showing of First Amendment infringement, and the party seeking discovery did not demonstrate a need for the information. *Legrand*, 2024 WL 4469099, at *1. Here, Movant has not proven any sort of chilling effect on its First Amendment activities, and Plaintiffs have demonstrated a need for the information, as it is highly relevant to their right to travel claim.

officials concerning immigration, the passage of the challenged law, and other related topics. *Id.* The non-parties filed motions to quash the subpoenas and made an argument similar to the First Amendment argument that Movant is making in this case. *Id.* at *2. The district court in *Sol* rejected this argument and denied the motions to quash, explaining: "Movants do not cite, and the Court is unaware of, any law that protects from public view communications with public officials in their official capacity about a matter of public concern." *Id.* The same is true in the instant case—there is no blanket rule, as Movant would have it, that communications with *public* officials affecting matters of great *public* concern can be made in secrecy and shielded from scrutiny. The court in *Sol* distinguished *Perry*, which is also applicable here: "*Perry* and its progeny have all dealt with the disclosure of either the identity of association members or internal communications—not communications with third parties, let alone public officials." *Id.* at *3. Thus, the First Amendment privilege does not apply to the information sought by Plaintiffs here.

Third, and as highlighted *supra* in *Sol*, the information sought is not akin to the "membership list" line of cases. *See, e.g.*, *Alabama ex rel. Patterson*, 357 U.S. at 458–59. Compelled disclosure of the names of individuals who are affiliated with an organization may offend the First Amendment because "privacy in group association may in many circumstances be indispensable to preservation of freedom of association." *Id.* at 462. But Plaintiffs are not seeking membership lists or to uncover the identities of those who are privately affiliated with Movant. Instead, Plaintiffs are seeking "[c]ommunications with Idaho legislators or legislative staff concerning H.B. 242 or H.B. 98" and "[d]ocuments created for the purpose of communicating with legislators about those 'abortion trafficking' bills like H.B. 242 and H.B. 98." Dkt. 72-4. Disclosure of communications with public officials about prospective legislation

does not pose the same risk of chilling First Amendment activity that disclosure of the names and contact information of an organization's members or affiliates does. Among other things, the disclosing party has no reasonable expectation of privacy in those communications in the first place.

Next, the requests do not seek internal communications or strategy discussions, which may sometimes warrant First Amendment protection. *See Perry*, 591 F.3d at 1162; *Sol*, 2013 WL 12098752, at *3 ("[T]he communications Plaintiffs seek are not internal communications, but rather communications between Movants and public officials. The Court finds that the First Amendment privilege, as described in *Perry*, does not apply to the information Plaintiffs seek through discovery."). To the extent documents responsive to Plaintiffs' requests reflect internal strategy, Movant has already made that strategy public by communicating it to public officials. *See Sol*, 2013 WL 12098752, at *3 ("Movants, through their own actions, have already disclosed the contents of their communications to the public. As a result, upholding the subpoenas would not force Movants to disclose information that is otherwise secret."); *In re Motor Fuel Temperature Sales Pracs. Litig.*, 707 F. Supp. 2d 1145, 1165 (D. Kan. 2010) ("When information is already publically available, compelled disclosure will presumably have much less of a chilling effect—if any—on First Amendment rights.").

Lastly, Movant describes Plaintiffs' requests as seeking "private" or "non-public" communications. *See* Mot. Quash at 8, 14. Yet, Movant essentially concedes that the information is public by suggesting Plaintiffs could obtain it through a public records request. *See Sol*, 2013 WL 12098752, at *3. There is nothing private about external communications with public officials about matters of public concern. Again, Movant cannot claim this information is protected from Plaintiffs' view when it has already communicated it to others outside of its

organization, especially when those communications were made to public officials about pending or active legislation affecting matters of public concern.

Movant has not made a prima facie showing of First Amendment infringement, and the First Amendment privilege does not protect the requested information from disclosure.

B. Even If Movant Can Make a Prima Facie Showing, the Balancing of Interests Favors Disclosure.

Even if the Court finds that Movant has made a prima facie showing of an arguable First Amendment infringement in Plaintiffs' narrowed requests, the balancing of interests favors disclosure. In determining whether the interest in disclosure outweighs the harm, an important consideration is whether "the information sought is highly relevant to the claims or defenses in the litigation." *Perry*, 591 F.3d at 1161. Courts may also balance "the importance of the litigation, … the centrality of the information sought to the issues in the case, … the existence of less intrusive means of obtaining the information, … and the substantiality of the First Amendment interests at stake. *Id.* (citations omitted).

First, the information sought is highly relevant to the needs of the case. Plaintiffs are asserting that the Abortion Travel Ban violates their right to interstate travel. A violation of the right to travel can be demonstrated by showing that the primary objective of the law was to impede travel. *Att'y Gen. of New York v. Soto-Lopez*, 476 U.S. 898, 903 (1986); *see also United States v. Guest*, 383 U.S. 745, 760 (1966). The narrowed requests seek information about what legislators were responding to when they passed the challenged law and may shed light on whether the passage of the Abortion Travel Ban was motivated by the desire to impede travel across state lines. *See Mi Familia Vota*, 343 F.R.D. at 90 (finding that Republican Party of Arizona communications were relevant in a voting rights lawsuit, "given the RPA's close

relationship with relevant lawmakers and advocacy in support of the bill, materials bearing on whether the RPA knew (or expected) that S.B. 1485 would affect particular racial groups more than others could provide circumstantial evidence that lawmakers (some of whom are members of the RPA) possessed the same knowledge or opinion"); *id.* at 90–91 (finding that communications between the Republican Party of Arizona and various government officials were relevant "contemporary statements" for demonstrating animus); *In re Kincaid*, No. 22-MC-0067-JEB-RMM, 2023 WL 5933341, at *7 (D.D.C. Aug. 9, 2023), *report and recommendation adopted*, No. 22-MC-0067-JEB-RMM, 2023 WL 6459801, at *1 (D.D.C. Oct. 4, 2023) (finding that communications between lawmakers and the National Republican Redistricting Trust were not subject to the First Amendment privilege because the plaintiffs were alleging that Texas redistricting was motivated by intentional discrimination, and that it was "clear that testimony from NRRT about its internal and external communications and activities may shed light on any potential discriminatory motives involved in the drawing of those congressional maps."). This Court acknowledged that evidence relating to legislators may be relevant to the right to travel claim when it ruled on the Attorney General's motion to dismiss. *See Matsumoto v. Labrador*, 701 F. Supp. 3d 1069, 1077 (D. Idaho 2023) ("The legislative materials quoted in the Complaint are evidence going to show that Idaho Code Section 18-623 was enacted for the purpose of prohibiting and deterring interstate travel."). Movant (and the National Right to Life Committee, Inc.) may have had a role in the Abortion Travel Ban's passage. *See Matsumoto v. Labrador*, 122 F.4th 787, 795 (9th Cir. 2024) (explaining that during a hearing on the Abortion Travel Ban, "the legislation's sponsor ceded his time to a lobbyist from Right to Life of Idaho"); *National Right to Life Committee Proposes Legislation to Protect the Unborn Post-Roe*, National Right to Life Committee (June 15, 2022), https://nrlc.org/communications/national-right-to-life-committee-

proposes-legislation-to-protect-the-unborn-post-roe/; James Bopp, Jr. et al., *NRLC Post-Roe Model Abortion Law Version 2*, The Bopp Law Firm, PC, 3, 16 (July 4, 2022), https://nrlc.org/wp-content/uploads/NRLC-Post-Roe-Model-Abortion-Law-Version-2-1.pdf (recommending language that is nearly identical to Idaho's Abortion Travel Ban as a strategy to prevent travel to states with more favorable abortion laws). The information sought is highly relevant and central to the issues in the case. *See Perry*, 591 F.3d at 1161.

Further, serving a subpoena on Movant is the least intrusive and most efficient, cost-effective, and reliable way for Plaintiffs to obtain the requested information. *See id.* Idaho's individual legislators are not parties to the underlying lawsuit, so individual requests to legislators would also involve seeking information from non-parties—but 105 such non-parties rather than one. Moreover, making 105 public records requests is neither an efficient nor a reliable way for Plaintiffs to obtain the relevant information they seek. The scope of disclosure required by Idaho's public records law is not coextensive with that required by Rule 26. *Compare* Idaho Public Records Act, Idaho Code §§ 74-101 to 74-127, *with* Fed. R. Civ. P. 26. And if any part of a public records request is denied, a requestor's only recourse is to file an original action in state court. Idaho Code § 74-115(1). But there is no guarantee that such an action would be resolved in a timeframe that accommodates a requestor's needs in an already pending lawsuit. *See id.* That is likely why the law expressly provides that "[n]othing contained in this chapter shall limit the availability of documents and records for discovery in the normal course of judicial or administrative adjudicatory proceedings, subject to the law and rules of evidence and discovery governing such proceedings." *Id.* § 74-115(3). There is also no other source that can provide the level of relevant information about Movant's communications beyond Movant itself. *In re Kincaid*, 2023 WL 5933341, at *7 ("NRRT played a distinct role in

the Texas redistricting, and there are no sources that can provide the level of relevant information about NRRT's communications and activities beyond NRRT itself.").

Finally, the factors involving "the importance of the litigation" and the substantiality of the First Amendment interests at stake also weigh in favor of disclosure. *See Perry*, 591 F.3d at 1161. This litigation is about important matters of public concern bearing upon a number of constitutional rights. *See Planned Parenthood Fed'n of Am., Inc. v. Ctr. for Med. Progress*, No. 16-CV-00236-WHO(DMR), 2018 WL 2441518, at *12 (N.D. Cal. May 31, 2018) (finding, under the second step of the *Perry* framework, that the First Amendment privilege did not apply to certain communications because they were highly relevant to the plaintiffs' RICO claims and because "[t]his litigation is unquestionably important, given the 'strong public interest on the issue of abortion on both sides of that debate'"). And the First Amendment interests at stake are insubstantial given that Plaintiffs are seeking communications with public officials, and Movant has shown no chilling of its First Amendment activities. *See supra* at 5–7.

If the Court finds that Movant has made out a prima facie showing, the information sought is nevertheless highly relevant and the balancing of interests favors disclosure.

II. The Information Sought in the Narrowed Requests is Relevant.

Contrary to Movant's claims, and as discussed *supra* at 9–11, the information Plaintiffs are seeking from Movant is relevant to the case. The scope of discovery under the Federal Rules is extremely broad. A relevant matter is "any matter that bears on, or that reasonably could lead to other matters that could bear on, any issue that is or may be in the case." *Soto v. City of Concord*, 162 F.R.D. 603, 610 (N.D. Cal. 1995) (citing *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978)). "[T]he question of relevancy should be construed 'liberally and with common sense' and discovery should be allowed unless the information sought has no

conceivable bearing on the case." *Soto*, 162 F.R.D. at 610 (citation omitted). "District courts have broad discretion to determine relevancy." *Cleaver v. Transnation Title & Escrow, Inc.*, No. 1:21-CV-00031-BLW, 2022 WL 623251, at *2 (D. Idaho Mar. 2, 2022) (citing *Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002)).

As discussed *supra* at 9–11, the information sought is relevant, particularly in light of Plaintiffs' right to travel claim. Plaintiffs intend to prove that the "primary objective" of the Abortion Travel Ban was to impede travel, specifically the travel of trusted adults who help young people who are seeking lawful abortion care in another state. *Supra* at 9. The information sought will shed light on what information lawmakers considered when deciding to enact the challenged law. *Supra* at 9–10. In the equal protection context, "[d]etermining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available." *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977). Thus, "[t]he legislative or administrative history may be highly relevant, especially where there are contemporary statements by members of the decisionmaking body, minutes of its meetings, or reports." *Id.* at 268. The inquiry in the right to travel context is similar—Movant may have circumstantial and direct evidence of the primary purpose of the law being to restrict travel.[4] In fact, the legislation's sponsor even ceded his time to a lobbyist from Movant during a hearing before the Idaho House State Affairs

[4] Movant misunderstands what the information sought will be used for. It states that, "A private entity's understanding of a law does not play a part in judicial construction thereof." Mot. Quash at 12. On the contrary, Plaintiffs are not using legislative history, the requested information, and other direct and circumstantial evidence as a method of statutory interpretation. They are using it to help the Court ascertain the motivating purpose behind the law.

Committee. *Matsumoto*, 122 F.4th at 795. For these reasons and those discussed above, there can be no doubt the discovery is relevant.

III. Plaintiffs' Requests are Not Overbroad or Unduly Burdensome.

Plaintiffs' requests are not overbroad or unduly burdensome. "The party 'claiming that a discovery request is unduly burdensome must allege specific facts which indicate the nature and extent of the burden, usually by affidavit or other reliable evidence.'" *Hall v. Marriott Int'l, Inc.*, No. 3:19-CV-01715-JLS-AHG, 2021 WL 1906464, at *10 (S.D. Cal. May 12, 2021) (citation omitted). "[B]oiler plate objections that a request for discovery is overbroad and unduly burdensome . . . are improper unless based on particularized facts." *Id.* (citation omitted). Movant has not alleged specific facts or offered evidence via affidavit to support its claims that Plaintiffs' narrowed requests are unduly burdensome and instead makes broad, generalized objections to those requests. Plaintiffs' narrowed requests are carefully tailored and proportional to the needs of the case.

First, the discovery sought is not unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C). Plaintiffs narrowed their requests in a good-faith effort to address Movant's stated concerns. Those narrowed requests are tailored to elicit information that will shed light on what motivated the passage of the Abortion Travel Ban and what information lawmakers had at their disposal from Movant when drafting and voting on the law. Plaintiffs have not obtained the information they are seeking from Movant from any other source. Moreover, Movant's communications with legislators are not part of the official legislative history of the Abortion Travel Ban.

Second, as discussed *supra* at 11–12, the discovery sought cannot be obtained from another source that is more convenient, less burdensome, or less expensive than obtaining it from

Movant. *See* Fed. R. Civ. P. 26(b)(2)(C). Instead of seeking Movant's communications from 105 non-party legislators, Plaintiffs have confined their requests to Movant and to the National Right to Life Committee. Movant states that Plaintiffs should be able to access the records of the legislature and obtain its communications "without any judicial compulsion whatsoever" through a Public Records Act request. Mot. Quash at 15. But obtaining this information through a public records request is not comparable because, as explained above, that process lacks the structure of discovery and is not governed by the Federal Rules of Civil Procedure. Seeking this information through the formal discovery process requires Plaintiffs to specify what information they need within the confines of the Federal Rules and allows Movant the opportunity to raise its objections. It would also be more burdensome for Plaintiffs to submit separate public records requests to each and every legislator. *See* Idaho Code § 74-126(3) ("A public records request for an individual legislator shall be made to such individual legislator, and a copy of such request shall be contemporaneously submitted to the legislative services office.").

Lastly, the discovery being sought is proportional to the needs of the case because it is narrowly tailored to elicit information that is relevant to proving one of Plaintiffs' claims. *See* Fed. R. Civ. P. 26(b)(1). The information will help this Court resolve the right to travel claim. Plus, the burden on Movant is minimal. Plaintiffs are requesting documents related to communications about a specific piece of legislation. The requests are therefore limited both as to subject matter and timeframe. For example, as early as 2022, the National Right to Life Committee, of which Movant is an affiliate, publicly proposed draft legislation virtually identical to the Abortion Travel Ban, *see National Right to Life Committee Proposes Legislation to Protect the Unborn Post-Roe*, National Right to Life Committee (June 15, 2022), https://nrlc.org/communications/national-right-to-life-committee-proposes-legislation-to-protect-

the-unborn-post-roe/, so Plaintiffs' request for documents beginning January 1, 2021, is not overbroad. Movant has greater relative access to the discovery than any other possible source. And Movant has not claimed that searching for the discovery would be particularly burdensome or expensive. Movant has failed to show that the requests are overbroad or constitute an undue burden.

CONCLUSION

Based on the foregoing, Plaintiffs respectfully request that the Court deny Movant's motion to quash and order Movant to provide the requested documents within fourteen days of the date of this Court's order.

DATED: November 13, 2025.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 13, 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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