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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' STATEMENT OF
UNDISPUTED MATERIAL FACTS**

In support of their Motion for Summary Judgment, Plaintiffs offer the following undisputed material facts supported by the Declaration of Kelly O’Neill (“K.O. Decl.”):

1. Fourteen days before the U.S. Supreme Court issued its decision in *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), overturning *Roe v. Wade*, 410 U.S. 113 (1973), National Right to Life Committee (“NRLC”) released a legal memorandum. K.O. Decl., Ex. 17-1, NRLC Decl.; *see also* Ex. 4, NRLC Tr. 8:14-20, 13:7-23.
2. It began: “In the event *Roe v. Wade* is overturned, most States will act to protect unborn life by limiting and prohibiting abortion. This memorandum proposes a model abortion law for a post-Roe Nation that builds on the substantial experience the right-to-life movement has had in protecting unborn lives through pro-life legislation.” K.O. Decl., Ex. 17-1, NRLC Decl., p. 1.
3. The memorandum shared the challenges ahead for anti-abortion legislation, stating that “the abortion industry can be expected to exploit . . . the proximity of States with less protective laws to circumvent pro-life laws in a particular State.” K.O. Decl., Ex. 17-1, NRLC Decl., p. 3.
4. A model “Abortion Trafficking” law was one of the solutions advanced in the memorandum. K.O. Decl., Ex. 17-1, NRLC Decl., p. 7; Ex. 4, NRLC Tr. 20:12-21:9.
5. Ten days after *Dobbs*, NRLC released and updated a version of the “Abortion Trafficking” law but the above statements remained the same. K.O. Decl., Ex. 17-2, NRLC Decl., p. 1, 3, 7.
6. In Fall 2022, Right to Life Idaho (“RLI”)—NRLC’s Idaho affiliate—began seeking legislative sponsors for abortion trafficking legislation based on the model circulated by NRLC and ultimately secured sponsorship from Representatives Barbara Ehardt and Kevin Andrus and Senators Cindy Carlson and Todd Lakey. K.O. Decl., Ex. 12, Uhlenkott Tr. 21:3-22:6, 23:6-24:13.
7. The legislation became HB 242 and is based on the updated NRLC model bill. K.O. Decl., Ex. 12, Uhlenkott Tr. 26:2-15.

8. There are relatively minor changes between the NRLC model bill and the passed legislation that became Idaho Code § 18-623. K.O. Decl., Ex. 17-2, NRLC Decl.
9. RLI's lobbyist described the legislation as addressing minors obtaining abortions without parental consent in neighboring states. K.O. Decl., Ex. 12, Uhlenkott Tr. 28:11-34:13.
10. Idahoans routinely cross state lines as part of their economic and social lives, as is their right. K.O. Decl., Ex. 18; Stevenson Decl., ¶¶ 76-83.
11. NWAAF is a nonprofit that provides emotional, financial, practical, and informational support to individuals, including minors, considering abortion. K.O. Decl., Ex. 1, NWAAF Tr. 8:21-22, 29:20-30:13, 32:4-24; Ex. 13, Alatorre Decl., ¶¶ 5-6; Ex. 14, Snyder Decl. ¶¶ 5-6.
12. NWAAF's mission is "to fund abortion and break down barriers to abortion access"; its values "emphasize autonomy, reproductive justice, and respect for individuals' decisions about their bodies and lives." K.O. Decl., Ex. 9, Snyder Tr. 13:17-21; Ex. 14, Snyder Decl., ¶¶ 10-11.
13. NWAAF has a network of more than 100 current volunteers, including volunteers in Idaho, who coordinate values-aligned support for abortion seekers. K.O. Decl., Ex. 9, Snyder Tr. 15:22-16:1; Ex. 13, Alatorre Decl., ¶ 33.
14. NWAAF serves individuals in Alaska, Idaho, Washington, and Oregon. K.O. Decl., Ex. 1, NWAAF Tr. 7:14-21; Ex. 13, Alatorre Decl., ¶ 10.
15. Since 2021, as part of its mission, NWAAF has assisted at least eight Idaho minors seeking abortion care, sometimes in situations where a parent may not have been aware of the pregnancy or abortion. K.O. Decl., Ex. 13, Alatorre Decl., ¶ 22; Ex. 1, NWAAF Tr. 77:8-16.
16. IIA provides information, advice, and assistance to individuals, including minors, about accessing abortion and other medical care. K.O. Decl., Ex. 2, IIA Tr. 20:2-13; Ex. 15, Simpson Decl., ¶¶ 13, 15, 33.

17. IIA also provides financial assistance through community networks in which trusted adults seek help on behalf of young people, including survivors of gender-based violence. K.O. Decl., Ex. 2, IIA Tr. 20:25-22:10; Ex. 15, Simpson Decl., ¶¶ 11-12, 22, 24.

18. In some instances, it has been understood that a parent was unaware of the minor's abortion that IIA funded. K.O. Decl., Ex. 2, IIA Tr. 33:6-13, 35:24-37:3; Ex. 15, Simpson Decl., ¶ 22.

19. For years, Plaintiff Matsumoto has worked with young people between the ages of 11 and 24, who have experienced domestic violence, sexual assault, and related harms. K.O. Decl., Ex. 11, Matsumoto Tr. 14:16-15:6, 16:1-17:3; Ex. 16, Matsumoto Decl., ¶ 2.

20. When Idaho's abortion laws changed, Matsumoto began taking concrete steps toward assisting pregnant minor Idahoans, including drafting materials to distribute to the community, because she knew she would need to address these laws with young people and advocates. K.O. Decl., Ex. 11, Matsumoto Tr. 37:15-39:24, 41:24-43:4; Ex. 16, Matsumoto Decl., ¶¶ 20-22.

21. Matsumoto also started planning to provide transportation and support in her free time and started talking to those who support young people who may need assistance to lawfully fulfill their reproductive wishes. K.O. Decl., Ex. 11, Matsumoto Tr. 55:9-23; Ex. 16, Matsumoto Decl., ¶ 23.

22. Matsumoto stopped her efforts to start providing this assistance when Idaho passed § 18-623. K.O. Decl., Ex. 16, Matsumoto Decl., ¶ 25; Ex. 11, Matsumoto Tr. 37:15-25, 41:24-43:4.

23. While she has not directly counseled minor pregnant survivors on abortion-related legal rights, she has counseled individuals of unknown pregnancy status and trusted adults assisting survivors accessing abortion care. She wants to serve as a trusted adult for young people in her community and anticipates advising individuals on legal reproductive options in her legal practice. K.O. Decl., Ex. 11, Matsumoto Tr. 29:16-21, 33:6-22, 55:9-23, 57:21-58:4, 60:20-62:3; Ex. 16, Matsumoto Decl., ¶¶ 4, 6, 8, 13.

24. But for this law, Matsumoto would serve as a trusted adult for pregnant minors seeking abortion. K.O. Decl., Ex 11, Matsumoto Tr. 55:9-23, 56:21-57:20; Ex. 16, Matsumoto Decl., ¶ 33.

25. Plaintiffs' work does not just involve, but also depends on networks of volunteers, advocates, community members, and community organizations who collaborate to support individuals seeking abortion care. K.O. Decl., Ex. 1, NWAAF Tr. 12:11-13:8; Ex. 13, Alatorre Decl., ¶¶ 8, 33; Ex. 16, Matsumoto Decl., ¶¶ 18, 32.

26. Through those relationships, Plaintiffs collectively convey a shared message: personal autonomy matters, abortion is lawful medical care in other states, and communities will support those who seek it. K.O. Decl., Ex. 1, NWAAF Tr. 32:10-24; Ex. 11 Matsumoto Tr. 34:15-36:8, 60:20-61:7; Ex. 13, Alatorre Decl., ¶¶ 20, 24; Ex. 14, Snyder Decl., ¶ 9; Ex. 9, Snyder Tr. 23:20-24:9.

27. NWAAF's activities—funding abortion care and supporting travel and lodging—reflect its belief that abortion access should be facilitated and that all persons are entitled to reproductive autonomy. K.O. Decl., Ex. 14, Snyder Decl. ¶¶ 9, 18; Ex. 9, Snyder Tr. 23:20-24:9; Ex. 1, NWAAF Tr. 29:20-30:13, 32:5-24; Ex. 13, Alatorre Decl., ¶¶ 11, 20, 23, 31-33.

28. NWAAF seeks to shift culture so abortion is seen as ordinary health care and to break down barriers to abortion access. K.O. Decl., Ex. 14, Snyder Decl., ¶ 12; Ex. 9, Snyder Tr. 33:8-12.

29. Its funding decisions, travel coordination, and housing assistance are the mechanisms through which it communicates and advances that message. K.O. Decl., Ex. 14, Snyder Decl., ¶¶ 14, 17; Ex. 1, NWAAF Tr. 7:16-20, 32:10-24; Ex. 13, Alatorre Decl., ¶¶ 31, 45.

30. Observers—including patients, volunteers, and the public—readily understand this conduct as solidarity with those seeking abortions and support for access to care. K.O. Decl., Ex. 14, Snyder Decl., ¶ 16; Ex. 1, NWAAF Tr. 7:16-20, 32:10-24; Ex. 13, Alatorre Decl., ¶¶ 33, 45.

31. NWAAF's assistance is undertaken to convey and advance its viewpoint, and that message is readily understood by those who observe or benefit from the conduct. K.O. Decl., Ex. 14, Snyder Decl., ¶ 18; Ex. 1, NWAAF Tr. 7:14-21, 32:10-24; Ex. 13, Alatorre Decl., ¶¶ 42, 46.

32. NWAAF staff and volunteers set up tables around the Pacific Northwest sharing that it provides these services to anyone who needs them. K.O. Decl., Ex. 14, Snyder Decl., ¶ 19; Ex. 13, Alatorre Decl., ¶ 44; Ex. 9, Snyder Tr. 13:19-21, 53:23-54:17.

33. NWAAF volunteers have historically driven individuals—including minors—to and from abortion appointments when other transportation was unavailable. K.O. Decl., Ex. 1, NWAAF Tr. 29:20-30:13, 32:10-24, Ex. 7, Alatorre Tr. 13:19-14:18; Ex. 13, Alatorre Decl., ¶¶ 8, 9, 16-17.

34. Those acts communicated solidarity with abortion seekers and affirmed their right to obtain lawful medical care. K.O. Decl., Ex. 13, Alatorre Decl., ¶ 18, 20.

35. IIA similarly participates in expressive conduct rooted in cultural traditions of community care. K.O. Decl., Ex. 2, IIA Tr. 21: 6-15, 46:4-21, 48:6-20; Ex. 10, Simpson Tr. 17:23-18:9; Ex. 15, Simpson Decl., ¶ 36.

36. IIA is motivated by its desire to serve the storied culture of their people through trust-based mutual care and aid, led by those who need the care and those in the community already providing other care, which includes ensuring access to abortions, including access for minors. K.O. Decl., Ex. 2, IIA Tr. 21:6-15, 25:5-9, 30:3-6, 40:22-41:4, 60:11-18; Ex. 10, Simpson Tr. 27:5-28:6; Ex. 15, Simpson Decl., ¶¶ 3, 9, 19, 23.

37. IIA's words and actions reflect these beliefs. In the communities it serves, trusted adults, including extended family members and aunties, often provide transportation, housing, or other assistance to young people seeking medical care. K.O. Decl., Ex. 2, IIA Tr. 23:13-24:4, 29:23-25, 32:2-5, 44:10-18; Ex. 10, Simpson Tr. 50:10-18; Ex. 15, Simpson Decl., ¶ 31.

38. When IIA supports those efforts, it expresses the community's shared commitment to protecting vulnerable youth. K.O. Decl., Ex. 2, IIA Tr. 28:16-22, 61:4-13; Ex. 10, Simpson Tr. 43:13-16; Ex. 15, Simpson Decl., ¶ 31.

39. Matsumoto likewise seeks to express support for vulnerable young people through acts of accompaniment and care, such as driving them to medical appointments or providing a safe place to recover. K.O. Decl., Ex. 11, Matsumoto Tr. 55:9-23; Ex. 16, Matsumoto Decl., ¶ 23.

40. Her actions will convey that young people have trusted adults who will stand with them during difficult moments, they are not alone, and they can make decisions they desire for themselves. K.O. Decl., Ex. 11, Matsumoto Tr. 34:9-36:8; Ex. 16, Matsumoto Decl., ¶ 24.

41. Plaintiffs wish to accompany young people through Idaho, transport them across state lines, and provide temporary lodging while they travel to obtain abortion care that is lawful in the destination state. K.O. Decl., Ex. 2, IIA Tr. 17:10-18; Ex. 11, Matsumoto Tr. 61:8-62:2; Ex. 1, NWAAF Tr. 29:12-19, 32:10-24; Ex. 15, Simpson Decl., ¶ 43; Ex. 13, Alatorre Decl., ¶¶ 29, 30; Ex. 16, Matsumoto Decl., ¶¶ 23, 33.

42. Plaintiffs NWAAF and IIA have staff and volunteers who wish to travel with young people from Idaho to help them obtain abortion care where it is lawful. K.O. Decl., Ex. 9, Snyder Tr. 20:23-25; Ex. 2, IIA Tr. 53:21-54:13, Ex. 1, NWAAF Tr. 7:16-21, 29:12-19, 34:24-25:3; Ex. 15, Simpson Decl., ¶ 43; Ex. 13, Alatorre Decl., ¶¶ 29, 30.

43. Plaintiffs NWAAF and IIA wish to advance their mission by offering the support of staff and volunteers to travel with young people from Idaho seeking abortion care. K.O. Decl., Ex. 9, Snyder Tr. 13:19-21; Ex. 2, IIA Tr. 20:5-13, 53:21-54:13; Ex. 1, NWAAF Tr. 7:16-21, 29:20-30:13, 34:24-25:3; Ex. 15, Simpson Decl., ¶¶ 45, 46; Ex. 13, Alatorre Decl., ¶ 30.

44. In the past, NWAAF staff and volunteers drove Idaho patients to medical appointments, even across state lines. K.O. Decl., Ex. 1, NWAAF Tr. 33:18-34:18; Ex. 13, Alatorre Decl., ¶¶ 8, 9, 16.

45. It no longer does so. K.O. Decl., Ex. 9, Snyder Tr. 20:23-25; Ex. 13, Alatorre Decl., ¶ 21.

46. IIA's organizer has driven patients to abortion appointments across state lines in the past, as have community advocates to whom IIA provides financial support. K.O. Decl., Ex. 2, IIA Tr. 29:23-25, 53:21-25, 54:1-13; Ex. 15, Simpson Decl., ¶¶ 28, 38, 44.

47. But with the law in place, IIA wants to, but cannot drive patients to abortion appointments in other states while the law is in effect. K.O. Decl., Ex. 15, Simpson Decl., ¶ 28.

48. Matsumoto would like to volunteer to drive young people to medical appointments and had been planning to volunteer to do so before the legislation. K.O. Decl., Ex. 11, Matsumoto Tr. 55:12-23; Ex. 16, Matsumoto Decl., ¶¶ 23, 33.

49. Currently, Matsumoto is not doing so because of Idaho Code § 18-623. K.O. Decl., Ex. 11, Matsumoto Tr. 43:1-4, 60:20-61:7; Ex. 16, Matsumoto Decl., ¶¶ 25, 28, 34.

50. Plaintiffs testified § 18-623 targets and criminalizes their desired activities—assisting with travel for lawful abortion care, offering accommodations, providing information and advice to domestic violence, intimate partner violence, and sexual assault survivors, and those who advocate for them on abortion rights. K.O. Decl., Ex. 1, NWAAF Tr. 76:25-78:6; Ex. 13, Alatorre Decl., ¶¶ 15, 19, 21, 24; Ex. 2, IIA Tr. 26:24-27:5; Ex., 11, Matsumoto Tr. 60:20-61:7.; Ex. 15, Simpson Decl., ¶¶ 34, 40, 43; Ex. 16, Matsumoto Decl. ¶¶ 26, 36.

51. Section 18-623 threatens criminal penalties for conduct that conveys a clear and important message, especially in instances of domestic violence where the impacts of the message are profound. K.O. Decl., Ex. 19-A, Taylor Decl., ¶¶ 20-25; Ex. 16, Matsumoto Decl., ¶¶ 8, 13.

52. Section 18-623 threatens to criminalize these culturally grounded acts of care and solidarity by putting them within the radius of aiding and abetting and the “transporting” and “harboring” prongs. K.O. Decl., Ex. 2, IIA Tr. 58:25-59:21; Ex. 15, Simpson Decl., ¶¶ 34, 40.

53. Dr. Amanda Stevenson, an expert in reproductive demography, abortion, and parental involvement laws, explains that most minors already involve a parent or guardian in their abortion decisions. K.O. Decl., Ex. 18-A, Stevenson Decl., ¶¶ 1, 11, 16; Ex. 5, Stevenson Tr. 21:14-22; Ex. 18-A-2, Stevenson Decl.

54. Her opinion is that when they do not, it is typically because doing so would be unsafe or cause harm. K.O. Decl., Ex. 18-A, Stevenson Decl., ¶¶ 4, 12-16; Ex. 5, Stevenson Tr. 47:2-22.

55. Forcing parental involvement exposes minors to trauma, delay, stigma, alienation, and abuse. K.O. Decl., Ex. 18-A, Stevenson Decl., ¶¶ 4, 9-10, 12, 14, 16-17, 22.

56. Parental involvement laws unequally harm low-income minors, youth of color, and violence survivors. K.O. Decl., Ex. 19-A, Taylor Decl., ¶¶ 2, 11-19; Ex. 18-A, Stevenson Decl., ¶ 24.

57. Such laws isolate vulnerable young people from trusted adults and support networks precisely when they most need assistance. K.O. Decl. Ex. 18-A, Stevenson Decl., ¶¶ 28, 31, 37.

58. Parental involvement laws do not improve parent-child relationships or increase parental participation in abortion decisions. K.O. Decl., Ex. 18-A, Stevenson Decl., ¶¶ 10, 17, 22.

59. Forcing disclosure where a minor fears harm has resulted in abuse, abandonment, and long-term damage to family relationships. K.O. Decl., Ex. 18-A, Stevenson Decl., ¶¶ 4, 12-16.

60. Section 18-623 offers no alternative means of obtaining assistance. K.O. Decl., Ex. 18-A, Stevenson Decl., ¶¶ 25, 28, 31.

61. Dr. Rae Taylor, a sociologist and criminologist with 26 years of experience in domestic violence, opines that § 18-623 enables and exacerbates reproductive coercion and deepens harmful

isolation experienced by minor victims. K.O. Decl., Ex. 19-A, Taylor Decl., ¶¶ 2, 3–28, Ex. 19-A-1; Ex. 6, Taylor Tr. 45:5-23.

62. Abortion is safer than childbirth. K.O. Decl., Ex. 18-A, Stevenson Decl., ¶¶ 90-94.

63. When access is blocked, minors may seek unsafe alternatives or delay care until it becomes more dangerous. K.O. Decl., Ex. 18-A, Stevenson Decl., ¶ 20; Ex. 19-A, Taylor Decl., ¶ 25.

64. The political and legal context in Idaho directly affects NWAAF’s operations, including its large volunteer base, its donor community, and the assistance it provides to individuals seeking abortion care. K.O. Decl., Ex. 9, Snyder Tr. 15:22-21:6; Ex. 14, Snyder Decl., ¶ 8; Ex. 1, NWAAF Tr. 7:16-21, 8:7-9; Ex. 13, Alatorre Decl., ¶¶ 15, 19, 27, 32, 46-47.

65. It likewise impacts IIA’s work, particularly its efforts to support Indigenous survivors of gender-based violence and its recognition that the traditional lands of tribal communities in the Pacific Northwest do not conform to modern state boundaries. K.O. Decl., Ex. 2, IIA Tr. 26:24-27:5, 53:21-54:13; Ex. 10, Simpson Tr. 36:13-19; Ex. 15, Simpson Decl., ¶¶ 2, 6, 47.

66. Idaho Code § 18-623 fractures and isolates those networks and as a result, individuals and organizations who would otherwise collaborate to assist minors must withdraw from those relationships and community support networks, or refrain from engaging in them altogether. K.O. Decl., Ex. 9, Snyder Tr. 20:23-25; Ex. 11, Matsumoto Tr. 39:4-43:4, 60:20-61:7; Ex. 15, Simpson Decl., ¶¶ 32, 40-41; Ex. 13, Alatorre Decl., ¶ 21; Ex. 16, Matsumoto Decl., ¶¶ 34-35.

67. For NWAAF, all Idaho volunteers have stopped assisting minors in the state and only help minors in neighboring states. K.O. Decl., Ex. 9, Snyder Tr. 20:23-25; Ex. 13, Alatorre Decl., ¶ 21.

68. For IIA, it threatens the community caregiving networks through which young people access medical care, including abortion. K.O. Decl., Ex. 10, Simpson Tr. 50:10-18, 27:9-16; Ex. 15, Simpson Decl., ¶¶ 32, 34, 37, 40.

69. For Matsumoto, it chills her ability to communicate with advocates and trusted adults for fear she may learn a parent is unaware or a young person does not want to disclose abortion plans.

K.O. Decl., Ex. 11, Matsumoto Tr. 36:13-15, 60:20-61:7; Ex. 16, Matsumoto Decl., ¶ 31.

70. Plaintiffs all testified, without contradictory evidence, that they do not have a shared or clear understanding of key terms in §18-623, such that they are unsure when or what actions would

subject them to criminal liability. K.O. Decl., Ex. 2, IIA Tr. 58:14-59:9; Ex. 11, Matsumoto Tr. 49:15-22; Ex. 1, NWAAF Tr. 23:12-16, 26:22-25, 76:25-77:3; Ex. 9, Snyder Tr. 49:20-50:24; Ex.

15, Simpson Decl., ¶¶ 34, 42; Ex. 13, Alatorre Decl., ¶¶ 34-39; Ex. 16, Matsumoto Decl., ¶ 29.

71. Matsumoto testified that uncertainty about § 18-623's scope deters her from expanding services to vulnerable youth due to potential criminal liability. K.O. Decl., Ex. 11, Matsumoto Tr.

43:1-4, 51:5-6, 60:20-61:7; Ex. 16, Matsumoto Decl., ¶ 30.

72. NWAAF does not know what "procure" means in the context of abortion. Ex. 1, NWAAF Tr. 23:12-16, 26:22-25, 76:25-77:3; Ex. 9, Snyder Tr. 50:24; Ex. 13, Alatorre Decl., ¶ 35.

73. Defendant Labrador repeatedly describes Idaho Code § 18-623 as requiring parental consent, which only increases the risk to the Plaintiffs and the uncertainty about when prosecution may follow. K.O. Decl., ¶10, Ex. 8, ¶ 22, Ex. 20.

74. The Attorney General has publicly stated that he will continue to fight for the unborn and has characterized those who hold opposing views as "radicals" whose speech is "pernicious." K.O. Decl., Ex. 3, AG Tr. 137:20-142:24, 78:21-82:25, 93:19-95:25; Ex. 3-6; Ex. 3-10; Ex. 8.

DATED: April 16, 2026.

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

Defendant.

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

**MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

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INTRODUCTION

Plaintiffs Lourdes Matsumoto, the Northwest Abortion Access Fund (“NWAAF”), and the Indigenous Idaho Alliance (“IIA”) wish to honor the dignity and autonomy of minors to decide their reproductive futures. In furtherance of that mission, they speak openly about abortion, share information about how Idaho minors can obtain lawful care, provide funding, coordinate travel and other logistics, and/or when asked, accompany those who must leave Idaho to obtain that care. In short, Plaintiffs provide information, support, and community to, and in support of, young Idahoans navigating difficult circumstances and intend to continue doing so. Idaho has chosen to criminalize that support by making it a crime to “recruit[],” “transport[],” or “harbor[]” minors seeking abortion services with the “intent to conceal.” Idaho Code § 18-623. By doing so, it has targeted speech, expression, and association that favor abortion access and the right to interstate travel for lawful medical care. The Constitution does not permit a state to silence speech, isolate minors from support, or obstruct travel to suppress disfavored conduct occurring lawfully elsewhere.

Section 18-623 violates multiple constitutional guarantees on its face and in its application to Plaintiffs. It criminalizes Plaintiffs’ speech, expressive conduct, and association in violation of the First Amendment, targeting expression based on both its content and viewpoint. Its “recruiting” provision is facially overbroad, sweeping in a substantial amount of protected speech about lawful abortion care. It also infringes the right to interstate travel, a right long recognized as essential that protects individuals’ ability to cross state borders to engage in conduct lawful where performed. Defendant disclosed no expert witnesses and identified no witnesses with knowledge contradicting Plaintiffs’ claims. The only evidence in this case shows that the regulation has deterred Plaintiffs and their staff and volunteers from traveling, and that the law’s purpose is to obstruct travel.

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Moreover, the statute is impermissibly vague, failing to provide ordinary people fair notice of what conduct is criminal and inviting arbitrary enforcement, in violation of the Due Process Clause of the Fourteenth Amendment. Because there is no genuine dispute of any material fact and Plaintiffs are entitled to judgment as a matter of law, Plaintiffs respectfully request that the Court enter summary judgment in their favor.

LEGAL STANDARD

“The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). “A factual issue is genuine ‘if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.’” *Ochoa v. City of Mesa*, 26 F.4th 1050, 1055 (9th Cir. 2022) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). “A material fact is one that is needed to prove . . . a claim, as determined by the applicable substantive law.” *Id.* at 1055–56. “[T]he mere existence of *some* alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no *genuine issue of material fact.*” *United States ex rel. Kelly v. Serco, Inc.*, 846 F.3d 325, 329 (9th Cir. 2017) (citing *Anderson*, 477 U.S. at 247–48). “If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted.” *Id.* at 329–30 (citation omitted).

ARGUMENT

I. Plaintiffs Are Entitled to Summary Judgment on Their First Amendment Claims.

Plaintiffs engage in, or seek to engage in, protected speech, expressive conduct, and association by providing information, funding, and practical support to pregnant Idahoans seeking lawful abortion care outside of Idaho. Plaintiffs’ Statement of Undisputed Material Facts (“SOF”) ¶¶ 11, 15, 16, 17, 19–24. For decades, abortion has stood at the forefront of deeply political issues,

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raising questions of bodily autonomy and complicated questions about the rights of pregnant patients to determine their reproductive futures. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 223 (2022) (“Abortion presents a profound moral issue on which Americans hold sharply conflicting views.”). Idaho has been particularly aggressive in its position that pregnant people have no say in their reproductive futures within the state’s borders, and state officials greatly disfavor speech to the contrary. Idaho Code § 18-601 (“[I]t is hereby declared to be the public policy of this state that all state statutes, rules and constitutional provisions shall be interpreted to prefer, by all legal means, live childbirth over abortion”); Idaho Code § 18-622 (prohibiting life-saving abortion when physicians are concerned about death by self-harm or maternal morbidity); *Planned Parenthood Great Nw., Hawaii, Alaska, Ind., Ky. v. Labrador*, 122 F.4th 825, 832 (9th Cir. 2024) (noting defendant Labrador wrote that “assists” in § 18-622(1) prohibited medical providers from “refer[ring]” a patient “across state lines to an abortion provider”); SOF ¶ 74.

This political and legal context directly affects NWAAF’s operations, including its large volunteer base, its donor community, and the assistance it provides to individuals seeking abortion care. SOF ¶ 64. It likewise impacts IIA’s work, particularly its efforts to support Indigenous survivors of gender-based violence and its recognition that the traditional lands of tribal communities in the Pacific Northwest do not conform to modern state boundaries. SOF ¶ 65. The same context also motivated Plaintiff Matsumoto to desire to dedicate a portion of her free time to serving as a trusted adult for minors in her community and to devote part of her private legal practice to advising individuals about abortion. SOF ¶¶ 20, 21, 23.

Because the law restricts Plaintiffs’ speech, expressive conduct, and association based on content and viewpoint, and sweeps in a substantial amount of protected expression, it is subject to

strict scrutiny. Because the government cannot establish a compelling state interest or narrow tailoring, § 18-623 violates the First Amendment. Plaintiffs are entitled to summary judgment.

A. Section 18-623 Targets and Criminalizes Core First Amendment Activity.

Section 18-623 criminalizes “procur[ing] an abortion by recruiting, harboring, or transporting” a minor with “intent to conceal” the abortion from a parent. The Ninth Circuit construed “recruiting” broadly to mean “persuad[ing], enlist[ing], or induc[ing] someone ... to engage in a particular activity or event.” *Matsumoto v. Labrador*, 122 F.4th 787, 808 (9th Cir. 2024). It construed “harboring” to include “giving ‘shelter’ or ‘refuge’ to someone, including those who might be evading law enforcement or who need protection,” and “transport[ing]” as the “carrying or conveyance of something or someone from one place to another.” *Id.* at 807.

Under that construction, the statute reaches a wide range of protected expression—including providing information about lawful abortion care, offering advice or encouragement, connecting minors with resources, funding abortion care, or otherwise helping make an abortion feasible. *Id.* at 809–11. Even legal advice, informational materials, or broadly shared advocacy messages could fall within the statute’s definition of “recruiting” and potentially subject someone to prosecution for violating the statute, attempting to violate the statute, or aiding-and-abetting a statutory violation. *Id.* at 810–11.

The First Amendment protects speech, expressive conduct, and the right to associate with others to advance shared ideas. U.S. Const. amends. I, XIV; *Animal Legal Def. Fund v. Wasden*, 878 F.3d 1184, 1193 (9th Cir. 2018). Speech is protected unless it falls within a narrow set of historically recognized exceptions—such as obscenity, defamation, fraud, incitement, or speech integral to criminal conduct. *United States v. Stevens*, 559 U.S. 460, 468 (2010). Plaintiffs’ communications—including advising minors about reproductive options, explaining where

abortion is lawful, and connecting them with resources or financial support—fall squarely within the First Amendment’s protection and outside any recognized exception. *Matsumoto*, 122 F.4th at 811–14. Further, Plaintiffs’ desired activities—accompanying abortion patients as they travel for lawful abortion care, funding care and travel, making their home available before or after a trip for lawful abortion care, and providing legal advice to domestic violence, intimate partner violence, and sexual assault survivors and those who advocate for them on abortion rights—are also within the First Amendment’s protection. *See* SOF ¶¶ 11, 17–24, 48, 50; *see infra* at 15-17.

The government cannot suppress protected speech merely because minors are among the audience. As the Supreme Court has explained, “[s]peech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them.” *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 213–14 (1975); *see also Powell’s Books, Inc. v. Kroger*, 622 F.3d 1202, 1212–13 (9th Cir. 2010). Speech providing truthful information about lawful medical care, including lawful abortion, is likewise protected. *Bigelow v. Virginia*, 421 U.S. 809, 824–25 (1975); *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 760–65 (1976). Indeed, even a “close, personal conversation” intended to persuade individuals entering abortion clinics is protected expression. *McCullen v. Coakley*, 573 U.S. 464, 487 (2014); *Hill v. Colorado*, 530 U.S. 703, 714 (2000). As the Ninth Circuit recognized, “[i]f counseling those who are about to obtain abortions to instead carry their pregnancies to term is undoubtedly protected speech, then surely the opposite is true as well.” *Matsumoto*, 122 F.4th at 812.

The First Amendment also protects expressive conduct. “[T]he Constitution looks beyond written or spoken words as mediums of expression.” *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557, 569 (1995). Conduct is protected when it is intended to convey a

message and likely to be understood as such. *Spence v. Washington*, 418 U.S. 405, 410–11 (1974). A “narrow, succinctly articulable message is not a condition of constitutional protection.” *Porter v. Martinez*, 68 F.4th 429, 438 (9th Cir. 2023) (quoting *Hurley*, 515 U.S. at 569). Nor does the First Amendment require expression to be directed to a large audience; communication with even a single person lies at the core of protected speech. *McCullen*, 573 U.S. at 488; see *Givhan v. W. Line Consol. Sch. Dist.*, 439 U.S. 410, 415–16 (1979). Conduct must be “sufficiently imbued with elements of communication to fall within the scope of the First and Fourteenth Amendments.” *Texas v. Johnson*, 491 U.S. 397, 404 (1989) (citation omitted). The activity, combined with the factual context and environment in which it was undertaken, needs only to sufficiently lead to the conclusion that a plaintiff engaged in a form of protected expression. See *Spence*, 418 U.S. at 409–11 (citing *United States v. O’Brien*, 391 U.S. 367, 376 (1968)). Acts of support—such as funding travel, providing transportation, or accompanying someone to obtain care—can thus constitute protected expression conveying solidarity, assistance, and support for lawful abortion access in the context in which they are made. See *Yellowhammer Fund v. Marshall*, 776 F. Supp. 3d 1071, 1111, 1083–84 (M.D. Ala. 2025); see *infra* at 17-21.

Here, the relevant context involves minors seeking abortion support in a state that criminalizes nearly all abortion care. In this environment—where Idaho law severely restricts abortion and state officials have taken openly hostile positions toward abortion access—messages of support for abortion care carry clear expressive meaning. When a trusted adult offers assistance to a young person navigating these circumstances, that assistance communicates solidarity, support, and affirmation of the young person’s autonomy. Even if the audience consists of only a single individual—the young person receiving the help—the message conveyed is readily understood within the surrounding social and legal context and requires no additional verbal

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context to be understood by that young person. Yet § 18-623 places these forms of expression at risk of criminalization. If a trusted adult accompanies a young person to obtain lawful abortion care, offers temporary shelter before or after the trip, or provides funding to facilitate travel, the adult could arguably be accused of “recruiting,” “harboring,” or “transporting” a minor for the purpose of procuring an abortion. Section 18-623 thus threatens criminal penalties for conduct that, in context, conveys a clear and particularly important message in all circumstances, but even more so in instances of domestic violence. *See* SOF ¶¶ 51, 61.

Finally, the First Amendment protects the right of expressive association. The Supreme Court has “long understood as implicit in the right to engage in activities protected by the First Amendment a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.” *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984). That freedom is “an indispensable means of preserving other individual liberties,” *id.* at 618, and restrictions on expressive association are permissible only if they “serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms”, *id.* at 623; *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 648 (2000). In this case, the factual record now reflects that the statute is a government effort to impose penalties on individuals based on their participation in disfavored social networks. *See Roberts*, 468 U.S. at 622 (citing *Healy v. James*, 408 U.S. 169, 180–84 (1972)); SOF ¶ 74. It is also an attempt to interfere with the internal organization and affairs of a group. *Roberts*, 468 U.S. at 623 (citing *Cousins v. Wigoda*, 419 U.S. 477, 487–88 (1975)).

By criminalizing the act of assisting a minor in accessing lawful abortion care—including providing information, financial assistance, transportation, or lodging—§ 18-623 targets the network of advocates, counselors, and support organizations that associate to help pregnant people

exercise their reproductive autonomy. The statute penalizes participation in a disfavored advocacy community and intrudes upon the internal functioning of organizations that coordinate resources, volunteers, and counseling to support abortion access, precisely the type of governmental interference with expressive association the First Amendment forbids.

Section 18-623 burdens all three forms of protected First Amendment activity. It criminalizes speech advocating for lawful abortion care, expressive conduct that helps individuals obtain that care, and the associational networks through which advocates, volunteers, and community members work together to support access to reproductive health services.

B. Section 18-623 Discriminates Based on Content and Viewpoint.

The First Amendment forbids the government from restricting expression based on “its message, its ideas, its subject matter, or its content.” *Stevens*, 559 U.S. at 468 (quoting *Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002)). Section 18-623 does exactly that. The statute criminalizes expression on a single subject—lawful abortion—and only when the speech supports obtaining abortion care. Plaintiffs remain free to encourage minors to continue a pregnancy or provide information about prenatal care regardless of whether a parent is informed, but they face criminal penalties if they express support for abortion access. This is classic content and viewpoint discrimination. “It is rare that a regulation restricting speech because of its content will ever be permissible.” *Porter*, 68 F.4th at 439 (quoting *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 818 (2000)). And “[v]iewpoint discrimination is . . . an egregious form of content discrimination.” *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). By permitting speech that discourages abortion options while criminalizing speech that supports abortion, § 18-623 regulates expression based on both subject matter and viewpoint. *See Reed v.*

Town of Gilbert, 576 U.S. 155, 163 (2015); *Nat’l Inst. of Fam. & Life Advocates v. Becerra*, 585 U.S. 755, 756 (2018).

Courts have already addressed this type of impermissible viewpoint discrimination in the abortion context. See *Planned Parenthood Greater Nw. v. Labrador*, 684 F. Supp. 3d 1062, 1093–94 (D. Idaho 2023) (“[P]rohibition of medical providers offering ‘support or aid’ to a woman seeking an abortion, including ‘refer[ring] a woman across state lines to an abortion provider[,]’ is content-based because health care providers are silenced on a single topic—abortion—and is viewpoint discretionary because health care providers can provide information and referrals about out-of-state resources like anti-abortion counseling centers or prenatal care.”), *aff’d sub nom. Planned Parenthood Great Nw., Hawaii, Alaska, Ind., Ky. v. Labrador*, 122 F.4th 825 (9th Cir. 2024). It is indisputable that the law draws a content-based distinction on its face by prohibiting “recruiting” someone to have an abortion. See Idaho Code § 18-623; see also *Boos v. Barry*, 485 U.S. 312, 316, 318 (1988) (holding that an ordinance prohibiting the display within 500 feet of a foreign embassy of any sign that tends to bring the foreign government into “public odium or public disrepute” was a content-based restriction).

The statute is also impermissible viewpoint discrimination. It permits Plaintiffs to offer guidance about medical providers, specialized care, or financial assistance when that guidance supports continuing a pregnancy but prohibits them from providing the same kinds of information when it supports lawful abortion care outside Idaho. By allowing speech that encourages one reproductive outcome while suppressing speech that supports another, the policy singles out and criminalizes a particular perspective—one favorable to individuals seeking to terminate a pregnancy. Cf. *Conant v. Walters*, 309 F.3d 629, 637 (9th Cir. 2002).

The statute’s “intent to conceal” *mens rea* sharpens this discrimination. Under § 18-623, Plaintiffs may speak freely with minors about abortion only when the minor involves a parent or guardian. But when a minor seeks confidential guidance and does not wish to involve a parent—the very circumstance in which minors most often seek advice from trusted adults who are not their parents—the statute exposes Plaintiffs to criminal prosecution for expressing support for abortion care but no penalty for discouraging abortion care. In other words, the law permits Plaintiffs to share their full message with minors only when the minor’s decision is not confidential; when a minor wishes to keep the decision private from a parent, Plaintiffs must withhold the same message or risk prosecution.

The First Amendment does not permit the State to condition protected speech on whether a listener chooses to disclose a conversation to a third party. By tying criminal liability to whether speech supporting abortion occurs in a confidential discussion with a minor, § 18-623 singles out one side of a sensitive conversation between minors and trusted adults and suppresses it. That is viewpoint discrimination of the clearest kind.

C. Section 18-623 Cannot Survive Strict Scrutiny.

Because § 18-623 singles out speech based on content and viewpoint, it is subject to strict scrutiny—a standard it cannot meet. Strict scrutiny requires the State to prove that the law is narrowly tailored to serve a compelling government interest. *Reed*, 576 U.S. at 163. A compelling interest is an interest of the “highest order,” and the State bears the burden of proof. *Id.* at 172; *see also Pierce v. Jacobsen*, 44 F.4th 853, 862 (9th Cir. 2022). That burden is rightfully demanding. The State must identify an actual problem and show that restricting speech is necessary to solve it. *Brown v. Ent. Merchants Ass’n*, 564 U.S. 786, 799 (2011). “[A]mbiguous proof will not suffice,”

and courts cannot rely on legislative speculation or “predictive judgment.” *Id.* at 799–800. Here, Defendant produced no satisfactory evidence.

Defendant has offered no evidence supporting any compelling interest that would justify criminalizing Plaintiffs’ speech and advocacy. At most, three potential and entirely speculative interests appear in the legislative record and public statements: protecting minors from harm, protecting parental rights, and protecting potential life. As explained below, none withstands scrutiny and the Supreme Court has made clear that the government may not restrict speech based on unsupported conjecture or legislative speculation. *Id.*

While the state has a legitimate interest in protecting children from harm, that interest does not grant it free-floating authority to limit the ideas to which children may be exposed. *Id.* at 794. Regardless, the only evidence in the record shows the law does not protect children from harm; in fact, the record evidence shows the opposite. The overwhelming evidence demonstrates that parental involvement laws harm minors rather than protect them. Most minors already involve a parent or guardian in their abortion decisions. SOF ¶ 53. When they do not, it is typically because doing so would be unsafe. SOF ¶ 54. Forcing parental involvement in those circumstances exposes minors to trauma, delay, stigma, isolation, and abuse. SOF ¶ 55. Parental involvement laws also disproportionately harm adolescents who are low-income, adolescents of color, and survivors of violence. SOF ¶ 56. Such laws isolate vulnerable minors from trusted adults and support networks precisely when they most need assistance. SOF ¶ 57.

Nor does restricting abortion access improve health outcomes. Abortion is significantly safer than carrying a pregnancy to term. SOF ¶ 62. When access is blocked, minors may seek unsafe alternatives or delay care until it becomes more dangerous. SOF ¶ 63. A law that exacerbates harm cannot be justified as protecting minors.

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The State may also invoke parental rights, but that theory misunderstands constitutional doctrine. The parental right “to make decisions concerning the care, custody, and control of their children” is a defensive liberty interest against government interference—not an affirmative power requiring the State to criminalize private actors. *Troxel v. Granville*, 530 U.S. 57, 66 (2000). Private individuals cannot violate parental constitutional rights. Only the government can.

At most, the State may claim an interest in encouraging parental involvement. But the record evidence shows that parental involvement laws do not improve parent-child relationships or increase parental participation in abortion decisions. SOF ¶ 58. Instead, forcing disclosure where a minor fears harm as a consequence has resulted in abuse, abandonment, and long-term damage to family relationships. SOF ¶ 59.

Even the State’s framing of this statute reveals the weakness of the parental-rights justification. The legislation’s sponsor repeatedly characterized § 18-623 as a parental consent measure: a description echoed by the RLI lobbyist, Idaho’s governor upon signing the bill, and the Defendant throughout this litigation. SOF ¶¶ 9, 73.¹ Yet the statute does not require parental

¹ See Committee Consideration of H.B. 242, Idaho S. State Affs. Comm., Audio/Video Recording at 00:01:44 (Idaho Leg. Digital Media Archive, Mar. 27, 2023) (“March 27 Hearing”) (statement of Rep. Barbara Ehardt), https://insession.idaho.gov/IIS/2023/Senate/Committee/State%20Affairs/230327_ssta_0800AM-Meeting.mp4 (sponsor Representative Ehardt: “Let me just say a couple things from my perspective, this is a parental rights bill, it really, it’s a parental rights bill and as we just basically lay this out, this does have to do with abortion trafficking and that would be taking a minor from, without parental permission, it’s all about parental permission, taking a minor from Idaho and trafficking that minor to another state to receive an abortion.”); see also *id.* at 2:11 (“Now, let me be clear that if a parent wants to take that minor to another state because, unfortunately, their child ended up pregnant, that parent can do this. This does not prohibit the parental rights of the parent doing that. If that parent wanted to cede their rights to an aunt or an uncle or a grandparent to do the same thing, that parent can do it. But somebody unbeknownst to that parent cannot do that.”); Letter from Governor Brad Little to

consent. It instead turns on a vague “intent to conceal” standard that criminalizes speech and assistance without regulating parental notice or consent at all. Plus, Defendant in this case has offered shifting interpretations of how the “intent to conceal” element could be proven. *See* Mem. Decision & Order [Dkt. 40] at 52 (noting “Defendant’s varied and conflating arguments concerning when culpability attaches”); *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 563 (2011) (noting that a state’s change in position on the correct interpretation of a statute is particularly troubling in a First Amendment case). A law genuinely designed to protect parental authority would regulate notice directly. Section 18-623 does not. Further, § 18-623 does not regulate minors’ decision-making or actions—it criminalizes third-party speech and actions, and even then, only the third-party actions that promote a specific viewpoint. Even a true parental rights motivation does not give a state the authority to silence disfavored third-party viewpoints or prevent lawful assistance.

The State, likewise, lacks any legitimate interest in suppressing speech that encourages access to lawful abortion care in other states. *See Bigelow*, 421 U.S. at 827–28. Because the State lacks such an interest, it cannot further its interest in potential life by seeking to prevent lawful abortions in other states.

Speaker of the House Mike Moyle (Apr. 5, 2023) (transmitting signed bill) (“seeks only to prevent unemancipated minor girls from being taken across state lines for an abortion without the knowledge and consent of her parent or guardian”), https://gov.idaho.gov/wp-content/uploads/2023/04/transmittal_h-242aaS_2023.pdf. Plaintiffs previously sought clarification as to whether the Court would require judicial notice or would consider legislative facts without formal notice, despite the right to travel being a more evidentiary showing ([Dkt. 70]; [Dkt. 112].) To the extent the Court requires judicial notice, Plaintiffs respectfully request that the Court take judicial notice of statements, made during the legislative process, as cited within the brief, and re-urge their motion for judicial notice. Plaintiffs’ position is that the Court should be able to consider these statements under either path.

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The Supreme Court has long rejected the idea that a state may shield its residents from information about lawful activity elsewhere. *Id.* A state does not acquire regulatory authority over another state’s lawful conduct merely because its residents may travel there. *Id.* at 824. Section 18-623 does precisely what *Bigelow* forbids: it criminalizes speech and assistance relating to abortions that are lawful outside Idaho. Idaho cannot extend its regulatory reach beyond its borders by silencing speech about lawful medical care available elsewhere.

Indeed, the First Amendment is especially protective when speech concerns lawful options under other states’ laws. People routinely rely on friends, advocates, and community organizations to learn where medical care can be obtained. Criminalizing those conversations would transform ordinary discussions about health care into criminal acts. Nor can the State justify the law by invoking travel concerns. The Constitution protects the right to interstate travel, including travel to obtain lawful medical care. *See infra* at 24-29. Criminalizing speech and advocacy supporting such travel would undermine that fundamental constitutional protection.

Even if the State could identify a compelling interest—which it has not—§ 18-623 is far from narrowly tailored. A statute is narrowly tailored only if it eliminates no more speech than necessary to address the problem it targets. *Victory Processing, LLC v. Fox*, 937 F.3d 1218, 1227 (9th Cir. 2019). The State must show why less restrictive alternatives would not suffice. *Id.* at 1228. Laws that are overinclusive or underinclusive fail this requirement. *IMDb.com Inc. v. Becerra*, 962 F.3d 1111, 1125 (9th Cir. 2020). Section 18-623 fails on multiple fronts.

First, the law burdens all minors—including those who cannot safely involve a parent—while offering no alternative means of obtaining assistance. SOF ¶ 60. The minors most affected are those already isolated from safe family support. Second, the law suppresses speech about lawful activity beyond Idaho’s borders. Rather than addressing any concrete harm, it attempts to

shield Idaho residents from information about lawful conduct elsewhere. *Bigelow*, 421 U.S. at 827–28; *see also Rutan v. Republican Party of Ill.*, 497 U.S. 62, 75 (1990). Third, the statute’s structure confirms it is not tailored to parental interests. Legislators described the law as protecting parental authority, yet the statute does not regulate consent or notice. *See supra* at 12–13. Instead, it criminalizes speech and assistance related to lawful out-of-state abortions based on an “intent to conceal” standard. That mismatch reveals that the law targets abortion advocacy, not parental decision-making. Finally, the statute is underinclusive. It singles out speech about abortion while leaving speech about other medical procedures entirely untouched. Such selective regulation raises doubts about whether the statute aims to address the problems identified by the government or instead to hinder discussion of certain topics. *Victory Processing*, 937 F.3d at 1229. For all these reasons, § 18-623 cannot satisfy strict scrutiny.

D. The Court Should Grant Plaintiffs As-Applied Relief.

Because Plaintiffs’ ordinary and desired activities—providing information, assistance, and community support related to lawful abortion care in other states—fall within the statute’s reach, enforcement of § 18-623 against them violates the First Amendment. The Court should therefore grant as-applied relief.

1. Section 18-623 Criminalizes Plaintiffs’ Speech.

Plaintiffs’ core activities consist of providing information, advice, advocacy, and logistical coordination to individuals considering abortion care. Those activities are protected speech. Plaintiff NWAAF is a nonprofit organization that provides emotional, financial, logistical, and informational support to individuals considering abortion. SOF ¶ 11. It has a network of more than 100 current volunteers, including volunteers in Idaho, who coordinate values-aligned support for abortion seekers. SOF ¶ 13. It serves individuals across several states, including Idaho. SOF ¶ 14.

Since 2021, NWAAF has assisted at least eight Idaho minors seeking abortion care, sometimes in situations where a parent may not have been aware of the pregnancy or abortion. SOF ¶ 15. It also sets up tables around the Pacific Northwest sharing that it provides these services to anyone who needs them, including minors. SOF ¶ 32. Under the Ninth Circuit’s construction of § 18-623, however, NWAAF’s core speech—providing information about lawful abortion care, advising minors about their options, and connecting them with resources—falls within the statute’s definition of “recruiting.” *Matsumoto*, 122 F.4th at 808–11. Idaho’s aiding-and-abetting and attempt doctrines further expand that risk. *Id.* at 810–11. As a result, NWAAF must either refrain from speaking or risk criminal prosecution for engaging in constitutionally protected advocacy.

Plaintiff IIA faces the same dilemma. IIA provides information, advice, and assistance to individuals—including minors—about accessing abortion and other medical care. SOF ¶ 16. It also provides financial assistance through community networks in which trusted adults seek help on behalf of minors, including survivors of gender-based violence. SOF ¶ 17. In some instances, IIA has understood that a parent was not aware of the minor’s abortion for which IIA provided funds. SOF ¶ 18. Under § 18-623, those communications and assistance efforts risk being treated as unlawful “recruiting.”

The law also directly burdens Plaintiff Matsumoto. For years, she has worked with young people between the ages of 11 and 24 who have experienced domestic violence, sexual assault, and related harms. SOF ¶ 19. When Idaho’s abortion laws changed, she knew she would need to address these laws with minors and advocates. SOF ¶ 20. She began drafting materials to distribute to the community, started planning to provide transportation and support in her free time, and started talking to those who support minors who may need assistance to lawfully fulfill their reproductive wishes. SOF ¶¶ 20– 21. She had to abruptly stop her efforts to start providing this

assistance when Idaho passed § 18-623. SOF ¶ 22. While she has not directly counseled *pregnant* domestic violence and sexual assault minor-survivors on their legal rights relating to abortion, she has counseled those whose pregnancy status she did not know and trusted adults seeking to help pregnant domestic violence and sexual assault survivors access abortion care. SOF ¶ 23. She would serve as a trusted adult for pregnant minors in the future, but for this law. SOF ¶ 24.

But under the Ninth Circuit’s interpretation of § 18-623, providing legal advice and know-your-rights materials about accessing lawful abortion care could be “recruiting.” *Matsumoto*, 122 F.4th at 808–11. Expanding her practice to continue serving vulnerable youth would therefore expose her to potential criminal liability. SOF ¶ 71. It would also hinder her desire to provide whatever support she can in her community to support minors obtaining lawful medical care. SOF ¶ 23. The statute thus forces each Plaintiff into the same unconstitutional choice: cease engaging in protected speech or risk prosecution. The First Amendment does not permit such a burden.

2. Section 18-623 Criminalizes Plaintiffs’ Expressive Conduct.

Plaintiffs’ work also includes expressive acts that communicate support for bodily autonomy and access to lawful medical care. Providing financial support, transportation, accompaniment, or temporary housing for individuals seeking abortion care conveys a clear message: that people seeking abortion are entitled to dignity, solidarity, and practical support. *See Hurley*, 515 U.S. at 569; *Spence*, 418 U.S. at 410–11 (“[T]he context in which a symbol is used for purposes of expression is important, for the context may give meaning to the symbol.”) (citing *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)); *Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale*, 901 F.3d 1235, 1241–42 (11th Cir. 2018) (holding that food sharing events were expressive conduct that intended to convey the message that food is a human right); *VoteAmerica v. Schwab*, 576 F. Supp. 3d 862, 875 (D. Kan. 2021) (“Public endeavors which

‘assist people with voter registration are intended to convey a message that voting is important,’ and which expend resources ‘to broaden the electorate to include allegedly under-served communities,’ qualify as expressive conduct”); *c.f. Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F.3d 1022, 808 n.17 (9th Cir. 2006) (whether food distribution can be an expressive activity protected by the First Amendment under particular circumstances must be decided in an as-applied challenge rather than a facial challenge).

Moreover, “since *all* speech inherently involves choices of what to say and what to leave unsaid,” *Pac. Gas & Elec. Co. v. Pub. Utils. Comm'n of Cal.*, 475 U.S. 1, 11 (1986) (plurality opinion) (emphasis in original), “one important manifestation of the principle of free speech is that one who chooses to speak may also decide ‘what not to say,’” *Hurley*, 515 U.S. at 573 (quoting *Pac. Gas & Elec. Co.*, 475 U.S. at 16).

NWAAF exists to communicate and advance a clear normative message: that abortion is lawful health care and that people deserve the freedom and support necessary to exercise their reproductive autonomy. SOF ¶¶ 12, 26, 27. NWAAF’s mission is “to fund abortion and break down barriers to abortion access,” and its stated values emphasize autonomy, reproductive justice, and respect for individuals’ decisions about their bodies and lives. SOF ¶ 12. Its activities—funding abortion care, helping Idaho patients travel to clinics, and ensuring they have a safe place to stay—are not merely logistical services. SOF ¶ 27. They are the practical expression of NWAAF’s message that abortion care is legitimate, necessary health care and that individuals seeking it deserve dignity, compassion, and community support. SOF ¶¶ 26, 27.

Indeed, NWAAF’s actions communicate a message that is widely understood in context. By paying clinics directly for abortion care, arranging transportation to appointments, and providing lodging for those traveling to obtain abortions, NWAAF publicly manifests its

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commitment to reproductive autonomy and its belief that abortion access should be facilitated rather than obstructed. SOF ¶¶ 27–29. Observers—including patients, volunteers, and the public—readily understand this conduct as an expression of solidarity with people seeking abortions and as an affirmation that abortion care should be accessible and supported. SOF ¶ 30.

NWAAF’s conduct is expressive, as reflected in its stated values and goals. NWAAF explicitly seeks to “shift culture so abortion is seen as ordinary” health care and to “break down barriers to abortion access.” SOF ¶ 28. Its funding decisions, travel coordination, and housing assistance are the mechanisms through which it communicates and advances that message. SOF ¶ 29. Just as advocacy organizations communicate their viewpoints through charitable assistance, counseling, or coordinated aid to marginalized communities, NWAAF’s activities embody and convey its core message that individuals should be free to decide whether to continue a pregnancy and should be able to receive support and affirmation in exercising that autonomy. Because NWAAF’s assistance is undertaken to convey and advance that viewpoint—and because that message is readily understood by those who observe or benefit from the conduct—its funding, transportation coordination, and lodging assistance constitute expressive conduct protected by the First Amendment. SOF ¶ 31.

Paying for transportation and housing is expressive conduct criminalized by the “recruiting” portion of the statute. The narrower definitions of “transporting” and “harboring” prohibit the expressive conduct of actually transporting or housing a young person. For NWAAF, directly providing transportation, in addition to funding transportation, has long been part of its expressive mission. Volunteers have historically driven individuals—including minors—to and from abortion appointments when other transportation was unavailable. SOF ¶ 33. Those acts communicated solidarity with abortion seekers and affirmed their right to obtain lawful medical

care. SOF ¶ 34. After § 18-623 took effect, and a portion of the injunction was vacated, NWAAF cannot restart such assistance without risking criminal liability.

IIA similarly participates in expressive conduct rooted in cultural traditions of community care. SOF ¶ 35. It is driven by its desire to serve the storied culture of its people through trust-based mutual care and aid, led by those who need the care and those in the community already providing other care, which includes ensuring access to abortions, including access for minors. SOF ¶ 36. All of its words and actions are in furtherance of these beliefs. SOF ¶ 37. Within the communities IIA serves, trusted adults—including extended family members and “aunties”—often provide transportation, housing, or other assistance to minors seeking medical care. SOF ¶ 37. When IIA supports those efforts, it expresses the community’s shared commitment to protecting vulnerable youth. SOF ¶ 38. Section 18-623 threatens to criminalize these culturally grounded acts of care and solidarity by putting them within the radius of aiding and abetting and the “transporting” and “harboring” prongs.

Plaintiff Matsumoto likewise seeks to express support for vulnerable minors through acts of accompaniment and care, such as driving them to medical appointments or providing a safe place to recover. SOF ¶ 39. Her acts will communicate a clear message: that minors have trusted adults who will stand with them during difficult moments and that they are not alone and they can make the decisions they desire for themselves. SOF ¶ 40. Yet the statute exposes those expressive acts to criminal prosecution under the “transporting” and “harboring” prongs of § 18-623.

The law’s “intent to conceal” element intensifies this burden. It effectively allows Plaintiffs to provide support only when a minor involves a parent, dictating what Plaintiffs can say and requiring them to say things they otherwise would not. When a minor seeks confidentiality—the very circumstance in which trusted adults are often most needed—Plaintiffs must withdraw their

assistance. The law thus forces Plaintiffs to alter the message conveyed by their conduct, transforming expressions of solidarity into silence. The First Amendment does not permit the State to compel expression and distort Plaintiffs' chosen speech in this way.

Also, as the Ninth Circuit recognized in the order upholding the preliminary injunction, the Court must also consider how partial acts under the statute will chill conduct because of fear of prosecution under attempt and aiding-and-abetting doctrines. *Matsumoto*, 122 F.4th at 811.

3. Section 18-623 Criminalizes Plaintiffs' Expressive Association.

Finally, the statute burdens Plaintiffs' right to expressive association. Plaintiffs acknowledge that the Ninth Circuit held that they did not have a likelihood of success on the merits of the association claim pursuant to the limited briefing from the preliminary injunction and preliminary injunction appeal. *Matsumoto*, 122 F.4th at 806. However, the developed record supports the assertion that § 18-623 violates Plaintiffs' associational rights. Since the preliminary injunction stage, Plaintiffs have advanced undisputed evidence that their work does not just involve but also depends on networks of volunteers, advocates, community members, and community organizations who collaborate to support individuals seeking abortion care. SOF ¶ 25. The developed evidence demonstrates, without dispute, that through those relationships, Plaintiffs collectively convey a shared message: abortion is lawful medical care in other states, personal autonomy matters, and communities will support those who seek it. SOF ¶ 26.

Section 18-623 fractures and isolates those networks. SOF ¶ 66. Volunteers who transport individuals, organizations that provide lodging, and advocates who coordinate support all risk criminal prosecution if a minor seeks abortion care without involving a parent. As a result, individuals and organizations who would otherwise collaborate to assist minors must withdraw from those relationships and community support networks. SOF ¶ 66.

For NWAAF, this means its volunteers in Idaho have stopped assisting minors in the state and instead help minors in neighboring states. SOF ¶ 67. For IIA, it threatens the community caregiving networks through which minors access medical care. SOF ¶ 68. And for Plaintiff Matsumoto, it chills her ability to communicate with advocates and trusted adults seeking guidance for vulnerable youth out of concern that she might learn that a parent does not know or a young person does not want to communicate abortion plans to a parent. SOF ¶ 69. The First Amendment protects the right to work together with others to advance shared beliefs and advocacy goals. *Roberts*, 468 U.S. at 622. By criminalizing the collaborative relationships through which Plaintiffs carry out their mission, § 18-623 burdens that constitutional right.

As applied to Plaintiffs, § 18-623 criminalizes protected speech, expressive conduct, and expressive association. The Constitution does not permit the State to silence Plaintiffs' advocacy, distort their expressive activities, or fracture the networks through which they work together to support vulnerable minors. Plaintiffs are therefore entitled to the as-applied relief they seek.

E. Plaintiffs Are Entitled to Facial Relief Invalidating the “Recruiting” Portion of the Statute.

The unconstitutional application of § 18-623 to Plaintiffs warrants as-applied relief. Facial relief is also appropriate as to the term “recruiting,” which is invalid under the First Amendment overbreadth doctrine.

When Plaintiffs seek facial relief because a statute is overbroad, the question is whether “a substantial number of [the law’s] applications are unconstitutional, judged in relation to the statute’s plainly legitimate sweep.” *Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024) (quoting *Americans for Prosperity Found. v. Bonta*, 594 U.S. 595, 615 (2021)). That standard is “less demanding” in First Amendment cases because it exists to provide “breathing room for free

expression.” *Id.* (citation omitted). Even a law with some legitimate applications must be invalidated if its unconstitutional ones substantially outweigh them. *Id.* at 723–24.

The analysis begins with the statute’s scope and then asks which of its applications violate the First Amendment. *Id.* at 724. Here, the Ninth Circuit has already supplied the controlling construction of § 18-623. It held that “recruiting” means “to persuade, enlist, or induce someone to join an undertaking or organization, to participate in an endeavor, or to engage in a particular activity or event.” *Matsumoto*, 122 F.4th at 808. Under that definition, the statute reaches speech that encourages, advises, or otherwise persuades a minor to obtain abortion care, including advocacy, counseling, and informational speech about lawful abortion care in other states. *Id.* at 809–11.

Measured against that construction, the “recruiting” prohibition sweeps far beyond any constitutionally permissible regulation of conduct. It does not merely target coercion, fraud, or speech integral to criminal conduct. It criminalizes ordinary advocacy and counseling about lawful medical care. A teacher who explains that abortion is lawful in a neighboring state, a community advocate who encourages a minor to seek care, or a volunteer who tells a young person that support exists outside Idaho could all fall within the statute’s definition of “recruiting.” Because liability attaches when such speech occurs with “intent to conceal” from a parent, the statute reaches a substantial amount of protected speech directed to minors seeking confidential guidance.

Those unconstitutional applications are numerous. Advocacy organizations, clergy, teachers, community health workers, and trusted adults routinely provide minors with advice, encouragement, and information about health care. Under the Ninth Circuit’s construction, that speech may constitute “recruiting” whenever it persuades a minor to obtain an abortion and the

minor has chosen not to involve a parent. In those circumstances, the statute criminalizes speech precisely because it supports access to lawful out-of-state care.

By contrast, the statute’s legitimate sweep is narrow. To the extent Idaho may prohibit coercion, fraud, or conduct integral to a crime, existing criminal laws already do so. Section 18-623 reaches far beyond those narrow categories and instead targets speech encouraging the exercise of lawful rights in other states. Its unconstitutional applications therefore substantially outweigh any legitimate ones. For that reason, the “recruiting” prong of § 18-623 is facially overbroad. Because it “prohibits a substantial amount of protected speech relative to its plainly legitimate sweep,” it must be invalidated under the First Amendment overbreadth doctrine. *Moody*, 603 U.S. at 723–24 (citation omitted). The Court should therefore grant both as-applied relief by enjoining application of § 18-623 to Plaintiffs as a whole, as well as facial relief as to the term “recruiting” by enjoining enforcement of that provision.

II. Section 18-623 Violates the Right to Travel.

Section 18-623 independently violates the right to travel. It criminalizes assistance that enables Idahoans to travel to other states to obtain lawful health care. The undisputed record shows that the statute was enacted to do just this—impede interstate travel—and that it has in fact deterred interstate travel. The Constitution does not permit a state to criminalize disfavored but legal conduct in a sister state by penalizing interstate travel. Plaintiffs are therefore entitled to summary judgment on their right to travel claim.

A. The U.S. Constitution Protects the Right to Interstate Travel.

The Supreme Court has firmly established and repeatedly recognized a right to travel. *Shapiro v. Thompson*, 394 U.S. 618, 630 (1969), *overruled on other grounds by Edelman v. Jordan*, 415 U.S. 651 (1974). It ensures people can enter and leave any state. *Saenz v. Roe*, 526

U.S. 489, 500 (1999).² The right to travel is “so elementary” that it inherently accompanies the Union that the Constitution established. *United States v. Guest*, 383 U.S. 745, 757–58 (1966).

The freedom to travel includes the “freedom to enter and abide in any State in the Union.” *Att’y Gen. of New York v. Soto-Lopez*, 476 U.S. 898, 902 (1986) (quoting *Dunn v. Blumstein*, 405 U.S. 330, 338 (1972), and citing *Guest*, 383 U.S. at 758). In the absence of the right to travel, how else could a loose confederation of states be transformed into one nation? See *Zobel v. Williams*, 457 U.S. 55, 67 (1982) (Brennan, J., concurring); *Soto-Lopez*, 476 U.S. at 902 (noting “the important role [the right to travel] . . . has played in transforming many States into a single Nation”); *Crandall v. Nevada*, 73 U.S. (6 Wall.) 35, 43 (1867) (“The people of these United States constitute one nation.”).

In fact, “personal liberty” has always “consist[ed] in the power of locomotion, of changing situation, or removing one’s person to whatsoever place one’s own inclination may direct.” 1

² “Because the right to travel has been assumed from our nation’s founding, the Supreme Court has persistently refused to delineate precisely from where in the Constitution the right derives.” *Yellowhammer Fund*, 776 F. Supp. 3d at 1097. Courts have declined to cabin the origin of the right to travel to one particular constitutional source. See, e.g., *Zobel*, 457 U.S. at 66–67 (Brennan, J., concurring). In fact, over the last two centuries, justices have suggested at least seven different sources. For some, it has been the Article IV Privileges and Immunities Clause. U.S. Const. art. IV, § 2, cl. 1.; see, e.g., *Zobel*, 457 U.S. at 73–74 (O’Connor, J., concurring in the judgment). For others, it has been the Fourteenth Amendment Privileges and Immunities Clause. U.S. Const. amend. XIV, § 1; see *Edwards v. California*, 314 U.S. 160, 178 (1941) (Douglas, J., concurring). It has been rooted in a conception of national citizenship implicit in “the structural logic of the Constitution itself.” *Membership Has Its Privileges and Immunities: Congressional Power to Define and Enforce the Rights of National Citizenship*, 102 Harv. L. Rev. 1925, 1935 (1989); see *Crandall*, 73 U.S. (6 Wall.) at 43. In *Edwards*, sourcing within the Commerce Clause featured prominently. U.S. Const. art. I, § 8, cl. 3; see *Edwards*, 314 U.S. at 172–73. The Equal Protection Clause has been mentioned, U.S. Const. amend. XIV, § 1; see, e.g., *Zobel*, 457 U.S. at 60 n.6, as have each of the Due Process Clauses, U.S. Const. amend. V; U.S. Const. amend. XIV, § 1; *Kent v. Dulles*, 357 U.S. 116, 125 (1958) (Fifth Amendment Due Process Clause); *Williams v. Fears*, 179 U.S. 270, 274 (1900) (Fourteenth Amendment Due Process Clause).

William Blackstone Commentaries *130. “[T]ravel is one of our most fundamental constitutional rights” as it “cultivates national citizenship and curbs state provincialism.” *Yellowhammer Fund*, 776 F. Supp. 3d at 1096. “[T]he nature of our Federal Union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement.” *Saenz*, 526 U.S. at 499 (quoting *Shapiro*, 394 U.S. at 629).

“A state law implicates the right to travel when it actually deters such travel, . . . when impeding travel is its primary objective, . . . or when it uses “any classification which serves to penalize the exercise of that right.”” *Soto-Lopez*, 476 U.S. at 903 (citation omitted); *Yellowhammer Fund*, 776 F. Supp. 3d at 1101 (“State restrictions with the primary objective of preventing specific lawful out-of-state conduct are just as constitutionally impermissible as restrictions aimed at preventing travel generally.”).

B. The Right to Travel Protects Not Only Physical Interstate Movement but Also the Ability to Engage in Lawful Activities in the Destination State.

The right to travel protects more than crossing state lines. It guarantees that individuals may engage in lawful activities in other states free from their home state’s restrictions. Indeed, the legal foundations of the right to travel developed specifically to ensure that individuals could move freely in order to engage in lawful pursuits in other jurisdictions. The protection of free movement has deep roots in Anglo-American law. The Magna Carta recognized the freedom of merchants to travel “for buy[ing] and sell[ing],” and commentators have traced the emergence of a right of locomotion to this early guarantee of personal liberty. Magna Carta cl. 41 (1215); *Kent v. Dulles*, 357 U.S. 116, 125–26 (1958).

The same principle was embedded in the structure of the early United States. Article IV of the Articles of Confederation protected the right of the “people of each State” to enjoy “free ingress and regress to and from any other State,” ensuring that travelers could pursue commerce and other lawful endeavors without discriminatory restrictions. Articles of Confederation of 1781, art. IV. When the Constitution was adopted, this commitment to interstate mobility was carried forward through provisions such as the Privileges and Immunities Clause.

Consistent with that history, the Supreme Court has repeatedly recognized that interstate travel protects people’s ability to enter another state and pursue lawful activities there on the same footing as local residents. *See Paul v. Virginia*, 75 U.S. (8 Wall.) 168, 180–81 (1869) (holding the Privileges and Immunities Clause protects people’s right to enjoy the same freedoms as locals in other states). Early federal decisions likewise described the right as including the ability to pass through or reside in another state “for purposes of trade, agriculture, professional pursuits, or otherwise.” *Corfield v. Coryell*, 6 F. Cas. 546, 552 (C.C.E.D. Pa. 1823).

Other cases reinforce that principle. States may not criminalize bringing indigent persons across state lines in search of a better life, *Edwards v. California*, 314 U.S. 160, 177 (1941), nor may states impose barriers that penalize individuals for traveling to obtain medical care, *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 269 (1974). The constitutional protection of interstate travel, therefore, encompasses travel undertaken for many purposes—including the pursuit of employment, commerce, and medical services available in another state.

The Constitution has long held that a state may not extend its criminal authority beyond its borders by penalizing its residents for traveling elsewhere and engaging in conduct that is lawful where it occurs. *See, e.g., Nielsen v. Oregon*, 212 U.S. 315, 321 (1909) (holding that Oregon could not punish a person for conduct Washington had expressly authorized within its own territory).

That understanding continues, and the Supreme Court continues to uphold the principle that a state cannot punish residents based on conduct that occurs in a sister state and is legal in that sister state. *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 421 (2003) (explaining that a state may not impose punishment for conduct that was lawful where it occurred); *BMW of N. Am. v. Gore*, 517 U.S. 559, 571 (1996) (recognizing a state may not impose its policy choices on neighboring states); *N.Y. Life Ins. Co. v. Head*, 234 U.S. 149, 161 (1914) (warning that extraterritorial state law would undermine federalism limits).

The Supreme Court has specifically recognized that this principle applies to travel undertaken to obtain abortion care where such care is lawful in the destination state. *See Doe v. Bolton*, 410 U.S. 179, 200 (1973), *abrogated on other grounds by Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022). More recently, Justice Kavanaugh reaffirmed that principle, explaining that a state may not “bar a resident of that State from traveling to another State to obtain an abortion” because of the constitutional right to interstate travel. *Dobbs*, 597 U.S. at 345 (Kavanaugh, J., concurring). And as scholars have explained, a right that allows one’s body to cross state lines while restricting the freedom to act lawfully in the destination state would be “a hollow shell.” Seth F. Kreimer, *Lines in the Sand: The Importance of Borders in American Federalism*, 150 U. Pa. L. Rev. 973, 1007 (2002). The Constitution does not permit such a result.

A district court in the Middle District of Alabama recently reaffirmed this core principle. In *Yellowhammer Fund*, the court explained that “[t]he right to travel includes both the right to move physically between two States and to do what is legal in the destination State.” 776 F. Supp. 3d at 1098. The court further held that “state restrictions with the primary objective of preventing specific lawful out-of-state conduct” are “constitutionally impermissible.” *Id.* at 1101. The decision squarely rejected efforts by a state to threaten prosecution against individuals who assist

others in traveling to obtain lawful abortion care elsewhere, concluding that such threats impermissibly burden the constitutional right to interstate travel.

C. The Right to Travel Also Protects Those Who Facilitate Interstate Travel for Lawful Purposes.

The protections of the right to travel are not limited to the individual traveler. Laws that criminalize or penalize those who assist interstate movement also burden the constitutional right. As the Supreme Court recognized in *Edwards*, criminalizing those who bring individuals across state lines impermissibly interferes with the right to interstate travel. 314 U.S. at 177.

That principle applies here. Plaintiffs wish to accompany minors through Idaho, transport them across state lines, and provide temporary lodging while they travel to obtain abortion care that is lawful in the destination state. SOF ¶ 41. Section 18-623 impedes each of these activities with the specter of criminal prosecution. It therefore does more than just burden the young person's travel; it criminalizes Plaintiffs' ability to participate in and facilitate lawful interstate travel. Just as the Constitution forbids a state from penalizing those who transport travelers across state lines in pursuit of opportunity or safety, it likewise forbids a state from threatening criminal penalties against individuals who accompany, host, or transport travelers seeking lawful medical care elsewhere. If states could prohibit such assistance, the right to travel would become meaningless in practice. Laws that threaten prosecution for facilitating such travel, therefore, impermissibly burden a fundamental right.

Here, the travel itself is lawful. Plaintiffs' conduct—driving, accompanying, or providing temporary lodging to facilitate interstate travel—remains lawful until the moment a lawful medical procedure occurs in another state. Under § 18-623, however, that lawful act in the destination state retroactively transforms otherwise lawful interstate travel into criminal conduct. That cannot be

the law. The constitutional right to interstate travel would be meaningless if a state could declare travel unlawful solely because the traveler ultimately engages in conduct that is legal where it occurs. Such a rule would allow a state to project its criminal law beyond its borders and penalize residents for taking advantage of another state’s lawful regime. The Constitution does not permit states to convert lawful interstate movement into criminal activity merely because the traveler’s destination offers legal opportunities that the home state disapproves of. Idahoans routinely cross state lines as part of their economic and social lives, as is their right. SOF ¶ 10. It is only the lawful reason for that travel that transforms the act into unlawful activity and criminalizes the assistance of helpers such as Plaintiffs.

D. The Primary Objective of § 18-623 Is to Impede Interstate Travel.

Extensive, unrebutted evidence demonstrates that the primary objective of § 18-623 is to impede travel. Section 18-623’s legislative history and the influence of lobbying organizations help demonstrate the law’s primary objective. The involvement of outside interests is relevant to the statute’s motivation. *See Animal Legal Def. Fund*, 878 F.3d at 1191–92 (discussing how industry association drafted a law and considering how it articulated the various goals of the legislation, revealing the “complex series of motivations behind the statute”); *Mi Familia Vota v. Fontes*, 129 F.4th 691, 728 (9th Cir. 2025) (finding third-party organization involvement in developing and passing state legislation provided sufficient evidence of animus).

Before its introduction and passage in the Idaho Legislature, § 18-623 began as model legislation that was proposed by the National Right to Life Committee, Inc. (“NRLC”). SOF ¶¶ 1–8. NRLC made clear that the model legislation was to prevent travel of people across state borders for the purpose of obtaining lawful abortion care. SOF ¶ 3. (“[T]he abortion industry can be expected to exploit . . . the proximity of States with less protective laws to circumvent pro-life laws

in a particular State.”). NRLC’s local affiliate, the Right to Life of Idaho (“RLI”), solicited the model legislation to members of the Idaho Legislature. SOF ¶ 6. This model “trafficking” bill was designed to respond to Idaho’s geographic reality: it was the only state in the region enforcing a near-total abortion ban, while all six of its bordering states continued to permit and provide abortion care. Representative Barbara Ehardt accepted NRLC and RLI’s invitation and introduced what would become § 18-623, and RLI and the sponsors worked to pass the legislation. SOF ¶¶ 6–7. Information provided from RLI to Idaho legislators made clear that the law could punish a person even if the abortion ultimately occurs in another state.³ Testimony in support of the law demonstrates that the primary objective is to impede interstate travel.⁴ Representative Ehardt testified to the purpose of the legislation during a Senate State Affairs Committee hearing, stating, “it’s all about parental permission, taking a minor from Idaho and trafficking that minor to another state to receive an abortion.”⁵ The legislature had all of this information at its disposal when it voted to pass § 18-623. Governor Little also explained the legislation he signed as seeking to

³ March 27 Hearing at 0:02:11 (statement of Rep. Barbara Ehardt), (“Now, let me be clear that if a parent wants to take that minor to another state ... that parent can do this. ... If that parent wanted to cede their rights to an aunt or an uncle or a grandparent to do the same thing, that parent can do it. But somebody unbeknownst to that parent cannot do that.”); H.R. Consideration of H.B. 242, Idaho H.R., 67th Leg., 1st Reg. Sess., Audio/Video Recording at 03:47:23 (Idaho Leg. Media Archive, Mar. 30, 2023) (statement of Rep. Barbara Ehardt) (“It would be wrong of you to take it upon yourself to transport that minor across the border.”)

<https://insession.idaho.gov/IIS/2023/House/Chambers/HouseChambers03-30-2023.mp4>.

⁴ Committee Consideration of H.B. 242, Idaho S. State Affs. Comm., Audio/Video Recording at 00:35:53 (Idaho Leg. Media Archive, Mar. 27, 2023) (statement of Sen. James Ruchti discussing the drive to the border),

https://insession.idaho.gov/IIS/2023/Senate/Committee/State%20Affairs/230327_ssta_0800AM-Meeting.mp4; S. Consideration of H.B. 242, Idaho S., 67th Leg., 1st Reg. Sess., Audio/Video Recording at 01:36:30 (Idaho Leg. Media Archive, Mar. 30, 2023) (statement of Sen. Todd Lakey confirming its about criminalizing the drive to the border),

<https://insession.idaho.gov/IIS/2023/Senate/Chambers/SenateChambers03-30-2023.mp4>.

⁵ March 27 Hearing at 00:01:44 (statement of Rep. Barbara Ehardt).

“prevent unemancipated minor girls from being taken across state lines for an abortion without the knowledge and consent of her parent or guardian.”⁶ Its Senate sponsor, Sen. Todd Lakey, explained, “[a]nd what we’re saying is, abortion is illegal in Idaho, if you’re furthering that, without the knowledge of the parents, then that conduct is illegal.”⁷

Even the face of the statute itself indicates that the primary objective of the law is to impede travel. *See* Idaho Code § 18-623 (criminalizing an adult who “procures an abortion . . . or obtains an abortion-inducing drug for the pregnant minor to use for an abortion by . . . *transporting* the pregnant minor” even if “the abortion provider or the abortion-inducing drug provider *is located in another state*” (emphasis added)). Nor does it matter that § 18-623 targets travel only for a particular purpose. A state may not evade constitutional limits by prohibiting travel for a particular reason rather than on travel generally. Laws aimed at preventing residents from engaging in lawful conduct in another state are just as unconstitutional as laws that prohibit interstate travel. *See Yellowhammer Fund*, 776 F. Supp. 3d at 1102.

The record shows the primary objective of § 18-623 is to impede travel for the purpose of engaging in lawful conduct in another state. There is no evidence to the contrary. It prohibits Plaintiffs from traveling with a young person within Idaho in order to cross Idaho’s borders to obtain lawful abortion care. The law specifically states that it is not an affirmative defense that the abortion provider is located in another state. Section 18-623(3). The Court should declare § 18-623 a violation of the right to travel and enter summary judgment in Plaintiffs’ favor on this claim.

⁶ Letter from Governor Brad Little to Speaker of the House Mike Moyle (Apr. 5, 2023) (transmitting signed bill), https://gov.idaho.gov/wp-content/uploads/2023/04/transmittal_h-242aaS_2023.pdf.

⁷ March 27 Hearing at 00:34:17 (exchange between Sen. James Ruchti and Sen. Todd Lakey).

E. Section § 18-623 Has Deterred the Travel of the Plaintiffs.

In addition to proving that the primary objective of the law is to impede travel, the unrebutted evidence reflects that § 18-623 has also “actually deter[red]” such travel. *See Soto-Lopez*, 476 U.S. at 902-03. In the past, NWAAF offered assistance whereby volunteers drove Idaho patients who needed transportation to a medical appointment, even across state lines. SOF ¶ 44. It does not do so anymore. SOF ¶ 45. IIA’s organizer has driven patients to abortion appointments across state lines in the past, as have community advocates to whom IIA provides financial support. SOF ¶ 46. IIA wants to, but cannot, advance plans to continue driving patients to abortion appointments in other states while the law is in effect. SOF ¶ 47. Lourdes Matsumoto would like to volunteer to drive minors to medical appointments and had been planning before the legislation to start volunteering to do so. SOF ¶ 48. Currently, she is not doing so because of § 18-623. SOF ¶ 49. Section 18-623 has and is continuing to deter the travel of Plaintiffs. The law not only impedes travel but also successfully deters it.

III. Plaintiffs Should Also Prevail on Their Claim That Section 18-623 Is Void-for-Vagueness.

Section 18-623 also violates the Due Process Clause because it is unconstitutionally vague. It fails to provide Plaintiffs with fair notice of what behavior is criminalized and invites arbitrary enforcement. This is particularly troubling considering the statute’s encroachments on First Amendment rights. Plaintiffs recognize that the Ninth Circuit held at the preliminary-injunction stage that Plaintiffs were unlikely to prevail on a facial vagueness challenge. *Matsumoto*, 122 F.4th at 805. But that holding does not erase the statute’s constitutional deficiencies on a developed record. “Abortion trafficking” is not a settled legal category, and, as the panel itself recognized,

“[c]alling the statute ‘abortion trafficking’ does not make it so.” *Id.* Based on the uncontroverted evidence before the Court, Plaintiffs are entitled to summary judgment on this claim.

A. The Due Process Clause Prohibits Vague Criminal Laws.

The Fourteenth Amendment’s Due Process Clause forbids enforcement of a criminal statute so vague that it “fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement.” *Johnson v. United States*, 576 U.S. 591, 595 (2015) (citing *Kolender v. Lawson*, 461 U.S. 352, 357–58 (1983)). The “essential purpose of the ‘void for vagueness’ doctrine is to warn individuals of the criminal consequences of their conduct.” *Jordan v. De George*, 341 U.S. 223, 230 (1951). And vagueness concerns are especially acute where, as here, a statute threatens to chill the exercise of First Amendment rights. *Vill. of Hoffman Ests. v. Flipside, Hoffman Ests., Inc.*, 455 U.S. 489, 499 (1982); *see also Holder v. Humanitarian L. Project*, 561 U.S. 1, 18 (2010). The operative question is whether a reasonable person can tell what the law prohibits without resort to “wholly subjective judgments.” *Tingley v. Ferguson*, 47 F.4th 1055, 1089 (9th Cir. 2022) (quoting *Holder*, 561 U.S. at 20), *abrogated on other grounds by Chiles v. Salazar*, 146 S.Ct. 1010 (2026). The doctrine also guards against “arbitrary and discriminatory enforcement” by requiring laws to “provide explicit standards for those who apply them.” *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). A criminal prohibition that turns on subjective impressions rather than objective criteria is “constitutionally suspect.” *Edge v. City of Everett*, 929 F.3d 657, 665 (9th Cir. 2019); *Tingley*, 47 F.4th at 1089-90.

B. Intent to Conceal Is an Unconstitutional Vague Standard.

Most notably, the statute’s *mens rea*—the requirement that the adult possess an “intent to conceal” an abortion from a parent or guardian—provides no objective benchmark for speakers, helpers, prosecutors, or courts. The statute does not say what degree of parental involvement

defeats the “intent to conceal,” what steps a person must take to avoid being deemed as having the intent to conceal an abortion, or whether mere confidentiality requested by the minor is enough to constitute an intent to conceal. Section 18-623 also provides no indication regarding whether the adult must have the “intent to conceal” the abortion from one or both parents. What if one parent supports the abortion, and the other objects? Idaho has at times suggested that “intent to conceal” should be assessed under the “totality of the circumstances,” (Prelim. Ing. Hr’g Tr. at 32:10-21, 33:16-14), but that formation only confirms the problem: it supplies no rule at all. A criminal law cannot leave speakers to guess whether maintaining a minor’s confidence, declining to contact a parent, speaking through an intermediary, or helping arrange lawful care without parental involvement will later be characterized by a prosecutor, judge, or jury as “intent to conceal.”

C. The Statute Is Unconstitutionally Vague When It Links Conduct to Liability.

The statute is also vague in the way it links conduct to liability. Section 18-623 does not criminalize “recruiting,” “harboring” or “transporting” in the abstract. It criminalizes an adult who “procures an abortion . . . by recruiting, harboring, or transporting the pregnant minor.” How does one “procure” an abortion by “recruiting, harboring, or transporting?” That formulation leaves ordinary people without meaningful guidance as to when lawful support becomes criminal procurement. NWAAF testified it does not know what “procure” means in the context of abortion. SOF ¶ 72. As Plaintiffs testified, they do not understand if “procuring” an abortion includes giving a ride, offering a place to stay, sharing information, or helping a minor connect with support. SOF ¶ 70. Nor do they understand at what point ordinary assistance becomes the legal cause of the abortion rather than support for a decision the minor has already made. *See* SOF ¶ 70. The statute does not say, and Plaintiffs have offered un rebutted testimony that they fear prosecution because they do not understand when their legal support turns into criminal conduct. SOF ¶ 70.

The statute is also unclear under the inchoate crime of attempt. Even if a young person does not end up obtaining an abortion in another state, or someone else is the adult who ultimately “procures” the abortion for the young person, what level of speech, support, or assistance could render a trusted adult criminally liable for an attempt to violate § 18-623? No reasonable person would be able to discern this dividing line under the terms of the statute.

D. As the Statute Is Unconstitutionally Vague Regarding Lawful Conduct, It Unconstitutionally Invites Arbitrary Enforcement.

Section 18-623 is not a conventional trafficking law. Sex trafficking statutes prohibit conduct that brings vulnerable people into the commercial sex trade through some sort of coercion or force. Human trafficking statutes prohibit conduct that forces people into labor through force, fraud, or coercion. The conduct into which the person is brought is illegal, and it is done in some fashion against the will of the trafficked person. Plaintiffs are not traffickers. There is no evidence that Plaintiffs scout for vulnerable young women to bring into illegal activity. The people whom Plaintiffs assist seek them out, not the other way around. The undisputed evidence shows that Plaintiffs engage in none of the behaviors associated with trafficking. It is also undisputed that, despite Defendant’s wishes to the contrary, abortion care remains legal in nearly all the states that border Idaho: Washington, Oregon, Nevada, Utah, and Montana.⁸ Helping someone to travel to receive abortion care in a state where it is legal is not trafficking. It is simply speech and travel.

Yet § 18-623 purports to backdoor criminalize lawful conduct by labeling it “abortion trafficking.” It is in this context, that “harboring,” “recruiting,” and “transporting” are unconstitutionally vague. This forces Plaintiffs, and other adults who wish to assist pregnant Idaho

⁸ Wash. Rev. Code § 9.02.100; Or. Rev. Stat. § 659.880; Or. Rev. Stat. § 435.210; Nev. Rev. Stat. § 442.250; Utah Code Ann. § 76-7-302; Mont. Const. art. 2, § 36.

minors, to discern how or when ordinary acts of assistance become “harboring,” “recruiting,” and “transporting” for purposes of the statute.⁹ In short, abortion trafficking is not a thing, and § 18-623 is unconstitutionally vague regarding the limits of lawful conduct.

Nor are these constitutional defects cured by the State’s invocation of parental interests. Failure to obtain parental consent is not an element of the statute. It turns instead on a speaker’s supposed “intent to conceal,” a standard that depends on after-the-fact inferences about motive and circumstance, not on clear statutory lines. That invites selective enforcement against disfavored speakers—precisely the evil the vagueness doctrine is meant to prevent. Plaintiffs are disfavored speakers to be sure. Defendant—the highest law enforcement official in Idaho—has called them radical groups and “anti-Idaho” factions in the media and to lawmakers. SOF ¶ 74. Here, the minor seeks lawful medical care; the conduct at issue consists of support, information, travel assistance, shelter, and related aid. In that context, ordinary Idahoans must discern for themselves when helping becomes “harboring,” when accompaniment becomes “transporting,” and when support becomes “procurement.” The statute gives no objective answer and as such, invites arbitrary prosecution against Idahoans, like Plaintiffs, who represent politically unpopular viewpoints.

E. The Record Developed Since the Ninth Circuit’s Decision Supports Plaintiffs’ Claim That the Statute Is Unconstitutionally Vague.

The evidence developed during discovery, and unchallenged by Defendant, demonstrates that Plaintiffs, and other Idahoans, cannot determine the behavior necessary to comply with § 18-623’s retroactive criminalization of legal behavior and undefined *mens rea* requirement. The Ninth

⁹ Copying these terms from actual trafficking laws does not make them clear in this context. As the Ninth Circuit noted, the law reaches noncoercive assistance for legal abortions, unlike trafficking statutes aimed at force, fraud, or coercion. *Matsumoto*, 122 F.4th at 804.

Circuit panel itself recognized that this is a particularly difficult task, with severe consequences for missteps, in a brand-new legal category, noting that “abortion trafficking” is not a settled legal category, and “[c]alling the statute ‘abortion trafficking’ does not make it so.” *Matsumoto*, 122 F.4th at 805. The Ninth Circuit recognized that § 18-623 reaches noncoercive assistance related to abortions that are lawful in other states, and also recognized that its applications can extend well beyond paradigmatic trafficking concepts. The panel further observed that the statute’s text can reach a wide array of speech and conduct and warned that Idaho’s narrowing assurances about the times it would use the statute cannot substitute for limiting statutory language.

Plaintiffs, in their depositions and declarations have developed the record to further explain the ways that the statute is unclear, the fears they hold around targeted enforcement, and how they have been forced to alter their mission-driven behaviors to comply with a law they do not fully comprehend. SOF ¶¶ 70–72. The uncontroverted evidence now shows that this law creates precisely the uncertainty the vagueness doctrine is designed to prevent. Plaintiffs are entitled to summary judgment on this issue.

IV. Plaintiffs Have Standing to Bring Each Claim.

Plaintiffs have standing to bring their First Amendment, right-to-travel, and vagueness claims. To establish Article III standing, Plaintiffs must show an injury in fact that is fairly traceable to Defendant’s conduct and likely to be redressed by a favorable decision. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). In a pre-enforcement challenge, injury in fact exists where a plaintiff intends to engage in conduct arguably protected by the Constitution but proscribed by statute, and faces a credible threat of prosecution. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159–63 (2014). Plaintiffs satisfy that standard here.

As to their First Amendment claim, Plaintiffs intend to continue providing, return to providing, or begin providing information, financial and logistical assistance, and community support to help minors access lawful abortion care in other states—conduct protected by the First Amendment. *See Bigelow*, 421 U.S. at 818–25; SOF ¶¶ 11, 13, 15–21, 23–24, 39, 42, 44, 46–47. Section 18-623 reaches that conduct, sweeping in “encouragement, counseling, and emotional support” as well as public advocacy. *Matsumoto*, 122 F.4th at 814–15. The statute also reaches Plaintiffs’ expressive conduct with its “transporting” and “harboring” provisions.

As to their right-to-travel claim, Plaintiffs face prosecution for conduct that implicates the constitutional right to interstate travel, including transporting and assisting minors to obtain lawful out-of-state care. The Constitution protects that right, and the protection extends to those who assist others in exercising it. *See Edwards*, 314 U.S. at 170–71; *Crandall*, 73 U.S. (6 Wall.) at 39. Plaintiff Matsumoto independently has standing to assert this claim, SOF ¶¶ 19, 21–22, 24, 39, 48, 49, and the Court need only find that one plaintiff has standing per claim. *See Biden v. Nebraska*, 600 U.S. 477, 489 (2023). But Plaintiffs NWAAF and IIA also have standing to assert the right to travel on behalf of their employees and volunteers. *See Craig v. Boren*, 429 U.S. 190, 195–97 (1976) (litigants threatened with enforcement may assert the rights of third parties where those rights are intertwined with the conduct the litigants seek to advance). Here, the organizations’ missions depend on staff and volunteers assisting minors in traveling for lawful abortion care, including sometimes accompanying them across state lines. SOF ¶ 43. Enforcement against those individuals would functionally be enforcement against the organizations themselves, which cannot carry out their work without them. *See Yellowhammer Fund*, 776 F. Supp. at 1090; *see also Yellowhammer Fund*, 733 F. Supp. 3d at 1192. Because § 18-623 exposes those staff and volunteers to prosecution, Plaintiffs face a concrete injury sufficient to confer standing.

Plaintiffs also independently have standing to bring a void-for-vagueness challenge. A law is unconstitutionally vague if it fails to give ordinary people fair notice of what conduct it prohibits or invites arbitrary enforcement, and plaintiffs suffer injury where that uncertainty chills their conduct. *See FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253–54 (2012). Plaintiffs cannot determine which activities are prohibited and have curtailed their conduct, establishing injury in fact. *See Humanitarian L. Project v. U.S. Treasury Dep’t*, 578 F.3d 1133, 1146 (9th Cir. 2009), *aff’d in part, rev’d in part on other grounds sub nom. Holder v. Humanitarian L. Project*, 561 U.S. 1 (2010).

Faced with that breadth, Plaintiffs have curtailed their activities for fear of prosecution. *See Virginia v. Am. Booksellers Ass’n*, 484 U.S. 383, 392–93 (1988). Further, across all claims, the threat of enforcement is credible. The Attorney General has not disavowed enforcement and continues to defend the statute, and he retains authority to prosecute violations. *See Idaho Code* § 18-623(4); *Tingley*, 47 F.4th at 1068; *Matsumoto*, 122 F.4th at 798. Plaintiffs’ injuries are traceable to that enforcement authority and would be redressed by an injunction barring enforcement. *See Lujan*, 504 U.S. at 560–61. Finally, the Ninth Circuit has already held that Plaintiffs have standing to pursue these claims. *Matsumoto*, 122 F.4th at 797–802. Plaintiffs, therefore, have standing, and the Court should grant as-applied relief.

CONCLUSION

Because Plaintiffs have established that they should succeed on their claims as a matter of law and no genuine dispute of any material fact exists, Plaintiffs respectfully request the Court grant their motion for summary judgment.

DATED: April 16, 2026.

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Wendy J. Olson

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CERTIFICATE OF SERVICE

I hereby certify that, on April 16, 2026, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will cause a copy to be served upon all counsel of record.

/s/ Wendy J. Olson

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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

**DECLARATION OF KELLY O'NEILL
IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

KELLY O'NEILL, hereby declares under penalty of perjury that the following statements

are true and correct:

1. I am counsel of record for Plaintiffs in this action. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

2. Attached to this declaration are deposition transcripts, declarations, and documents produced by Defendants in discovery, as well as documents certified by the National Right to Life Committee. I have personal knowledge that each exhibit attached hereto is a true and correct copy of the document it purports to be.

3. Attached hereto as **Exhibit 1** are true and correct copies of excerpts from the written deposition transcript of NORTHWEST ABORTION ACCESS FUND, taken pursuant to Federal Rule of Civil Procedure 30(b)(6) on February 6, 2026.

4. Attached hereto as **Exhibit 2** are true and correct copies of excerpts from the written deposition transcript of INDIGENOUS IDAHO ALLIANCE, taken pursuant to Federal Rule of Civil Procedure 30(b)(6) on January 13, 2026, except for portions designated confidential under the protective order.

5. Attached hereto as **Exhibit 3** are true and correct copies of excerpts from the written deposition transcript of IDAHO ATTORNEY GENERAL'S OFFICE, taken pursuant to Federal Rule of Civil Procedure 30(b)(6) on February 18, 2026, including the notice of lodging and deposition Exhibits 6 and 10.

6. Attached hereto as **Exhibit 4** are true and correct copies of excerpts from the written deposition transcript of NATIONAL RIGHT TO LIFE COMMITTEE, taken pursuant to Federal Rule of Civil Procedure 30(b)(6) on March 11, 2026. At filing, an errata sheet was not yet available from the deponent.

7. Attached hereto as **Exhibit 5** are true and correct copies of excerpts from the written deposition transcript of AMANDA STEVENSON, PH.D, taken on December 9, 2025, including the accompanying errata sheet.

8. Attached hereto as **Exhibit 6** are true and correct copies of excerpts from the written deposition transcript of RAE TAYLOR, PH.D, taken on December 8, 2025, including the accompanying errata sheet.

9. Attached hereto as **Exhibit 7** are true and correct copies of excerpts from the written deposition transcript of IRIS ALATORRE, taken on February 6, 2026.

10. Attached hereto as **Exhibit 8** is a true and correct transcription of a portion (1:57:26–1:58:11) of Defendant Raúl Labrador’s public statements at the August 21, 2024 Committee on Federalism meeting, available at

<https://legislature.idaho.gov/sessioninfo/2024/interim/cof/>.

11. Attached hereto as **Exhibit 9** are true and correct copies of excerpts from the written deposition transcript of DARA SNYDER, taken on February 17, 2026.

12. Attached hereto as **Exhibit 10** are true and correct copies of excerpts from the written deposition transcript of TAI SIMPSON, taken on January 13, 2026.

13. Attached hereto as **Exhibit 11** are true and correct copies of excerpts from the written deposition transcript of LOURDES MATSUMOTO, taken on March 5, 2026.

14. Attached hereto as **Exhibit 12** are true and correct copies of excerpts from the written deposition transcript of KERRY UHLENKOTT, taken on February 27, 2026, including the accompanying errata sheet.

15. Attached hereto as **Exhibit 13** is a true and correct copy of the Declaration of IRIS ALATORRE entered into under penalty of perjury.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Declaration of DARA SNYDER entered into under penalty of perjury.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of TAI SIMPSON entered into under penalty of perjury.

18. Attached hereto as Exhibit 16 is a true and correct copy of the Declaration of LOURDES MATSUMOTO entered into under penalty of perjury.

19. Attached hereto as Exhibit 17 is a true and correct copy of the Declaration of NATIONAL RIGHT TO LIFE COMMITTEE certifying records pursuant to Federal Rule of Evidence 902(4) & 902(5), and the three accompanying exhibits.

20. Attached hereto as Exhibit 18 is a true and correct copy of the Declaration of AMANDA STEVENSON PHD entered into under penalty of perjury.

21. Attached hereto as Exhibit 19 is a true and correct copy of the Declaration of RAE TAYLOR PHD entered into under penalty of perjury.

22. Attached hereto as Exhibit 20 is a true and correct copy of documents produced by Defendant in this litigation containing party opponent statements. Specifically: AGO_0384-AGO_0385 (“Idaho’s laws were passed specifically to protect the life of the unborn and the life of the mother. Trafficking a minor child for an abortion **without parental consent** puts both in grave danger, and we will not stop protecting life in Idaho.”); AGO_0019-AGO_0022 (“For now, we can add this law back into Idaho’s expanding pro-life protections for mothers and their unborn babies. It seems odd that Idaho would even need to write a law that prohibited taking a minor out-of-state for a medical procedure without permission from that child’s parents, as if **parental consent or knowledge** was an unnecessary or inconvenient afterthought.”); AGO_204 (“We have kept Idaho’s Abortion Trafficking law largely intact making it illegal to take a minor

out of state for an abortion **without parental consent.**”) AGO_0011- (“The fight for life in Idaho will never end”).

///

///

///

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: April 16, 2026.

/s/ Kelly O’Neill

Kelly O’Neill

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 16, 2026, 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 1

Exhibit 1

In The Matter of:

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

v.

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

**DEPOSITION OF
IRIS ALATORRE,
30(b)(6) DESIGNEE FOR NWAAF
February 06, 2026**



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LOURDES MATSUMOTO vs RAUL LABRADOR
ALATORRE, IRIS 02/06/2026

30(b)(6)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

REMOTE DEPOSITION OF IRIS ALATORRE,
30 (b) (6) DESIGNEE FOR NORTHWEST ABORTION ACCESS FUND
February 6, 2026

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

1 DEPOSITION OF IRIS ALATORRE,
2 30(b)(6) DESIGNEE FOR NORTHWEST ABORTION ACCESS FUND

3
4 BE IT REMEMBERED that the deposition of
5 IRIS ALATORRE was taken via videoconference by the
6 Defendant before Treasure Valley Reporting, Rebecca
7 Martin, Court Reporter and Notary Public in and for the
8 State of Idaho, on Friday, the 6th day of February,
9 2026, commencing at the hour of 10:30 a.m. Mountain Time
10 in the above-entitled matter.

11
12

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1 asking the organization Northwest Abortion Access
2 Fund. I'm not asking you personally.

3 Do you understand that?

4 A. Okay. Yes.

5 Q. Do you understand that your answers in
6 this deposition will bind -- and I'll just use the
7 abbreviation NWAAF.

8 Do you understand that your answers will
9 bind NWAAF as an organization in this case?

10 MS. OLSON: Objection; form.

11 You can answer.

12 Q. (By MR. GREEN) You can answer.

13 A. Yes, I understand.

14 Q. Okay. Can you explain to me what NWAAF
15 is?

16 A. NWAAF is an abortion fund. We support
17 people in Alaska, Idaho, Washington, and Oregon,
18 people who either live in those states or are
19 coming to one of those states for abortion care,
20 and we support them in accessing that abortion care
21 if they need it.

22 Q. You used the term "abortion fund" in
23 answering my question.

24 What is an abortion fund?

25 A. An abortion fund generally helps

1 individuals pay for costs related to accessing
2 abortion care.

3 Q. Is it fair to say that NWAAF's primary
4 objective is to pay for abortion care?

5 MS. OLSON: Objection; form.

6 Q. (BY MR. GREEN) You can answer.

7 A. If I'm thinking about our mission, our
8 primary objective is to support people in accessing
9 abortion care.

10 Q. And the way an abortion fund does that
11 is by paying for abortion, right?

12 MS. OLSON: Objection; form.

13 THE WITNESS: That's one of the ways.

14 Q. (BY MR. GREEN) Okay. And that's the way
15 you most often use, right?

16 MS. OLSON: Objection; form, foundation.

17 THE WITNESS: Most often? I mean, I'm
18 thinking about our -- how we spend our money. That
19 is, yes, the way we most often support people
20 accessing abortion care.

21 Q. (BY MR. GREEN) And are you a nonprofit?

22 A. Yes.

23 Q. Okay. How do you fund yourself?

24 MS. OLSON: Objection; form.

25 THE WITNESS: We receive donations from

1 us -- we met and conferred about topic 11. You
2 didn't bring any of this up. You made no efforts
3 to find it.

4 But you can answer, Ms. Alatorre, if you
5 have personal knowledge of the answer.

6 THE WITNESS: Yeah, my personal knowledge is
7 that we have a board of directors, we have five
8 staff members, including myself, and we have a
9 large group of volunteers that support NAAAF in
10 different capacities.

11 Q. (BY MR. GREEN) Okay. About how many
12 volunteers? And an estimate is okay.

13 MS. OLSON: Objection; form.

14 THE WITNESS: I would say around 150 active
15 volunteers.

16 Q. (BY MR. GREEN) And do all of those
17 volunteers do the same things or do you have
18 volunteers doing different tasks?

19 A. We have volunteers that do different
20 tasks.

21 Q. Okay. How would you say -- strike that.
22 What tasks do volunteers perform?

23 A. So we have volunteers that do case
24 management, and within case management, there are
25 different roles that somebody could do there. We

1 have volunteers that support with communications
2 and partnerships and volunteers that support with
3 fundraising and volunteers that support with the
4 security practices and volunteers that support with
5 in-person events, like attending community events
6 on our behalf.

7 Those are some of the ways that I can
8 think of our volunteers supporting.

9 Q. Are there any --

10 MS. OLSON: Late objection. And object to
11 the question that's coming. Again, I do not see
12 how this question is within any of the topics set
13 out in Schedule A.

14 And so, Ms. Alatorre, again, you can
15 answer if you know the answer in your individual
16 capacity.

17 MR. GREEN: I'll just note for the record
18 that's not an appropriate objection, but, you know,
19 it's made for the record, obviously.

20 MS. OLSON: Then it's the argument we're
21 going to have with the Court about how you can use
22 this testimony that you have not listed in your
23 topics. You can't just list topics for a 30(b)(6)
24 deposition and then ask about things completely
25 outside of those topics.

1 Can you repeat your question?

2 Q. (BY MR. GREEN) Sure.

3 Does this look like a copy of Idaho Code
4 18-623 to you, having read it previously?

5 MS. OLSON: Objection; foundation.

6 THE WITNESS: Yes, it looks like it.

7 Q. (BY MR. GREEN) Is there any part of
8 Idaho Code 18-623 that you don't understand?

9 MS. OLSON: Objection; form.

10 THE WITNESS: Yes.

11 Q. (BY MR. GREEN) Which parts?

12 A. The language around "procures an
13 abortion," it feels -- it's vague. It's, like,
14 what -- what does "procure" mean in this context
15 and what is it that NWAAF does or doesn't do that
16 falls within this context? It's confusing.

17 Q. Okay. You said -- sorry, go ahead.

18 A. I guess I'll leave it at that for now.

19 Q. Well, are there any other areas of the
20 statute that you don't understand?

21 A. No.

22 Q. So you understand the rest of the
23 statute?

24 A. Yes.

25 Q. Okay. Now, you said the language

1 Q. (BY MR. GREEN) I heard "yes."

2 Was that correct?

3 A. Yes.

4 Q. Okay. And do you understand the
5 word "recruiting" to have a meaning?

6 MS. OLSON: Objection; form, foundation.

7 THE WITNESS: Yes.

8 Q. (BY MR. GREEN) Let's turn back to
9 topic 1 and let me -- can we pull up Exhibit 1
10 again?

11 I'm going to ask you a couple of
12 questions about topic 1.

13 A. Okay.

14 Q. Let me just establish, you know, when I
15 talk about minors henceforth in this deposition, if
16 I say "minor" instead of "Idaho minor," I'm always
17 asking you about Idaho minors.

18 Does that make sense?

19 A. Yes.

20 Q. Okay. Does NWAAF procure abortions?

21 MS. OLSON: Objection; form.

22 THE WITNESS: Again, "procure" feels like
23 such a vague term it's hard to -- it's hard to
24 answer that question without fully understanding
25 what falls under the scope of "procure."

1 MS. OLSON: Objection; form.

2 Q. (BY MR. GREEN) If you need that question
3 read back, I can ask the court reporter to do that.

4 A. Can you read the question again?

5 MR. GREEN: Yeah, please.

6 (The record was read from page 28, lines 14-16.)

7 MS. OLSON: Objection; form.

8 THE WITNESS: The Northwest Abortion Access
9 Fund does not procure abortions by recruiting
10 minors. We do support minors in accessing abortion
11 care if that is what they would like.

12 Q. (BY MR. GREEN) Does NWAAF have any plans
13 to procure abortions by recruiting minors in the
14 future?

15 MS. OLSON: Objection; form.

16 THE WITNESS: We don't have plans to procure
17 abortions by recruiting minors. We do have plans
18 to continue to support minors in accessing abortion
19 care if that's what they would like.

20 Q. (BY MR. GREEN) Okay. Does NWAAF provide
21 logistical, practical, and financial assistance to
22 minors to access abortion?

23 A. Yes.

24 Q. State all the ways it does so.

25 A. We support minors in figuring out how to

1 get to and from their procedure, what mode of
2 transportation they might have access to, paying
3 for the transportation. We support them in having
4 safe lodging if they are needing to travel a long
5 distance to get to their abortion appointment.

6 We support them with other basic needs
7 like meals, medication, prescription costs, paying
8 for child care if that is a need that they have,
9 and paying for their abortion procedure.

10 Q. Anything else?

11 A. We do also provide emotional support.

12 Q. Anything else?

13 A. No.

14 Q. Okay. Does NWAAF have any future plans
15 to provide logistical, practical, and financial
16 assistance to minors to access abortion other than
17 the ones you've previously discussed?

18 MS. OLSON: Objection; form.

19 THE WITNESS: We would like to be able to
20 provide rides to minors.

21 Q. (BY MR. GREEN) Does NWAAF have any plans
22 to provide rides to specific minors?

23 A. Any plans? Currently, no.

24 Q. Does NWAAF have vehicles that it owns?

25 A. No --

1 A. Encouragement in the context of
2 accessing abortion care or just encouragement
3 overall?

4 Q. Fair point. Let me change my question.

5 Does NWAAF provide encouragement,
6 counseling, advice, information, emotional
7 assistance, and support to minors seeking abortion?

8 A. Yes.

9 Q. How does it do so?

10 A. Well, we have -- one of our values
11 includes trust and autonomy, and when we support
12 anybody, including a minor, we really center that
13 in how we support them. And so we trust that they
14 are telling us what they need, and we believe in
15 their autonomy as individuals to access the care
16 they need, whether or not that's an abortion or
17 other resources.

18 We never encourage somebody to get an
19 abortion if they have expressed any hesitation
20 around it. We really serve as somebody who is
21 there to be supportive and nonjudgmental and
22 helping them in accessing or, like, getting
23 whatever resources would be most beneficial to them
24 in how they've identified that to us.

25 Q. Are there any other ways that NWAAF

1 provides encouragement, counseling, advice,
2 information, emotional assistance, and support to
3 minors seeking abortion?

4 MS. OLSON: Objection; form.

5 THE WITNESS: No.

6 Q. (BY MR. GREEN) Turning to topic 3, I
7 understand NWAAF does not procure abortions.

8 Does that mean NWAAF does not procure
9 abortions by harboring minors?

10 MS. OLSON: Objection; form.

11 THE WITNESS: We do not harbor minors, no.

12 Q. (BY MR. GREEN) Okay. Any plans to do so
13 in the future?

14 A. No.

15 Q. Okay. Does NWAAF harbor minors
16 generally?

17 A. No.

18 Q. Turning to topic 4, has NWAAF procured
19 abortions by transporting minors?

20 MS. OLSON: Objection; form.

21 THE WITNESS: We have in the past
22 transported -- provided transportation to minors
23 and other individuals to access abortion care.

24 Q. (BY MR. GREEN) Okay. Speaking of
25 minors -- I'll remind you I'm only talking about

1 Idaho minors -- how many times has NWAAF procured
2 abortions by transporting minors?

3 MS. OLSON: Objection; form, foundation as
4 to time period.

5 THE WITNESS: Like, in the history of the
6 entire time NWAAF has existed or within a time
7 period?

8 Q. (BY MR. GREEN) To the extent you can
9 recall.

10 A. The only instance I can recall is the
11 instance in which I transported a minor, an Idaho
12 minor.

13 Q. And when you say "I," you're referring
14 to yourself, Iris Alatorre, not NWAAF?

15 A. Yes.

16 Q. And you're referring to the topic we
17 discussed in your individual deposition?

18 A. Yes.

19 Q. Does NWAAF have any plans to procure
20 abortions by transporting minors in the future?

21 MS. OLSON: I'm going to object and insist
22 that at least on this question you use "Idaho
23 minors."

24 Q. (BY MR. GREEN) Okay. Does NWAAF have
25 any plans to procure abortions by transporting

1 Idaho minors in the future?

2 A. We would like to. At the moment we
3 don't have plans.

4 MR. GREEN: We'll turn to topic 5 next, and
5 I'll have the court reporter mark and share
6 Exhibit 3.

7 (Deposition Exhibit No. 3 was marked.)

8 Q. (BY MR. GREEN) Do you see the document
9 that's been marked as Exhibit 3 in front of you?

10 A. Yeah. Is it the one titled "Complaint
11 for Declaratory Judgment"?

12 Q. Yes, it is.

13 Have you seen this document before?

14 A. Yes.

15 Q. And this is the complaint you filed in
16 this case, right?

17 A. Yes.

18 MR. GREEN: Okay. I'll have the court
19 reporter go to paragraph 45.

20 Q. (BY MR. GREEN) I'll just have you read
21 that to yourself, and just let me know when you're
22 done.

23 A. I'm done.

24 Q. Okay. Is there anything not listed in
25 paragraph 45 that NWAAF does to procure abortions?

1 EXAMINATION

2 BY MS. OLSON:

3 Q. I have some questions.

4 Good afternoon, Ms. Alatorre.

5 You recall Mr. Green asked you some
6 questions using the term "procure."

7 Do you recall those questions?

8 A. Yes.

9 Q. Ms. Alatorre, what do you understand
10 "procure an abortion" to mean?

11 A. I -- it's -- it sounds like -- I mean,
12 the term "procure," I have never really heard in
13 reference to this work. I understand the
14 word "procure" to mean, like, something related to,
15 like, an industry or, like -- like, obtaining
16 materials, et cetera.

17 So if I were to try to think of what
18 that means related to abortion, I, like, envision
19 procuring an abortion being, like, me calling up an
20 abortion provider and trying to buy abortions from
21 them. So that is, I guess, how I'm
22 defining "procuring an abortion," is calling big
23 abortion and saying, "Hey, we want to buy this many
24 pallets of abortion."

25 Q. Ms. Alatorre, is NWAAF concerned that

1 NWAAF has a different definition of procure than
2 the Idaho Attorney General?

3 A. Yes.

4 Q. Then, Ms. Alatorre, you recall that
5 Mr. Green asked you questions about intent to
6 conceal?

7 A. Yes.

8 Q. How does NWAAF address whether or not to
9 have contact with a minor's parent or guardian
10 where it's a minor who has contacted NWAAF
11 regarding abortion care services?

12 A. We don't have any processes or policies
13 in place around that kind of contact. We lead --
14 we let the individual we're supporting, including
15 minors, lead whatever communications or information
16 they want shared with anybody.

17 Q. Is NWAAF concerned that NWAAF has a
18 different definition or practice with respect to
19 "intent to conceal" than the Idaho Attorney
20 General?

21 A. Yes.

22 Q. Is NWAAF concerned that the Idaho
23 Attorney General might consider the way NWAAF
24 handles minors' choices about whether or not to
25 communicate with a parent or guardian the intent to

1 conceal from that minor's parents or guardians?

2 A. Yes.

3 MR. GREEN: Object to form.

4 Q. (BY MS. OLSON) You can answer.

5 Was your answer "yes"?

6 A. Yes.

7 MS. OLSON: That's all the questions I have.

8 Thank you, Ms. Alatorre.

9 MR. GREEN: Nothing further. Thank you
10 both.

11 (A discussion was held off the record.)

12 MS. OLSON: I apologize. This will be
13 attorneys' eyes only.

14 Q. (BY MS. OLSON)

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Exhibit 2

Exhibit 2

In The Matter of:

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

v.

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

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



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

30(b)(6)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

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

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

Page 2

1 DEPOSITION OF TAI SIMPSON,
2 30(b)(6) DESIGNEE FOR INDIGENOUS IDAHO ALLIANCE
3
4 BE IT REMEMBERED that the deposition of
5 TAI SIMPSON was taken by the Defendants at the law
6 offices of STOEL RIVES LLP, located at 101 S. Capitol
7 Boulevard, Suite 1900, Boise, Idaho, before Treasure
8 Valley Reporting, Rebecca Martin, Court Reporter and
9 Notary Public in and for the State of Idaho, on Tuesday,
10 the 13th day of January, 2026, commencing at the hour of
11 11:30 a.m. in the above-entitled matter.
12
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1 Appearances (Cont.)
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I N D E X
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P R O C E E D I N G S

TAI SIMPSON,
30(b)(6) DESIGNEE FOR INDIGENOUS IDAHO ALLIANCE,
a witness having been first duly sworn to tell the
truth, the whole truth and nothing but the truth
was examined and testified as follows:

E X A M I N A T I O N

BY MR. GREEN:

Q. Hi, again.
A. Hello, again.
Q. So I'm going to skip some of the
preliminaries.
You understand you're under oath, right?
A. I do understand.
Q. Okay. So for this part we're going to
engage in a little bit of a legal fiction. When I
ask you a question, I'm not asking you, tai
simpson, to answer the question. I'm asking you to
give your answer on behalf of Idaho Indigenous
Alliance.
Do you understand that?
A. Indigenous Idaho Alliance? Yes.
Q. Thank you for the correction.

Page 14

1 MS. OLSON: Objection; outside the bounds of
2 topic number 9, not appropriate for this Rule
3 30(b)(6) deposition.
4 THE WITNESS: I did not finish the statement
5 to make room for the objection.
6 Q. (BY MR. GREEN) Okay. So was there
7 anything else other than the words "I understand"
8 that you meant to say?
9 MS. OLSON: Objection; form.
10 THE WITNESS: I'm going to repeat back your
11 question. You said: Do I otherwise understand the
12 word "procures"?
13 Q. (BY MR. GREEN) I'll go ahead and read
14 back my question.
15 A. Thank you.
16 Q. "Even if you understand the word
17 'procures' to have a broad definition, do you
18 understand what 'procures' means?"
19 MS. OLSON: Objection; form, outside the
20 bounds of topic number 9.
21 THE WITNESS: I understand what the
22 word "procures" means.
23 Q. (BY MR. GREEN) Okay. Let's turn to
24 topic number 1. And let me establish at the
25 outset, when I ask you a question about minors in

Page 15

1 this deposition, I'm only talking about Idaho
2 minors.
3 Does that make sense?
4 A. It does.
5 Q. Okay. Does IIA procure abortions?
6 MS. OLSON: Objection; form.
7 THE WITNESS: I don't understand what you
8 mean by "procure" in relation to this statement.
9 Q. (BY MR. GREEN) You told me a moment ago
10 you understand what the word "procures" means,
11 correct?
12 A. Broadly.
13 MS. OLSON: Objection; form.
14 Q. (BY MR. GREEN) Okay. I would like you
15 to apply the same definition --
16 MS. OLSON: Objection --
17 Q. (BY MR. GREEN) -- that you understand --
18 sorry.
19 MS. OLSON: I thought you were done with
20 your question.
21 MR. GREEN: Sorry, I wasn't. I pause
22 occasionally.
23 Q. (BY MR. GREEN) I'm asking you to use the
24 same definition that you understood the word
25 "procures" to mean in your earlier answer.

Page 16

1 MS. OLSON: Objection; form.
2 THE WITNESS: We didn't actually build a
3 shared understanding for that definition.
4 Q. (BY MR. GREEN) You stated a moment ago
5 that you understand what "procures" means, correct?
6 A. I do.
7 Q. Okay. So using that understanding, does
8 IIA procure abortions?
9 MS. OLSON: Objection; form.
10 THE WITNESS: IIA supports providing
11 services and care to the communities that reach out
12 to us for support.
13 Q. (BY MR. GREEN) So I appreciate that.
14 That's not what I asked.
15 My question was: Does IIA procure
16 abortions?
17 MS. OLSON: Objection; form, asked and
18 answered.
19 THE WITNESS: I can't give you a good answer
20 to that question in the way that you're asking it.
21 Q. (BY MR. GREEN) Why?
22 A. Without a clear definition as it relates
23 to the statute itself, "procure" is entirely too
24 broad. I asked you for a definition that would
25 incite the attorney general what "procure" means in

Page 17

1 relation to the statute so I can better answer the
2 question for you.
3 Q. So let me rephrase.
4 When you told me a moment ago that you
5 understand what "procures" means, using that
6 understanding, does IIA procure abortions?
7 MS. OLSON: Objection; form.
8 THE WITNESS: As you are asking this
9 question, no.
10 Q. (BY MR. GREEN) Okay. Using that same
11 understanding, does IIA have any future plans to
12 procure abortions?
13 MS. OLSON: Objection; form.
14 THE WITNESS: As you have asked that
15 question, our organization is set up and
16 strengthened in a way to provide lawful abortion to
17 the community members who request service and
18 support from us.
19 Q. (BY MR. GREEN) So is that a yes?
20 A. That is we are set up to procure
21 services and support, medically or otherwise, to
22 support the families and communities that need us.
23 Q. Okay. In what ways does IIA plan to
24 procure abortions?
25 MS. OLSON: Objection; form.

Page 18

1 THE WITNESS: IIA does not have formalized
 2 plans to procure abortions.
 3 Q. (BY MR. GREEN) Does it have informal
 4 plans?
 5 A. IIA does not have plans to procure
 6 abortions.
 7 MR. GREEN: Okay. Let's turn to topic 2.
 8 And I'm going to specifically take and mark Exhibit
 9 Number 3.
 10 (Deposition Exhibit No. 3 was marked.)
 11 Q. (BY MR. GREEN) And I'm just going to ask
 12 you to turn to page 5.
 13 Does IIA provide information to minors
 14 about abortion?
 15 A. Yes.
 16 MS. OLSON: Hold on.
 17 Just for the record, I'm going to object
 18 that use of the modified injunction is nowhere
 19 referred to anywhere within the matters for
 20 testimony. So I object to use of Exhibit Number 3,
 21 which has never been identified, but is the order
 22 modifying preliminary injunction, Docket 58 in this
 23 case. It's listed nowhere on your Schedule A
 24 matters for testimony.
 25 MR. GREEN: Okay. I appreciate that.

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1 Are you instructing your client not to
 2 answer or --
 3 MS. OLSON: I am going to object on a
 4 case-by-case basis, and right now -- I'm not sure
 5 there was a question pending, but to the extent
 6 you're asking her for her interpretation of a
 7 document that you never identified on your
 8 topics -- your 30(b)(6) topics, I'm going to
 9 instruct her not to answer.
 10 MR. GREEN: I am not asking her for an
 11 interpretation of the document. None of my
 12 questions will call for that.
 13 MS. OLSON: All right. Well, we'll see on a
 14 case-by-case basis. Just for the record, you would
 15 agree, Mr. Green, that this document, this legal
 16 document, is nowhere referenced in your 30(b)(6)
 17 topics?
 18 MR. GREEN: I appreciate Counsel's position.
 19 I'm going to ask my next question.
 20 MS. OLSON: Are you refusing to agree that
 21 you've not listed this on your 30(b)(6)?
 22 MR. GREEN: I'm just going to go to my next
 23 question.
 24 MS. OLSON: All right. Then I may instruct
 25 her not to answer.

Page 20

1 MR. GREEN: Okay.
 2 Q. (BY MR. GREEN) You stated a moment ago
 3 that IIA provides information to minors about
 4 abortion, correct?
 5 A. IIA does exactly what number 2 says. We
 6 provide information, advice, education, support,
 7 assistance, resources, and instructions to
 8 organizations, entities, the public, and
 9 individuals, including minors, about abortion and
 10 other necessary medical care and resources,
 11 including the availability and access to abortion
 12 and procuring or obtaining abortion care.
 13 That is what IIA does.
 14 Q. Okay. In what ways does IIA provide
 15 information to minors about abortion?
 16 A. It is very generalized in community
 17 events where we table, where there are hundreds of
 18 folks and individuals and the public being able to
 19 pick up information from our table regarding
 20 abortion and other necessary community care needs.
 21 Q. So does it usually take the form of,
 22 like, a pamphlet or something?
 23 A. Pamphlets, Post-its, condoms, and
 24 stickers. We've had stickers.
 25 Q. Okay. Does IIA provide logistical,

Page 21

1 practical, and financial assistance and resources
 2 to people, including minors, to access legal
 3 abortion?
 4 A. We do, yes.
 5 Q. Okay. How does it do that?
 6 A. We rely on a cultural -- cultural
 7 practices of community advocacy. It is very often
 8 that we are approached by aunties or other trusted
 9 members of the community who are advocating on
 10 behalf of somebody to access medical care. And
 11 when those requests are made to us, whether through
 12 its interpersonal phone calls or social media --
 13 it's actually pretty rare on social media -- we
 14 have enough information to say yes to the requests
 15 and then provide the financial support.
 16 Q. Okay. Does IIA provide any other
 17 financial support other than rapid response funds?
 18 MS. OLSON: Objection; form.
 19 THE WITNESS: Can you clarify that question?
 20 Q. (BY MR. GREEN) Sure.
 21 In the previous deposition, I asked a
 22 question about rapid response funds that take the
 23 form of pre-paid debit cards.
 24 A. Correct.
 25 Q. Okay. Is there any other way in which

Page 22

1 IIA provides logistical, practical, and financial
 2 assistance and resources?
 3 MS. OLSON: Objection; form.
 4 THE WITNESS: Yes. Those forms could look a
 5 gamut of ways, from reimbursement with cash, paying
 6 for phone bills, paying for gasoline directly,
 7 paying for Internet, paying for -- we've purchased
 8 an auntie a set of tires. Any community ask that
 9 we have that feels inaccessible to our community,
 10 we support and serve.
 11 Q. (BY MR. GREEN) Does IIA keep track of
 12 how that money is used?
 13 MS. OLSON: Objection; form.
 14 THE WITNESS: We keep accurate records based
 15 on the standards of nonprofit operation in the
 16 state of Idaho. We know where the money goes and
 17 who receives it. We account for it appropriately.
 18 We report it on our 1023.
 19 With regards to the end use, we may or
 20 may not know.
 21 Q. (BY MR. GREEN) Okay. Do you typically
 22 ask what the end use is going to be?
 23 A. No. We are a trust-based community, and
 24 very often these needs arise as a result of
 25 socioeconomic oppression. So we will provide for

Page 23

1 the need, and if we are trusted deeply to receive
 2 specifics about how and when and where, we're
 3 appreciative of that; but otherwise, no, we do not
 4 ask.
 5 Q. Okay. In cases where IIA learns through
 6 one way or another what the end use is, is that
 7 ever recorded?
 8 A. No, we do not record that.
 9 Q. Okay. So when you say -- strike that.
 10 So with respect to abortion, how would
 11 IIA ever know that money it provides goes to access
 12 legal abortion?
 13 A. This is the cultural context that I
 14 think the State fails to understand. We operate
 15 deeply on interpersonal informal connections with
 16 aunties and matriarchs and kinship models, and in
 17 those models, they are built over time and trust
 18 and support with things as easy as building trash
 19 cans and washing dishes to as deeply as taking
 20 somebody -- taking care of somebody's funeral
 21 arrangements.
 22 These are casual conversations that take
 23 place at community events, like sweat lodge,
 24 longhouse, pow wow. Sometimes we receive feedback
 25 -- later on, we receive input on how we were able

Page 24

1 to support community that happens later on in the
 2 aftermath.
 3 In the moment, we address the human need
 4 first and then receive the feedback later.
 5 Q. Okay. So I want to ask -- so does IIA
 6 only learn that it supports abortion access after
 7 the abortion has happened?
 8 A. Not necessarily.
 9 Q. Are there any circumstances in which it
 10 has learned in advance that it has supported an
 11 abortion?
 12 MS. OLSON: Objection; form as to how one
 13 can learn in advance that they have supported
 14 something that has occurred.
 15 Q. (BY MR. GREEN) Let me rephrase.
 16 Are there any circumstances in which IIA
 17 has known in advance the money it is providing is
 18 going to support an abortion?
 19 A. There have been several instances where
 20 we have received requests to find reproductive
 21 healthcare. In those instances, those are adults.
 22 Those are direct requests.
 23 Q. Okay. Are there any circumstances IIA
 24 has known in advance that the money it is providing
 25 is going to support an abortion for a minor?

Page 25

1 A. No, not with certainty at the time.
 2 Q. Does IIA have any plans to provide money
 3 to access legal abortion to a minor?
 4 MS. OLSON: Objection; form.
 5 THE WITNESS: IIA is strong in building a
 6 community connection where folks know that we are
 7 trusted in our ability to provide support and care
 8 to the community for whatever and by whatever
 9 lawful means are available to us.
 10 Q. (BY MR. GREEN) Okay. Let me ask it
 11 another way.
 12 Does IIA have any plans to ask -- strike
 13 that.
 14 Apart from the means we've talked about,
 15 is there any other way in which IIA provides
 16 logistical, practical, and financial assistance to
 17 minors to access abortion?
 18 A. Outside of what we spoke about, are
 19 there any other ways that we provide logistical,
 20 practical, or financial assistance to access legal
 21 abortion, that was your question?
 22 Q. To minors.
 23 A. To minors. Thank you for clarifying.
 24 We provide the care and the support to
 25 the trusted community member who asks. We have not

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

3 Q. Have you received indirect requests?
4 MS. OLSON: Objection; asked and answered.
5 THE WITNESS: I'm unsure.

6 Q. (BY MR. GREEN) Okay. Does IIA provide
7 legal advice, assistance -- strike that.
8 I'm actually just going to ask: Does
9 IIA provide legal advice?
10 A. No.

11 Q. Is there any other way that we haven't
12 already discussed in which IIA provides assistance
13 to minors about abortion?
14 A. I think what's missing in our
15 conversation is the intersection of why a minor
16 would need to procure an abortion.

17 Q. I appreciate that. My question wasn't
18 about why a minor would need to procure an
19 abortion, however. My question is whether or not
20 there's another way that we haven't discussed that
21 IIA provides assistance.
22 A. If you allow me to finish, I would have
23 given you that answer.
24 Advocacy is important to these
25 individuals when they're minors or their trusted

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

6 Q. Okay. So you would consider advocacy a
7 part of assistance?
8 A. Absolutely -- actually, no. Assistance
9 is separate from advocacy.

10 Q. Okay. Is there any way -- strike that.
11 In what way is assistance separate,
12 apart from ways we've already talked about?
13 MS. OLSON: Objection; form.
14 THE WITNESS: Assistance feels very
15 tangible.

16 Q. (BY MR. GREEN) Okay. So are there any
17 other tangible ways in which IIA provides
18 assistance to minors to access abortion that we
19 haven't already discussed?
20 A. No.

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

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

3 Q. In what way specifically to access
4 abortion for minors?
5 MS. OLSON: Objection; form.
6 THE WITNESS: You've covered them all.

7 Q. (BY MR. GREEN) So no further plans?
8 A. No further plans.
9 MS. OLSON: Objection; form, misstates the
10 witness's response.

11 Q. (BY MR. GREEN) Apart from what we've
12 already discussed, is there any way that IIA
13 provides encouragement, counseling, advice,
14 information, emotional assistance, and support to
15 minors seeking to obtain an abortion?
16 A. As part of our commitment to share
17 information about healthcare and wellness and needs
18 in our community includes counseling referrals, it
19 includes information, it includes directing them to
20 an appropriate trusted result -- adult, excuse me.
21 Adult. IIA has that structure in place and will
22 continue to do that work.

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

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1 advice, information, emotional assistance, and
2 support to minors seeking to obtain an abortion?
3 A. No.

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

7 MS. OLSON: That works.
8 MR. GREEN: All right. Let's go off the
9 record.

10 (A recess was taken from 12:14 p.m. to 1:00 p.m.)
11 Q. (BY MR. GREEN) Turning to topic 3 on the
12 notice, does IIA provide direct housing for minors?
13 A. No, we don't.

14 Q. Okay. Is there any other way that IIA
15 harbors minors generally?
16 MS. OLSON: Objection; form.
17 THE WITNESS: No.

18 Q. (BY MR. GREEN) Okay. Turning to
19 topic 4, does IIA drive minors across state lines?
20 A. No.

21 Q. Okay. Does IIA transport minors
22 generally?
23 A. IIA provides support to trusted
24 community members who are transporting both minors
25 and elders to medical appointments.

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1 Q. Okay. Are those IIA volunteers who are
 2 transporting?
 3 A. Volunteers in a traditional sense, no.
 4 They are community advocates who are working on
 5 behalf of the community and have requested support
 6 from IIA.
 7 Q. Okay. To double back to topic 3 for a
 8 second, are there any plans to harbor minors in the
 9 future that IIA has?
 10 A. IIA will continue to provide support to
 11 the community and resources as folks need lodging
 12 for any number of reasons generally.
 13 Q. Okay. But no specific plans?
 14 A. The plans are to expand and enhance our
 15 current infrastructure as it is.
 16 Q. Okay. How so?
 17 A. We are recipients of several community
 18 support grants that allow us to continue to do the
 19 work and serve community as we have, so that --
 20 that actually looks like a couple of different
 21 things, building housing -- and just let me pause
 22 before I finish that answer.
 23 You're speaking specifically to
 24 number 3?
 25 Q. Yeah, specific to 3.

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1 A. And then your question was plans to
 2 harbor minors?
 3 Q. Correct.
 4 A. Okay. I'll leave my answer where it is.
 5 We will expand and enhance our current engagement
 6 with community.
 7 Q. Well, I had asked how so, and you
 8 mentioned a couple of different community support
 9 grants --
 10 A. Uh-huh.
 11 Q. -- and building housing.
 12 Do you have any specific plans to build
 13 housing?
 14 A. We have -- what do they call it? -- a
 15 scoping -- a scoping project currently with some
 16 housing folks in the state as partners.
 17 Q. Do those community support grants
 18 require compliance with Idaho law?
 19 A. Of course.
 20 Q. Okay. Was that housing -- strike that.
 21 The scoping project you're talking
 22 about, is that the only specific plans you have to
 23 build housing?
 24 A. Currently, yes.
 25 Q. Okay. Does IIA have any specific plans

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1 to transport minors?
 2 A. IIA very often provides support to
 3 trusted community members who may or may not
 4 transport minors and IIA will continue to do so.
 5 We are not directly transporting minors.
 6 MR. GREEN: Okay. And let's turn to
 7 topic 5. I'm going to mark a couple of exhibits
 8 for this topic.
 9 Can we go off for just one second?
 10 (A discussion was held off the record.)
 11 (Deposition Exhibit No. 4 was marked.)
 12 Q. (BY MR. GREEN) And I'm not going to ask
 13 you to read the whole thing. Just read enough to
 14 understand what the document is and just let me
 15 know when you've done that.
 16 MS. OLSON: Are you asking her to look at
 17 the entire document so she knows what the entire
 18 document is?
 19 MR. GREEN: I'm asking her to review enough
 20 of the document that she can identify what the
 21 document is.
 22 THE WITNESS: I'm aware of what the document
 23 is.
 24 Q. (BY MR. GREEN) Okay. What is it?
 25 A. It's our Complaint for Declaratory

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1 Judgment that includes how IIA provides support and
 2 services in the community.
 3 Q. Okay. Can you turn to paragraph 55 for
 4 me?
 5 A. Yes.
 6 Q. I'll just go ahead and read the first
 7 sentence: IIA has provided direct assistance or
 8 financial assistance for pregnant minors seeking
 9 abortion care with awareness that the pregnant
 10 minor's parents do not know about the minor's
 11 intent to seek abortion care.
 12 Did I read that right?
 13 A. You did.
 14 MR. GREEN: I'm going to mark Exhibit --
 15 there's a couple of them here.
 16 (Deposition Exhibit Nos. 5 through 7 were marked.)
 17 Q. (BY MR. GREEN)

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13 Q. Okay. I'm going to ask you, just
14 briefly, to look over Exhibit 5, again, just enough
15 for you to identify for me what the document is,
16 and just let me know when you've done that.
17 A. I am familiar with the document. It is
18 the -- sorry, I'll wait for you.
19 Q. No, go ahead.
20 A. It is the questions presented by y'all
21 that I responded to -- we responded to as IIA.
22 Q. Okay. And Exhibit 7?
23 A. It is similar. The additional -- if I
24 understand correctly, the 7 is where we made -- or
25 added -- added in response to the questions.

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1 Q. Okay.
2 MS. OLSON: Just for the record to be clear,
3 Exhibit 7 is actually supplemental responses to the
4 first set and Exhibit 5 is supplemental responses
5 to the second set, correct?
6 THE WITNESS: 7 is the first --
7 MR. GREEN: Yes. And I introduced those in
8 the wrong order, so y'all can be mad at me for that
9 one.
10 THE WITNESS: Oh, okay. I was like -- okay:
11 MR. GREEN: Yes, I have Exhibit 7 as
12 responses to the first set of rogs. Exhibit 5 is
13 the second set.
14 Q. (BY MR. GREEN) This is on Exhibit 5,
15 page 8. I want to ask you about a couple of these
16 documents together.
17 With respect to direct assistance that's
18 mentioned in paragraph 55, are the circumstance --
19 MR. GREEN: Counsel?
20 MS. OLSON: Go ahead. I'll let you finish
21 your question. I'll make my objection. I thought
22 you -- you paused.
23 MR. GREEN: Oh, sorry.
24 Q. (BY MR. GREEN) With respect to the
25 direct assistance referred to in paragraph 55 of

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1 the complaint, are the only examples of that direct
2 assistance paragraph 55 is referring to the
3 circumstances that are described in Supplemental
4 Answer to Interrogatory Number 15?
5 MS. OLSON: Objection; form.
6 Q. (BY MR. GREEN) Take all the time you
7 need to review the documents.
8 A. I will review, but can you make your
9 question more concise for me, please?
10 Q. Sure.
11 Re-reading paragraph 55: IIA has
12 provided direct assistance or financial assistance
13 for pregnant minors seeking abortion care with
14 awareness that the pregnant minor's parents do not
15 know about the minor's intent to seek abortion
16 care.
17 And so my question is: Supplemental
18 Answer to Interrogatory Number 15 describes certain
19 circumstances, and I'm wondering if those are all
20 of the circumstances in which IIA has provided
21 direct assistance or financial assistance for
22 pregnant minors seeking abortion care with the
23 awareness that the pregnant minor's parents do not
24 know about the minor's intent to seek abortion
25 care.

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1 MS. OLSON: Objection; form.
2 THE WITNESS: As of right now, in my current
3 awareness, yes, this is what I recall.
4 Q. (BY MR. GREEN) Okay. And there is a
5 March 2023 circumstance described in Supplemental
6 Answer to Interrogatory Number 15; is that right?
7 A. That's correct.
8 Q. Okay. Is Exhibit 6, the document that's
9 marked "Confidential," the only written record of
10 the March 2023 financial assistance?
11 MS. OLSON: Objection; form.
12 THE WITNESS: Yes, it is.
13 Q. (BY MR. GREEN) Okay. Are there written
14 records of any of the other financial assistance
15 that was provided -- strike that.
16 With respect to any of the other
17 circumstances described in Interrogatory Number 15,
18 does IIA have any additional written records?
19 A. No additional written records.
20 Q. Okay. Turning -- and this is, again, to
21 Exhibit 5, the second set of interrogatories and
22 the Supplemental Answer to Interrogatory Number 15,
23 I'll read the first sentence: In addition to the
24 incident Plaintiff referenced in response to
25 Interrogatory 14 where Plaintiff provided

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1 Irene Ruiz, she is a descendant of the Purepecha
 2 Nation.
 3 MS. OLSON: Common spelling.
 4 Q. (BY MR. GREEN) Does IIA employ anyone?
 5 A. No.
 6 Q. How does IIA select volunteers?
 7 MS. OLSON: Objection; form, foundation.
 8 THE WITNESS: IIA does not select
 9 volunteers. We accept volunteered help when it's
 10 offered, sometimes at our request, others in the
 11 face of a crisis depending on what's happening.
 12 Q. (BY MR. GREEN) Okay. What does that
 13 process look like for accepting volunteer help?
 14 A. There is a form that we capture names
 15 and e-mails, and they will offer whatever services
 16 or care or support or resources they can share with
 17 our organization for a particular project or a
 18 particular event that's posted on our social media,
 19 and then we follow up via e-mail.
 20 Q. Okay. You mentioned earlier that IIA is
 21 organized -- I'll say it in part, there's more you
 22 added -- but in a decolonized way?
 23 A. Correct.
 24 Q. Okay. How is decision-making done in a
 25 decolonized way?

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1 A. Collaborative and consensus models.
 2 Q. Okay. So voting?
 3 MS. OLSON: Objection; form.
 4 THE WITNESS: No. Collaborative, consensus
 5 models.
 6 Q. (BY MR. GREEN) So how is a decision
 7 reached?
 8 A. We talk through possibilities. We work
 9 through risks and harm. Our goal is to do no more
 10 harm to the communities that we're serving and
 11 supporting. Sometimes it is a combination of one,
 12 two, or three options or ways forward. Sometimes
 13 we remove every option off the table and take no
 14 action. No action is action. But it's a
 15 conversation where we collaboratively feel good
 16 about moving forward.
 17 Q. Okay. Are there written records of this
 18 collaboration?
 19 A. We keep and maintain minutes formally
 20 for the purposes of the Secretary of State, but no,
 21 in these collaborative decision-making processes,
 22 we do not keep records.
 23 Q. So is it fair to say that to the extent
 24 something is not captured in the minutes that are
 25 provided for the Secretary of State, you don't keep

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1 written records of decision-making?
 2 A. No, our cultural practice is oral
 3 tradition.
 4 Q. So we've discussed three people who are
 5 listed as directors for purposes of the Secretary
 6 of State.
 7 Is there anyone else other than those
 8 three people who participate in decision-making for
 9 IIA?
 10 A. Yeah. We have a network of auntie -- we
 11 refer to them as the aunties network. It's a
 12 network of women, anywhere between 15 to 25 at any
 13 given time during the year, depending on community
 14 needs. We will reach out in small groups. We'll
 15 see them at community events and/or host a periodic
 16 Zoom to review what the needs are in their
 17 particular communities based on who they're serving
 18 and how they're showing up.
 19 Q. And "between 15 and 25," do you mean 15
 20 to 25 in number or 15 to 25 in age?
 21 A. 15 to 25 in number.
 22 Q. Okay. Thank you.
 23 Do these aunties, would you consider
 24 them members of IIA?
 25 A. We're a nonmembership organization.

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1 Q. Okay. Would you consider them to have
 2 any formal role with IIA?
 3 A. For the purposes of the Secretary of
 4 State, they are listed as an advisory board of
 5 directors more or less.
 6 Q. Okay. Do you require a background check
 7 for any of these aunties?
 8 A. No.
 9 Q. Okay. If you have that advisory
 10 board -- strike that.
 11 If the formal, for purposes of the
 12 Secretary of State, way of referring to the aunties
 13 is the advisory board and the formal way you refer
 14 to those more directly involved in decision-making
 15 is directors, what is the informal way you would
 16 refer to the three or four folks primarily involved
 17 in decision-making?
 18 MS. OLSON: Objection; form.
 19 THE WITNESS: I would need you to rephrase
 20 that question for me.
 21 Q. (BY MR. GREEN) I guess what I'm asking
 22 is: If the aunties are serving as an advisory
 23 board, you have the formal -- you've given me the
 24 formal role that the directors serve.
 25 I guess I'm asking: What's the

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1 equivalent of auntie for the four folks who are
 2 primarily involved in decision-making?
 3 MS. OLSON: Objection; form.
 4 THE WITNESS: If I'm understanding you
 5 correctly -- this is also me sharing knowledge
 6 about the way our communities operate --
 7 decision-making and community care has to exist and
 8 be led and informed by matriarchs. All of the
 9 tribes in Idaho except one are matriarchies. So
 10 our practice is to honor their leadership and
 11 guidance in the formal advisory role.
 12 But as we make decisions as an
 13 organization, they weigh in, they inform us, and
 14 what that looks like are one-on-one calls, social
 15 media outreach where they say, "What we're noticing
 16 in our community," for example, "is a lack of food,
 17 people need firewood, so-and-so needs
 18 transportation because they have dialysis."
 19 They could range anywhere across the
 20 gamut of community needs, and the aunties inform
 21 that through their guidance and leadership.
 22 Did that answer your question?
 23 Q. (BY MR. GREEN) That was helpful, but not
 24 quite.
 25 I guess what I'm looking for is: In

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1 terms of structure, the aunties serve one function,
 2 and I guess how would you describe the function,
 3 informally, not for purposes of the Secretary of
 4 State, that the other -- I'm going to say members,
 5 but I'm hoping you'll supply me with a different
 6 word -- the other members of the organization?
 7 A. Oh, I see what you're saying. We're all
 8 collaboratively community organizers.
 9 Q. Okay. That's how you would --
 10 A. That's a commonly accepted term in the
 11 work that we do is community organizers.
 12 Q. Okay. Do you require a background check
 13 for community organizers?
 14 A. No.
 15 Q. Okay.
 16 A. But it is worth naming. There are two
 17 of us who work in federally-funded day jobs, so to
 18 speak. I'm required annually to re-up a federal
 19 background check as required by the Office of
 20 Violence Against Women. I have never failed a
 21 background check.
 22 Q. Okay. Turning to topic 7, does IIA have
 23 any written policies?
 24 A. No.
 25 Q. Does IIA have any informal policies?

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1 A. Yes.
 2 Q. What are those?
 3 A. I would shift --
 4 MS. OLSON: Objection; form.
 5 THE WITNESS: Thank you.
 6 I would shift the language into
 7 practices. Again, we are a decolonized model of
 8 community organizing, which means that we move from
 9 a place of practice, and not policy. Policy is
 10 rigid and delineated and numerical and
 11 quantitative, and human needs require something
 12 much more fluid. We -- our practice is to be the
 13 river, and not the rocks.
 14 Now, what that means is when we have
 15 conversations and decision-making, we embody
 16 practices of community care, practices of
 17 collaboration, and kind of strength-based and
 18 trauma-informed care. So those would be more or
 19 less the informal practices that you're speaking
 20 of.
 21 I will pause and walk back the last
 22 question. We have written financial policies.
 23 Those are required because of some of our community
 24 and grant-funding partnerships. I'm sorry.
 25 Q. (BY MR. GREEN) No worries. I appreciate

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1 the clarification.
 2 Just at a 30,000-foot level, what do
 3 those written policies cover?
 4 A. The financial policies, of course. I
 5 mean, you actually all probably wrote them. We had
 6 some grant funding from the Idaho Department of
 7 Health and Welfare, so you're aware of the
 8 compliance there.
 9 And then we have MOU partnerships with
 10 Philanthropy Northwest, as funded by the
 11 Environmental Protection Agency, and then MOU
 12 partnerships -- and these were previous grants. We
 13 don't have these grants any longer -- which
 14 requires pretty rigorous financial and grant
 15 compliance as well for financial management, just
 16 accurate financial reporting and recording.
 17 Q. Okay. And none of those require you to
 18 determine how direct assistance is used by
 19 recipients?
 20 A. No, we have unrestricted funding for
 21 direct assistance, which does not require that
 22 rigor of reporting.
 23 Q. In terms of indirect assistance, do you
 24 have any policies that require reporting?
 25 A. If I understand your question, you're

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1 saying -- so we have the direct assistance, which
 2 is foundation and unrestricted, and then we have --
 3 those particular grants that we've had in the past,
 4 those were -- those were also direct services, but
 5 not in relation to the conversation we're having.
 6 So can you reframe that question for me
 7 if I'm...
 8 Q. I actually think you answered my
 9 question. I actually do want to go back and
 10 clarify one thing.
 11 When I asked you whether or not IIA has
 12 informal policies, you stated in part that you
 13 would shift the language into practices --
 14 A. Correct.
 15 Q. -- and gave me an answer about
 16 practices; is that fair?
 17 A. That's fair.
 18 Q. Okay. So the answer to whether or not
 19 you have informal policies would be "no," right?
 20 MS. OLSON: Objection; form.
 21 THE WITNESS: No, that's incorrect. For the
 22 purposes of your question, I will say yes, but we
 23 do not call them policies, informal or otherwise.
 24 We call them our shared practices.
 25 Q. (BY MR. GREEN) Okay. Do any of those --

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1 does any policy or shared practice require IIA
 2 community organizers or aunties to take steps to
 3 hide an abortion from the parents or guardian of a
 4 minor?
 5 MS. OLSON: Objection; form.
 6 THE WITNESS: We do not have any policy or
 7 practice that requires anybody who works with us or
 8 around us to take steps to hide information
 9 regarding abortions.
 10 Q. (BY MR. GREEN) Okay. Do you have any
 11 policies or practices related to abortion
 12 generally?
 13 A. No.
 14 Q. Okay.
 15 MR. GREEN: I'll note for the record, we're
 16 skipping topic 8 on the basis of one of the Court's
 17 protective orders and we'll go back to topic 9.
 18 And pull back out Exhibit Number 7 -- no, strike
 19 that. That's Exhibit 5.
 20 MS. OLSON: So you want her to look at
 21 Exhibit 5?
 22 MR. GREEN: The second set, Exhibit 5.
 23 MS. OLSON: Okay.
 24 Q. (BY MR. GREEN) And, actually, we'll save
 25 some time. We'll skip that one.

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1 A. Can we take a break, please, since we're
 2 between --
 3 Q. Certainly. We'll go off.
 4 (A recess was taken from 1:35 p.m. to 1:46 p.m.)
 5 MR. GREEN: I have to compliment your
 6 timing. That was perfect. I have no further
 7 questions.
 8 MS. OLSON: I have a few questions.
 9
 10 EXAMINATION
 11 BY MS. OLSON:
 12 Q. Ms. simpson -- and again, this is your
 13 -- answering questions in your 30(b)(6) deposition
 14 as the designee of IIA. I'd like to take you back
 15 to Exhibit Number 2, which is the copy of the
 16 statute that Mr. Green asked you some questions
 17 about.
 18 When you were responding to Mr. Green's
 19 questions about giving examples about the way in
 20 which this statute was confusing, did you finish
 21 giving all of the examples of the way in which you
 22 found the statute confusing?
 23 A. No. No, I did not finish.
 24 Q. If I can next direct you to Exhibit
 25 Number 3.

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1 A. Okay.
 2 Q. In Exhibit Number 3, if you'd turn to
 3 page 5. I believe it's the same page that
 4 Mr. Green was asking you about.
 5 A. Yes. Correct.
 6 Q. And I think you said in response to
 7 Mr. Green's questions that number 2 -- or the
 8 paragraph sub number 2 on page 5, it says,
 9 "Providing information, advice, education,
 10 support," et cetera, the rest of that paragraph,
 11 that that's what IIA does; is that correct?
 12 A. Yes.
 13 Q. Is that also the kind of activity --
 14 with respect to providing assistance to Idaho
 15 minors who may need assistance in getting
 16 reproductive healthcare that would include
 17 abortion, is that what IIA intends to do in the
 18 future?
 19 MR. GREEN: Object to form.
 20 Q. (BY MS. OLSON) You can answer.
 21 A. Yes, our plan is to continue to do this
 22 work, providing -- the way that we provide
 23 transportation to medical appointments. It also
 24 might be worth naming that we are able to receive
 25 our healthcare benefits as citizens of Indigenous

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1 nations in our usual and custom territory.
 2 The example of that is the Nez Perce
 3 Tribe, our usual and custom territory straddles
 4 Lewiston, Idaho, and Clarkston, Washington, and we
 5 go into Washington for medical care as well as
 6 Pullman, Washington, and Moscow, Idaho, being only
 7 eight minutes apart and also our usual and custom
 8 territory, so our providers exist there.
 9 We have, in the past, made sure that
 10 people who need us for services, help providing
 11 support for transportation includes that space and
 12 we will continue to do that in the future, and we
 13 plan to do that in the future.
 14 Q. And you plan to do all the other things
 15 that are in number 2 there; is that correct?
 16 A. Correct.
 17 Q. In the future?
 18 A. Correct.
 19 Q. With respect to number 3, does IIA, in
 20 the future, also plan to continue providing
 21 logistical, practical, and financial assistance and
 22 resources to people, including minors, to access
 23 legal abortions?
 24 A. Yes. Yes.
 25 Q. And you also intend to, in the future,

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1 through IIA, continue providing assistance and
 2 advocacy to individuals, including minors, about
 3 abortion, including abortion care, access to
 4 obtaining abortion, and obtaining lawful abortion
 5 where it's lawful?
 6 A. Yes. And we are expanding that
 7 relationship with a national support organization
 8 as well as a Native-led organization out of the
 9 Southwest United States, Indigenous Women Rising,
 10 and then the Abortion Bridge Collective.
 11 Q. And with respect to the things that
 12 IIA's planning to do in the future, do you plan to
 13 continue providing advocacy, education, and
 14 campaigns relating to the legal right to abortions?
 15 A. Yes. Including for minors, yes.
 16 Q. And with respect to the question that I
 17 posed earlier and your response about transporting
 18 individuals, you're aware that right now in Idaho,
 19 direct transportation of individuals to obtain
 20 lawful abortion is not allowed or is still
 21 prohibited under Idaho Code 18-623; is that
 22 correct?
 23 A. We have --
 24 MR. GREEN: Object to form.
 25 Q. (BY MS. OLSON) Go ahead. You can

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1 respond.
 2 A. Oh, I was going to say, we are aware and
 3 have not, to our knowledge, directly transported a
 4 minor for an abortion where it is lawful.
 5 Q. All right. And if the statute were to
 6 be declared unconstitutional in that respect, would
 7 IIA use the transportation infrastructure that
 8 you've described to transport pregnant Idaho minors
 9 who request IIA's assistance for abortions?
 10 A. Yes, we would.
 11 Q. With respect to the questions Mr. Green
 12 asked you about whether you knew with certainty
 13 that assistance provided by IIA had been used to --
 14 by an Idaho minor to eventually receive an
 15 abortion, you said you don't know for certainty,
 16 but do you -- as you described earlier, are there
 17 times when you can draw the inferences at the time
 18 you're providing the assistance that that is what
 19 the assistance is likely to be used for?
 20 MR. GREEN: Object to form.
 21 Q. (BY MS. OLSON) You can answer.
 22 A. Yes, it is likely, based on the context
 23 and the conversations that I'm having with the
 24 community advocate.
 25 Q. With respect to the questions that

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1 Mr. Green asked you about Exhibit Number 5, which
 2 are the supplemental responses to the second set of
 3 discovery requests, you signed the verification
 4 page for those on behalf of Indigenous Idaho
 5 Alliance; is that right?
 6 A. I did sign them, yes.
 7 Q. And so answering on behalf of Indigenous
 8 Idaho Alliance, did those answers remain true and
 9 correct, to the best of your knowledge?
 10 A. To the best of my knowledge, true and
 11 correct, yes.
 12 Q. All right. And then Exhibit Number 7,
 13 which are the supplemental responses to the first
 14 set of interrogatories --
 15 A. Uh-huh.
 16 Q. -- posed to Indigenous Idaho Alliance,
 17 you also signed the verification page for those on
 18 behalf of Indigenous Idaho Alliance; is that
 19 correct?
 20 A. That is correct.
 21 Q. And to Indigenous Idaho Alliance's
 22 knowledge, do those answers remain true and
 23 correct, to the best of your knowledge?
 24 A. They are true and correct, to the best
 25 of my knowledge.

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1 Q. Earlier in response to questions that
2 Mr. Green was asking you about the term "procures,"
3 I'm not sure that, on the record, we ever got a
4 clear picture of either what Mr. Green meant or
5 what you meant by "procures." He did ask you about
6 -- to use your definition, but I don't think he
7 ever asked you about your definition.
8 Ms. simpson, how do you define
9 "procures"?

10 A. Procurement, in my brain as I define it,
11 is to obtain a service or a tangible product
12 through a transaction, a direct transaction.

13 Q. So --

14 A. Procurement by harboring, by
15 transporting, and by recruiting doesn't make sense
16 because none of those things would require a direct
17 transaction.

18 Q. And so based on that, what do you
19 understand "procures an abortion" to mean?

20 A. It would mean that me as a
21 representative of IIA would stand at a healthcare
22 facility and pay directly for an abortion for a
23 minor. That is how I understand procurement.

24 Q. And so you explained -- or you said a
25 moment ago that then you don't understand how you

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1 would procure an abortion by transporting, by
2 harboring, by recruiting.

3 Is that what you're referring to, you
4 don't know how you would stand there in the room
5 and procure an abortion by harboring someone if
6 you're there in the room?

7 MR. GREEN: Object to form.

8 THE WITNESS: Correct. That's exactly why
9 it's confusing.

10 Q. (BY MS. OLSON) Is that part of what is
11 confusing about the statute to IIA?

12 A. Yes. Yes. And it -- I think something
13 else worth offering in this is that confusion and
14 lack of understanding and lack of clarity is
15 harmful to the way that we provide services and
16 care to our community when we are already displaced
17 and underresourced.

18 And it is also worth naming that the
19 inability to transport our elders or children is in
20 fact a violation of treaty rights in a number of
21 our communities here as well.

22 Q. And there were some questions,
23 Ms. simpson, along the way that were asked of you
24 as the designee of IIA about secreting information
25 from parents or concealing information from parents

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1 or intending to conceal information from parents.
2 Do you remember that?

3 A. I do, yeah.

4 Q. And in the circumstances where IIA is
5 providing assistance, perhaps by talking to another
6 trusted member of the community or to an auntie and
7 knowing that they are going to provide assistance
8 to a minor, why might it be problematic for IIA to
9 inquire into what's going on with the parents?

10 MR. GREEN: Object to form.

11 THE WITNESS: IIA is very much a strong and
12 loud presence of providing support and services and
13 care in our community across the state and across
14 the region. That relationship-building is -- the
15 backbone of it is trust and discretion and
16 anonymity in some instances to ensure that no harm
17 comes to the people that we are serving and
18 supporting.

19 So we -- let me pause there. There was
20 a question about intent.

21 Can you reframe that question for me?

22 Q. (BY MS. OLSON) Sure. I think it was one
23 long question --

24 A. Okay.

25 Q. I think it was Mr. Green initially asked

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1 some questions about whether there was ever an
2 intent to conceal information from parents.
3 And so my question was more general:
4 What might be the concerns of IIA if it shared
5 information about how it was helping minors or what
6 minors it was helping beyond those who it was
7 talking to?

8 MR. GREEN: Object to form.

9 THE WITNESS: Oh, thank you.

10 Yeah, the harm that could take place
11 could be much more deeply exacerbated in some of
12 the instances where we are supporting people in
13 community looking for abortions.

14 Q. (BY MS. OLSON) And what would that harm
15 be?

16 A. Violence, potentially death, additional
17 rape, additional assault, homelessness, food
18 insecurity, et cetera.

19 Q. And how would it affect the willingness
20 of members in the community to come to IIA with
21 such concerns or to help it or to seek assistance
22 in the future?

23 A. Trust would be deeply ruptured and we
24 would no longer be considered a safe resource to
25 provide the support and care.

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1 MS. OLSON: Thank you, Ms. simpson. That's
 2 all the questions I have for you as the designee of
 3 IIA for this Rule 30(b)(6) deposition.
 4 THE WITNESS: Thank you.
 5 MR. GREEN: Give me just one moment. I
 6 might have a question or two.
 7
 8 FURTHER EXAMINATION
 9 BY MR. GREEN:
 10 Q. Ms. simpson, in response to Counsel's
 11 questions about what IIA continues to do or intends
 12 to do in the future regarding assistance and
 13 advocacy to individuals, including minors, about
 14 abortion, you mentioned a national support
 15 organization as well as a Native-led organization.
 16 You mentioned also expanding that relationship.
 17 What did you mean by "expanding that
 18 relationship"?
 19 A. Expanding that relationship is being
 20 intentional about sharing their resources that they
 21 are distributing at a national level more
 22 intentionally at our local level amongst the tribes
 23 that we have relationships with. That could
 24 include resources in a number of ways, especially
 25 information regarding reproductive justice and

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1 healthcare.
 2 Q. Okay. Is there anything else that you
 3 can think of that would be -- that would fall
 4 within the category of expanding that relationship?
 5 A. As of right now that relationship is
 6 just -- it's new to us.
 7 MR. GREEN: Okay. Nothing further.
 8 MS. OLSON: Nothing further from me.
 9
 10 (The deposition concluded at 1:59 p.m.)
 11 * * *
 12 (Signature was requested.)
 13
 14
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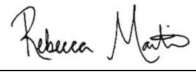
1 REPORTER'S CERTIFICATE
 2
 3 STATE OF IDAHO)
 4) ss.
 5 COUNTY OF ADA)
 6 I, REBECCA MARTIN, Certified Shorthand Reporter and
 7 Notary Public in and for the State of Idaho, do hereby
 8 certify:
 9 That prior to being examined, the witness named in
 10 the foregoing deposition was duly sworn by me to testify
 11 to the truth, the whole truth and nothing but the truth;
 12 That said deposition was taken down by me in
 13 shorthand at the time and place therein named and
 14 thereafter reduced to text under my direction, and that
 15 the foregoing transcript contains a full, true
 16 and verbatim record of said deposition.
 17 I further certify that I have no interest in the
 18 event of the action.
 19 WITNESS my hand and seal this 21st day of January,
 20 2026.
 21
 22  
 23 REBECCA MARTIN
 24 RPR and Notary
 25 Public in and for the
 State of Idaho
 My Commission Expires: 08-27-2030

Exhibit 3

Exhibit 3

LOURDES MATSUMOTO

vs

RAUL LABRADOR

JEFFERY NYE - ATTORNEY GENERAL

February 18, 2026

30(b)(6)



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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO		Page 3
<p>LOURDES MATSUMOTO,) NORTHWEST ABORTION ACCESS) FUND, and INDIGENOUS IDAHO) ALLIANCE,)) Plaintiffs,) Case No.) 1:23-cv-00323- vs.) DKG) RAUL LABRADOR, in his) capacity as the Attorney) General for the State of) Idaho,)) Defendant.) _____)</p> <p style="text-align: center;">30(b) (6) DEPOSITION OFFICE OF THE ATTORNEY GENERAL February 18, 2026 Boise, Idaho</p> <p>Reported By: Maureen Ricks, CSR No. 671, Notary Public</p>	<p>1 I N D E X 2 3 EXAMINATION PAGE 4 JEFFERY NYE 5 6 By Ms. Olson 5 By Mr. Craig 268 By Ms. Olson 275 7 8 EXHIBIT 1. Notice of Deposition 9 9 EXHIBIT 2. E-Mail, Re: Legal Voice Lawsuit 46 10 11 EXHIBIT 3. E-Mail, Re: Attorney General Successfully Defends Idaho's Abortion Trafficking Laws at Ninth Circuit 58 12 13 EXHIBIT 4. Sheriff's Associaion Remarks, December 13, 2023 69 14 15 EXHIBIT 5. Speech 78 16 17 EXHIBIT 6. OAG Statement Release, December 2, 2024 93 18 19 EXHIBIT 7. E-Mail, Re: Abortion Trafficking Bill 99 20 21 EXHIBIT 8. Log 103 22 23 EXHIBIT 9. E-Mail, Re: Your Buddy on the Radio 128 24 25 EXHIBIT 10. E-Mail, Re: AG Appeals Ruling on Abortion Trafficking Law 135 26 27 EXHIBIT 11. Complaint 148 28 29 EXHIBIT 12. Answer 148 30 31 EXHIBIT 13. Excerpt of Transcript 192</p>	
Page 2	Page 4	
<p>1 BE IT REMEMBERED that the 30(b) (6) 2 deposition of the OFFICE OF THE ATTORNEY GENERAL, 3 was held at the law offices of Stoel Rives, LLP, 4 located at 101 S. Capitol Boulevard, 19th Floor, 5 Boise, Idaho, before Maureen Ricks, a Court 6 Reporter (Idaho CSR No. 671) and Notary Public in 7 and for the State of Idaho, on Wednesday, the 8 19th day of February, 2026, commencing at the 9 hour 10:00 a.m., in the above-entitled matter. 10</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>11 12 FOR THE PLAINTIFFS: 13 Wendy J. Olson STOEL RIVES, LLP 14 101 S. Capitol Boulevard, Suite 1900 Boise, Idaho 83702 15 wendy.olson@stoel.com 16</p> <p>17 FOR THE DEFENDANT: 18 James E.M. Craig Aaron M. Green Civil Litigation and Constitutional 19 Defense Division 514 W. Jefferson Street 20 Boise, Idaho 83720 james.craig@ag.idaho.gov 21</p> <p>22 FOR LEGAL VOICE: 23 William Mitchell Wendy Heipf (via Zoom) 24 Jamila Johnson (via Zoom) Kelly O'Neill (via Zoom) 25 Idaho Policy Counsel and Lobbyist WMitchell@LegalVoice.org</p>	<p>1 I N D E X (Continued) 2 3 EXHIBIT 14. Labrador Letter, December 12, 2024 200 4 5 EXHIBIT 15. Labrador Letter, January 10, 2025 206 6 EXHIBIT 16. Labrador Letter, March 7, 2025 210 7 EXHIBIT 17. Defendant's Initial Disclosure Statement 226 8 9 EXHIBIT 18. Defendant's Responses to Plaintiffs' First Set of Discovery Requests to Defendant 237 10 11 EXHIBIT 19. Defendant's First Supplemental Responses to Plaintiffs' First Set of Discovery Requests to Defendant 237 12 13 EXHIBIT 20. OAG Letter, March 13, 2023 256 14 EXHIBIT 21. Idaho State Legislature Report On Human Trafficking 265 15 16 17 18 19 20 21 22 23 24 25</p>	

1 Q. (BY MS. OLSON): Mr. Nye, if you would
2 turn to page 3 of Exhibit 4, and at the very
3 bottom, the paragraph -- the last paragraph on
4 page 3, it reads: This offer of assistance is not
5 limited to prosecutors. I make the same offer to
6 each of you and to every law enforcement agency in
7 the state. If you have an investigation that you
8 want to keep but would just like some assistance,
9 please reach out to my office. We will help as
10 often and as much as our resources allow.

11 Did I read that correctly?

12 A. You did.

13 Q. And is this offer that the attorney
14 general made, would that include offers to help
15 with investigations and prosecutions under Idaho
16 Code 18-623?

17 A. Potentially, yes. He didn't restrict it
18 to any specific crimes or -- so yes, potentially.

19 Q. And do you know if there are any other
20 versions or notes of what we've looked at in
21 Exhibit 4 in writing?

22 A. Not that I recall.

23 Q. And did the attorney general use what we
24 actually see in Exhibit 4 when he was speaking to
25 the Idaho Sheriff's Association in December of

1 Q. What do you understand Exhibit 5 to be?

2 A. I understand this to be a working draft
3 of a speech that was going to be given to, what
4 was called, the federalism committee.

5 Q. And that speech to the federalism
6 committee, when was that supposed to occur?

7 A. I don't recall off the top of my head.
8 Yeah, I don't recall.

9 Q. Do you know what the date is or when
10 about Exhibit 5 was created?

11 A. I know I've seen it. It's on e-mails
12 around this time. I think that they were withheld
13 as privileged, but I've seen them, but I just
14 can't, I can't remember what the dates were.

15 Q. What is the federalism committee?

16 A. That's something that I actually don't
17 know.

18 Q. And I take it, in preparation for your
19 deposition here today, you didn't learn what that
20 was?

21 A. I did not.

22 Q. Did you know who put together this
23 working copy that we're looking at in Exhibit 5?

24 A. Yes, recollection of the e-mails, it was
25 a combination of Dan Estes and the solicitor

1 2023?

2 A. Yes, with the caveat that he does not
3 always follow his remarks.

4 Q. Fair enough. If I could next direct your
5 attention to what we'll mark as Exhibit 5.

6 (Exhibit 5 marked.)

7 Q. (BY MS. OLSON): Mr. Nye, I've had the
8 court reporter hand you what we've marked as
9 Exhibit 5. And do you see, in the lower
10 right-hand corner, it's marked AGO, a number,
11 underscore and then five zeros, 467?

12 A. Yes.

13 Q. And it goes through AGO, underscore, a
14 number of zeros and 489; is that correct?

15 A. Yes.

16 Q. And it follows, at least in terms of the
17 Bates number, in the lower right corner, it
18 follows the document we just looked at in
19 Exhibit 4; is that correct?

20 A. Yes.

21 Q. And do you know, was this Exhibit 5, is
22 this something that was also provided -- excuse
23 me -- also provided to the Idaho Sheriff's
24 Association?

25 A. No.

1 general's office.

2 Q. Was that Mr. Hurst at the time?

3 A. I believe so, yes.

4 Q. Did you have any input in what we see in
5 Exhibit 5?

6 A. I did not.

7 Q. If I could direct your attention to
8 page 15 of the document, and I think that the
9 document itself has the page numbers, sort of the
10 lower middle part, but it's also AGO underscore
11 five zeros and then 481.

12 A. Yes.

13 Q. And on that page it says Matsumoto
14 abortion trafficking.

15 Do you see that?

16 A. Yes.

17 Q. Do you know who prepared this summary of
18 Matsumoto abortion trafficking?

19 A. I believe that was the solicitor
20 general's office.

21 Q. Do you know if anyone else had any input
22 into where it says Matsumoto abortion trafficking?

23 A. Probably Dan Estes would have potentially
24 changed this for style. And then, as I mentioned,
25 this is a working copy of this speech, and I can

1 tell that because of the gray on the right-hand
2 side is for track changes. And so, I -- at some
3 point the attorney general would have reviewed
4 this and provided input. I just don't know if
5 that had happened by this moment in time.

6 **Q. And the speech was going to be given by**
7 **the attorney general; is that true?**

8 A. That is correct.

9 **Q. And in the summary of abortion**
10 **trafficking here -- well, strike that.**

11 **Let me ask you: What was the solicitor**
12 **general's office's rule at that time with respect**
13 **to the Matsumoto case?**

14 A. So the solicitor general's office
15 provides input and advice to any civil litigation
16 where that help is needed; however, Matsumoto, as
17 you know, has been led by our civil litigation
18 team, which is a separate team, and Jim Craig, and
19 so up to this point, to my knowledge, it would
20 have been kind of acting as a sounding board, I
21 guess you would say.

22 **Q. And was it the solicitor general's office**
23 **that handled the appeal?**

24 A. I believe that's correct, yes.

25 **Q. With respect to the text here under**

1 **Q. Do you know who crafted that particular**
2 **language?**

3 A. Those specific words, I do not.

4 **Q. And with respect to -- there's a phrase**
5 **used, "in keeping with our interest to protect**
6 **prenatal life."**

7 **What does prenatal life mean here?**

8 A. Prenatal life would mean the unborn
9 child.

10 **Q. Do you know why the phrase prenatal was**
11 **used?**

12 A. I do not know why they used that phrase.

13 **Q. Do you know if that's a phrase that's**
14 **ever been used to describe other criminal**
15 **statutes?**

16 A. I don't recall ever seeing that phrase.

17 **Q. And then it uses the phrase "as well as**
18 **the rights of parents to rear their children."**

19 **Do you see that?**

20 A. I do.

21 **Q. Why is that included in the description**
22 **of this lawsuit?**

23 A. It goes back to what I was referencing
24 earlier, that the legislature has decided to pass
25 this law, at least in part to protect a parent's

1 **Matsumoto abortion trafficking, it says: In**
2 **keeping with our interest to protect prenatal**
3 **life, as well as the rights of children, parents**
4 **to rear their children, Idaho passed a law**
5 **prohibiting the pernicious practice of the**
6 **abortion trafficking of minors without their**
7 **parents' consent.**

8 **Do you see that?**

9 A. I do.

10 **Q. And you would agree that nowhere in that**
11 **summary do the words intent to conceal appear?**

12 A. Yes.

13 **Q. What is the basis for calling this a**
14 **pernicious practice?**

15 A. So that would go back to the fact that
16 this law was passed by the legislature to protect
17 parental rights, and so the fact that people would
18 be engaged in what the legislature has now defined
19 as abortion trafficking, the office views that as
20 a pernicious practice.

21 **Q. Did the office typically refer to things**
22 **that have been criminalized as pernicious**
23 **practices or things like that?**

24 A. That's the only time I recall seeing our
25 office use that particular language.

1 fundamental right to the care, custody, and
2 control of their child, and so this would fit in
3 part of that and help protect that right.

4 **Q. And the parents' fundamental right to**
5 **take care of the custody and control of their**
6 **children, that's typically a right that is**
7 **protected against state interference; is that**
8 **correct? Do you know?**

9 A. I don't know that I would characterize it
10 that way. I think parents have a natural right
11 whether it's versus the state or versus somebody
12 else to the care, custody, and control of their
13 children.

14 **Q. And is that -- just so we're clear here,**
15 **is that your personal view, the view of the office**
16 **of the attorney general, or your understanding of**
17 **the law? Any of those things?**

18 A. That would be the view of the office of
19 the attorney general.

20 **Q. And so, just to be clear, Exhibit 5 was**
21 **for a completely different speech from Exhibit 4;**
22 **is that right?**

23 A. That is correct.

24 **Q. Do you know if the attorney general's**
25 **office has had any other discussions or**

1 A. Yes.

2 **Q. And I think you indicated that no one,**

3 **including the attorney general, recalled making**

4 **any such communication; is that correct?**

5 A. That is correct.

6 **Q. I'm going to have you look at what we'll**

7 **mark as Exhibit 6.**

8 A. So there were a couple of -- again, where

9 I get caught up is just regarding the purpose and

10 intent of the statute. I am aware of other

11 communications that went out from the attorney

12 general's office that spoke about the abortion

13 trafficking statute, at least one -- what they

14 call the Labrador Letter, a newsletter from our

15 office, that went out to members of the public.

16 **Q. And I'll ask you some additional**

17 **questions about that, but I appreciate you**

18 **remembering those communications have occurred.**

19 **So we'll next mark as Exhibit 6.**

20 (Exhibit 6 marked.)

21 **Q. (BY MS. OLSON): Mr. Nye, you'd agree**

22 **that Exhibit 6 is the standalone version of the**

23 **press release that is also attached to the e-mails**

24 **in Exhibit 3; is that correct?**

25 A. Yes.

1 **that correct?**

2 A. That is correct.

3 **Q. Do you know what individuals the press**

4 **releases are distributed to?**

5 A. The only ones I'm aware of that are not

6 media are internally that get circulated internal

7 to the office.

8 **Q. And would it be fair to say that one of**

9 **the purposes of issuing a press release and**

10 **providing it to the various media groups is that**

11 **they'll use the statements in the press release in**

12 **stories or news that they put out on whatever**

13 **outlet that they're apart of?**

14 MR. CRAIG: I'll Object. You can answer.

15 THE WITNESS: Yes.

16 **Q. (BY MS. OLSON): Look at page 2 of**

17 **Exhibit 6.**

18 A. Yes.

19 **Q. In the first sentence, there's the word**

20 **mother, a period, and the first sentence says,**

21 **Trafficking a minor child for an abortion without**

22 **parental consent puts both in grave danger, and we**

23 **will not stop protecting life in Idaho.**

24 **Did I read that correctly?**

25 A. You did.

1 **Q. And this is the press release that we**

2 **discussed the process of this, that Mr. Estes**

3 **worked with the attorney general and perhaps**

4 **others to put this together; is that correct?**

5 A. Yes.

6 **Q. And this is the press release that was**

7 **issued after the Ninth Circuit issued its opinion**

8 **in this case; is that correct?**

9 A. That's correct.

10 **Q. And this press release -- who all would**

11 **get copies of a press release like this that the**

12 **attorney general would provide?**

13 A. So the press release would go out to the

14 list of media entities and other individuals

15 that's kept by the public information officer.

16 **Q. And do you know generally who's on that**

17 **list?**

18 A. Just that it's a large number of media

19 entities, the number that I was told was somewhere

20 between 300 and 400 recipients.

21 **Q. And do you know if those media entities**

22 **are within Idaho, outside of Idaho, some of each?**

23 A. I believe some of each.

24 **Q. And then you said, I think, that there**

25 **were some individuals it was distributed to; is**

1 **Q. And so, is it fair to say that that**

2 **sentence is a statement of the attorney general's**

3 **position on what 18-623 does?**

4 MR. CRAIG: I'll object to form. You can

5 answer.

6 THE WITNESS: It is a statement on what

7 18-623 does by the attorney general, yes.

8 **Q. (BY MS. OLSON): And in that sentence, it**

9 **describes the events as trafficking a minor**

10 **without parental consent, correct?**

11 A. Yes.

12 **Q. Do you know why the attorney general**

13 **wanted to make -- put this statement in the press**

14 **release that trafficking -- one of the things the**

15 **statute does is punish trafficking a minor child**

16 **for an abortion without parental consent?**

17 MR. CRAIG: Object to form. You can

18 answer.

19 THE WITNESS: I think that goes back to

20 what we were talking about earlier, the connection

21 between the law being passed and attempting to

22 protect parents' rights. And so, what is being

23 highlighted here is the requirement under the

24 statute that you -- in order to commit this crime,

25 you would not have parental consent.

1 press release, you indicated that sometimes a
2 statement would be put out first?

3 A. Yes.

4 Q. So this is a different statement, right?
5 That one was December 2024. This is the end of
6 November of 2023. But is that the same general
7 process?

8 A. It is. And to clarify this -- I was just
9 remembering the wrong date. This is the statement
10 I was remembering, was this one.

11 Q. So just to be clear, so then the press
12 release that we looked at earlier in this case --
13 and it's attached to an e-mail that's in
14 Exhibit 3, and then I think it's -- standalone
15 it's Exhibit 6.

16 So that December 2024 press release, no
17 statement, public statement ahead of that one,
18 just the press release; is that right?

19 A. That is correct.

20 Q. So the public statement you're
21 remembering is this one we see here now in
22 Exhibit 10; is that correct?

23 A. That is correct, yes.

24 Q. And then the statement -- do you know how
25 the statement that was put together that starts

1 Idaho's commonsense laws?

2 A. It would follow the same process I
3 described earlier, where Dan Estes, at the time
4 and the position that he held, would be
5 responsible for drafting it, and then his
6 statement would be approved by, most often or
7 always, by the attorney general himself before it
8 goes out.

9 Q. And with respect to this particular
10 statement, and it looks like it was provided to
11 media outlets generally, or at least the KTVB and
12 the New York Times, do you know who actually
13 drafted this particular statement and whether the
14 attorney general himself reviewed it?

15 A. I can't speak to who exactly drafted it,
16 but my understanding is that the attorney general
17 approved it before it went out, yes.

18 Q. And the first sentence of the approved
19 statement, the one that was sent to KTVB on
20 November 28 of 2023 said: Idaho's commonsense
21 laws continue to be attacked by radical groups
22 opposed to our State's values.

23 Did I read that correctly?

24 A. You did.

25 Q. With whom or what does radical groups

1 refer?

2 A. So that is, appears to be a general
3 statement referring to plaintiffs that have
4 challenged through the court system our -- Idaho's
5 laws.

6 Q. So the attorney general refers to
7 plaintiffs who challenge laws as radical groups;
8 is that correct?

9 MR. CRAIG: I'll object to form;
10 misstates testimony.

11 THE WITNESS: So I would say what they
12 are saying is that there have been at least some
13 Idaho laws that have been attacked by radical
14 groups, yes. I don't know that I could say that
15 the attorney general believes categorically that
16 anyone who attacks an Idaho law is a radical
17 group.

18 Q. (BY MS. OLSON): This statement is
19 referring specifically to the Matsumoto versus
20 Labrador litigation, correct?

21 A. The statement itself is, yes, referring
22 to this litigation.

23 Q. So who was referred to by radical groups
24 in this public statement issued by the attorney
25 general?

1 A. That would include the plaintiffs in this
2 case.

3 Q. What is the factual basis -- well, are
4 you aware who the plaintiffs in this case are?

5 A. Yes.

6 Q. One of them is Northwest Abortion Access
7 Fund, correct?

8 A. Yes.

9 Q. Why does the attorney general refer to
10 the Northwest Abortion Access Fund as a radical
11 group?

12 A. So it's the same rationale for each of
13 the plaintiffs. The reasoning is -- and this goes
14 back to what I was speaking to earlier about the
15 people-elected representatives in Idaho passed
16 this law. They did it to protect parental rights,
17 and that represents Idaho's values.

18 And so, when a plaintiff comes in and
19 tries to enjoin or stop that law, then the
20 attorney general views that as opposing Idaho's
21 values and he therefore sees them as a radical
22 group.

23 Q. What is the factual basis for referring
24 to the Northwest Abortion Access Fund as a radical
25 group?

1 A. I have not been provided any specific
 2 facts other than what I've just laid out for you.
 3 **Q. What investigation has the attorney
 4 general done to determine if -- or that the
 5 Northwest Abortion Access Fund is a radical group?**
 6 A. None to my knowledge.
 7 **Q. Why does the attorney general refer to
 8 the Indigenous Idaho Alliance as a radical group?**
 9 A. Same answer. Again, just trying to
 10 enjoin a statute that was passed by Idaho's
 11 legislator to protect parental rights.
 12 **Q. Do you know what the Indigenous Idaho
 13 Alliance is?**
 14 A. Just a name -- just that they're a
 15 plaintiff in this litigation.
 16 **Q. What investigation has the attorney
 17 general done regarding the Indigenous Idaho
 18 Alliance?**
 19 A. None that I'm aware of.
 20 **Q. And what investigation has the attorney
 21 general done to determine if or that the
 22 Indigenous Idaho Alliance is a radical group?**
 23 A. None that I'm aware of.
 24 **Q. And what is the factual basis for the
 25 attorney general asserting that the Indigenous**

1 **radical groups in that sentence include any other
 2 group?**
 3 A. Not to my knowledge. I think it's just a
 4 generic reference, but yeah, I couldn't point to
 5 any other specific --
 6 **Q. A generic reference to any group that
 7 would file a lawsuit challenging a law passed by
 8 the Idaho Legislature?**
 9 MR. CRAIG: I'll object to form;
 10 misstates testimony. You can answer.
 11 THE WITNESS: I would say, as I read it,
 12 at least some of the laws, Idaho's commonsense
 13 laws, yeah.
 14 **Q. (BY MS. OLSON): So keeping in mind
 15 you're answering on behalf of the Idaho Attorney
 16 General here, and I'm not -- my question is not
 17 intended to reflect anything you previously said.**
 18 A. Okay.
 19 **Q. So my question is: Does the attorney
 20 general's reference to radical groups in that
 21 sentence include any other group?**
 22 A. No.
 23 **Q. Just the plaintiffs in this litigation?**
 24 A. To my knowledge, yes.
 25 **Q. Does the attorney general have a list of**

1 **Idaho Alliance is a radical group?**
 2 A. The only factual basis I'm aware of is
 3 the one that I've stated.
 4 **Q. Which is what?**
 5 A. Which is that they have filed a lawsuit
 6 to enjoin a statute that was passed by Idaho's
 7 legislature to protect parental rights.
 8 **Q. Do you know where the members of the
 9 Indigenous Idaho Alliance are from?**
 10 A. I do not know.
 11 **Q. Lourdes Matsumoto is the -- what we call
 12 the lead plaintiff in the case. Her name comes
 13 first, correct?**
 14 A. Yes.
 15 **Q. Does the reference to radical groups
 16 include Ms. Matsumoto?**
 17 A. I don't think -- I mean just because
 18 she's an individual, it doesn't really make sense
 19 to call her a radical group, so in that sense I
 20 would say no.
 21 **Q. Do you know whether the attorney general
 22 has done any investigation to determine if
 23 Ms. Matsumoto is a radical person?**
 24 A. No investigation that I'm aware of.
 25 **Q. Does the attorney general's reference to**


1 **radical groups?**
 2 A. No.
 3 **Q. Does the attorney general have a list of
 4 groups that he considers to be pro-abortion
 5 groups?**
 6 A. No, not to my knowledge.
 7 **Q. Does the attorney general have a list of
 8 groups he considers to be anti-abortion groups?**
 9 A. No, not to my knowledge.
 10 **Q. What does the phrase or term in here
 11 "state's values" mean?**
 12 A. State's values would be a reflection of
 13 what the people of Idaho have decided to enact in
 14 our laws through their elected representatives.
 15 **Q. So for the attorney general, the state's
 16 values are the same as the legislation passed by
 17 the legislature? Is that correct to say?**
 18 A. Yeah, and maybe add that it's, it's kind
 19 of the policy reasons behind those laws that are
 20 passed, not necessarily the laws themselves,
 21 though it could be, but kind of the policy reasons
 22 why those laws are passed.
 23 **Q. And by that, do you mean then that the
 24 state's -- the legislator's policy reasons?**
 25 A. Yes.

Page 277

1 **Q. And enjoined because it's -- the**
 2 **plaintiffs have been found, quote, by Judge**
 3 **Grasham and the Ninth Circuit likely to avail on**
 4 **the merits of their claim, that the recruiting**
 5 **prong in the statute is unconstitutional because**
 6 **it violates their First Amendment rights, correct?**
 7 A. Yes, that's my understanding.
 8 MS. OLSON: That's all I have. Thank
 9 you.
 10 MR. CRAIG: Thank you.
 11 (Concluded at 4:53 p.m.)
 12 (Signature requested.)
 13
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Page 279

REPORTER'S CERTIFICATE

1
 2
 3 I, MAUREEN RICKS, a Notary Public in and
 4 for the State of Idaho, do hereby certify:
 5 That prior to being examined, the
 6 witness named in the foregoing deposition was by
 7 me duly sworn to testify the truth, the whole
 8 truth, and nothing but the truth;
 9 That said deposition was taken down by
 10 me in shorthand at the time and place therein
 11 named and thereafter reduced to computerized
 12 transcription under my direction and supervision,
 13 and I hereby certify the foregoing deposition
 14 transcript is a full, true and correct transcript
 15 of my shorthand notes so taken;
 16 I further certify that I have no
 17 interest in the event of the action.
 18 IN WITNESS WHEREOF, I have hereunto
 19 subscribed my name this 3rd day of March, 2026.
 20
 21 
 22
 23 *Maureen Ricks*
 24
 Notary Public in and for the State of
 25 Idaho, residing in Meridian, Idaho.
 My commission expires 10-22-2031, CSR #671

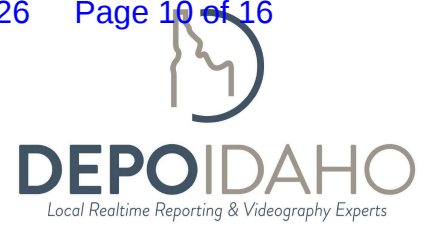
Page 278

VERIFICATION

1
 2
 3 STATE OF _____)
 4 COUNTY OF _____)
 5
 6 I, JEFFERY NYE, being first duly sworn on my
 7 oath, depose and say:
 8 That I am the witness named in the
 9 foregoing deposition taken the 18th day of
 10 February, 2026, consisting of pages numbered 1 to
 11 277, inclusive; that I have read the said
 12 deposition and know the contents thereof; that the
 13 questions contained therein were propounded to me;
 14 that the answers to said questions were given by
 15 me, and that the answers as contained therein (or
 16 as corrected by me on the change sheet) are true
 17 and correct.
 18
 19 _____
 JEFFERY NYE
 20
 21
 22 Subscribed and sworn to before me this
 _____ day of _____, 2026,
 at _____, Idaho.
 23
 24
 25 _____
 Notary Public for Idaho
 Residing at _____, Idaho.

VERIFICATION

1
 2
 3 STATE OF _____)
 4 COUNTY OF _____)
 5
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 14 that the answers to said questions were given by
 15 me, and that the answers as contained therein (or
 16 as corrected by me on the change sheet) are true
 17 and correct.
 18
 19 _____
 JEFFERY NYE
 20
 21
 22 Subscribed and sworn to before me this
 _____ day of _____, 2026,
 at _____, Idaho.
 23
 24
 25 _____
 Notary Public for Idaho
 Residing at _____, Idaho.



April 3, 2026

Wendy J. Olson
Stoel Rives
101 S. Capitol Blvd.
Ste. 1900
Boise, ID 83702-5958

In Re: Office of Attorney General 30b6 - Jeffery Nye
 Lourdes Matsumoto v. Raul Labrador
 Case Number: 1:23-cv-00323-DKG
 Date: 02/18/2026

Dear Wendy J. Olson:

Pursuant to your request, enclosed please find the original transcript in the above referenced matter. There were no changes or corrections within the 30 days of submission to the witness.

Sincerely,

A handwritten signature in cursive script that reads "Annie Nice".

Annie Nice
DepoIdaho
PO Box 44385
Boise, ID 83711
annie@depoidaho.com

No. 38059

cc:James Craig - IDAHO ATTORNEY GENERAL - CIVIL LITIGATION

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From: Dan Estes <daniel.estes@ag.idaho.gov>

To: <tim.frost@ag.idaho.gov>

Subject: Attorney General Successfully Defends Idaho's Abortion Trafficking Laws at Ninth Circuit

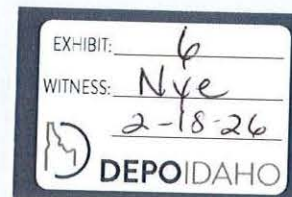
Date: Mon, 2 Dec 2024 22:37:20 +0000

Importance: Normal



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
Raúl R. Labrador

For Immediate Release
December 2, 2024
Media Contact: Dan Estes
daniel.estes@ag.idaho.gov



**Attorney General Labrador Successfully Defends Idaho's
Abortion Trafficking Laws at Ninth Circuit**

[BOISE] – In a decision released today from the Ninth Circuit Court of Appeals in *Matsumoto v. Labrador*, Idaho Attorney General Raúl Labrador successfully defended Idaho's abortion trafficking laws against a lower court injunction. The 9th Circuit held that the statute's prohibition on procuring an abortion by harboring and transporting minors with the intent to conceal the abortion from the minor's parents are likely to be found constitutional and can be enforced while the litigation proceeds.

"This is a tremendous victory for Idaho and defending the rule of law as written by the people's representatives," said Attorney General Labrador. "Idaho's laws were passed specifically to protect the life of the unborn and the life of the

mother. Trafficking a minor child for an abortion without parental consent puts both in grave danger, and we will not stop protecting life in Idaho.”

While the 9th Circuit panel ruled that plaintiffs have proper standing in the case, and that the specific language of “recruiting” minors for abortion is overly broad, the Court ruled the balance of the statute addressing “harboring and transporting” minors can be enforced.

The court opinion concluded, *“Because Challengers are not likely to succeed on the merits of their remaining claims—the void-for-vagueness and association claims, as well as the other First Amendment claims with respect to the remainder of the statute—we reverse the district court with respect to those claims and remand to the district court to modify the preliminary injunction consistent with this opinion.”*

###



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You can [update your preferences](#) or [unsubscribe from this list](#).

From: Christine Hauser <hauser@nytimes.com>

To: Daniel Estes <Daniel.Estes@ag.idaho.gov>

Subject: Re: AG appeals ruling on abortion trafficking law

Date: Mon, 4 Dec 2023 11:46:27 -0500

Importance: Normal

Inline-Images: image001.png

if not too much trouble, i would love to read through the memorandum and to keep track of future developments in this process. If you could send me the memorandum as well I would appreciate it.

On Mon, Dec 4, 2023 at 11:44 AM Christine Hauser <hauser@nytimes.com> wrote:
thanks, adding.

On Mon, Dec 4, 2023 at 11:22 AM Daniel Estes <Daniel.Estes@ag.idaho.gov> wrote:

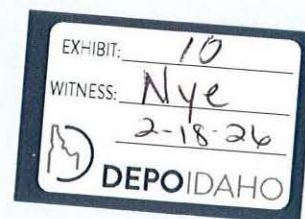
Hi Christine,

Here was the statement that was sent to KTVB on 11/28/23:

"Idaho's commonsense laws continue to be attacked by radical groups opposed to our State's values. A federal judge ruled that the First Amendment's right to free speech means that Idaho cannot criminalize abortion trafficking. But there is an important distinction between speech and conduct under the First Amendment, and Idaho's law properly criminalizes conduct. We have immediately appealed the judge's erroneous decision and will keep aggressively defending Idaho law against federal overreach."



Dan Estes | Public Information Officer
Attorney General Raúl R. Labrador
Office of the Attorney General | State of Idaho
O: 208-334-4112 | C: 208-996-4491 | W: ag.idaho.gov



From: Christine Hauser <hauser@nytimes.com>
Sent: Monday, December 4, 2023 9:15 AM

Subject: Re: AG appeals ruling on abortion trafficking law

You don't often get email from hauser@nytimes.com. [Learn why this is important](#)

Daniel Thank you. May I please have the same emailed statement that was sent to local media? It was a few paras long and would be sufficient for my own story today. <https://www.ktvb.com/article/news/local/idahos-ag-appeals-abortion-trafficking-law-ruling/277-6a178515-2136-4ad9-9018-84986d094d58>

On Mon, Dec 4, 2023 at 11:12 AM Daniel Estes <Daniel.Estes@ag.idaho.gov> wrote:

Hi Christine,

Yes, we have filed a Notice of Appeal in the Matsumoto v. Labrador case.

Best regards,

Dan



Dan Estes | Public Information Officer
Attorney General Raúl R. Labrador
Office of the Attorney General | State of Idaho
O: 208-334-4112 | C: 208-996-4491 | W: ag.idaho.gov

From: Christine Hauser <hauser@nytimes.com>
Sent: Monday, December 4, 2023 8:55 AM
To: Daniel Estes <Daniel.Estes@ag.idaho.gov>
Subject: AG appeals ruling on abortion trafficking law

You don't often get email from hauser@nytimes.com. [Learn why this is important](#)

Hello

Could you please provide me with confirmation that the AG has appealed the ruling of Judge Grasham to stay the abortion trafficking law?

thanks

--

Christine Hauser

Reporter

The New York Times

U.S. +1 917 763-5862

@ChristineNYT

NOTICE: This message, including any attachments, is intended only for the individual(s) or entity(ies) named above and may contain information that is confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, please reply to the sender that you have received this transmission in error, and then please delete this email.

--

Christine Hauser

Reporter

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--

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Reporter

The New York Times

U.S. +1 917 763-5862

@ChristineNYT

Exhibit 4

Exhibit 4

In The Matter of:

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

v.

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

**DEPOSITION OF
INGRID DURAN
March 11, 2026**



999 W. Main Street, Ste. 100

Boise, Idaho 83702

208.495.4022

www.treasurevalleyreporting.com

LOURDES MATSUMOTO vs RAUL LABRADOR
DURAN, INGRID 03/11/2026

30(b)(6)

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF IDAHO

3

4

LAURDES MATSUMOTO, NORTHWEST)
ABORTION ACCESS FUND, and)
INDIGENOUS IDAHO ALLIANCE,)

6

Plaintiffs,)

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

7

vs.)

8

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

10

11

Defendant.)

12

13

14

15

16

17

REMOTE 30(b)(6) DEPOSITION OF
NATIONAL RIGHT TO LIFE COMMITTEE, INC.

18

(INGRID DURAN)

19

March 11, 2026

20

21

22

23

24

Reported by:

25

Vanessa S. Gosney, CSR, RPR, CRR

Page 2

1 REMOTE 30(b)(6) DEPOSITION OF
2 NATIONAL RIGHT TO LIFE COMMITTEE, INC.
3
4 (INGRID DURAN)
5
6 BE IT REMEMBERED that the remote deposition of
7 INGRID DURAN was taken by the Plaintiffs before Treasure
8 Valley Reporting, Vanessa S. Gosney, Court Reporter,
9 Idaho CSR No. 752, Oregon CSR No. 20-0472, Utah CSR No.
10 14255184-7801, Washington CSR No. 20122235, National RPR
11 No. 8515, and Notary Public in and for the County of
12 Ada, State of Idaho, on Wednesday, the 11th day of
13 March, 2026, commencing at the hour of 1:00 p.m. in the
14 above-entitled matter.
15
16 APPEARING REMOTELY:
17
18 For the Plaintiffs: THE LAWYERING PROJECT
19 By: Paige Suelzle, Esq.
20 Ronelle Tshiela, Esq.
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Of National Right to Life Committee,	
Inc. Pursuant to Fed. R. Civ. P.	
30(b)(6).	
(70 pages)	

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36
37 Also Present: Joy Williams

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P R O C E E D I N G S

INGRID DURAN,

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

E X A M I N A T I O N

BY MS. SUELZLE:

Q. Good afternoon. My name is Paige Suelzle. I am one of the attorneys representing the plaintiffs in this case. Thank you for your time today.

A. I would like to go over some basic ground rules for today's deposition to make sure that you're on the same page.

First of all, you are under oath and are required to answer all questions truthfully and to the best of your knowledge.

Do you understand that?

A. Yes.

Q. If you don't fully hear a question, please ask me to repeat it.

Will you do that?

A. Yes.

Page 6

1 Q. If you don't understand a question,
2 please tell me so.
3 Will you do that?
4 A. Yes.
5 Q. In order for the court reporter to make
6 an accurate transcript, please wait for me to
7 complete my question before you start your answer.
8 Will you do that?
9 A. Yes.
10 Q. Please answer all questions verbally
11 rather than with gestures or uh-huhs or huh-uhs.
12 Will you do that?
13 A. Yes.
14 Q. We can take a break at any time, as long
15 as there's not a question pending. If you need a
16 break, please just let me know.
17 Will you do that?
18 A. Yes.
19 Q. As you know, we are conducting this
20 deposition via Zoom.
21 Is there anyone in the room with you
22 today?
23 A. No.
24 Q. Please do not have anything up on your
25 screen unless I ask you to look at a document.

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1 Do you understand that?
2 A. Yes.
3 Q. How are you feeling today?
4 A. Fine. Feeling well.
5 Q. Are there any circumstances that would
6 prevent you from giving true and accurate answers
7 to my questions today?
8 A. No.
9 Q. Can you please spell and state your name
10 for the record?
11 A. Sure. My name is Ingrid Duran.
12 Q. May I call you Ms. Duran?
13 A. Sure.
14 Q. Ms. Duran, where are you employed?
15 A. I am employed at the National Right to
16 Life Committee.
17 Q. What is your current position and title?
18 A. My current position is the state
19 legislative director, and that's the title as well.
20 Q. How long have you held that position?
21 A. I have held that position since 2016.
22 Q. What are your primary responsibilities
23 as state legislative director?
24 A. As state legislative director, my
25 priorities are to work with our state affiliates in

Page 8

1 legislative strategy. Advancing pro-life laws that
2 effectively protect unborn children and women. And
3 also to defeat pro-abortion laws that would be
4 against the mission of National Right to Life.
5 Q. Have you held any other positions at the
6 National Right to Life Committee?
7 A. Yes.
8 Q. What were those positions?
9 A. In 1995 when I started I was the
10 legislative assistant. And then -- I don't recall
11 the year, but then I became the senior policy
12 analyst. But I have been in the state legislative
13 department since 1995.
14 Q. In general, what does the National Right
15 to Life Committee do?
16 A. The National Right to Life Committee
17 seeks to educate about the humanity of the unborn
18 child and also about resources for mothers. And we
19 do that by political action, education, and
20 legislation on the federal and state level.
21 Q. Have you ever been deposed before?
22 A. No. This is my first one.
23 Q. Have you ever testified in a court trial
24 before?
25 A. I have not.

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1 Q. Are you aware that you are here today as
2 the designated representative of the National Right
3 to Life Committee pursuant to Federal Rule of Civil
4 Procedure 30(b)(6)?
5 A. I am.
6 Q. Do you understand that you are
7 testifying on behalf of the National Right to Life
8 Committee?
9 A. I do.
10 Q. Do you understand that you are not
11 testifying in your personal capacity?
12 A. Yes, I do.
13 Q. Have you reviewed the notice of
14 deposition that lists the topics you have been
15 designated to testify about?
16 A. Yes, I have.
17 Q. I am going to show you that document.
18 My colleague, Ms. Williams, I believe, will be
19 sharing her screen.
20 (Deposition Exhibit No. 4 marked.)
21 Q. BY MS. SUELZLE: And at any point you
22 can ask us to scroll or zoom in on something.
23 Are you familiar with this document?
24 A. Yes, I am.
25 Q. Ms. Duran, is this the list of topics

Page 10

1 you reviewed to prepare for today's deposition?
 2 A. Yes, they are.
 3 Q. How were you selected to testify on
 4 behalf of the National Right to Life Committee?
 5 A. Well, because my job is to work on
 6 legislation, it made me the most knowledgeable
 7 candidate of the model law.
 8 Q. Who selected you to testify on behalf of
 9 the National Right to Life Committee?
 10 A. No one selected me. I just volunteered
 11 because there's no one else that would have the
 12 knowledge or experience that I have with
 13 legislation.
 14 Q. How did you prepare to testify about the
 15 topics listed?
 16 A. I had a meeting with my general counsel
 17 because this is my first deposition and, you know,
 18 he went over some of the rules with the deposition,
 19 answer truthfully, and --
 20 MR. BOPP: Ingrid, don't discuss what we
 21 discussed.
 22 THE WITNESS: Oh, okay.
 23 MR. BOPP: And I am the general counsel
 24 she's referring to, her lawyer and NRLC's lawyer.
 25 Q. BY MS. SUELZLE: How did you prepare,

Page 11

1 other than your conversations with your attorneys?
 2 A. I looked at the page that you provided,
 3 that Attachment A. And then I went back to the
 4 e-mails when we announced it, I believe it's the
 5 third exhibit when our media relations department
 6 issued the press release announcing the model law.
 7 Q. You mentioned e-mails, what were those
 8 e-mails about?
 9 A. The e-mails were about the press release
 10 for the model law.
 11 Q. Who were those e-mails with?
 12 A. Well, the e-mails were coming from the
 13 press office, our media relations department, and I
 14 happen to be on their list, and so it was the
 15 announcement of the model law.
 16 Q. Have we covered all the documents that
 17 you've reviewed in preparation for today's
 18 deposition?
 19 A. Yes.
 20 Q. Other than your attorneys, did you speak
 21 to anyone about today's deposition?
 22 A. Yes.
 23 Q. Who did you speak to?
 24 A. I asked my church to pray for me. And I
 25 told my two best friends in Long Island, New York,

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1 and I told my family.
 2 Q. What did you tell your two best friends
 3 in Long Island about the deposition?
 4 A. I told them that I was going to be in a
 5 deposition on Wednesday and I was having stage
 6 fright, like the same way that I do for press
 7 calls. And that was it.
 8 Q. What did you speak to your family about
 9 the deposition?
 10 A. Similar things, you know, just regular
 11 nerves and pray for me.
 12 Q. Did you speak to anyone else at the
 13 National Right to Life Committee in order to
 14 prepare to testify about the designated topics?
 15 A. No, I did not.
 16 Q. Do you believe you are fully prepared to
 17 testify on behalf of the National Right to Life on
 18 the designated topics?
 19 A. I do.
 20 Q. Are there any topics you do not feel
 21 fully prepared to testify about today?
 22 A. No, there aren't any.
 23 Q. Are there any limitations to your
 24 knowledge or preparation that we should be aware of
 25 before we begin topic specific questions?

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1 A. No.
 2 Q. I understand that you are the only
 3 person designated to testify on behalf of the
 4 National Right to Life Committee today; is that
 5 correct?
 6 A. That is correct.
 7 Q. I am going to show you the first
 8 document that was included in the list of topics,
 9 which will be Exhibit 1.
 10 (Deposition Exhibit No. 1 marked.)
 11 Q. BY MS. SUELZLE: Again, if you want to
 12 scroll or review anything in particular, please let
 13 us know.
 14 Are you familiar with this document?
 15 A. I am.
 16 Q. What is this document?
 17 A. This document is a memorandum and model
 18 law that is the post-Roe, post-Dobbs model for the
 19 National Right to Life Committee.
 20 Q. Was this document published on the
 21 National Right to Life Committee's official
 22 website?
 23 A. Yes, it was.
 24 Q. When was this document posted on the
 25 National Right to Life Committee's website?

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1 conceivable theory under which this irrelevant
 2 information would lead to relevant information in
 3 the case in which NRLC has been subpoenaed.
 4 And with your permission, rather than
 5 repeat ad nauseam those two detailed objections, I
 6 would ask that I simply be able to say "First
 7 Amendment," and secondly and/or "relevance," and
 8 the detail was just provided. But those are the
 9 two objections.
 10 Is that okay that we do that in the
 11 future in this deposition?
 12 MS. SUELZLE: Yes, that works for me.
 13 MR. BOPP: Okay. And second, you may
 14 answer, Ingrid.
 15 THE WITNESS: I may answer?
 16 MR. BOPP: Yes.
 17 THE WITNESS: Okay. This was created by our
 18 general counsel's office.
 19 Q. BY MS. SUELZLE: Are documents like this
 20 one something the organization typically creates as
 21 part of its work?
 22 A. Can you repeat that question, please?
 23 Q. Yeah. Are documents like this one
 24 something that this organization typically creates
 25 as part of its work?

Page 19

1 A. Yes.
 2 Q. Is obtaining a document like this one
 3 from an outside entity a routine part of how the
 4 organization operates?
 5 A. Can you repeat that question?
 6 Q. Yeah. Said another way, does the
 7 National Right to Life Committee routinely obtain
 8 memos from outside entities?
 9 A. Yes.
 10 Q. Is sharing a document like this one with
 11 the public a routine part of the organization
 12 operations?
 13 A. No.
 14 Q. Can you elaborate on that answer?
 15 A. Yes. We typically do not put our model
 16 laws on the website.
 17 Q. And why is that?
 18 A. Because they haven't been publicly
 19 introduced yet into a legislative body.
 20 Q. Do you put them on the website after
 21 they are introduced?
 22 A. No.
 23 Q. Is this document maintained in the
 24 National Right to Life Committee's records?
 25 A. Can you elaborate on "maintained"?

Page 20

1 Q. Yeah. Does the committee keep this
 2 document in its record system?
 3 A. Yes.
 4 Q. Are you familiar with how the National
 5 Right to Life Committee maintains its records and
 6 documents?
 7 A. No.
 8 Q. Do you know who would be familiar with
 9 the National Right to Life Committee's
 10 recordkeeping?
 11 A. No.
 12 Q. I am going to show you the next exhibit,
 13 Exhibit 2, that was noticed in the list of topics.
 14 (Deposition Exhibit No. 2 marked.)
 15 Q. BY MS. SUELZLE: Are you familiar with
 16 this document?
 17 A. Yes.
 18 Q. What is this document?
 19 A. This is a memo and model law, the second
 20 version of that first exhibit.
 21 Q. What is the model law?
 22 A. The model law is an omnibus bill that is
 23 designed to protect unborn children after the Dobbs
 24 decision. And there are different elements to the
 25 model law. One is the protection of unborn

Page 21

1 children, but there are other elements.
 2 Q. What are the other elements?
 3 A. There is a prohibition on aiding and
 4 abetting for illegal abortion. There is
 5 prohibition on the trafficking of minors without
 6 parental knowledge. There is an element that
 7 provides that the AG can prosecute those who break
 8 the law. And the prohibition of trafficking
 9 abortion inducing drugs.
 10 Q. Was this memo published on the National
 11 Right to Life Committee's official website?
 12 A. Yes.
 13 Q. When was this document posted on the
 14 National Right to Life Committee's website?
 15 A. I don't recall.
 16 Q. Who would know when it was posted?
 17 A. The head of the IT department.
 18 Q. And did you speak to the head of IT
 19 department about this exhibit?
 20 A. I did not.
 21 Q. Who posted this document on the National
 22 Right to Life Committee's website?
 23 A. I don't know.
 24 Q. Who would know?
 25 A. The head of the IT department.

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1 We are going to object to holding the
 2 deposition open. The topics, the exhibits are not
 3 relevant or probative to any of the issues in this
 4 case.
 5 I don't have any questions for you,
 6 Ms. Duran.
 7 MR. BOPP: And I don't have any questions.
 8 We object to and will not agree to
 9 holding the deposition open. We agree with the
 10 Attorney General that none of the information
 11 regarding four and five could possibly be relevant
 12 to the issues in the Idaho litigation where this
 13 subpoena was issued.
 14 Furthermore, exploring behind the --
 15 anything beyond public information that goes into
 16 the creation of these documents violates the First
 17 Amendment, as we previously argued and, in fact, as
 18 already ruled by the DC, district court, regarding
 19 a similar subpoena.
 20 And finally, we would entertain
 21 stipulations, as we have said prior to this
 22 deposition. In other words, one, two, and three
 23 could have easily been stipulated. And we offered
 24 to stipulate to it, to one, two, and three. But
 25 you wanted to ask what we believe are irrelevant


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1 questions about internal activity of National Right
 2 to Life, and you did, I guess.
 3 But we would entertain a stipulation.
 4 For instance, explicitly on when each of these were
 5 posted, or an approximation, because the specific
 6 date may not be recoverable. But we are willing to
 7 look into that and provide either a specific date,
 8 if that is known, or an estimated date as the
 9 deponent has already given you, an estimated date,
 10 of a few days within the date of the publication.
 11 We will be happy to stipulate that. And
 12 if there are other specific things that might be
 13 arguably relevant and not privileged, we will be
 14 glad to entertain those as well.
 15 I have nothing further.
 16 MS. SUELZLE: Okay. Thank you. We will
 17 leave the deposition open and we can talk more
 18 offline.
 19 And thank you so much for your time
 20 today, Ms. Duran.
 21
 22 (The deposition concluded at 2:06 p.m.)
 23 * * *
 24 (Signature was requested.)
 25

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REPORTER'S CERTIFICATE

1
 2
 3 STATE OF IDAHO)
 4) ss.
 5 COUNTY OF ADA)
 6
 7 I, VANESSA S. GOSNEY, Certified Shorthand Reporter
 8 and Notary Public in and for the State of Idaho, do
 9 hereby certify:
 10 That prior to being examined, the witness named in
 11 the foregoing deposition was by me duly sworn to testify
 12 to the truth, the whole truth and nothing but the truth;
 13 That said deposition was taken down by me in
 14 shorthand at the time and place therein named and
 15 thereafter reduced to typewriting under my direction,
 16 and that the foregoing transcript contains a full, true
 17 and verbatim record of said deposition.
 18 I further certify that I have no interest in the
 19 event of the action.
 20 WITNESS my hand and seal this 24th day of March,
 21 2026.
 22
 23
 24
 25 My Commission Expires: 10-29-31





VANESSA S. GOSNEY
 RPR and Notary
 Public in and for the
 State of Idaho.

Exhibit 5

Exhibit 5

In The Matter of:

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

v.

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

**DEPOSITION OF
DR. AMANDA STEVENSON
December 09, 2025**



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Boise, Idaho 83702

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LOURDES MATSUMOTO vs RAUL LABRADOR
STEVENSON, DR. AMANDA 12/09/2025

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

LAURDES MATSUMOTO, NORTHWEST)
ABORTION ACCESS FUND, and)
INDIGENOUS IDAHO ALLIANCE,)

Plaintiffs,)

vs.)

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

Defendant.)

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

REMOTE DEPOSITION OF DR. AMANDA STEVENSON

December 9, 2025

Reported by:
Vanessa S. Gosney, CSR, RPR, CRR

Page 2

1 REMOTE DEPOSITION OF DR. AMANDA STEVENSON

2

3 BE IT REMEMBERED that the remote deposition of

4 DR. AMANDA STEVENSON was taken by the Defendant before

5 Veritext Idaho, Vanessa S. Gosney, Court Reporter, Idaho

6 CSR No. 752, Oregon CSR No. 20-0472, Utah CSR No.

7 14255184-7801, Washington CSR No. 20122235, National RPR

8 No. 8515, and Notary Public in and for the County of

9 Ada, State of Idaho, on Tuesday, the 9th day of

10 December, 2025, commencing at the hour of 10:00 a.m. in

11 the above-entitled matter.

12

13

14 APPEARING REMOTELY:

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19

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1 INDEX

2 EXAMINATION

3

4 DR. AMANDA STEVENSON PAGE

5 By: MR. GREEN.....5, 78

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7

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9 EXHIBITS

10 NO.

11 EXHIBIT 1. Expert Report of Amanda Stevenson, Ph.D ...13

12 (66 pages)

13

14

15

16

17

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21

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Page 5

1 PROCEEDINGS

2

3 DR. AMANDA STEVENSON,

4 a witness having been first duly sworn remotely to tell

5 the truth, the whole truth and nothing but the truth,

6 was examined and testified as follows:

7

8 EXAMINATION

9 BY MR. GREEN:

10 Q. Good morning, Dr. Stevenson. How are

11 you doing today?

12 A. I am fine. Thank you.

13 Q. My name is Aaron Green. I am a deputy

14 attorney general for the State of Idaho. I

15 represent the defendant in this case, the attorney

16 general. I will be taking your deposition today.

17 Have you ever had your deposition taken before?

18 A. I have not.

19 Q. Okay. So I am just going to go over a

20 couple of ground rules so we can have a productive

21 conversation today. You understand that you just

22 took an oath to tell the truth, right?

23 A. I do.

24 Q. And you understand that while that's

25 less formal -- that this is a less formal

Page 18

1 plaintiffs in that case, that the law should be
 2 interpreted differently?
 3 A. I don't know what they thought.
 4 Q. Okay. And are you able, since it was
 5 one to two years ago, are you able to estimate how
 6 much you were paid for your services in that case?
 7 A. Yes. A couple thousand dollars would be
 8 my guess. Maybe -- not that much.
 9 Q. Would you say it is more than \$2,000?
 10 A. Maybe. Maybe right around \$2,000.
 11 Q. More than three?
 12 A. Probably not. I don't recall exactly.
 13 I'm sorry, it's not something I keep track of.
 14 Q. That's all right.
 15 How many cases have you testified as an
 16 expert for which you were not paid?
 17 A. So there was sort of a complicated
 18 series of cases in Texas, I don't know how many
 19 cases it was because it was, like, you know,
 20 challenged in different ways, but that were related
 21 to the law that the Texas legislature passed that
 22 excluded dedicated family planning providers from a
 23 variety of funding mechanisms. And I testified at
 24 trial in one of those. I was never paid for any of
 25 that work because it was all very urgent. There

Page 19

1 was no -- I don't know. It was all happening very
 2 quickly. I don't know how many different pieces of
 3 it that were happening at different times.
 4 Q. Got it. Would it be fair to say you
 5 testified for more than one of those pieces or
 6 just --
 7 A. I don't think so. I think it was just
 8 one. This was right when I started my job at the
 9 University of Colorado, around that time, so it's
 10 been a while. I just don't -- it was my -- yeah.
 11 Q. And so that would have been about 2017,
 12 give or take?
 13 A. Yeah.
 14 Q. Okay. Do you remember who you testified
 15 for?
 16 A. I don't remember who the attorneys were.
 17 Like which group of attorneys or anything like
 18 that.
 19 Q. Do you remember if it was on behalf of a
 20 party challenging Texas's exclusion of dedicated
 21 family planners?
 22 A. Yeah, it was.
 23 Q. Okay. And what did you testify about?
 24 A. I testified about research I had
 25 conducted that demonstrated that the exclusion led

Page 20

1 to some people not being able to get the
 2 contraceptive method that they had previously been
 3 using and therefore having births that they likely
 4 did not want.
 5 Q. Were there any other general conclusions
 6 you reached in that case?
 7 A. It's been so long, I can't say
 8 definitively not. But it's my recollection that
 9 that was it.
 10 Q. Okay. And actually I want to sort of
 11 retrace. For the first case we talked about
 12 involving The Lawyering Project, do you remember
 13 what your conclusions were in that case?
 14 A. I know that one of my conclusions in
 15 that case was that it was very hard to figure out
 16 how to get a judicial bypass in the case. I don't
 17 remember if there were other conclusions.
 18 Q. And for the case where you testified on
 19 behalf of the attorney general, do you remember
 20 what your report's conclusion was?
 21 A. I don't remember -- it was very, sort
 22 of, just description about the landscape of
 23 reproduction. I don't recall there being a
 24 conclusion.
 25 Q. What areas of the landscape were you

Page 21

1 asked to describe?
 2 A. Abortion rates and numbers, pregnancy
 3 safety, abortion safety, births, maybe the spatial
 4 distribution of those outcomes, I'm not sure about
 5 that.
 6 Q. By "spatial distribution," to put it in
 7 laymen's terms, do you mean geographical
 8 distinctions?
 9 A. Yes.
 10 Q. Are there any other cases in which you
 11 have testified as an expert that we haven't talked
 12 about?
 13 A. Not that I can recall.
 14 Q. Okay. So you're serving as an expert
 15 witness in this case.
 16 What do you consider to be your area of
 17 expertise in this case?
 18 A. I am an expert in reproductive
 19 demography and contraception and abortion with
 20 particular expertise that's salient to this case in
 21 minors access to abortion and their use of judicial
 22 bypass of parental involvement mandates.
 23 Q. Do you consider yourself an expert in
 24 abortion trafficking statutes?
 25 A. I don't know what an abortion

Page 46

1 mean to interrupt, but could you give me a footnote
 2 that you're looking at?
 3 A. Footnote 7. And in the same footnote,
 4 Zabin, Hirsch, Emerson and Raymond, "To Whom do
 5 Inner-City Minors Talk About Their Pregnancies?
 6 Adolescents' Communication with Parents and Parent
 7 Surrogates."
 8 Q. In Paragraph 12 you say that minors who
 9 do not involve their parents voluntarily in
 10 abortion decision, and here I am quoting, "report
 11 rational reasons" for doing so.
 12 Do you see that?
 13 A. I remember writing it, but I haven't
 14 found it yet.
 15 Q. Oh, Page 6.
 16 A. Thank you. Oh, the quote was just
 17 the "report rational reasons" phrase.
 18 Q. Correct.
 19 A. Okay. Yes.
 20 Q. And in my question did I summarize
 21 correctly that minors who do not involve their
 22 parents voluntarily in an abortion decision are the
 23 ones reporting rational reasons?
 24 A. In my report I say who cannot involve a
 25 parent. So that's a little bit different from your

Page 47

1 summary, but it's related.
 2 Q. How do you define "a rational reason"?
 3 A. The evidence I am drawing on here is
 4 assessing the reasons that young people report for
 5 not being able to involve a parent and comparing
 6 those reasons for those same young people with the
 7 outcome when over the course of seeking a judicial
 8 bypass their abortion decision was against their
 9 will disclosed to their parent.
 10 So in those cases we have a prospective
 11 description of what they are afraid will happen if
 12 their parent finds out that they are considering or
 13 having an abortion, and then also what actually
 14 happened when their parent found out.
 15 And by comparing the prospective
 16 description of the adolescent's anticipated
 17 response with the actual occurrence once the
 18 conditions of the anticipated response are met, we
 19 can see that the adolescents predicted with a
 20 surprising degree of accuracy their parents'
 21 responses and that those responses were -- had
 22 adverse consequences for the young people.
 23 Q. So is it fair to say that "rational"
 24 here as you use it is not a synonym for -- well,
 25 strike that.

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1 Let me give you a hypothetical. Is a
 2 minor's belief that a parent will try to persuade
 3 them to not have the abortion a rational reason to
 4 not involve the parent? I will actually just end
 5 the question there.
 6 MS. SUELZLE: Object to form.
 7 Q. BY MR. GREEN: If you need me to restate
 8 it, that's fine.
 9 A. Oh, you're asking me if that's a
 10 rational reason?
 11 Q. Yes.
 12 A. I suppose under certain definitions of
 13 rational that could be a rational reason, but that
 14 is not the kind of reason I'm talking about here.
 15 Q. Even if the minor accurately predicts
 16 that the parent will try to persuade the minor not
 17 to have the abortion?
 18 A. Yes. So you've captured part of what I
 19 am talking about that is beyond the definition that
 20 I provided, which is that these are reasons that
 21 are not just rationally connected to the
 22 anticipated consequence, but also where the
 23 anticipated consequence is harmful. So where the
 24 parent engages in abusive behaviors toward their
 25 minor or otherwise is cruel, not just having a

Page 49

1 conversation. There are ways to have conversations
 2 about an abortion decision that are very
 3 respectful, loving, and supportive, and that's not
 4 what I'm talking about here.
 5 Q. And if a parent is abusive, do you agree
 6 that abuse should be reported to lawful authority?
 7 A. Are you asking me professionally or
 8 personally?
 9 Q. Professionally.
 10 A. I don't have a professional opinion
 11 about whether or not abuse should be reported under
 12 such general circumstances. I have professional
 13 obligations regarding this. But I haven't studied
 14 this in a general sense. I think in general it
 15 should be reported always, though, as a person,
 16 probably.
 17 Q. Forgive me if I pause, I am trying to
 18 save us some time. In Paragraph 19 you state,
 19 first sentence, "Simply requiring notification or
 20 securing confirmation of disclosure to parents can
 21 delay abortion."
 22 Do you see that?
 23 A. Yeah. "Delay care" is what I write, but
 24 yeah.
 25 Q. Sorry, I should have ended the quote

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1 EXAMINATION

2 BY MS. SUELZLE:

3 Q. Earlier Mr. Green asked if you reviewed

4 any documents that were filed in this case.

5 Do you recall that?

6 A. I do.

7 Q. Since you provided your answer to that

8 question, did you realize that you reviewed any

9 filings or documents that were filed in this case?

10 A. I did. I reviewed the initial thing

11 that started the lawsuit, the description at the

12 beginning of the lawsuit when I first was asked to

13 be an expert.

14 MS. SUELZLE: No further questions. Thank

15 you.

16 MR. GREEN: Doctor, two brief questions.

17

18 FURTHER EXAMINATION

19 BY MR. GREEN:

20 Q. When you reviewed what I think you mean

21 to describe is the complaint, did you cite the

22 complaint anywhere in your expert report?

23 A. I do not recall. I don't think so.

24 Q. Do you know how you used the complaint

25 in preparation of your expert report?

Page 79

1 A. It was my first introduction to what

2 this law is, but I think that's all that it

3 provided me.

4 MR. GREEN: All right. No further

5 questions. Thank you.

6

7 (The deposition concluded at 12:14 p.m.)

8 * * *

9 (Signature was requested.)

10

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Page 80

1 REPORTER'S CERTIFICATE

2

3 STATE OF IDAHO)

4) ss.

5 COUNTY OF ADA)

6

7 I, VANESSA S. GOSNEY, Certified Shorthand Reporter

8 and Notary Public in and for the State of Idaho, do

9 hereby certify:

10 That prior to being examined, the witness named in

11 the foregoing deposition was by me duly sworn to testify

12 to the truth, the whole truth and nothing but the truth;

13 That said deposition was taken down by me in

14 shorthand at the time and place therein named and

15 thereafter reduced to typewriting under my direction,

16 and that the foregoing transcript contains a full, true

17 and verbatim record of said deposition.

18 I further certify that I have no interest in the

19 event of the action.

20 WITNESS my hand and seal this 22nd day of December,


21 2025.

22

23

24

25 My Commission Expires: 10-29-31



Vanessa S. Gosney

VANESSA S. GOSNEY
RPR and Notary
Public in and for the
State of Idaho.

VERIFICATION

STATE OF
COUNTY OF

I, Dr. Amanda Stevenson, do hereby declare that I am the witness in the foregoing deposition, taken December 9, 2025. I have made any corrections, additions, or changes I deemed necessary as noted below to be appended hereto, and that the same is a true, correct, and a complete transcript of the testimony given by me.

Page	Line	Currently Reads	Should Read	Reason
20	16	case	state	I was concluding about how hard it was to figure out how to get a bypass in the state, not in the case.
21	21	minors access	minors' access	Error in transcription
24	24	is served	serves	The standard serves to establish that consent has been provided. The standard isn't served.
28	1	identified	deidentified	NGHS provides deidentified data (that is data that are stripped of content that could identify the individual)
43	14	incidents	incidence	Incidence is a measure of the frequency of an event, which is what I was talking about here
44	8	incidents	incidence	Incidence is a measure of the frequency of an event, which is what I was talking about here


Dr. Amanda Stevenson

On this ____ day of _____, 20__, _____ personally appeared before me and did execute the above record for the purposes stated herein.

(Seal)

Notary Public
My commission expires

Exhibit 6

Exhibit 6

In The Matter of:

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

v.

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

**DEPOSITION OF
DR. RAE TAYLOR
December 08, 2025**



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LOURDES MATSUMOTO vs RAUL LABRADOR
TAYLOR, DR. RAE 12/08/2025

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

REMOTE DEPOSITION OF DR. RAE TAYLOR

December 8, 2025

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

Page 2

1 REMOTE DEPOSITION OF DR. RAE TAYLOR

2

3 BE IT REMEMBERED that the remote deposition of

4 DR. RAE TAYLOR was taken via videoconference by the

5 Defendant before Treasure Valley Reporting, Rebecca

6 Martin, Court Reporter and Notary Public in and for the

7 State of Idaho, on Monday, the 8th day of December,

8 2025, commencing at the hour of 10:00 a.m. Mountain Time

9 in the above-entitled matter.

10

11

12 APPEARANCES:

13

14 For the Defendant:

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27 THE LAWYERING PROJECT

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Page 4

1 I N D E X

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

3

4 DR. RAE TAYLOR PAGE

5 By: MR. CRAIG.....5

6 MS. JOHNSON.....64

7

8 E X H I B I T S

9

10 No. Page

11 Exhibit 1 Plaintiffs' Expert Witness5

12 Disclosure (43 pages)

13

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Page 3

1 Appearances (Cont.)

2 For the Plaintiff:

3 LEGAL VOICE

4 By: WENDY HEIPT, Esq.

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26 Also Present: Joy Williams

27 Tearay Holmes

Page 5

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

2

3 (Deposition Exhibit No. 1 was marked.)

4 DR. RAE TAYLOR,

5 a witness having been first duly sworn to tell the

6 truth, the whole truth and nothing but the truth,

7 was examined and testified as follows:

8

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

10 BY MR. CRAIG:

11 Q. Good morning, Dr. Taylor. My name is

12 Jim Craig, I'm with the Attorney General's Office.

13 I'll wave so you know who's talking.

14 A. Good morning.

15 Q. Good morning.

16 And then with me is Aaron Green. He's

17 also with the Attorney General's Office.

18 A. Okay.

19 Q. So I appreciate you taking the time here

20 to meet with us.

21 Have you ever testified in a deposition

22 before?

23 A. Yes.

24 Q. Okay. I'll go over a few rules. You're

25 probably familiar with them, but just I'll go over

Page 42

1 THE WITNESS: I would not consider that
 2 child abuse if the sexual partner was also under
 3 16 years old and it was consensual.
 4 Q. (BY MR. CRAIG) Okay. So I'll represent
 5 that Idaho law says that 15-year-olds, for example,
 6 cannot consent to that activity.
 7 So saying that it's consensual would be
 8 an oxymoron under Idaho law.
 9 MS. JOHNSON: Object to the form;
 10 foundation. Object.
 11 Q. (BY MR. CRAIG) So would that change your
 12 opinion at all?
 13 A. I would not consider sex between two
 14 15-year-old partners to be child abuse in the scope
 15 of my expertise in domestic violence and
 16 gender-based violence.
 17 Q. Are you familiar with Idaho's laws
 18 regarding the reporting of child abuse?
 19 A. I am familiar, yes.
 20 Q. And what's your understanding of what
 21 Idaho's law requires?
 22 A. My understanding is that it requires
 23 everyone in the state to report child abuse, with
 24 the exception of ordained clergy.
 25 Q. And are you familiar with the definition

Page 43

1 of abuse in Idaho Code?
 2 A. I don't recall if I reviewed that or
 3 not.
 4 Q. And what's your understanding of Idaho
 5 law as to when that report needs to be made and who
 6 it is made to?
 7 Do you understand the questions,
 8 Dr. Taylor?
 9 A. Oh, I'm sorry, I thought you -- my
 10 understanding is that it is made to your -- what
 11 would be equivalent of Department of Children and
 12 Families. I don't recall the specific name of your
 13 state agency, but that it would be made upon
 14 determination that there was abuse or suspicion of
 15 abuse.
 16 Q. Okay. Let's do a hypothetical. Let's
 17 say a 15-year-old becomes pregnant -- 15-year-old
 18 girl is pregnant.
 19 Would you agree that that is always a
 20 form of child abuse under Idaho law?
 21 MS. JOHNSON: Object to form; foundation.
 22 Object to form; calls for a legal conclusion.
 23 THE WITNESS: I don't know the Idaho law on
 24 abuse, so I cannot make that conclusion right now.
 25 Q. (BY MR. CRAIG) Would you agree that if a

Page 44

1 minor child gets pregnant through an act of incest,
 2 that that would be a form of child abuse?
 3 MS. JOHNSON: I would object to form; calls
 4 for a legal conclusion, foundation.
 5 THE WITNESS: I would agree that incest
 6 would be a form of child abuse.
 7 Q. (BY MR. CRAIG) And if someone has a
 8 reason to believe that a minor girl is impregnated
 9 through an act of incest, they would have an
 10 obligation to report that to law enforcement or the
 11 Idaho Department of Health and Welfare.
 12 Would you agree?
 13 A. I would agree that your mandated
 14 reporter laws would require that report unless it
 15 is an ordained member of the clergy who was the
 16 person acknowledging that act.
 17 Q. Right.
 18 Okay. I want to talk about specific
 19 statements in your report now. Do you have a copy
 20 of your report in front of you, Exhibit 1?
 21 A. Yes.
 22 Q. So in several paragraphs in your report,
 23 you describe the problem of isolating minor victims
 24 of abuse. For example, in paragraph 7 you write
 25 "Isolation is a core tactic of abusers to exert

Page 45

1 power and control over their victims."
 2 Did I read that right, in paragraph 7?
 3 A. Yes.
 4 Q. What do you mean by "isolation"?
 5 A. Isolation can mean several different
 6 things, including cutting off the social and family
 7 support of a partner or other family member by
 8 either sabotaging those peer and family
 9 relationships, forbidding them, in some way
 10 alienating people who are peer and family and
 11 social support.
 12 Isolation can mean controlling the
 13 autonomy of a person, a child, a partner, another
 14 family member such that they are not free to come
 15 and go as they want, free to talk to whom they
 16 want.
 17 Isolation can mean moving a person to a
 18 home or a rural location where they're physically
 19 and geographically away from social support and
 20 other resources.
 21 Isolation can also mean sabotaging or
 22 jeopardizing the academic and professional
 23 development and success of a person.
 24 It can mean jeopardizing or sabotaging
 25 or forbidding the ability to seek spiritual

LOURDES MATSUMOTO vs RAUL LABRADOR
TAYLOR, DR. RAE 12/08/2025

1 REPORTER'S CERTIFICATE

2

3 STATE OF IDAHO)

4) ss.

5 COUNTY OF ADA)

6 I, REBECCA MARTIN, Certified Shorthand Reporter and

7 Notary Public in and for the State of Idaho, do hereby

8 certify:

9 That prior to being examined, the witness named in

10 the foregoing deposition was duly sworn remotely by me to

11 testify to the truth, the whole truth and nothing but

12 the truth;

13 That said deposition was taken down by me in

14 shorthand at the time and place therein named and

15 thereafter reduced to text under my direction, and that

16 the foregoing transcript contains a full, true

17 and verbatim record of said deposition.

18 I further certify that I have no interest in the

19 event of the action.

20 WITNESS my hand and seal this 17th day of December,

21 2025.

22

23

24

25 My Commission Expires: 08-27-2030



Rebecca Martin

REBECCA MARTIN
RPR and Notary
Public in and for the
State of Idaho

Exhibit 7

Exhibit 7

In The Matter of:

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

v.

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

**DEPOSITION OF
IRIS ALATORRE
February 06, 2026**



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LOURDES MATSUMOTO vs RAUL LABRADOR
ALATORRE, IRIS 02/06/2026

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

REMOTE DEPOSITION OF IRIS ALATORRE

February 6, 2026

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

1 REMOTE DEPOSITION OF IRIS ALATORRE

2

3 BE IT REMEMBERED that the remote deposition of
4 IRIS ALATORRE was taken via videoconference by the
5 Defendant before Treasure Valley Reporting, Rebecca
6 Martin, Court Reporter and Notary Public in and for the
7 State of Idaho, on Friday, the 6th day of February,
8 2026, commencing at the hour of 10:00 a.m. Mountain Time
9 in the above-entitled matter.

10

11

12 APPEARANCES:

13

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19

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23 wendy.olson@stoel.com

24

25

1 estimate.

2 Q. (BY MR. GREEN) Is it fewer than 50?

3 MS. OLSON: Objection; form.

4 THE WITNESS: Yes.

5 Q. (BY MR. GREEN) Is it fewer than 20?

6 MS. OLSON: Objection; form.

7 THE WITNESS: I don't know, probably.

8 Q. (BY MR. GREEN) Okay. Is it fewer than
9 15?

10 MS. OLSON: Objection; form.

11 THE WITNESS: I don't know.

12 Q. (BY MR. GREEN) Okay. So but probably
13 fewer than 20 in any event?

14 MS. OLSON: Objection; form.

15 THE WITNESS: Yes.

16 Q. (BY MR. GREEN) Okay. Do you remember
17 what -- when you've assisted these minors -- strike
18 that.

19 What is the most recent case involving
20 an Idaho minor that you recall handling?

21 A. That I can recall handling where I
22 personally supported the minor?

23 Q. Yes.

24 A. Honestly I can't recall, like, a
25 timeframe.

1 Q. Was it within the last year?

2 A. No.

3 Q. Within the last two years?

4 A. I think the last time I can recall

5 supporting -- me directly supporting an Idaho minor

6 was in 2019 -- or sorry, 2020.

7 Q. Do you recall what assistance you

8 provided?

9 A. Yes.

10 Q. What did you provide?

11 A. Procedure funding and a ride to and from

12 her appointment.

13 Q. And when you say "a ride to and from her

14 appointment," do you mean paying for it?

15 A. No. I drove her to her appointment and

16 then drove her home. Or actually, I drove her

17 home. I paid for a bus ticket for her to get to

18 her appointment.

19 Q. Do you recall in 2020 whether or not you

20 intended to conceal that abortion from the minor's

21 parents?

22 MS. OLSON: Objection; form, foundation.

23 THE WITNESS: I don't ever intend to conceal

24 anything from somebody, so no.

25 Q. (BY MR. GREEN) In any circumstance where

Exhibit 8

Exhibit 8

Public Statements of Defendant Raúl Labrador

**August 21, 2024 – Idaho Legislature Committee on Federalism Meeting
(1:57:26–1:58:11)**

Attorney General Labrador: So, another case is the abortion trafficking case, that, uh, law that you guys passed. In keeping with our interest to protect prenatal life as well, eh, Idaho passed the law prohibiting the practice of the abortion trafficking of minors without the parent's consent. And that's what's really important about this law. You, you, know, I, I remember hearing on the radio an ad from a, uh, anti, um, ah, uh, an, an, anti-Idaho group claiming that parents could not take their kids outside of the state, uh, to receive abortions. I, uh, you guys were very specific, that if it was a parent, that was ok, it's just when it's a non-parent, that, that, uh, you could not traffic children out of the state.