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Attorney for Ada County Prosecuting Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

STACY SEYB, M.D.,

Plaintiff,

v.

MEMBERS OF THE IDAHO BOARD OF
MEDICINE, et al.,

Defendants.

1:24-cv-00244-DKG

**ADA COUNTY PROSECUTING
ATTORNEY'S ANSWER TO
AMENDED COMPLAINT**

Defendant Ada County Prosecuting Attorney answers Plaintiff's Amended Complaint, dkt. 56, as follows:

I. ANSWER

A. Introduction

a. Plaintiff does not allege any fact pertaining to Defendant except that she is a defendant and that all County Prosecuting Attorneys prosecute violations of criminal law generally.

b. Plaintiff does not allege in either of his causes of action that Defendant has done anything to violate Plaintiff's Substantive Due Process or Equal Protection rights or that she is responsible in any way for Plaintiff's alleged harm.

c. Plaintiff instead attributes all the alleged harm to his Substantive Due Process and Equal Protection rights to the existence of the statutes he challenges.

d. Plaintiff admits through his allegations that the Legislature, not the Ada County Prosecuting Attorney, drafted and enacted Idaho Code § 18–622 and §§ 18–8801 to 18–8808.

e. It is not the Ada County Prosecuting Attorney's role to defend state statutes from pre-enforcement constitutional challenges. She answers for her own actions, but Plaintiff has alleged no such action in his complaint.

B. Responses to Plaintiff's Allegations

1. This allegation constitutes a legal conclusion to which no response is necessary.
2. This allegation constitutes a legal conclusion to which no response is necessary.
3. This allegation constitutes a legal conclusion to which no response is necessary.
4. This allegation constitutes a legal conclusion to which no response is necessary.
5. This allegation constitutes a legal conclusion to which no response is necessary.
6. This allegation constitutes a legal conclusion to which no response is necessary.
7. This allegation recounts the relief requested. No response is necessary.
8. This allegation constitutes a legal conclusion to which no response is necessary.
9. This allegation constitutes a legal conclusion to which no response is necessary.
10. This allegation constitutes a legal conclusion to which no response is necessary.
11. This allegation constitutes a legal conclusion to which no response is necessary.
12. This allegation constitutes a legal conclusion to which no response is necessary.

13. This allegation constitutes a legal conclusion to which no response is necessary.

14. This allegation constitutes a legal conclusion to which no response is necessary.

15. Defendant is without knowledge to either admit or deny.

16. Defendant is without knowledge to either admit or deny.

17. This allegation is directed at another party, and therefore no response is required of Defendant.

18. This allegation constitutes a legal conclusion to which no response is necessary.

19. This allegation constitutes a legal conclusion to which no response is necessary.

20. This allegation constitutes a legal conclusion to which no response is necessary.

21. This allegation constitutes a legal conclusion to which no response is necessary.

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61. This allegation constitutes a legal conclusion to which no response is necessary.

62. This allegation constitutes a legal conclusion to which no response is necessary.

63. This allegation constitutes a legal conclusion to which no response is necessary.

64. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

65. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

66. This allegation constitutes a legal conclusion to which no response is necessary.

67. This allegation constitutes a legal conclusion to which no response is necessary.

68. This allegation constitutes a legal conclusion to which no response is necessary.

69. This allegation constitutes a legal conclusion to which no response is necessary.

70. This allegation constitutes a legal conclusion to which no response is necessary.

71. This allegation contains a legal conclusion to which no response is necessary.

Defendant is without knowledge to either admit or deny the balance of the paragraph.

72. This allegation constitutes a legal conclusion to which no response is necessary.

73. This allegation constitutes a legal conclusion to which no response is necessary.

74. This allegation constitutes a legal conclusion to which no response is necessary.

75. This allegation constitutes a legal conclusion to which no response is necessary.

76. This allegation constitutes a legal conclusion to which no response is necessary.

77. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

78. This allegation constitutes a legal conclusion to which no response is necessary.

79. This allegation constitutes a legal conclusion to which no response is necessary.

80. This allegation recounts the relief requested. No response is necessary.

81. Defendant is without knowledge to either admit or deny.

82. Defendant is without knowledge to either admit or deny.

83. Defendant is without knowledge to either admit or deny.

84. Defendant is without knowledge to either admit or deny.

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100. Defendant is without knowledge to either admit or deny.
101. Defendant is without knowledge to either admit or deny.
102. Defendant is without knowledge to either admit or deny.
103. Defendant is without knowledge to either admit or deny.
104. Defendant is without knowledge to either admit or deny.
105. Defendant is without knowledge to either admit or deny.
106. Defendant is without knowledge to either admit or deny.
107. Defendant is without knowledge to either admit or deny.
108. This allegation is not directed at Defendant, and therefore no response is required of Defendant.
109. Defendant is without knowledge to either admit or deny.
110. This allegation is not directed at Defendant, and therefore no response is required of Defendant.
111. Defendant is without knowledge to either admit or deny.
112. Defendant is without knowledge to either admit or deny.
113. Defendant is without knowledge to either admit or deny.
114. Defendant is without knowledge to either admit or deny.
115. Defendant is without knowledge to either admit or deny.
116. Defendant is without knowledge to either admit or deny.
117. Defendant is without knowledge to either admit or deny.
118. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

119. Defendant is without knowledge to either admit or deny.

120. Defendant is without knowledge to either admit or deny.

121. Defendant is without knowledge to either admit or deny.

122. Defendant is without knowledge to either admit or deny.

123. Defendant is without knowledge to either admit or deny.

124. No response required.

125. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

126. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

127. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

128. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

129. No response required.

130. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

131. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

132. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

133. This allegation is not directed at Defendant, and therefore no response is required of Defendant.

RESPONSE TO PLAINTIFF'S REQUEST FOR RELIEF

a. It is not Defendant's role to defend State statutes from pre-enforcement constitutional challenges, and Defendant will comply with the Court's ruling as to whether the challenged statutes are constitutional or not, and enforceable or not.

b. It is not Defendant's role to defend State statutes from pre-enforcement constitutional challenges, and Defendant will comply with the Court's ruling as to whether the challenged statutes are constitutional or not, and enforceable or not.

c. It is not Defendant's role to defend State statutes from pre-enforcement constitutional challenges, and Defendant will comply with the Court's ruling as to whether the challenged statutes are constitutional or not, and enforceable or not.

d. It is not Defendant's role to defend State statutes from pre-enforcement constitutional challenges, and Defendant will comply with the Court's ruling as to whether the challenged statutes are constitutional or not, and enforceable or not.

e. Plaintiff has not alleged that Defendant has taken any action whatsoever, and Plaintiff has not alleged in either cause of action that Defendant is in any way responsible for any alleged harm. Therefore, an award of attorneys' fees and costs against Defendant would be manifestly unjust.

f. It is not Defendant's role to defend State statutes from pre-enforcement constitutional challenges, and Defendant will comply with the Court's ruling as to whether the challenged statutes are constitutional or not, and enforceable or not.

II. AFFIRMATIVE DEFENSES

A. Failure to State a Claim

Plaintiff has failed to allege sufficient facts to state a plausible claim to relief against Defendant Ada County Prosecuting Attorney.

B. *Monell* Doctrine

Plaintiff has failed to make sufficient allegations to state a claim against a County official in her official capacity.

III. PRAYER FOR RELIEF

- a. That Plaintiff's complaint be dismissed with prejudice as to Defendant Ada County Prosecuting Attorney;
- b. That attorney fees be awarded against Plaintiff;
- c. Any other appropriate relief.

DATED this 25th day of April, 2025.

JAN M. BENNETTS
Ada County Prosecuting Attorney

By: /s/ Dayton P. Reed
Dayton P. Reed
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 2025, I served a true and correct copy of the foregoing *Ada County Prosecuting Attorney's Answer to Amended Complaint* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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james.craig@ag.idaho.gov

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants in the manner indicated as follows:

N/A

By: /s/ Chyvette Tiedemann
Legal Assistant