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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ST. LUKE'S HEALTH SYSTEM, LTD.,

Plaintiff,

v.

RAÚL LABRADOR, Attorney General of the
State of Idaho,

Defendant.

Case No. 1:25-cv-00015-BLW

**MOTION TO EXPEDITE
CONSIDERATION OF PLAINTIFF'S
MOTION FOR SECOND EXTENSION
OF UNEXPIRED DEADLINES**

Pursuant to District of Idaho Local Rule 6.1 and Federal Rule of Civil Procedure 6(c)(1)(C), St. Luke's Health System, Ltd., respectfully requests expedited treatment of its Motion for Second Extension of Unexpired Deadlines.

MOTION TO EXPEDITE CONSIDERATION OF PLAINTIFF'S MOTION FOR SECOND EXTENSION OF UNEXPIRED DEADLINES- 1

Under these rules, the Court may, for good cause shown, shorten the time period for responding to a motion. Good cause exists here. St. Luke's deadline for disclosing expert witnesses is currently January 23, 2026. Under the ordinary motion briefing schedule, St. Luke's motion to extend that deadline, along with the other unexpired deadlines, would not be ripe for consideration until February 11, 2026, after St. Luke's expert disclosure deadline has passed. In addition, in light of the outstanding issues regarding the protective order St. Luke's has not shared documents related to the case with any expert witness. Thus St. Luke's seeks expedited consideration of its motion for second extension of unexpired deadlines.

St. Luke's seeks an expedited briefing schedule as follows:

St. Luke's motion for second extension of unexpired deadlines: January 7, 2026

The Attorney General's response: January 14, 2026

St. Luke's optional reply: January 16, 2026

DATED: January 7, 2026

STOEL RIVES LLP

/s/ Wendy J. Olson

Wendy J. Olson

Alaina Harrington

MOTION TO EXPEDITE CONSIDERATION OF PLAINTIFF'S MOTION FOR SECOND EXTENSION OF UNEXPIRED DEADLINES- 2

JENNER & BLOCK LLP

/s/ Lindsay C. Harrison

Lindsay C. Harrison

Jessica Ring Amunson

Ruby C. Giaquinto

Sophia W. Montgomery

Attorneys for Plaintiff

MOTION TO EXPEDITE CONSIDERATION OF PLAINTIFF'S MOTION FOR SECOND
EXTENSION OF UNEXPIRED DEADLINES- 3

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FOR THE DISTRICT OF IDAHO

ST. LUKE'S HEALTH SYSTEM, LTD.,

Plaintiff,

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Case No. 1:25-cv-00015-BLW

**PLAINTIFF'S SECOND MOTION FOR
EXTENSION OF UNEXPIRED
SCHEDULING ORDER DEADLINES**

Because there is not yet a protective order in this case, Plaintiff St. Luke's Health System, Ltd. hereby moves for a second global extension of unexpired deadlines from the Court's operative Scheduling Order, ECF No. 68, this time a two-month extension. Pursuant to Local Rule 37.1,

Plaintiff reached out to counsel for Defendant Raúl Labrador regarding this request on December 17; Defense counsel have not responded substantively and have indicated that they might not be able to do so until this Friday, January 9. The requested extension is necessary because there remain a substantial number of outstanding discovery issues that require additional time for the parties to address, no protective order is yet in place and Plaintiff has an upcoming deadline for disclosing expert witnesses. Meeting that deadline is not feasible in the currently allotted time given the outstanding discovery deficiencies and the fact that there is not yet a protective order.

BACKGROUND

Discovery in this case has progressed over the past eight months but has not proceeded quickly enough to complete discovery according to the deadlines in the Amended Scheduling Order. In particular, as discussed further below, although the Attorney General has responded in part to St. Luke's discovery requests, much discovery remains outstanding. Additionally, the parties' motions for entry of a protective order to govern this case remain pending. The final brief was filed by the Attorney General on January 6, 2026 (ECF No. 77),¹ and each party's motion is now ripe for consideration by United State Magistrate Judge Raymond E. Patricco, to whom this Court referred the motion. ECF No. 73.

In its initial motion for extension of the unexpired scheduling order deadlines, St. Luke's set out the timeline regarding the parties' negotiations over a protective order to govern documents in this case. ECF No. 66 at 2–4. After this Court entered the Amended Scheduling Order, the parties then filed motions related to entry of a protective order: St. Luke's motion and memorandum in support (ECF No. 70, filed November 11, 2025), the Attorney General's

¹ Puzzlingly, on that same date, the Attorney General filed yet another pleading related to the pending motion for a protective order, labeling it "Supplemental Authority." ECF No. 76.

opposition, separate motion for a protective order and consolidated memorandum in support (ECF Nos. 71 & 72, filed December 2, 2025), St. Luke's reply in support of its motion for a protective order (ECF No. 74, filed December 16, 2025), St. Luke's response to the Attorney General's motion for a protective order (ECF No. 75, filed December 23, 2025), and the Attorney General's reply in support of its motion for a protective order (ECF No. 77, filed January 6, 2026). The briefing for the motion for a protective order, which neither side moved to expedite, took nearly two months, in part because the Attorney General moved separately for its own protective order rather than arguing for his preferred protective order in its opposition papers.

St. Luke's served its initial discovery responses on October 31, 2025. Declaration of Wendy J. Olson ("Olson Decl."), ¶ 2. St. Luke's withheld production of some categories of documents because it intended to designate those documents as either Confidential or Attorney Eyes Only under the protective order. *Id.* St. Luke's has similarly not shared documents related to the case with any expert witness in light of the outstanding issues regarding the protective order. *Id.* After St. Luke's agreed to a further extension for the Attorney General's discovery responses, the Attorney General served those initial responses on November 14, 2025. *Id.*, ¶ 3. On December 17, 2025, St. Luke's served a deficiency letter in response to the Attorney General's discovery production, asking the Attorney General to supplement his responses or meet and confer regarding them. *Id.*, ¶ 4. That letter notes, among other deficiencies, that the AG has essentially failed to respond to 8 of Plaintiff's 25 Requests for Production. *Id.* For nearly a third of Plaintiff's requests, the AG responded with a series of boilerplate objections, and then stated that he is "currently conducting" a search regarding the inquiry and "will supplement his response ... once the results of that search are available to him." *Id.* The Attorney General has not yet responded to the

deficiency letter nor supplemented his discovery responses since they were initially served on November 14. *Id.*

Also on December 17, 2025, St. Luke's asked the Attorney General if he would agree to a sixty-day extension of the unexpired deadlines in the scheduling order. St. Luke's followed up on that request on December 29, 2025, acknowledging that the holidays might be a difficult time to respond. The Attorney General finally responded by email on January 5, 2026, stating that he would respond by January 9, 2026, and possibly sooner. St. Luke's informed the Attorney General that same day that St. Luke's would need to move for a second extension in light of the approaching expert disclosure deadline. *Id.*, ¶ 5, Ex. A.

Again, understanding the challenge of getting responses over the holidays but having been unsuccessful in its attempt to resolve this issue without Court intervention, Plaintiff now moves the Court for a second extension of its Scheduling Order deadlines, this time for sixty days.

ARGUMENT

Pursuant to Federal Rule of Civil Procedure 16(b)(5), a court may amend its scheduling order for “good cause.” *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir. 1992). In assessing the existence of good cause, courts look to both the “diligence of the party seeking amendment” and “the existence or degree of prejudice to the opposing party.” *Id.* at 608. In applying this standard, this Court has regularly granted extensions of more than 60 days in situations where ongoing disputes or negotiations between the parties have created delays in discovery. *See, e.g., Moonlight Mountain Recovery, Inc. v. McCoy*, No. 1:24-cv-00012-BLW, 2025 WL 1837345 (D. Idaho July 3, 2025) (three months); *Pizzuto v. Derrick*, No. 1:21-cv-00359-BLW, 2025 WL 2589663 (D. Idaho Aug. 29, 2025) (same); *Cardiogrip Corp. v. MD Sys., Inc.*, No. 05-cv-354-BLW, 2007 WL 1464254 (D. Idaho Jan. 4, 2007) (same). Here, the parties have

diligently proceeded with discovery and worked collaboratively to request and give extensions where needed based on the burdens of discovery and disputes regarding the protective order. But the parties have now had to litigate the protective order, which has taken and continues to take substantial time, affecting the complete production of discovery. Moreover, there is substantial discovery outstanding based on the Attorney General's responses to St. Luke's initial discovery requests. Under these facts, a second global extension is necessary to facilitate the orderly progression of discovery. Further, the extension sought will not prejudice the Attorney General, who will also benefit from additional time to complete his discovery production and to receive the discovery covered by any protective order that is entered.

St. Luke's has tried over the last three weeks to work cooperatively with the Attorney General regarding a second extension of the unexpired deadlines under the Amended Scheduling Order. But the Attorney General has not responded substantively to this request. *See Olson Decl.*, ¶ 5, Ex. A. Concerned with the rapidly approaching expert disclosure deadline, St. Luke's again seeks relief from the Court, this time seeking an additional sixty-day extension of the unexpired deadlines in the Court's Scheduling Order. The revised deadlines would be as follows:

1. Disclosure of Experts:

- a. The **Plaintiff** must disclose the experts intended to be called at trial on or before **March 24, 2026**.
- b. The **Defendant** must disclose the experts intended to be called at trial on or before **April 23, 2026**.
- c. **Plaintiff's** rebuttal experts must be identified on or before **May 8, 2026**.
- d. **ALL** discovery relevant to experts must be completed by: **July 10, 2026**.

2. Completion of Fact Discovery: All fact discovery must be completed by **June 12, 2026**.

3. Dispositive Motion Deadline: All dispositive motions, including motions for punitive damages, must be filed by **July 27, 2026.**

Dated: January 7, 2026

Respectfully submitted,

Wendy J. Olson

/s/ Wendy J. Olson

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Alaina Harrington, Bar No. 11879
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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
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v.

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Case No. 1:25-cv-00015-BLW

**DECLARATION OF WENDY J. OLSON
IN SUPPORT OF PLAINTIFF'S
MOTION FOR SECOND EXTENSION
OF UNEXPIRED SCHEDULING
ORDER DEADLINES**

I, Wendy J. Olson, declare as follows:

1. I am a partner at Stoel Rives LLP and an attorney of record for Plaintiff St.

Luke's Health System, Ltd. in the above-entitled matter. As such, I have personal knowledge of

DECLARATION OF WENDY J. OLSON IN SUPPORT OF PLAINTIFF'S MOTION FOR
SECOND EXTENSION OF UNEXPIRED SCHEDULING ORDER DEADLINES - 1

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the facts and statements contained in this Declaration. I submit this Declaration in support of Plaintiff St. Luke's Health System, Ltd.'s Motion for Second Extension of Unexpired Scheduling Order Deadlines.

2. St. Luke's served its initial discovery responses on October 31, 2025. St. Luke's withheld production of some categories of documents because it intended to designate those documents as either Confidential or Attorney Eyes Only under the Protective Order. St. Luke's has similarly not shared documents related to the case with any expert witness in light of the outstanding issues regarding the protective order.

3. After St. Luke's agreed to a further extension, the Attorney General served its initial discovery responses on November 14, 2025.

4. On December 17, 2025, St. Luke's served a deficiency letter in response to the Attorney General's discovery production, asking the Attorney General to supplement his responses or meet and confer regarding them. That letter notes, among other deficiencies, that for nearly a third of Plaintiff's requests, the AG responded with a series of boilerplate objections, and then stated that he is "currently conducting" a search regarding the inquiry and "will supplement his response ... once the results of that search are available to him." The Attorney General has not yet responded to the deficiency letter nor supplemented his discovery responses.

5. Attached hereto as Exhibit A is a true and correct copy of an email thread between myself and counsel for the Attorney General dated between December 17, 2025, and January 5, 2026. That email thread shows that on December 17, 2025, St. Luke's asked the Attorney General if he would agree to a sixty-day extension of the unexpired deadlines in the scheduling order, that St. Luke's followed up on that request on December 29, 2025, acknowledging that the holidays might be a difficult time to respond, and that the counsel for the Attorney General responded by

DECLARATION OF WENDY J. OLSON IN SUPPORT OF PLAINTIFF'S MOTION FOR SECOND EXTENSION OF UNEXPIRED SCHEDULING ORDER DEADLINES - 2

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email on January 5, 2026, stating that he would respond by January 9, 2026, and possibly sooner. St. Luke's informed the Attorney General's counsel that same day that St. Luke's would need to move for a second extension in light of the approaching expert disclosure deadline.

I certify under penalty of perjury pursuant to the law of the United States that the foregoing is true and correct to the best of my knowledge.

DATED: January 7, 2026

STOEL RIVES LLP

/s/ Wendy J. Olson
Wendy J. Olson

Exhibit A

Exhibit A

From: Olson, Wendy J.
Sent: Monday, January 5, 2026 10:58 AM
To: Brian Church; David Myers; James Craig
Cc: Giaquinto, Ruby C.; Harrison, Lindsay C.; Amunson, Jessica Ring; Montgomery, Sophia W.; Harrington, Alaina P.; Armbrust, Karissa R.
Subject: RE: St. Luke's v. Labrador -- request for further extension of unexpired deadlines

Thanks Brian. We completely understand the challenges with getting things done over the holidays. We think we need to seek relief from the Court before then though given that our expert disclosure deadline is two weeks from Friday, we don't have a protective order yet, and we have several outstanding discovery issues. We likely will file a request for an extension tomorrow or Wednesday.

Best,
Wendy

From: Brian Church <brian.church@ag.idaho.gov>
Sent: Monday, January 5, 2026 10:35 AM
To: Olson, Wendy J. <wendy.olson@stoel.com>; David Myers <David.Myers@ag.idaho.gov>; James Craig <James.Craig@ag.idaho.gov>
Cc: Giaquinto, Ruby C. <rgiaquinto@jenner.com>; Harrison, Lindsay C. <lharrison@jenner.com>; Amunson, Jessica Ring <jamunson@jenner.com>; Montgomery, Sophia W. <smontgomery@jenner.com>; Harrington, Alaina P. <alaina.harrington@stoel.com>; Armbrust, Karissa R. <karissa.armbrust@stoel.com>
Subject: Re: St. Luke's v. Labrador -- request for further extension of unexpired deadlines

Wendy:

We're still following up on this. With the holidays, and with multiple folks being out of the office it is taking some time. I should have an answer to you by this Friday, when I return to the office, but you may hear from Jim before then.

Brian

--



Brian V. Church | Lead Deputy Attorney General
Civil Litigation and Constitutional Defense Division
Office of the Attorney General | State of Idaho
Phone: (208) 334-2400

From: Olson, Wendy J. <wendy.olson@stoel.com>
Sent: Monday, December 29, 2025 8:27 AM
To: Brian Church <brian.church@ag.idaho.gov>; David Myers <David.Myers@ag.idaho.gov>; James Craig <James.Craig@ag.idaho.gov>

Cc: Giaquinto, Ruby C. <rgiaquinto@jenner.com>; Harrison, Lindsay C. <lharrison@jenner.com>; Amunson, Jessica Ring <jamunson@jenner.com>; Montgomery, Sophia W. <smontgomery@jenner.com>; Harrington, Alaina P. <alaina.harrington@stoel.com>; Armbrust, Karissa R. <karissa.armbrust@stoel.com>
Subject: RE: St. Luke's v. Labrador -- request for further extension of unexpired deadlines

Hi Brian,

Bringing this to the top of everyone's in box. I know that it is a busy holiday season but we are hoping to get a response on this by the end of the week.

Thanks,
Wendy

From: Olson, Wendy J.
Sent: Wednesday, December 17, 2025 8:54 AM
To: Brian Church <brian.church@ag.idaho.gov>; David Myers <david.myers@ag.idaho.gov>; James Craig <james.craig@ag.idaho.gov>
Cc: Giaquinto, Ruby C. <rgiaquinto@jenner.com>; Harrison, Lindsay C. <lharrison@jenner.com>; Amunson, Jessica Ring <jamunson@jenner.com>; Montgomery, Sophia W. <smontgomery@jenner.com>; Harrington, Alaina P. <alaina.harrington@stoel.com>; Armbrust, Karissa R. <karissa.armbrust@stoel.com>
Subject: St. Luke's v. Labrador -- request for further extension of unexpired deadlines

Good morning all,

We are reaching out to see if you will agree to a second extension of the unexpired deadlines in the scheduling order. We are two months past the original extension and still do not have a protective order in place. Since the briefing is done and Judge Winmill has assigned this to Judge Patricco I am optimistic that we will have a decision by next month, but I also have had other discovery matters assigned to Judge Patricco that did take a significant amount of time to resolve. We will need the protective order in place in order to provide documents to our experts. As you can see from the deficiency letter we sent earlier today, we think that there will be a fair amount of work to do to get the discovery we need for our experts from your side as well.

We propose another 60-day extension initially, with the understanding that we may need additional time if we can't resolve our current discovery differences. Please let us know your position or if you would like to discuss further.

Best,
Wendy

Wendy Olson | Partner
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